



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

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NOTICE TO PROCEED
DOB Job Number NB 321596527

May 27, 2020

Re: 540 – 554 Waverly Avenue; 847 Atlantic Avenue; 827 – 837 Atlantic Avenue; 557 – 559 Clinton Avenue
Brooklyn Block 2011, Lot 60 (partial) (former Lot 1)
Hazardous Materials and Noise “E” Designation
E-183: Fort Greene/Clinton Hill Rezoning - CEQR 07DCP066K - 7/25/2007
OER Project Number 14EH-N103K / 20CVCP039K

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 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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Shaminder Chawla
Deputy Director

cc: David Ennis, Daten Group - david@datengroup.com
Matt Richards, The Daten Group - matt@datengroup.com
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DECISION DOCUMENT

NYC VCP, 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 February 2020 with Stipulation Letter dated May 23, 2020 and the Remedial Action Plan for Noise dated May 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 ended on January 2, 2020. There were no public comments.

Project Description

The development project consists of redeveloping the lot with a new 9-story mixed-use (commercial and residential) building with a 5,727 ft² partial cellar located in the southeast

The cellar floor will consist of a 1,372 ft² gym/recreational space, a storage room, staff locker room, super’s office with restroom, an 87 ft² pet spa, a 176 ft² bike storage room, a 312 ft² laundry room, and the building’s trash compactor room, electrical meter room, telecommunications room, mechanical room, water service room, and gas meter room. The first floor will be approximately 7,073 ft², and will consist of three retail spaces that will front Atlantic Avenue, a bicycle storage room, and the residential lobby. The remainder of the Site will consist of a 12,105 square foot parking area (both open-air and beneath overhead building) which will be accessible by a roll-up gate fronting Waverly Avenue. The 2nd through 9th floors will consist of residential apartments.

The 5,727 ft² cellar and storm-water detention tank to be installed immediately north of the cellar will require excavation to a depth of at least 12 feet below grade, with additional excavation as needed for installation of footings (15ft) and elevator pit (17ft). The foundation for the at-grade portions of the building consist of a 36 inch thick concrete mat slab (area located west of the cellar) and a 40 inch thick concrete mat slab (area located north of the cellar). These at-grade mat slab areas will require excavation to a depth of approximately 4 feet below grade. The top of the 6 inch concrete slab for the rear parking area to be constructed behind the building will be installed approximately 2 feet below sidewalk grade. Therefore, excavation to a depth of approximately 3 feet below sidewalk grade would be required for the rear parking area. An estimated 5,500 cubic yards (8,250 tons) of soil will be excavated during redevelopment.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “540-554 Waverly 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 540-554 Waverly Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

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. 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 and analytical results shall be submitted to NYCOER prior to start of Remedial Action;
5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the 5,727 ft² cellar and storm-water detention tank to be installed immediately north of the cellar will require excavation to a depth of at least 12 feet below grade, with additional excavation as needed for installation of footings (15ft) and elevator pit (17ft). The foundation for the at-grade portions of the building consist of a 36 inch thick concrete mat slab (area located west of the cellar) and a 40 inch thick concrete mat slab (area located north of the cellar). These at-grade mat slab areas will require excavation to a depth of approximately 4 feet below grade. The top of the 6 inch concrete slab for the rear parking area to be constructed behind the building will be installed approximately 2 feet below sidewalk grade. Therefore, excavation to a depth of approximately 3 feet will be required. An estimated 5,500 cubic yards (8,250 tons) of soil will require excavation for the new building. Soil/fill will be 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 UST's 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 eight end-point samples to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. Endpoint samples would be analyzed for SVOCs, lead and mercury;
12. Tank endpoint samples will be collected in accordance with DER10.
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
14. Installation of a vapor barrier system consisting of vapor barrier beneath the cellar slab and outside of sub-grade foundation sidewalls, beneath the building slab of the at-grade portions of the building, and below/around the elevator pit to mitigate soil vapor migration into the building. The vapor barrier system will consist of Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system or equivalent system. 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;
15. Installation of an engineered composite cover consisting of the following:
 - 36 to 40 inch thick concrete mat slab and 6 inch thick concrete slab for the at-grade portions of the building;
 - 6 to 36 inch thick concrete slab for the cellar; and

- 6-inch thick concrete slab for the area to be finished as a parking lot to prevent human exposure to residual soil/fill remaining at the Site.
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
 17. Performance of all activities required for the Remedial Action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
 18. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (RAP) 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, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site; 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; (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 540-554 Waverly 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. 35 dBA with the masonry/wall elements outlined in Appendix 2 of Compliance with Noise "E" Outdoor-Indoor Transmission Class Requirements of OITC 35 (Robert A. Hansen Associates, Inc., May 6, 2020) and as documented by the composite calculations included in Appendix 4 of Compliance with Noise "E" Outdoor-Indoor Transmission Class Requirements of OITC 35 (Attachment A).
2. 30 dBA for 1st floor retail commercial space with the masonry/wall elements outlined in Appendix 2 of Compliance with Noise "E" Outdoor-Indoor Transmission Class Requirements of OITC 35 (Robert A. Hansen Associates, Inc., May 6, 2020) and based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.

The following windows will be installed:

| Window/Door Types | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|---------------------|---|--|--|
| Blue Residential Windows W1, W2, W3, W4, W6 to W13, W17 to W49, W51, W53, W54 All Façades Floors 2-9 | 33 (required 35) | See ASTM E90 Sound Transmission loss Test Report in Appendix F. Report No. E1511.01-113-11-R1 Report Date: 12/07/2018 Data File No. E1511.01A | Skyline Windows Series/Model 500-C Casement Window | 1-5/16" IG (1/4" annealed exterior, 3/4" air space, 5/16" annealed interior) |
| Blue Residential Doors TD1, TD2, TD3, TD4, TD5, TD6, TD7 All Façades Floors 2-9 | 33 (required 35) | See ASTM E90 Sound Transmission loss Test Report in Appendix F. Report No. E1511.01-113-11-R1 Report Date: 12/07/2018 Data File No. E1511.01A and letter from manufacturer | Skyline Windows Series/Model 1700 Terrace Door | 1-5/16" IG (1/4" annealed exterior, 3/4" air space, 5/16" annealed interior) |
| Red Residential Windows W50, W52, W55 | 35 (required 35) | See ASTM E90 Sound Transmission loss Test Report in Appendix F. Report No. F8651.02-113-11 | Skyline Windows Series/Model 1000 SG (500-C) Casement Window | 1-5/16" IG (5/16" annealed exterior, 1/2" argon, 1/2" laminated interior) |

| Window/Door Types | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|------------------------|--|---|--|
| South Facade 3 rd through 7 th Floors | | Report Date: 06/08/2016 Data File No. F8651.01B | | |
| West Facade 3 rd through 7 th Floors | | | | |
| Yellow Commercial Window Types SF1 through SF11 | 29 (required 30) | See ASTM E90 Sound Transmission loss Test Report in Appendix F. Report No. G1981.01-113-11 Report Date: 09/27/2016 Data File No. G1981.01 | YKK AP America Series/Model YES 60 TU Laminated Two- Lite Storefront | 1" IG (1/4" laminated exterior, 1/2" air space, 1/4" annealed interior) |
| East/Waverly and South/Atlantic Facades 1 st Floor | | | | |

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 Titon Trimvent SM ventilators in each bedroom and living room at a minimum rate of one Titon Trimvent SM ventilator per room. Fresh air will be provided to all bedrooms and living rooms by the Titon Trimvent SM ventilator. Floor plans and elevation drawings showing the installation location of the Titon Trimvent SM ventilators are included within Attachment B. Specifications for the Titon Trimvent SM ventilator are provided in Attachment E.
2. HVAC System: Each apartment will be provided cooling and heating by split type heat pump systems with condensers installed on the roof and air handlers inside the apartments. The 135 condensers installed on the roof will be air cooled condensers manufactured by LG, model ARUN024GSS4, ARUN038GSS4, ARUN048GSS4. Each condenser will be connected to one air handler installed within each residential unit. The air handlers will be ceiling-hung, LG models ARNU243BHA4, ARNU283M2A4, and ARNU423M4. P.E. certified mechanical drawings depicting the HVAC system is provided in Appendix H. A letter from the P.E. and describing the HVAC system is also attached as Appendix G.
3. Compliance with 2014 NYC Mechanical Code: Providing outside air to retail spaces, and residential common areas such as the lobbies and corridors 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.

5/27/2020

Date



Samantha Catalanotto
Project Manager

5/27/2020

Date



Maurizio Bertini, Ph.D.
Assistant Director – Air Quality and Noise

5/27/2020

Date



Shaminder Chawla
Deputy Director – Hazardous Materials

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