



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

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AMENDED NOTICE TO PROCEED
DOB Job Number: NB – 121659400, A2 - 122078919

June 25, 2014

Martin Rebholz, R.A.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007

Re: **445-453 West 35th Street**
Block 733, Lot 8 (Formerly Lots 8, 9, 58), Manhattan CD 04
Hazardous Materials, Air and Noise “E” Designation
E-137: January 19th, 2005 Hudson Yards Rezoning - CEQR 03DCP031M
OER Project Number: 14EHAN361M / VCP Number: 14CVCP220M


Dear Commissioner Rebholz:

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 prepared by Brinkerhoff Environmental Services, Inc. and an Air and Noise remedial action work plan prepared by Ariel Aufgang, R.A. 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 Alysha Alfieri at 212-676-0459.

Sincerely,


Shaminder Chawla
Deputy Director

cc: Daniel Walsh, Zach Schreiber, Maurizio Bertini, Hannah Moore, Alfieri, PMA-OER
Eli Weiss, Joy Construction Corp. - Eli@joycon1st.com
Doug Harm, Brinkerhoff Environmental Services, Inc. - dharm@brinkenv.com
Ariel Aufgang, Aufgang Architects LLC - ariel@aufgang.com



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DECISION DOCUMENT

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

June 24, 2014

Re: **445-453 West 35th Street**
Block 733, Lot 8 (Formerly Lots 8, 9, 58), Manhattan CD 04
Hazardous Materials, Air and Noise “E” Designation
E-137: January 19th, 2005 Hudson Yards Rezoning - CEQR 03DCP031M
OER Project Number: 14EHAN361M / VCP Number: 14CVCP220M

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 June 2014 and the Remedial Action Plan for Air Quality and Noise dated June 2014 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 February 14th, 2014. No public comments were received.

Project Description

The proposed future use of the Site will be mixed commercial and residential use and will consist of two portions. The existing lots will be merged into one lot, Lot 8. The two buildings planned for the development, although in two segments, will be counted as one building. Both segments have common utilities. The southern portion, designated B1, will be the first phase of the development. Building B1 will have 12 stories in the central portion, seven stories on the southern and eastern portion, one story on the northwestern portion, and a cellar. The maximum depth of the cellar floor is 12.4 fbg.

The cellar will include bicycle storage room, recreation room, storage room, refuse room and mechanical rooms. The first floor will consist of commercial space, amenity space, package room and mailroom. Residential units consisting of studios and one-bedroom apartments will be located from the second to the 12th floor. Building B1 will be 120 feet in height with a gross square footage of 87,000 square feet.

The northern portion, designated B2 will be the second phase of the development. Building B2 will have 10 stories in the central portion and eight stories on the northern and southern portion. A cellar is not proposed for Building B2, and the elevation of the first floor of Building B2 will be 10 feet lower than the elevation of the first floor of Building B1. The first floor of Building B2 will include community facility space, mechanic room and recreation room. Residential units ranging from studios to two-bedroom apartments will be located from the second to the tenth floor. Building B2 will be 100.5 feet in height with a gross square footage of 34,000 square feet.

The current zoning designation, as per Department of City Planning NYC zoning maps, is R8A, which typically result in high lot coverage 10- to 12-story apartment buildings, set on or near the street line. The proposed use is consistent with existing zoning for the property.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “445-453 West 35th Street” 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 445-453 West 35th Street site is protective of public health and the environment. The remedial action includes soil excavation and offsite disposal, an engineered composite cover system, and installation of vapor barrier/waterproofing barrier.

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. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs. In the Building B1 area, excavation and removal of soil/fill exceeding to a depth of approximately 14 feet below grade within the footprint of the building. Approximately 6,000 tons of soil will be excavated and removed from Site.
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 on-Site;
7. 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;
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 on Site;
9. Collection and analysis of end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
10. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
11. Demarcation layer in Building B2 area.
12. Installation of a vapor barrier/waterproofing system below the concrete slab underneath the building, as well as behind foundation walls of the proposed building. The vapor barrier will consist of Raven Industries' VaporBlock 20 Plus, which is a seven layer co-extruded barrier made from polyethylene and EVOH resins;
13. Construction and maintenance of an engineered composite cover consisting of 6" thick concrete slab across the footprint of the new building;
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 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.
17. 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.
18. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment Engineering Controls and Institutional Controls; 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.

This remedy conforms to the promulgated standards and criteria that are directly applicable, or are relevant and appropriate and takes into consideration OER guidance, as appropriate.

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the 445-453 West 35th Street site are as follows:

1. Heat will be provided by two (2) new LAARS Pennant commercial boilers, Model 1500. Hot water will be provided by three (3) LAARS Low Temp Pennant water heaters, Model 1250. The gas fired boilers and hot water heaters will be located in the cellar and be manifolded into one flue terminating on the roof. The Stack will be 53 feet from the northern property boundary and 70 feet from the western boundary. Due the shape of the lot, the stack is only 30 feet from the eastern lot boundary and 45 feet from the southern lot boundary. To the east, the 50 foot required radius from the stack terminates in the roadway of the entrance to the Lincoln Tunnel and to the south the 50 foot radius terminates in the roadway of West 35th Street. No buildings are present within the 50 foot radius of the stack location.
2. The Stack will be 53 feet from the northern property boundary and 70 feet from the western boundary. Due the shape of the lot, the stack is only 30 feet from the eastern lot boundary and 45 feet from the western boundary. To the east, the 50 foot required radius from the stack terminates in the roadway of the entrance to the Lincoln Tunnel and to the south the 50 foot radius terminates in the roadway of West 35th Street. No buildings are present within the 50 foot radius of the stack location.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 445-453 West 35th Street site are as follows:

1. A closed window condition with a minimum of 35 dB(A) window/wall attenuation for all residential units is required (30 dB(A) for commercial units. In order to achieve such attenuation, the first floor commercial units' windows will consist of Kawneer Trifab VG 451T Front, Store Front System, which consists of 1 1/8" insulated glass. The glass is comprised of two sheets of glass separated by an air gap. The first sheet is two 0.128" thick pieces of glass with a 0.030" thick laminating sheet in between. The second sheet is two 0.130" thick pieces of glass with a .030" thick laminating sheet in between. The air gap in between the two sheets is 0.526". The window has an OITC rating of 31 dB(A). The residential units' windows will consist of F.A. Partners, Inc. Series/Model FA100 In-Swing Casement Windows windows with a 1-1/2" insulated glazing (3/8" laminated exterior, 7/8" air space, 1/4" annealed interior), which have an OITC rating of 35dB(A).
2. In order to satisfy the requirements of E-137, Alternate Means of Ventilation (AMV) will be provided in order to maintain a closed window condition. AMV for this project will be achieved by installing a Trickle Vent, as a part of the window assembly, for all of the residential units. Individual PTAC units will supply heating and cooling. The trickle vent will provide outdoor air to all residential spaces in the

building in accordance with the 2008 New York City Mechanical Code without the use of exterior windows. A gas fired roof top air conditioning unit will provide outside air to corridors. An AAON Model RN-30 will be used.

6/25/14

Date


Alysha Alfieri
Project Manager


6/25/14

Date


Maurizio Bertini
Assistant Director – Air/Noise E

6/25/14

Date


Shaminder Chawla
Deputy Director – VCP/HazMat E

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore
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