



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB 121207764

April 28, 2022

Re: 1678 Park Avenue; 77 East 118th Street
Manhattan Block 1745, Lot 134
Hazardous Materials and Noise “E” Designation
E-422: East Harlem Rezoning - CEQR 17DCP048M - 11/30/2017
OER Project Number 20EH-N253M

Dear Manhattan Borough Commissioner:

The New York City Office of Environmental Remediation (OER) hereby issues a Notice to Proceed for the above-referenced Department of Buildings Job Number. This correspondence is provided pursuant to OER’s responsibilities as established in Chapter 24 of Title 15 of the Rules of the City of New York and Section 11-15 of the Zoning Resolution of the City of New York. The Applicant has filed a Hazardous Materials remedial action work plan and Noise remedial action plan that are acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. OER’s Decision Document that defines the remedial actions required for this project has been prepared and filed and is available on request.

At the conclusion of remedial activities required under this action, the Zoning Resolution and §24-07 of the Rules of the City of New York requires that OER issue a Notice of Satisfaction signifying that all remedial action requirements established for this project have been satisfied prior to issuance of the Certificate of Occupancy or Temporary Certificate of Occupancy by Department of Buildings.

If you have any questions or comments, please feel free to contact Samantha Catalanotto at 212-788-2676.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

cc: Matthew Bassett, Coney Island Phase 2 Associates - mbassett@bfcnyc.com
Brandon Baron, BFC 475 residential LLC - bbaron@bfcnyc.com
Laura Rog, L+M Development - lrog@lmdevpartners.com
Alexander Eney, L+M Development - aeney@lmdevpartners.com
Noelle Clarke, Roux - nclarke@rouxinc.com
Brandon Vella, Roux - bvella@rouxinc.com
Patricia Scanlon, Longman Lindsey - PatriciaS@longmanlindsey.com
Mark McIntyre, Shaminder Chawla, Zach Schreiber, Sarah Pong
Samantha Catalanotto, PMA-OER



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

DECISION DOCUMENT
E-Designation
Remedial Action Work Plan Approval

April 28, 2022

Re: 1678 Park Avenue; 77 East 118th Street
Manhattan Block 1745, Lot 134
Hazardous Materials and Noise “E” Designation
E-422: East Harlem Rezoning - CEQR 17DCP048M - 11/30/2017
OER Project Number 20EH-N253M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated April 2022 and the Remedial Action Plan for Noise dated March 2022 for the above-referenced project.

These Plans were submitted to OER under the E-Designation Program.

Project Description

The proposed future use of the Site will consist of a new twenty-story mixed-use building. Utility rooms (gas, electric, trash compactor, stormwater detention tank, etc.) will be located in the partial cellar spanning the southern and central portions of the building footprint. The first-floor plan will include a residential lobby, commercial space, and parking. Building amenities (e.g., bike storage, laundry, elevators, etc.) and housing space will be located on the second floor, with additional housing be located on the third through twentieth floors. Total internal gross square footage is calculated to be 216,365 square feet which includes 53 affordable housing units under the 421-a and Mandatory Inclusionary Housing programs, as well as 151 market rate residential units. The overall footprint of the new building will be approximately 17,642 square feet and will include a cellar that spans part of the building footprint. The cellar will extend to approximately 10 feet below land surface (ft bls), relative to the current grade of the Site. The remaining portion of the Site will contain a slab-on-grade foundation level with the existing grade.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “1678 Park Avenue” pursuant to the Zoning Resolution and §24 - 07 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The remedial action selected for the 1678 Park Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Performance of a Community Air Monitoring Program (CAMP) for particulates and volatile organic carbon compounds.
2. Establishment of Site-Specific Soil Cleanup Objectives (SCOs).
3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility(s).

5. Excavation and removal of soil/fill exceeding Site-Specific SCOs. A partial cellar will be excavated to a depth of approximately 13 ft bls for development purposes, with localized excavation for foundation elements. A small portion of the cellar will be excavated to approximately 22 ft bls for an elevator pit. The slab-on-grade portion within the building footprint will be excavated to approximately 1.5 ft bls with localized excavations between three and five ft bls for shallow pile caps. One hot spot will be excavated around the AKRF boring SB-3, which had an exceedance of the Site-specific SCO for barium at 2-3 ft bls. The dimensions of the hot spot will be approximately 10 ft by 10 ft by five feet deep, with an excavation volume of approximately 18 cubic yards. Approximately 4,000 cubic yards (6,000 tons) of soil/fill will be removed from the Site (including from the hot spot around SB-3) and properly disposed at an appropriate licensed or permitted facility.
6. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
7. Management of excavated materials including temporarily stockpiling and segregating in accordance with defined material types and to prevent co-mingling of contaminated material and non-contaminated materials.
8. Removal of all UST's that are encountered during soil/fill removal actions. Registration of tanks (if required based on size) and reporting of any petroleum spills associated with USTs and appropriate closure of these petroleum spills in compliance with applicable local, State, and Federal laws and regulations.
9. Transportation and off-Site disposal of all soil/fill material at licensed or permitted facilities in accordance with applicable laws and regulations for handling, transport, and disposal, and this plan. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site.
10. Collection and analysis of eight end-point samples (plus sufficient quantity of quality assurance/quality control samples) to determine the performance of the remedy with respect to attainment of SCOs.
11. Import of materials to be used for backfilling and cover in compliance with this plan and in accordance with applicable laws and regulations, if needed.
12. Construction of an engineered composite cover consisting of 12-inch-thick concrete building slab with a six-inch clean granular sub-base beneath all building areas.
13. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to meet grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil (minimum) waterproofing membrane and vapor barrier. GCP Applied Technologies Preprufe® 300R, or NYC OER approved equivalent, will be applied beneath the foundation slab of the building within the cellar footprint and Stego Industries LLC 20-mil Stego® Wrap vapor barrier, or NYC OER approved equivalent, will be applied beneath the foundation slab in the slab on grade portion of the building. A 20-mil (minimum) vapor barrier consisting of GCP Applied Technologies Bituthene 3000 self-adhesive waterproofing membrane (20-mil minimum) or Preprufe® 160R, or NYC OER approved equivalent, will be installed outside all sub-grade foundation sidewalls to meet grade. Locations at which the Preprufe® or Bituthene 3000 and the Stego® Wrap materials meet will overlap by a minimum of 4 inches at the seams and will be sealed with manufacturer supplied pressure sensitive tape (Preprufe® Tape or Stego® Tape). The GCP Applied Technologies products will be applied first followed by the Stego products at all locations where the two manufacturer's products meet. All welds, seams and penetrations will be properly sealed (with the pressure sensitive tape and/or Bituthene Liquid Membrane) to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RCR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
14. As part of the new development, construction and operation of a grade-level parking garage with high volume air exchange in conformance with NYC Building Code.
15. Performance of all activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.
16. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.

17. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations.
18. Submission of a Remedial Closure Report (RCR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAP, and describes all Engineering and Institutional Controls to be implemented at the Site.
19. Submission of an approved Site Management Plan (SMP) in the RCR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency.
20. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in this RAP and a requirement that management of these controls must be in compliance with an approved SMP. Institutional Controls will include prohibition of the following: (1) vegetable gardening and farming; (2) use of groundwater without treatment rendering it safe for the intended use; (3) disturbance of residual contaminated material unless it is conducted in accordance with the SMP; and (4) higher level of land usage without OER-approval.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 1678 Park Avenue site are as follows:

In order to meet the requirements of the E Designation, the following window/wall attenuation requirement(s) will be achieved at the locations described below:

1. 33 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses;
2. 33 dBA in residential spaces on the West façade without direct line-of-sight to any surrounding noise source, based on a 5 dBA reduction for shielding of windows from direct noise impacts by 1678 Park Avenue facing both elevated train and vehicular traffic on Park Avenue.
3. 38 dBA for windows North, South and East elevations, less than 125 feet above street level/less than 100 feet above elevated track level;
4. 35 dBA for windows North, South and East elevations from 126 - 225 feet above street level/101 to 200 feet above elevated track level based on a reduction of 3 dBA from the projected track street-level L10 value of 81.3 to 78.3; Floors 13-20.
5. 50+ dBA with the masonry/ wall elements.

The following window(s) will be installed:

WINDOWS 0-125 FEET ABOVE STREET LEVEL

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North, South and East Facades Floors 1 & 2 Commercial; Residential Amenity Spaces	32 (assumed framing loss 3 dBA) Full Assembly (33 required)	Full assembly rating based on glass only OITC 36 manufacturer data, RAL- TL97-181. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Viracon Glass Only	1-1/4" 1/4" annealed glass, 1/2" air space 1/2" laminated glass

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
West Façade Floors 2-10 Residential	32 (35 required) (composite calculation rating 34)	See ASTM E-90 acoustical report for the exact window and glazing. Test No. I6990.01-113-11-R1, Option I6990.01H	Intus Supera Casement Window	1-11/32"; 5/16" annealed exterior, 21/32" argon, 3/8" annealed interior
North, South and East Facades Floors 2-13 Residential	38 (38 required)	See ASTM E-90 acoustical report for the exact window and glazing. Report No. I6990.01-113-11-R1, Option I6990.01N in Appendix F	Intus Supera Casement Window	1-1/2": 5/16" laminated SR exterior, 13/16" argon, 3/8" annealed interior
West Façade Floor 2 Residential Terrace Doors	34 (33 required) (composite calculation rating 36)	See ASTM E-90 acoustical report for the exact window and glazing. Report No. J5848.01-113-11-R1, Option J5848.01F	Intus Supera Balcony Doors	1-11/32": 5/16" annealed exterior, 21/32" argon, 3/8" annealed interior

WINDOWS 126 - 225 FEET ABOVE STREET LEVEL

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
East, South and West Facades 13th Floor Residential Amenity Spaces	32 (assumed framing loss 4 dBA) Full Assembly (33 required)	Full assembly rating based on glass only OITC 36 manufacturer data, RAL- TL97-181. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Viracon Glass Only	1-1/4" 1/4" annealed glass, 1/2" air space 1/2" laminated glass

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
West Facade Floors 14-20 Residential	32 (33 required) (composite calculation rating 36)	See ASTM E-90 acoustical report for the exact window and glazing. Test No. I6990.01-113-11-R1, Option I6990.01H	Intus Supera Casement Window	1-11/32"; 5/16" annealed exterior, 21/32" argon, 3/8" annealed interior
North, South and East Facades Floors 14-20 Residential	33 (35 required) (composite calculation rating 35)	See ASTM E-90 acoustical report for the exact window and glazing. Report No. I6990.01-113-11-R1, Option I6990.01H	Intus Supera Casement Window	1-11/32"; 5/16" annealed exterior, 21/32" argon, 3/8" annealed interior
South and East Facades Floor 14 Residential Terrace Doors	34 (35 required) (composite calculation rating 36)	See ASTM E-90 acoustical report for the exact window and glazing. Report No J5848.01-113-11-R1, Option J5848.01F	Intus Supera Balcony Doors	1-11/32"; 5/16" annealed exterior, 21/32" argon, 3/8" annealed interior

In order to satisfy the requirements of the E Designation, Alternate Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

1. **PTAC Units:** Installing RSXC model PTAC units manufactured by Ice Air in each residential unit for heating and cooling. Fresh air will be provided to all bedrooms and living rooms via outside air damper built-in to each PTAC unit. Floor plans showing the locations of the PTAC units are included in Appendix A. In all cases, the rate of outside air (cfm) delivered to each habitable space (bedrooms and living spaces) will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3. These rates will be the greater of 0.35 air changes per hour or 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows. The PTAC units continuously provide outdoor air via a motorized damper, which come factory installed with manufacturer warranty.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials and Noise "E" Designations described above conforms to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

4/28/2022



Date

Samantha Catalanotto
Project Manager

4/28/2022



Date

Maurizio Bertini, Ph.D.
Assistant Director

4/28/2022



Date

Shaminder Chawla
Deputy Director

cc: Matthew Bassett, Coney Island Phase 2 Associates - mbassett@bfcnyc.com
Brandon Baron, BFC 475 residential LLC - bbaron@bfcnyc.com
Laura Rog, L+M Development - lrog@lmdevpartners.com
Alexander Eney, L+M Development - aeney@lmdevpartners.com
Noelle Clarke, Roux - nclarke@rouxinc.com
Brandon Vella, Roux - bvella@rouxinc.com
Patricia Scanlon, Longman Lindsey - PatriciaS@longmanlindsey.com
Mark McIntyre, Zach Schreiber, Sarah Pong
Samantha Catalanotto, PMA-OER