



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number 421516559

August 11, 2020

Re: 165-20 Archer Avenue, 92-66 Merrick Boulevard
Queens Block 10155, Lot 35
Hazardous Materials and Noise “E” Designation
E-175: Downtown Jamaica Redevelopment - CEQR 05DCP081Q - 9/10/2007
OER Project Number 20EH-N054Q / 21CVCP002Q

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 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 Kestana Anokye at 212-788-8841.

Sincerely,

Sarah Pong
Assistant Director

cc: Gurdial Singh, Sunny Builders Corp. - sunnybuilderscorp@gmail.com
Michael Kang, R.A., Michael Kang Architect, P.C. - michaelkangra@yahoo.com
Keith Butler, Environmental Business Consultants - kbutler@ebcincny.com
Robert Lee, Robert A. Hansen Associates, Inc. - RSL@hansenacoustics.com
Mark McIntyre, Shaminder Chawla, Zach Schreiber, Maurizio Bertini
Kestana Anokye, PMA-OER



OFFICE OF ENVIRONMENTAL REMEDIATION
100 Gold Street – 2nd Floor
New York, New York 10038

Mark P. McIntyre, Esq.
Director
Tel: (212) 788-8841

DECISION DOCUMENT
NYC VCP & E-Designation
Remedial Action Work Plan Approval

August 11, 2020

Re: 165-20 Archer Avenue, 92-66 Merrick Boulevard
Queens Block 10155, Lot 35
Hazardous Materials and Noise E Designation
E-175: Downtown Jamaica Redevelopment - CEQR 05DCP081Q - 9/10/2007
OER Project Number 20EH-N054Q / 21CVCP002Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated July 2020 with Stipulation Letter dated July 30, 2020 and the Remedial Action Plan for Noise dated August 2020 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 ends on August 29, 2020. Any public comments that require changes to the RAWP will be addressed prior to commencement of the remedial action.

Project Description

The redevelopment project consists of an 11-story, 192-room hotel with a cellar level. The building, which totals 89,089 gross ft², will occupy the entire site footprint at the cellar level, with setback at the ground floor and above the fourth and tenth floor levels. The cellar level will total 11,978 ft² and be comprised of a parking garage, an attendant's booth, restroom, the hotel laundry, and utility/mechanical rooms. The garage will be accessible via a ramp leading from Merrick Boulevard at the southeastern corner of the property. The first floor is 8,424 ft² and consists of the entrance lobby, a pantry and breakfast area, offices, a meeting room, a fitness center, and guest rooms. The second through eleventh floors will have areas between 4,100 and 8,424 ft², with setbacks above the fourth and tenth floor levels. These floors will consist of guest rooms and mechanical space. An outdoor terrace is also located above portions of the tenth floor roof.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "165-20 Archer 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 165-20 Archer Avenue 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. 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, excavation is proposed to a depth of approximately 11 feet below the existing grade for the cellar slab, 13 feet below grade for footings, 10 feet below grade for the detention tank and 16 feet for the elevator pit. Therefore, an estimated 5,561 cubic yards (8,342 tons) of soil will be removed from the Site and properly disposed of at an appropriately licensed or permitted facility;
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 all 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 the RAWP. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site;
11. Collection and analysis of seven (7) post-excavation confirmation samples (EP1-EP7) to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. Post-excavation samples would be analyzed for SVOCs and TAL metals. If Track 1 or Track 2 SCOs are proposed following completion of excavation, then the samples would be analyzed for VOCs, SVOCs, PCBs, pesticides and metals;
12. Import of materials to be used for backfill and cover in compliance with the RAWP and in accordance with applicable laws and regulations;
13. Installation of a vapor barrier system consisting of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system installed below the slab throughout the building area, below/around the elevator pit and outside all sub-grade foundation sidewalls to grade. 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, Americover Builds Vaporblock® Plus™, Husky Yellow Guard, Grace Industries Preprufe 300R & 160R. 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 new building's 10-inch thick basement floor slab to prevent human exposure to residual soil/fill remaining at the Site;
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
17. 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.
18. 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 the RAWP; and
19. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls in the 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 165-20 Archer Avenue site are as follows:

The following windows and doors will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northeast and Northwest Façades, 1 st through 5 th Floors (W5, W6, W7, W8, W9, W10, W12, W13, W16, W18, W19, W20 and W21) Residential (Hotel) Space	36	ASTM E-90 Lab Test Report F9417.01-113-11-R0; Data File No. F9417.01F	Crystal Window & Door Systems, Model 8510 Fixed Window beside Model 8500 Casement Window	1-1/4" IG (1/4" laminated exterior, 1/2" air space, 1/2" laminated interior)
Northeast Façade, 6 th through 10 th Floors; Northwest Façade 2 nd through 11 th Floors; and Southwest and Southeast Façades, 1 st through 11 th Floors (W1) Residential (Hotel) Space	32	ASTM E-90 Lab Test Report F0655.01-113-11-R2; Data File No. F0655.01B	Crystal Window & Door Systems, Model 5600HS Horizontal Sliding Window over Model 5100FW Fixed Window	1" IG (3/16" annealed exterior, 1/4" air space, 9/16" laminated interior)
Southeast Façade, 1 st through 11 th Floors (W3) Residential (Hotel) Space	29	ASTM E-90 Lab Test Report E5962.01-113-1-R0; Data File No. E5962.01A1	Crystal Window & Door Systems, Model 5500 Double Hung Window	1" IG (1/8" annealed exterior, 11/16" air space, 3/16" annealed interior)
Northeast Façade, 1 st and 11 th Floors; Northwest Façade 1 st and 11 th Floors and Roof (W4, W11, W14, W15, W17, C1 and C2) Commercial Space	33	ASTM E-90 Lab Test Report F9417.01-113-11-R0; Data File No. F9417.01B	Crystal Window & Door Systems, Model 8510 Fixed Window beside Model 8500 Casement Window	1-1/4" IG (5/16" laminated exterior, 3/4" air space, 3/16" annealed interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Southeast Façade, 2 nd through 11 th Floors (W25) Residential (Hotel) Space	34	ASTM E-90 Lab Test Report F9417.01-113-11-R0; Data File No. F9417.01E	Crystal Window & Door Systems, Series 8500 Casement Window	1-1/4" IG (9/16" laminated exterior, 7/16" air space, 1/4" annealed interior)
PTAC Units Residential (Hotel) Space	28	ASTM E-90 Lab Test Report No. NGC 2018024_R1	Islandaire EZ Series LT Models EZLT09BCB1S45AB and EZLT12BCD1S45AB	N/A
Exterior Wall, First through 11 th Floors	50	ASTM Architectural Acoustics Sound Transmission Loss test No. RAL-TL83-316	N/A	Type 9 (masonry) stone panel outside, 6" thick CMU and 3-5/8" metal studs filled with R-13 insulation, and single layer 5/8 gypsum wall board or Type 16 (EFIS) double layer 5/8" sheeting, 6" metal studs filled with R-19 insulation and double layer 5/8" gypsum wall board

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:

- PTAC Units:** Installing Islandaire EZ Series LT PTAC units (Models EZLT09BCB1S45AB and EZLT12BCD1S45AB) manufactured by Islandaire in all hotel guest rooms (1st through 11th floors). PTAC units will also provide heating and cooling to the guest rooms, meeting room, fitness center, front office, break room, engineer/maintenance office and the parking attendant's booth. Fresh air will be provided to all hotel guest rooms by the PTAC units.
- 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 and Noise E-Designation 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.

8/11/20

Date



Kestana Anokye
Project Manager



8/11/20

Date

Sarah Pong
Assistant Director

cc: Gurdial Singh, Sunny Builders Corp. - sunnybuilderscorp@gmail.com
Michael Kang, R.A., Michael Kang Architect, P.C. - michaelkangra@yahoo.com
Keith Butler, Environmental Business Consultants - kbutler@ebcincny.com
Robert Lee, Robert A. Hansen Associates, Inc. - RSL@hansenacoustics.com
Mark McIntyre, Shaminder Chawla, Zach Schreiber, Maurizio Bertini
Kestana Anokye, PMA-OER

COPY - NOT FOR DOB FILING