



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**

**DOB Job Numbers A1 (BIN: 3064770), NB 321598455 (BIN: 3428935)**

August 12, 2021

Re: 193 Greenpoint Avenue, 253 McGuinness Boulevard  
Brooklyn Block 2559, Lot 37  
Hazardous Materials and Noise “E” Designation  
E-232: Greenpoint - Williamsburg Contextual Rezoning - CEQR 09DCP056K - 7/29/2009  
OER Project Number 21EH-N090K / 21CVCP046K

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 Numbers. 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 plans 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 Kestana Anokye at 212-788-8841.

Sincerely,

Zach Schreiber, Ph.D.  
Assistant Director

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**DECISION DOCUMENT**

**NYC VCP, E-Designation Remedial Action Work Plan Approval**

August 12, 2021

Re: 193 Greenpoint Avenue, 253 McGuinness Boulevard  
Brooklyn Block 2559, Lot 37 (DOB BINS: 3428935 and 3064770)  
Hazardous Materials and Noise “E” Designation  
E-232: Greenpoint - Williamsburg Contextual Rezoning - CEQR 09DCP056K - 7/29/2009  
OER Project Number 21EH-N090K / 21CVCP046K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2021 with Stipulation Letter dated April 2021 and the Remedial Action Plan for Noise dated August 2021 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on 04/17/2021. There were no public comments. DEC briefing completed March 3, 2021.

**Project Description**

1 - A 3-story addition will be added to the existing 2-story building with cellar along Greenpoint Avenue to create a 5-story building (BIN: 3428935). The entire cellar slab will be removed, and localized excavation will be performed to depths as great as 3 ft below existing cellar grade to install new grade beams and footings. The cellar will consist of two open cellar, residential amenity spaces for the first floor apartments and the water meter room, electric meter room, hot water heater room. The first floor will consist of two apartments and the residential lobby. The 2nd through 5th floors will consist of residential apartments. 2 - A 1-story commercial building will be constructed (BIN: 3064770) behind the existing 2-story building. The new 1-story commercial building will front McGuinness Boulevard. The building will consist of 415.92 ft<sup>2</sup> of commercial space. Excavation to a depth of approximately 1 to 3 ft will be performed for the building's foundation and slab. The remaining space behind the proposed residential building, along McGuinness adjacent to the commercial building, will be used for rear yard, residential recreational space.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “193 Greenpoint 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 193 Greenpoint 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.

The proposed remedial action will consist of:

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. 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. For development purposes, the entire cellar slab of the existing building will be removed and localized excavation will be performed to depths as great as 3 ft to install new grade beams and footings. However, the cellar of the new 5-story residential building will generally have the same depth as the existing cellar and bulk excavation will not be required. Excavation to a depth of approximately 1 to 3 ft will be performed in the area of the new 1-story commercial building for the building's foundation and slab. Minimal excavation (less than 1ft) will be performed across the remainder of the rear courtyard to create a concrete capped parking area. If development plans determine that the courtyards will be utilized as landscaped recreational space, 2 feet of material will be removed to allow for construction of a landscaped, composite cover. A 10ft by 10ft remedial excavation will be performed to a depth of approximately 3 ft to remove the SB1 (0-2) metals hotspot identified during the RI. An estimated 300 cubic yards (450 tons) of soil/fill will be removed from the Site and properly disposed of at appropriately licensed or permitted facilities;
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID;
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 the underground storage tanks 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 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;
11. Collection and analysis of five site-wide end-point samples (EP1 – EP5) to determine the performance of

the remedy with respect to attainment of Track 4 Site-Specific 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. Installation of a vapor barrier system beneath the new cellar slab of the existing building and beneath the new slab for the new 1-story commercial building to mitigate soil vapor migration into the building. The vapor barrier system will consist of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system, which is a multi-layer plastic extrusion manufactured with prime, virgin and polyolefin resins. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. If Stego Industries® Stego® Wrap 20-mil Vapor Barrier is not available then one of the follow vapor barriers will be installed: Raven Industries Vaporblock® Plus™ VBP20, Husky Yellow Guard, Grace Industries Preprufe 300R & 160R. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. In addition, a vapor barrier system consisting of Retro-Coat™ Vapor Intrusion Coating System will be applied to the interior of the cellar walls. The Retro-Coat™ Vapor Intrusion Coating System will be applied at a minimum 20 mil thick system (two 10 mil coats of Retro-Coat at 160 square foot/gallon per coat). Interior wall finishes will be installed in accordance with manufacturer specifications so as not to penetrate the Retro-Coat™ vapor barrier in a manner that would disrupt vapor intrusion mitigation. Certification of thickness installation will be provided by the installer. 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;
14. Construction and maintenance of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site:
  - A new 4-inch thick concrete cellar slab poured within the area of the existing residential building, underlain with a 20-mil vapor barrier,
  - A 4-inch thick concrete slab within the area of the 1 -story commercial building, underlain with a 20-mil vapor barrier, and
  - A 4-inch thick concrete slab within the area of parking area to be constructed behind the existing residential building and in front of the 1-story commercial building, or two feet of clean soil in all open space and landscaped areas.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
16. Dewatering if required, 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.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and

regulations;

18. Submission of an approved Site Management Plan (SMP) in the Remedial Action Report 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.
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, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP; and
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 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 Noise**

The elements of the remedial action selected for Noise for the 193 Greenpoint Avenue site (residential building) are as follows:

The following windows and doors will be installed:

<b>Window/ Door Types</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Residential Windows W1, W2, W3, W4,  Front/Rear Facades All Floors	31 (35 requirement)	See ASTM E90 Sound Transmission Loss Test Report in Appendix 3 of Attachment A. Report No. ESP031151P-9 Report Date: 6/14/2019	Pella Corporation Series/Model Lifestyle Triple Pane Vent Casement Sash 10	1 1/16" IG with secondary panel (3/16" exterior glass, 3/8" air space, 1/8" interior glass, 1-3/32" air space, 5/32" secondary glass panel)

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. **Trickle Vents:** Alternate means of ventilation (AMV) will be provided by installing Trimvent® SM405 aluminum slot ventilators manufactured by Titon Inc. in each bedroom and living room at a minimum rate of one Trimvent® SM405 aluminum slot ventilator per room. Fresh air will be provided to all bedrooms and living rooms by the Trimvent® SM405 aluminum slot ventilators.
2. **HVAC System:** Each apartment will be provided cooling and heating by Mitsubishi split-systems. This system will be comprised of outdoor units located on the roof and bulkhead, and indoor units located in each space. The outdoor units will consist of MXZ-8C48NA2-U1 and MXZ-4C36NA2-U1. The indoor units will consist of MSZ-GE09NA and MSZ-GE12NA.
3. **Compliance with 2014 NYC Mechanical Code:** Providing outside air to residential common areas such as the lobbies and corridors, and commercial spaces in accordance with the 2014 NYC Mechanical Code.

The elements of the remedial action selected for Noise for the 253 McGuinness Boulevard site (commercial building) are as follows

The following windows and doors will be installed in the commercial building:

Window/ Door Types	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
East/ McGuinness Blvd and South Façades  1 <sup>st</sup> Floor  Commercial Window Types W-1, W-2, W-3	27 (required 30)	See ASTM E90 Sound Transmission loss Test Report in Attachment A (Appendix 3). Report No. H7645.03-303-11 R0 Report Date: 11/17/2017 Data File No. H7645.01C	CR Laurence Co., Inc. Series/Model IT451 Fixed Storefront Window	1" IG (1/4" tempered exterior, 1/2" air space, 1/4" tempered interior)
East/ McGuinness Blvd and South Façades  1 <sup>st</sup> Floor  Commercial Window Types W-1, W-2, W-3	27 (required 30)	See ASTM E90 Sound Transmission loss Test Report in Attachment A (Appendix 3). Report No. H7645.03-303-11 R0 Report Date: 11/17/2017 Data File No. H7645.01C	CR Laurence Co., Inc. Series/Model IT451 Tilt-Turn Storefront Window	1" IG (1/4" tempered exterior, 1/2" air space, 1/4" tempered interior)
East/ McGuinness Blvd Façade  1 <sup>st</sup> Floor  Commercial Door Type D-1	27 (required 30)	See ASTM E90 Sound Transmission loss Test Report in Attachment A (Appendix 3). Report No. H7645.03-303-11 R0 Report Date: 11/17/2017 Data File No. H7645.01C	CR Laurence Co., Inc. Series/Model IT451 Storefront In Swing Door	1" IG (1/4" tempered exterior, 1/2" air space, 1/4" tempered 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:

**Compliance with 2014 NYC Mechanical Code:** Providing outside air to the commercial space in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, 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.



08/12/2021

Date

Kestana Anokye  
Project Manager



08/12/2021

Date

Zach Schreiber, Ph.D.  
Assistant Director

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