



OFFICE OF ENVIRONMENTAL REMEDIATION

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

February 13, 2020

Re: 963 Atlantic Avenue
Brooklyn Block 2019, Lot 80
Hazardous Materials and Noise E Designation
E-183: Fort Greene/Clinton Hill Rezoning - CEQR 07DCP066K - 7/25/2007
OER Project Number 15EH-N012K / 15CVCP089K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated June 2015 with Stipulation Letter dated August 19, 2019 and the Remedial Action Plan for Noise dated February 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 March 28, 2015. There were no public comments.

Project Description

The applicant is proposing to build a new 9-story, mixed-use (residential and retail) building with a full cellar. The building will cover 100% of the Site. The cellar will consist of 12,905 ft² of parking, two amenity spaces totaling 1,270 ft², a 300 ft² detention tank (installed below the parking garage ramp), and building accessory spaces. The first floor will consist of two retail spaces totaling 5,425 ft², an 1,860 ft² amenity space, a 1,248 ft² residential lobby, three residential apartments, and the ramp along the west side of the building that accesses the cellar level parking garage. The second through ninth floors will consist of residential apartments.

The top of the new building's cellar slab will be installed at a depth of 11 feet below grade. Therefore, the entire Site will require excavation to a minimum depth of 12 feet below grade, with additional excavation for the elevator pit to a depth of approximately 17 feet below grade. A total of approximately 16,000 cubic yards (24,000 tons) of soil/fill will be excavated and removed from the Site.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as "963 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 963 Atlantic 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 implementation 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. Selection of NYSDEC 6NYCRR Part 375 Restricted Residential Use (Track 2) 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 specified by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results and disposal facility(s) approval letters will be submitted to NYCOER prior to the start of the remedial action;
6. Excavation and removal of soil/fill exceeding Restricted Residential Use (Track 2) SCOs. For development purposes, the entire property will be excavated to a depth of 12 feet below grade for construction of the new building's cellar level. Approximately 24,000 tons of soil will be excavated and removed from this Site;
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media on-Site;
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 underground storage tanks (if encountered) and closure of petroleum spills (if evidence of a spill/leak is encountered during Site excavation) 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;
11. Collection and analysis of seven post-excavation confirmation samples to determine the performance of the remedy with respect to attainment of 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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations; and
15. 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 the RAWP.

If Track 2 Restricted Residential SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering Controls:

16. As part of new development, installation of a vapor barrier below the cellar and behind the foundation walls of the proposed building. The vapor barrier will consist of Stego Wrap 20-mil;
17. As part of new development, construction and maintenance of an engineered composite cover consisting of a 6-inch thick concrete cellar slab underlain by a 6-inch layer of ¾" crushed stone;
18. As part of new development, construction and operation of a ventilated parking garage as per NYC Building Department's codes and requirements;
19. If Track 2 SCOs are not achieved, submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency; and
20. If Track 2 SCOs are not achieved, the property will continue to be registered with an E-Designation by 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 963 Atlantic Avenue site are as follows:

The required attenuation was modified according to a study conducted by Shen Milsom & Wilke LLC (SM&W) report dated November 21, 2019. Based on the modifications approved by City Planning on December 19, 2019, the updated requirements are 31 dB(A) for the front (Atlantic Avenue) façade and 28 dB(A) for all other facades.

In order to meet the requirements of the E-Designation, the following window/wall attenuation will be achieved at the locations described below:

1. 31 dBA on the southern (Atlantic Avenue) façade; and
2. 28 dBA on all other facades

The following windows and doors will be installed:

Window/Door Types	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Window/Door Types W1 - W18 Front/South Façade Floors 2-9 Rear/North Façade Floors 1-9 East/Side Façade Floors 2-9 West/Side Façade Floors 2-9	31	See ASTM E90 Sound Transmission loss Test Report No. D1170.01-113-11 Data File No. D1170.01B Report Date: 10/24/2013	Reynaers Aluminum Systems, Ltd. Series/Model CS68 Tilt Turn Window	1-1/16" IG (5/16" annealed exterior, 1/2" air space, 1/4" annealed interior)
Residential Door T1, T2, T3, T3A, T4, T5 Front/South Façade Floors 2-9 Rear/North Façade Floors 1-9 East/Side Façade Floors 2 and 8	33	See ASTM E90 Sound Transmission loss Test Report No. E4499.01-113-11 Data File No. E4499.01B Report Date: 01/28/2014	Reynaers Aluminum Systems, Ltd. Series/Model CS77HID Terrace Door	1-5/16" IG (1/4" annealed exterior, 3/4" air space, 5/16" annealed interior)
Door Types SF1-SF17 Front/South Façade 1 st Floor Rear/North Façade 1 st Floor	31	See ASTM E90 Sound Transmission loss Test Report No. C5774.01-113-11 Data File No. C5774.01 Report Date: 5/1/2013	Tubelite, Inc. Series/Model T24000 Two-Lite Storefront	1-1/16" IG (1/4" heat strengthened exterior, 1/2" air space, 5/16" annealed interior)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors.

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:

- **Trickle Vents:** Alternate means of ventilation (AMV) will be provided by installing trickle ventilators manufactured by Reynaers Aluminum N.V, model Ventalis in each bedroom and living room at a rate of one Ventalis ventilator per room. Fresh air will be provided to all bedrooms and living rooms by the Ventalis ventilators.

- **HVAC System:** Each residential unit will be provided with cooling and heating by Mitsubishi split type electrical heat pump systems. The indoor components of the VRF system providing heating and cooling in apartments will be PKFY-P (06) (08) (12) (18) (36) NMUA-E with outdoor condensers component model PUMY-P36NKMU2. The indoor electric air handlers will be installed in each living / bedroom space.

First Floor and Cellar Floor amenity areas will be provided with ventilation with outside air ducted directly into the indoor components of a Split Air Cooled VRF Heat Pumps system using Renewaire model HE2XINH Energy Recovery Ventilators. The VRF units will have with indoor component models PKFY-P (06) (08) (12) (18) (36) NMUA-E and outdoor component model PUMY-P (36) (96) (120) NKMU-2 as manufacturer by Mitsubishi. Make-up air for corridors will be provided by (2) packaged rooftop units model RV-25-7.5S-C and RV-25-5S-C by Greenheck.

- **Compliance with 2014 NYC Mechanical Code:** Providing outside air to common areas such as the lobbies and corridors as well as commercial spaces 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.

February 13, 2020

Date



Sarah Pong
Assistant Director

February 13, 2020

Date



Shaminder Chawla
Deputy Director

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