



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

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**NOTICE TO PROCEED**  
**DOB Job Number NB 420663437**

September 18, 2018

Re: 147-25 94<sup>th</sup> Avenue  
Queens Block 9998, Lot 25  
Hazardous Materials, Air Quality, and Noise “E” Designation  
E-175: Downtown Jamaica Redevelopment - CEQR 05DCP081Q - 9/10/2007  
OER Project Number 18EHAN101Q / NYS BCP Site No. C241206

Dear Queens 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 enrolled in the New York State Department of Conservation Brownfield Cleanup Program (NYSDEC BCP), Site No. C241206, and has filed a Hazardous Materials remedial action work plan (RAWP) dated June 2018 to NYSDEC. The Applicant has also submitted an Air Quality and Noise remedial action plan that is acceptable to this Office and has prepared a Construction Health and Safety Plan for implementation on this project. Based upon NYSDEC issued Decision Document approving remedial action, and OER approval of Air and Noise remedial plan, OER has concluded that the applicant may proceed with remediation/construction, provided the remedial measures included in the RAWP are implemented. At the completion of remedial construction, a P.E.-certified Final Engineering Report (FER) needs to be submitted by the applicant to NYSDEC for approval and Noise/Air Installation Report submitted to OER at the conclusion of remediation/construction activities.

No remedial work outside of what is outlined in the RAWP shall be performed at the site until NYSDEC has issued a final Decision Document. If the applicant opts out of the NYSDEC BCP, the remedial action outlined in the RAWP must be reviewed/approved by OER and implemented in order to satisfy the Hazardous Materials E Designation. 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 (approval of RAR and Installation Report) 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,



Shaminder Chawla  
Deputy Director

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**DECISION DOCUMENT**  
**E-Designation**  
**Remedial Action Work Plan Approval**

September 18, 2018

Re: 147-07 94th Avenue  
Queens Block 9998, Lot 25  
Hazardous Materials, Air Quality, Noise E Designation ,  
E-175: Downtown Jamaica Redevelopment - CEQR 05DCP081Q - 9/10/2007  
OER Project Number 18EHAN101Q / NYS BCP Site No. C241206

The New York City Office of Environmental Remediation (OER) has received the June 2018 Remedial Action Work Plan prepared by AKRF, Inc. and submitted to NYSDEC in the New York State Brownfield Cleanup Program (NYS BCP). NYSDEC has completed their 45 day public comment period on the cleanup plan. We have also received and reviewed the Remedial Action Plan for Air Quality and Noise dated August 2018 for the above-referenced project.

The Plan was submitted to OER under the E-Designation Program.

**Project Description**

The proposed redevelopment plan consists of demolition of the existing structures and construction of one 23-story residential building with a partial cellar level. The cellar level will be set back approximately 20 feet from the north-adjacent LIRR train tracks, and will house building services, amenities, and retail space. The first three above-grade floors of the building will consist of parking spaces and retail uses, and only floors 2 and 3 will contain residential units. Floors 4 through 23 will be residential.

**Statement of Purpose and Basis**

This document presents the remedial action for the E-Designation Program project known as “147-07 94th 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 147-07 94th Avenue site is outlined in the June 2018 NYSDEC-approved Remedial Action Work Plan is protective of public health and the environment.

The Site is enrolled in the NYSDEC Brownfield Cleanup Program (NYS BCP Site No. C241206). In an effort to satisfy the Hazardous Materials “E” requirements for this project, the applicant submitted all necessary documentation to our office for review. This documentation included the NYSDEC approved June 2018 Remedial Investigation Report and June 2018 Remedial Action Work Plan. The RAWP has completed the 45-day comment period and the Decision Document has been issued by DEC. The NYS BCP project manager for this project is Sadique Ahmed. The NYSDEC proposed remedy includes the following elements:

1. The existing buildings will be demolished to enable the remediation of contaminated soils. Materials that cannot be beneficially reused on-site will be sent off-site for proper disposal.
2. Following demolition, site excavation will include removal of the underground storage tanks suspected to be present (along with associated fill ports, underground piping, and vents) followed by off-site disposal of on-site soil above Track 2 RRSCOs and/or Track 1 UUSCOs, as defined by 6 NYCRR Part 375-6.8, in the upper 15 feet below grade, and excavation and off-site disposal in the upper 6 feet below grade in the

northern portion of the Site to achieve Track 4 site-specific soil cleanup objectives. Based on data gathered to date, this will require excavation of approximately 12,000 cubic yards of material.

3. Screening for indications of contamination [by visual means, odor, and monitoring with photoionization detector (PID)] of all excavated soil during any intrusive Site work.
4. Collection and analysis of endpoint samples site-wide to evaluate the performance of the remedy. If endpoint samples do not meet RRSCOs further excavation will be completed until they are met, otherwise a contingent (Track 4) remedy for portions of the Site will be pursued.
5. Appropriate off-site disposal of all material removed from the Site in accordance with all applicable federal, state, and local rules and regulations for handling, transport, and disposal. Waste disposal facilities will be selected based on the data that has been collected to date and waste classification soil sampling. Based on the requirements of the selected facilities, additional soil waste characterization samples will be collected and analyzed as needed to obtain approval for soil disposal.
6. If needed, clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to replace the excavated soil and establish the designed grades at the Site. On-site soil that does not exceed the described excavation criteria (UUSCOs or RRSCOs) for any constituent may be used anywhere on-site, including below the water table, to backfill the excavation areas or re-grade the Site.
7. Unless Track 1 UUSCOs or Track 2 Residential SCOs (RSCOs) are achieved, an institutional control will be imposed in the form of an environmental easement for the controlled property that will: require the remedial party or Site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3); allow the use and development of the controlled property for restricted residential use as defined by Part 375-1.8(g), although land use is subject to local zoning laws; restrict the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by NYSDOH or NYCDOH; and require compliance with the Department approved Site Management Plan (SMP).
8. If required, an SMP will be prepared, which will include an Institutional and Engineering Control Plan that will identify all use restrictions and engineering controls for the Site and detail the steps and media-specific requirements necessary to ensure the institutional and/or engineering controls remain in place and effective. The SMP will also include provisions for conducting a post-remedial soil vapor intrusion (SVI) evaluation. Although unlikely, should a Sub-Slab Depressurization System (SSDS) be needed as a result of the SVI evaluation, an Operation and Maintenance (O&M) Plan will be included in the SMP to ensure continued operation, maintenance, inspection and report of mechanical and/or physical components of the system.
9. Remedial activities will be performed at the Site in accordance with this NYSDEC-approved RAWP and the Department-issued Decision Document. All deviations from the RAWP and/or Decision Document will be promptly reported to NYSDEC for approval and fully explained in the FER.
10. A Track 4 site-specific cleanup is proposed for the northern portion of the Site where minor excavation and grading will occur adjacent to the LIRR tracks, and in the eastern portion of the Site where excavation extends to approximately 3 feet below grade. In the event that a Track 2 restricted residential use cleanup is not achieved in the remainder of the Site, including meeting RRSCOs at a depth of 14 to 20 feet below grade, the contingent remedy will achieve a Track 4 site-specific cleanup at a minimum and will include a site cover as described below:
  - The contingent Track 4 site-specific cleanup would require many of the same elements as the Track 2 restricted residential cleanup, including underground storage tank (UST) removal, excavation, post-remedial soil vapor evaluation, and an SMP and environmental easement. The site-specific Track 4 contingent remedy has a goal of achieving the following site-specific soil cleanup objectives (SSSCOs): 200 parts per million (ppm) for total polycyclic aromatic hydrocarbons (PAHs); 2,000 ppm for lead; and 5,000 ppm for manganese. These objectives are acceptable, since groundwater has not been documented to contain unacceptably elevated concentrations of PAHs or metals and the composite cover system would prevent direct human exposure to residual PAHs and/or metals in soil.
  - A Site cover will be required at the Track 4 portion of the Site to allow for restricted residential use of the Site. The cover will consist of structures such as buildings, pavement, and sidewalks comprising the Site development.
  - Any fill material brought to the Site will meet the SCOs for cover material as set forth in 6 NYCRR Part 375-6.7(d).

### **Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 147-07 94th Avenue site are as follows:  
In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating.  
The HVAC and domestic hot water systems will be powered electrically.

### **Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 147-07 94th Avenue site are as follows:  
In order to meet the requirements of the E-Designation, the following window/wall attenuations will be achieved at the locations described below:

1. 23 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation;
2. 28 dBA for windows less than 100 feet above street level on the 94th Avenue (south) façade;
3. 25 dBA for windows from 101 feet above street level to the top of the building on the 94th Avenue (south) façade based on a reduction of 3 dBA from the projected street-level L10 value of 71.6 dB(A) to 68.6 dB(A);
4. 31 dBA for windows less than 100 feet above LIRR level on the northern façade;
5. 28 dBA for windows from 101 feet above LIRR level to the top of the building on the northern façade based on a reduction of 3 dBA from the projected street-level L10 value of 73.1 dB(A) to 70.1 dB(A).

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Northern and Eastern Setback  Floors 4 to 12  Residential and Amenity	32  31 dB(A) Required	ASTM E-90 Lab Test Report Intertek F0665.01B in Appendix I	Crystal Window and Door Systems, Ltd. Series 5600HS over 5100 FW Combination Unit	3/16-inch annealed exterior, 1/4-inch air space, 9/16-inch interior laminated
Northern and Eastern Setback  Floors 13 to 24  Residential and Amenity	29  28 dB(A) Required	ASTM E-90 Lab Test Report Intertek I2505.01C in Appendix I	Crystal Window and Door Systems, Ltd. Series 5600-2L Horizontal Sliding Window	3/8-inch annealed exterior, 7/16-inch argon space, 3/16-inch annealed interior
Southern  Floors 1 to 2  Commercial	30  23 dB(A) Required	Rating based on glass only (see Manufacturer data in Appendix I). Window ASTM E-90 Lab Test Report to be provided to OER prior to purchase and installation	Storefront System with Viracon Glass	1/4-inch glass, 1/2-inch air space, 1/4-inch glass
Southern  Floors 3 to 9  Residential and Amenity	29  28 dB(A) Required	ASTM E-90 Lab Test Report Intertek I2505.01C in Appendix I	Crystal Window and Door Systems, Ltd. Series 5600-2L Horizontal Sliding Window	3/8-inch annealed exterior, 7/16-inch argon space, 3/16-inch annealed interior

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Southern Floors 10 to 24 Residential and Amenity	25  25 dB(A) Required	ASTM E-90 Lab Test Report Intertek I2505.01B in Appendix I	Crystal Window and Door Systems, Ltd. Series 5600-2L Horizontal Sliding Window	1/4-inch annealed, 1/2- inch argon space, 1/4-inch annealed

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 8RSNU07, 8RSNU09, 8RSNU13, and 8RSNU18 PTAC units manufactured by Ice Aire in all residential units. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. Floor plans showing the locations of PTAC units are included in Appendix K. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix J. The PTAC units can be operated by user to provide outdoor air.
2. Central System: Installing AAON RN-025 rooftop units on the roof, RenewAire HE3XRT Energy Recovery Ventilator for cellar and/or LG ARNU air handling units in tenant amenity areas. Fresh air intakes are located on the roof or via louvers on the façade and air handling units and/or associated ducting from the RTUs or ERV will provide fresh air to the amenity spaces. P.E. certified mechanical drawings depicting the AMV system and the pathway of fresh air delivery into the amenity spaces are provided in Appendix K. A letter from the engineer who designed the HVAC system that describes the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces is attached as Appendix L.
3. Compliance with Mechanical Code: Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 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.

9/18/2018



Date

Samantha Catalanotto  
Project Manager

9/18/2018



Date

Shaminder Chawla  
Deputy Director

9/18/2018



Date

Maurizio Bertini, Ph.D.  
Assistant Director

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