



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB 321129792

November 9, 2015

Re: 1520 Fulton Street: 1520 – 1530 Fulton Street
Brooklyn Block 1864, Lot 14
Hazardous Materials, Noise “E” Designation
-E-185: 10/29/2007 Bedford Stuyvesant South Rezoning and Text Amendment Rezoning - CEQR
07DCP070K
OER Project Number 15EH-N385K / VCP Number 15CVCP142K

Dear Brooklyn 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 Horace Zhang at 212-788-8484.

Sincerely,

Shaminder Chawla
Deputy Director

cc: Eli Karp, Hello Fulton LLCNY - hellodob@helloliving.com
Nicholas Recchia, GEI Consultants - nrecchia@geiconsultants.com
Vincent Martineau, R.A., VMAPC - <mailto:vincent@vmapc.com>
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
Horace Zhang, PMA-OER



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DECISION DOCUMENT

NYC VCP and E-Designation Remedial Action Work Plan Approval

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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 August 2015 with Stipulation Letter dated August 2015 and the Remedial Action Plan for Noise dated August 2015 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 September 30 2015. There were no public comments.

Project Description

The proposed future use of the Site will consist of a new 10-story mixed use development including commercial uses on the first floor, and 48 residential apartments on floors 2 through 10. The new building will cover the entire Site, with full cellar uses to include utility rooms, bicycle storage, and a ventilated parking garage. The property that extends back to Herkimer Street will be used mainly for the down-ramp into the lower parking area. Residential floors 8 to 10 stories in height (from ground floor) will cover approximately 70 percent of the building footprint, back from the street frontage. The rear of the structure will consist of single-story space. The cellar slab grade will be approximately 11 feet below the ground floor level. Additionally, three elevator pits will be installed approximately 5.5 feet below the cellar slab grade. The site will be excavated to approximately 13 feet below grade. The proposed volume of excavated soil is anticipated to be approximately 6,700 cubic yards. There will be no open or uncapped areas of the site.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and/ E-Designation Program project known as “1520 Fulton 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 Description of Selected Remedy

The remedial action selected for the 1520 Fulton Street site is protective of public health and the environment. The elements of the selected remedy 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. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Selection of NYSDEC 6NYCRR Part 375 Unrestricted Use (Track 1) 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 determined by the selected disposal facility permit requirements.
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The site will be excavated to approximately 13 feet below grade. Elevator areas will be excavated an additional 5 feet below grade for a total of 18 feet. The proposed volume of excavated soil is anticipated to be approximately 10,000 tons (6,700 cubic yards).
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. Registration of tanks 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.
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 four end-point samples to determine the performance of the remedy with respect to attainment of Track 1 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. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering and Institutional Controls:

16. As part of development, construction, and maintenance of an engineered composite cover consisting of concrete foundation slabs and walkways and an asphalt driveway to prevent human exposure to residual soil/fill remaining under the Site.
17. As part of development, incorporation of a water-proofing/vapor barrier system beneath the building foundation and behind the foundation walls to grade.
18. As part of development, construction and operation of a ventilated parking garage.
19. Installation and operation of an active sub-slab depressurization system in areas not used for parking beneath the basement foundation to prevent any potential future exposures from soil vapor. The system will be monitored annually to evaluate if system can be converted to passive SSDS.
20. If Track 1 SCOs are not achieved, 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. If Track 1 SCOs are not achieved, the property will continue to maintain E designation at the NYC Building's Department and includes a listing of Engineering Controls and Institutional Controls 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 1520 Fulton Street site are as follows:

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

1. 25 dBA for the first floor Commercial Retail Storefront (OITC 25)
2. 30 dBA for all other Residential Apartment windows and doors; (OITC 30)

The following Glazed Assemblies will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North Façade 1 st Floor (Commercial)	OITC 27	ATI 59331.01-113-11 Sept. 9, 2005 See report Appendix X	FW50+ Aluminum Storefront system Manufactured by Schuco	1" IGU 6 mm Low E 13 mm argon 6 mm temp.
North Facade Floors 2 to 9 (Residential)	OITC 30	IFT Rosenheim 161-36135/2.0e Sept. 11, 2008 (provisional certification pending re-test by ASTM E90 accredited lab) See report Appendix X	AWS 65 Aluminum Punched Window Openings Manufactured by Schuco	1 1/8" IGU 8 mm Low E 16 mm argon 4 mm cl. ann.
North and South Façade Floors 2 to 9 (Residential)	OITC 34	IFT Rosenheim 161-19374/1.2.0 November 13, 1997 (provisional certification pending re-test by ASTM E90 accredited lab) See report Appendix X	ASS 70 Folding Terrace Door system Manufactured by Schuco	1 1/4" Lam. IGU 4 mm clear 0.030 pvb 4 mm clear 16 mm argon 6 mm Low E Tempered
North and South Façade Floors 2 to 9 (Residential)	OITC 30	IFT Rosenheim 162-37452/1e Jan. 7, 2009 (provisional certification pending re- test by ASTM E90 accredited lab) See report Appendix X	ADS 65 Aluminum Entry Door system Manufactured by Schuco	1 1/8" Lam. IGU 6 mm Low E 16 mm argon 4 mm cl. tempered

The OITC values of the Schuco AWS 65, ASS70, and ADS65 systems with the glazing configurations described in the table above are based on transmission loss data collected at the IFT Rosenheim laboratory and provided in Appendix X. These test results provide provisional certification of the OITC values of these glazing assemblies, however, these three systems with the glazing configurations described in the table above will be tested according

to the ASTM E90 test procedure in a laboratory accredited for ASTM E90 and the results will be provided to NYCOER prior to purchase and installation. The size and shape of each mock-up to be tested according to ASTM E90 will be the same as the size and shape of the test mock-ups tested at IFT Rosenheim as shown in Appendix X.

AKRF Inc., acoustical consultants, reviewed the windows proposed for the project and have provided estimated calculations to establish the provisional window selection. AKRF will also assist in the mockup lab testing process.

Color coded elevations and the labeled window schedule attached in Appendix A show the locations of the window/ door types.

Alternate Means of Ventilation

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:

- **Alternate Means of Ventilation:**

Alternate means of fresh air ventilation shall be provided to each dwelling unit.

Units will be equipped with an individual fresh air intake louver on the south building facade; fresh air will go through an ERV located over apartments' bathrooms, and will then be distributed with ductwork to each individual habitable room. Bathroom and kitchen exhaust will be evacuated through louvers on the building's north facade.

- **Mechanical System:**

Dwelling units will be individually heated and cooled with a mini split system, by Fujitsu or approved equal. Each dwelling unit will have its own condenser located on the roof of the building.

- **HVAC Plans**

A Mechanical PE has prepared the plans for the HVAC system. 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 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.

11/9/15

Date



Horace Zhang
Project Manager

11/9/15

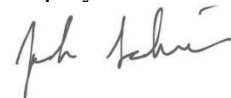
Date



Shaminder Chawla
Deputy Director

11/9/15

Date



Zach Schreiber, Ph.D.
Assistant Director

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