



OFFICE OF ENVIRONMENTAL REMEDIATION

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NOTICE TO PROCEED
DOB Job Numbers NB-321299518

September 26, 2016

Ira Gluckman, R.A.
Brooklyn Borough Commissioner
NYC Department of Buildings
210 Joralemon Street, 8th Floor
Brooklyn, NY 11201

Re: 44-46 Box Street
Brooklyn Block 2483, Lots 11 & 12
Hazardous Materials and Noise “E” Designation
E-138: 5/11/2005 Greenpoint-Williamsburg Rezoning - CEQR # 04 DCP 003K
OER Project Number 16EH-N276K/ VCP Number 17CVCP002K

Dear Commissioner Gluckman:

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 Sarah Pong at 212-442-8342.

Sincerely,

Zach Schreiber, Ph.D.
Assistant Director

cc: Rafi Manor, 44 Box Villa LLC – rafi@mdevelopmentnyc.com
Syed Rizvi, P.E. – dob@2020groupservicecorp.com
Ezgi Karayel, Athenica Environmental Services, Inc. – ekarayel@athenica.com
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Hannah Moore, Sarah Pong, PMA-OER



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DECISION DOCUMENT
NYC VCP and E-Designation
Remedial Action Plan Approval

September 26, 2016

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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2016 with Stipulation letter dated August 2, 2016 and the Remedial Action Plan for Noise dated September 2016 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on August 25, 2016. There were no public comments. A briefing was held with NYS DEC on September 1, 2016 to discuss site contamination, proposed remedy and site development. NYS DEC approved the proposed remedy. NYC DOHMH also reviewed the RAWP and issued comments regarding the vapor barrier on August 29, 2016. OER notified the developer of the comments on September 9, 2016.

Project Description

The Site is located at 44-46 Box Street in the Greenpoint section of Brooklyn, New York and is identified as Block 2483, Lots 11 and 12 on the New York City Tax Map. The Site is 5,000-square feet in total (each lot is 25' x 100') and is bounded by Box Street to the north, a 3-story residential building to the south, a 6-story residential building to the east, and a 1-story building of unknown use to the west. Currently, the Site is used for parking and contains an asphalt-paved parking lot with no other site improvements.

The proposed future use of the Site will consist of a new 6-story residential building with a penthouse and a cellar. The building will encompass approximately 40 percent of the combined lot area and the cellar will have an approximate area of 2,090 square feet. The total gross square footage of the proposed building will be approximately 13,490 square feet. The cellar will be utilized for mechanical and utility rooms as well as storage, the first floor will be utilized as a planter, and lobby, and the floors above (2nd through 6th) will be utilized as residential apartments. The remaining 60% of the site will be utilized as an outdoor parking lot. There will be a covered driveway entrance to the rear parking lot on the East and West Side of the building.

Excavation of soils to approximately 8-9 feet below grade surface (bgs) with additional excavation in the location of an elevator pit will be required for the construction of the basement within the footprint of the proposed building. The water table was encountered at 1.3 to 8.5 feet bgs throughout the Site during the Remedial Investigation (RI); therefore a local dewatering system may be required during the excavation. Appropriate NYC DEP dewatering permits will be obtained. Approximately 1,045 tons of soil will be excavated and removed from this Site. The current zoning designation is M1-2/R6A, denoting it as residential or manufacturing use. The proposed use is consistent with existing zoning for the property.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “44-46 Box Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazardous Materials

The elements of the remedial action selected for Hazardous Materials for the 44-46 Box Street site are as follows:

1. Preparation of a Community Protection Statement and performance of all required NYC VCP Citizen Participation activities according to an approved Citizen Participation Plan.
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 4 Site-Specific Soil Cleanup Objectives (SCOs).
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. 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). A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. Approximately 40 percent of the Site will be excavated to a depth of approximately 8-9 feet bgs for the cellar level. The estimated total quantity of soil to be excavated is 1,045 tons.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site.
8. 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.
9. Removal of all underground storage tanks that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
10. 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.
11. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
12. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. Construction of an engineered composite cover consisting of a 4-inch thick concrete building slab with a 5-inch clean granular sub-base beneath all building areas, and 4-inch poured concrete on a 6-inch sub-base in sidewalk and parking areas.
14. Installation of a vapor/waterproofing barrier system consisting of vapor/waterproofing barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor/waterproofing barrier system will consist of a 20-mil Stego Wrap below the slab throughout the full building area and a 20-mil Stego Wrap outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor/waterproofing barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the vapor/waterproofing barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. If determined feasible during the excavation based on the groundwater depth, installation of an active sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor/waterproofing barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a 6-inch thick layer of 2-inch trap rock stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include a Radonaway RP 265 blower installed on the roof line and a pressure gauge and alarm located in an accessible area in the basement. The active SSDS is an Engineering Control for

- the remedial action. The remedial engineer will certify in the RAR that the active SSDS was designed and properly installed to establish a vacuum in the gas permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building.
16. 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.
 17. Groundwater is shallow. Dewatering is required and will be performed 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.
 18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
 19. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
 20. Submission of an approved Site Management Plan (SMP) in the RAR 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.
 21. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls; 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 44-46 Box Street site are as follows:

The site is located in the Greenpoint-Williamsburg Special Mixed-Use District. Under the Zoning Resolution, residential projects in special Mixed-Use districts are required to achieve a window/wall noise attenuation of at least 35 dBA, in order to maintain an interior noise level of 45 dB(A) L10. This requirement overrides the E-designation requirement of 30 dBA and cannot be reduced unless a site-specific noise survey is conducted to show otherwise.

In accordance with AKRF’s June 21, 2016 Noise Monitoring Protocol, exterior noise measurements were performed to determine the site-specific amount of window/wall attenuation in order for the building’s facades to accomplish an interior noise level of 45 dB(A) L10 or less for residential uses. The “Development Site Noise Survey and Attenuation Assessment”, dated July 6th, 2016 was submitted to NYCOER and the NYC Department of City Planning.

OER determined based on the Development Site Noise Survey and Attenuation Assessment, that a reduction in the Special Mixed-Use attenuation requirement would be acceptable. On August 8th, 2016 City Planning approved the noise attenuation requirement for 44-46 Box Street to be reduced to 28 dBA.

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

1. 28 dBA on the northern and southern façades

The following window(s) will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern and Southern Facades Floors 2 – 6 Residential	30	See ASTM E-90 acoustical test report No. 30160-07-90151-6 for the exact window and glazing in Appendix F	Pella Architect Series Casement Window	1 1/16" IG Clear PVB (5/16" laminated glass, 7/32" airspace, 1/8" annealed glass)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern and Southern Facades Floors 2 – 6 Residential	29	See ASTM E-90 acoustical test report No. 30160-06-72360-1 for the exact window and glazing in Appendix F	Pella Architect Series Type II AS Sliding Patio Door	1/8" tempered glass, 9/32" airspace, 5/16" laminated glass

The acoustical reports described above are representative of the acoustical performance of all proposed windows and doors.

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

1. **Trickle Vents:** Installing Variglaze trickle vents manufactured by Titon in all residential rooms equipped with windows/exterior doors. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Floor plans showing the locations of trickle vents are included in Appendix H. Manufacturer specifications for the trickle vents are included as Appendix G. The residential units will be cooled and heated by a split ductless system in each apartment. The heating unit is powered by a gas-powered boiler manufactured by Navien, model number NCB-180. The cooling unit is manufactured by Mitsubishi, model number MXZ-5C42NAHZ.
2. **Compliance with Mechanical Code:** Providing outside air to common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.

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

September 26, 2016

Date



Sarah Pong
Senior Project Manager

September 26, 2016

Date



Shaminder Chawla
Deputy Director – VCP

September 26, 2016

Date



Zach Schreiber, Ph.D.
Assistant Director

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