



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**

**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB – 320583891**

July 10, 2015

Ira Gluckman, R.A.  
Brooklyn Borough Commissioner  
NYC Department of Buildings  
210 Joralemon Street, 8th Floor  
Brooklyn, NY 11201

Re: **874 Willoughby Avenue - 872-874 Willoughby Avenue, 1014-1020 Broadway  
Brooklyn Block 1593, Lot 23  
Hazardous Materials, Air Quality, Noise "E" Designation  
E-285: 10/11/2012 Bedford Stuyvesant North Rezoning - CEQR 12DCP156Y  
OER Project Number 13EHAN379K / VCP Number 14CVCP253K**

Dear Commissioner Gluckman:

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 and Air Quality 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 Eric Ilijevich at 212-788-8841.

Sincerely,

Shaminder Chawla  
Deputy Director

cc: Demetris Drakonakis, Owner – demetris@daxsllc.com  
Antonio Gulfin, P.E., Don Carlo Environmental – doncarlo@aol.com  
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Eric Ilijevich, PMA-OER



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**DECISION DOCUMENT**

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

July 10, 2015

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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 June 2014 with Stipulation Letter dated July 2014 and the Remedial Action Plan for Air Quality and Noise dated July 2015 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 July 24, 2014. There were no public comments.

**Project Description**

The proposed future use for the site will consist of residential and commercial use. The proposed development consists of construction of a 9-story mixed use building with a cellar. The building foundation will be at a depth of 10-feet below grade surface (bgs). The footprint of the building upon completion will be approximately 13,889 square feet (approximately 93% lot coverage). The cellar will contain the maintenance office, utility rooms, elevator and parking. The first floor will be used for 4 commercial retail spaces, the residential lobby, a laundry room, and open parking area; and floors 2 through 9 as apartment units. The current zoning designation is C4-4L General Commercial District.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation project known as “874 Willoughby 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 Hazmat**

The remedial action selected for the 874 Willoughby 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 (CPP);
2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Site-specific (Track 4) Soil Cleanup Objectives (SCOs).

4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Excavation and removal of soil/fill exceeding Track 4 SCOs. 93% of the property will be excavated to a depth of approximately 10 feet in the cellar area across the building footprint. Approximately, 6500 tons of soil will be excavated and removed from this Site. In addition, the PCE and cadmium hotspots will be removed to a minimum depth of 12' below grade.
6. 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 onsite;
7. Removal of USTs (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;
8. 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 onsite.
9. Collection and analysis of five end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
10. Installation of a 20-mil vapor barrier system beneath the building slabs and behind the foundation sidewalls of the proposed building. The vapor barrier is manufactured by Grace Preprufe®, model number 300R & 160R.
11. Construction and maintenance of an engineered composite cover consisting of 6 inch thick concrete slab across the Site installed on top of a 6 inch gravel bed;
12. As part of development, installation of a sub-grade air exchange and ventilation system in the parking area of the cellar in accordance with the NYC Mechanical Code;
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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
16. Submission of an approved Site Management Plan (SMP) in the RAR 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.
17. 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 describes all Engineering and Institutional Controls to be implemented at the Site.
18. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of Engineering Controls and Institutional Controls; 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 Air Quality**

The elements of the remedial action selected for Air Quality for the 874 Willoughby Avenue site are as follows:

In order to satisfy the requirements of the E-designation (E-285), natural gas will be utilized at the site for PTACs, hot water heaters, boiler, HVAC.

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

The elements of the remedial action selected for Noise for the 874 Willoughby Avenue site are as follows:

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

1. 36 dBA for retail space on ground level based on an allowed reduction of 5dBA from the attenuation requirement outlined in the E-Designation;
2. 41 dBA in 2<sup>nd</sup> floor residential space facades (below the elevated train);
3. 38 dBA in 3<sup>rd</sup> to 9<sup>th</sup> floor residential space facades (above the elevated train);

The following windows and glass doors will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Ground (Retail Space)	42 (Double Window)	ASTM E-90 Lab Test Report, RAL-TL15-152, Letter from Riverbank Acoustical Laboratories, and if necessary Certification from Professional Engineer and Commitment to test from Owner/Developer	Innovative Contracting Solutions, Operable Swing and Storm Window system	Swing: 0.34" glazing (source side) 0.74" airspace 0.22" glazing (receive side) Storm window: 0.24" glazing (source side) 0.44" airspace 0.15" glazing (receive side)
2 <sup>nd</sup> to 3 <sup>rd</sup> Floors (Residential)	42 (Double Window)	ASTM E-90 Lab Test Report, RAL-TL15-152, Letter from Riverbank Acoustical Laboratories, and if necessary Certification from Professional Engineer and Commitment to test from Owner/Developer	Innovative Contracting Solutions, Operable Swing and Storm Window system	Swing: 0.34" glazing (source side) 0.74" airspace 0.22" glazing (receive side) Storm window: 0.24" glazing (source side) 0.44" airspace 0.15" glazing (receive side)
3 <sup>th</sup> to 9 <sup>th</sup> Floors (Residential)	42 (Double Window)	ASTM E-90 Lab Test Report, RAL-TL15-152, Letter from Riverbank Acoustical Laboratories, and if necessary Certification from Professional Engineer and Commitment to test from Owner/Developer	Innovative Contracting Solutions, Operable Swing and Storm Window system	Swing: 0.34" glazing (source side) 0.74" airspace 0.22" glazing (receive side) Storm window: 0.24" glazing (source side) 0.44" airspace 0.15" glazing (receive side)
3 <sup>rd</sup> to 9 <sup>th</sup> Floors (Residential)	41	ASTM E-90 Lab Test Report, RAL TL Letter from Riverbank Acoustical Laboratories, and if necessary Certification from Professional Engineer and Commitment to test from Owner/Developer	Door with Full Glass Lite + Anderson 3000 Series Storm Door with Full Glass Lite – Operable Door system	Door: 0.49" glazing (source side) 0.75" airspace 0.33" glazing (receive side); Storm door: 0.12" thickness

The façade masonry will have an OITC rating of 58dBA or greater to accomplish the window/wall attenuation requirements outlined above.

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

In order to satisfy the requirements of the Noise 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 Model EZ12A2GSA1SO4AA PTAC units manufactured by Islandaire in all residential spaces. PTAC units will be installed under the window sill in the living rooms and bedrooms of the residential apartments. Fresh air will be provided to all bedrooms and living rooms by the PTAC units through air damper. The PTAC units have an integral, motorized, outdoor air intake for the introduction of fresh air without opening the windows.
2. **Central System:** Installing Model RN-015-8-0 manufactured by Aeon on the roof and air handling units in all commercial and common. Fresh air in the lobby and corridors on each floor will be supplied from the roof mounted HVAC unit and dispersed throughout via re-circulating indoor heat pump units. 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, and Noise 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.

July 10, 2015

Date

  
Eric Ilijevich  
Project Manager

July 10, 2015

Date

  
Shaminder Chawla  
Deputy Director

July 10, 2015

Date

  
Zach Schreiber, Ph.D.  
Assistant Director

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