



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB 421576299

May 22, 2018

Re: 43-46 39th Place, 39-11 Queens Boulevard
Queens Block 191, Lot 44
Hazardous Materials and Noise “E” Designation
E-272: Sunnyside Woodside Rezoning - CEQR 11DCP080Q - 7/28/2011
OER Project Number 18EH-N162Q / 18CVCP056Q

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 Tara Ostock at 212-788-7527.

Sincerely,

Shaminder Chawla
Deputy Director

cc: Ramesh Vig, 39 Sunnyside Owners, LLC - rameshvig@optonline.net
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DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

May 22, 2018

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Queens Block 191, Lots 44
Hazardous Materials, Noise E Designation
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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 May 2018 with Stipulation Letter dated May 22, 2018 and the Remedial Action Plan for Noise dated May 2018 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 5/4/2018. There were no public comments.

Project Description

The proposed project would include redevelopment of the Site with an eight-story, mixed-use commercial/residential building with parking and a below grade cellar. The building is proposed to include 48 apartments, 9 of which would be considered affordable housing units. The cellar is planned to extend approximately 15 feet below the first floor slab. Previous geotechnical borings encountered groundwater between 59 and 64 feet below grade surface. Dewatering is not anticipated during redevelopment. The building footprint is planned to cover the entirety of 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 “43-46 39th Place” 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 proposed remedial action achieves protection of public health and the environment for the intended use of the property. The proposed remedial action achieves all of the remedial action objectives established for the project and addresses applicable standards, criterion, and guidance; is effective in both the short-term and long-term and reduces mobility, toxicity and volume of contaminants; is cost effective and implementable; and uses standards methods that are well established in the industry.

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 compounds.

3. Selection of Unrestricted Use (Track 1) 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(s).
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The entire footprint of the cellar (about 90% of the Site) will be excavated to approximately 16 feet below grade for development purposes. The remaining 10% of the property will be excavated to match the elevation of the north- adjacent and west-adjacent building footings. Both buildings are currently estimated to have footings at approximately ten feet below grade but actual elevations will be determined during excavation. A small portion of property will be excavated to the depth of eight feet below cellar grade for elevator pits. Approximately 7,500 tons of soil/fill will be removed from the Site and properly disposed 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 USTs encountered during excavation in accordance with applicable local, State and Federal laws and regulations, including those relating to registration of tanks and reporting of any petroleum spills (the presence of USTs is not anticipated).
10. Transportation and off-site disposal of all soil/fill material at licensed or 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 end-point samples to determine the performance of the remedy with respect to attainment of Track 1 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, if required (not anticipated).
13. Performance of all activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, in compliance with applicable laws and regulations.
14. Dewatering is not anticipated. If needed, however, it would 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.
15. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations.
16. 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 lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering and Institutional Controls resulting in a Track 4 remediation:

17. As part of development, construction of an engineered composite cover consisting of a six-inch thick concrete building slab with an eight-inch clean granular sub-base beneath all building areas, four-inch poured concrete on a six-inch sub-base in sidewalk areas, and two feet of clean soil in all open space and landscaped areas.
18. As part of development, installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 60-mil Grace Preprufe 300R below the slab throughout the full building area and a 20-mil Grace Preprufe 160R outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
19. As part of development, installation of an active sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas-permeable layer immediately beneath the building

slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe with a monitoring point installed at each branch of the pipe network. The pipe will be connected to a six-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas-permeable layer will consist of a six-inch thick layer of two-inch trap rock stone. The pipe will be finished at the roof line with a six-inch goose neck pipe to prevent rain infiltration. The SSDS is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the active SSDS was designed and properly installed to establish a vacuum in the gas-permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building. At the completion of foundation construction, the monitoring points will be sampled. If sample results from the monitoring points warrant it, an exhaust stack equipped with a fan would replace the goose neck pipe and the SSDS would become active, reverting the remediation to Track 4.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 43-46 39th Place site are as follows:

1. 31 dBA for all facades;
2. 26 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation;
3. 45 dBA with the masonry/ wall elements. External walls will be constructed as follows (from outside in): 3" metal panel with Dupont Tyvek vapor barrier, 6" concrete masonry unit with horizontal reinforcement at alternate course, 1-5/8" metal stud with batt insulation, 10 mil vapor barrier, and 5/8" thick gypsum wall board. The external wall will provide a 45 dBA as per Brick Industry Association.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façade 3rd-8th Floor (residential apartments)	33	See ASTM E-90 Lab Test Report for fixed window unit	Fixed windows, manufactured by CT International Alum Corp. Model TT3000	1-1/8" IG (3/8" tempered exterior, 1/2" air space, 1/4" tempered interior)
All Façade 3rd-8th Floor (residential apartments)	33	See ASTM E-90 Lab Test Report for casement window	Casement windows, manufactured by CT International Alum Corp. Model HD3100	1-1/8" IG (1/4" tempered exterior, 1/2" air space, 3/8" tempered interior)
All Façade 3rd-8th Floor (residential apartments)	31	See ASTM E-90 Lab Test Report for sliding window unit	Sliding windows, manufactured by CT International Alum Corp. Model CT4300	1-1/16" IG (1/4" tempered exterior, 5/16" air space, 1/2" laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern Façade 8th Floor (Corridor, fitness room)	32	See ASTM E-90 Lab Test Report for Terrace swing door	Terrace Door, manufactured by CT International Alum Corp. Model TD4800	1-1/8" IG (1/4" tempered exterior, 1/2" air space, 3/8" tempered interior)
South and East Façades 1st Floors (residential and commercial lobbies, and commercial retails)	31	See ASTM E-90 Lab Test Report for Two-Lite Storefront Data File No. C5774.01	Storefront, fixed windows, manufactured by Tubelite Model T24000	1-1/16" IG (1/4" heat strengthened exterior, 1/2" air space, 5/16" laminated interior)
South and East Façades 1st Floors (residential and commercial lobbies, and commercial retails)	30	See ASTM E-90 Lab Test Report for Side-hinged Single Thermal door Data File No. C5775.01	Storefront, side-hinged thermal door, manufactured by Tubelite Model T24000	1-1/16" IG (1/4" heat strengthened exterior, 1/2" air space, 5/16" laminated interior)

In order to satisfy the requirements of the E Designation, Alternate Means of Ventilation (AMV) will be installed to maintain a closed window condition. AMV for this project will be achieved by:

1. Combination of Dedicated Fresh Air/ HVAC System: Installing split systems (Model # GMV-ND12PLS/A-T(U) and GMV-ND24PHS/A-T (U) with condensing systems (Model # GMV-36WL/B-T(U) and GMV-48WL/B-T(U) manufactured by GREE on the roof and air handling units in each residential unit serving residential units on floors 3 to 8 for heating and cooling. Greenheck energy recovery unit (Model#: ERCH-55-15H-16P-IG-01) located on the roof and associated ducting will provide fresh air to each bedroom and living room in each residential unit. In all cases, the rate of the outside air (cfm) delivered to each habitable space (bedrooms and living spaces) will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3. These rates will be the greater of 0.35 air changes per hour or 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows.
P.E./R.A. certified mechanical drawings depicting the AMV system and how fresh air is delivered into each of the living spaces are provided. A letter from the engineer who designed the dedicated fresh air/ HVAC system describing the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces is provided.
2. Compliance with Mechanical Code: Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.

The remedies for the Hazardous Materials and Noise E Designations 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.

May 22, 2018

Date



Tara Ostock
Project Manager

May 22, 2018

Date



Maurizio Bertini, Ph.D.
Assistant Director

May 22, 2018

Date



Shaminder Chawla
Deputy Director

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