



OFFICE OF ENVIRONMENTAL REMEDIATION

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New York, New York 10038

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Director

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NOTICE TO PROCEED
DOB Job Number NB 340765602

November 19, 2021

Re: 2700 Atlantic Avenue, 2700 And 2700-2716 Atlantic Avenue
Brooklyn Block 3689, Lot 12. Former Lots 19, 20, 21, 22, 23, 24
Hazardous Materials, Air Quality, and Noise “E” Designation
E-366: East New York - CEQR 15DCP102K - 4/20/2016
OER Project Number 19TMP0704K / 19EHAN181K / 22CVCP001K

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, Noise remedial action plan, and Air Quality 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 William Quinones at (212) 788-2773.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

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DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

November 19, 2021

Re: 2700 Atlantic Avenue
Brooklyn Block 3689, Lots 12, 19, 20, 21, 22, 23, 24
Hazardous Materials, Air Quality, Noise E Designation
E-366: East New York - CEQR 15DCP102K - 4/20/2016
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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 September 2021, with Stipulation Letter dated [xx], and the Remedial Action Plan for Air Quality and Noise dated November 2021 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 8/21/2021. There were no public comments.

Project Description

The proposed future use of the Site will consist of construction of a 14-story mixed-use commercial and residential building with a partial cellar. The proposed building footprint will encompass the entirety of the lots. The current zoning designation is M1-4 with a R8A overlay, denoting a light manufacturing district with a residential overlay. The proposed use is consistent with existing zoning for the property.

Proposed development includes the construction of a 14-story mixed-use commercial and residential building with a partial cellar. The expected depth of excavation is approximately 13 feet below grade surface (bgs) within the cellar footprint and approximately four ft-bgs outside of the cellar footprint. The proposed building area is approximately 21,860 square feet. Groundwater will not be encountered during the course of excavation. Prior to remedial activities, the existing building demolition will be completed. As part of development, Lots 19, 20, 21, 22, 23, and 24 have merged into Lot 12.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “2700 Atlantic Avenue” 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 remedial action selected for the 2700 Atlantic Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:
Remedial Plan: Environmental study is complete and a cleanup plan is available for public comment. Updated 7/21/2021.

The proposed remedial action will consist of:

- Preparation of a Community Protection Statement and performance of all required NYC VCP Citizen Participation activities according to an approved Citizen Participation Plan.
- Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
- Establishment of Track 4 Site Specific Soil Cleanup Objectives (SCOs).
- Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
- 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).
- Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs.
- The proposed cellar footprint will be excavated to a depth of approximately 13 feet below grade for development purposes. The remainder of the Site outside of the cellar footprint will be excavated to approximately four feet below grade for development purposes.
- Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
- 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.
- Removal of all UST's 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.
- 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.
- Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
- Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
- Construction of an engineered composite cover consisting of an eight-inch thick concrete building slab with a six-inch clean stone sub-base beneath all building areas.
- Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil VaporBlock Plus vapor barrier manufactured by Raven Engineered Films (Raven) below the slab throughout the full building area and outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed 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 RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
- 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.
- Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
- Submission of a 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.
- Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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.
- 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 RAWP 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 Air Quality

The elements of the remedial action selected for Air Quality for the 2700 Atlantic Avenue site are as follows: In order to satisfy the requirements of the E-designation, electric equipment will be utilized at the site for space heating, hot water, and HVAC systems. An Air Quality Installation Report (IR) will be submitted to OER following implementation of the remedial action defined in this RAP. The IR will document that the remedial work required under this RAP has been completed and has been performed in compliance with this plan.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 2700 ATLANTIC AVENUE site are as follows:

The following windows and sliding doors for terrace access will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
East Façade – Floor 1 West Façade – Floors 12 and 13	37	Casement: ASTM E-90 Lab Test Report #J8864.02-113-11-R0, Option #J8863.01A Fixed: ASTM E-90 Lab Test Report #J8864.01-113-11-R0, Option #J8863.01D	Intus Supera, 2 Unit Casement and Fixed	Casement and Fixed: 5/16” laminated exterior – 13/16” argon – ½” laminated interior
East and West Façades – Floors 3 through 13 North and South Façades – Floors 3 through 14	37	Casement: ASTM E-90 Lab Test Report #J8864.02-113-11-R0, Option #J8863.01A Terrace Door: ASTM E-90 Lab Test Report #J5848.01-113-11-R1, Option #J5848.01N1	Intus Supera, 2 Unit Casement and Terrace Door	Casement: 5/16” laminated exterior – 13/16” argon – ½” laminated interior Terrace Door: 5-16” laminated exterior – 13/16” argon – ½” annealed interior
East Façade – Floor 11 West Façade – Floors 11 and 12 South Façade – Floors 13 and 14 North Façade – Floor 14	37	ASTM E-90 Lab Test Report #J5848.01-113-11-R1, Option #J5848.01N1	Intus Supera Terrace Door	5-16” laminated exterior – 13/16” argon – ½” annealed interior
East and North Façades – Floors 3 through 14 West Façade – Floors 3 through 10 and Floors 12 through 14 South Façade – Floors 3 through 13	37	ASTM E-90 Lab Test Report #J8864.01-113-11-R0, Option #J8863.01D	Intus Supera Fixed	5/16” laminated exterior – 13/16” argon – ½” laminated interior

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
East and South Façades – Floor 1 and Floors 3 through 14 West Façade – Floors 3 through 14 North Façade – Floors 3 through 10 and Floors 12 through 14	37	ASTM E-90 Lab Test Report #J8864.02-113-11-R0, Option #J8863.01A	Intus Supera Casement	5/16” laminated exterior – 13/16” argon – ½” laminated interior

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. Color coded elevations and the labeled window schedule attached in Appendix F show the locations of the window/ door types. Acoustical laboratory reports are included in Appendix G.

The applicant commits to demonstrating that the selected manufacturer’s window products achieve the minimum OITC requirement outlined in the table above. If the selected manufacturer does not have ASTM E90 test on file for the specific window assemblies to be installed, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement.

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 Model #PDH09K2SG-A PTAC units manufactured by Friedrich in bedrooms on Floor 1 and Floors 3 through 14 and living rooms on Floor 11; installing Model #PDH12K3SG-A PTAC units manufactured by Friedrich in living rooms on Floor 1 and bedrooms on Floors 3 through 10 and Floors 12 and 14; and, installing Model #PDH15K5SG-A PTAC units manufactured by Friedrich in living rooms on Floor 1 and Floors 3 through 14 and bedrooms on Floors 11 and 13. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix H. Floor plans showing the locations of PTAC units are included in Appendix I. The PTAC units will provide outdoor air by automatic motorized dampers, 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, Air Quality, Noise E Designation 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.

11/15/2021

Date



William Quinones
Project Manager

11/15/2021

Date



Maurizio Bertini, Ph.D.
Assistant Director

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