



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB 240301062**

June 9, 2021

Re: 1477 Macombs Road; 1475 Macombs Road; 1450 Cromwell Avenue  
Bronx Block 2857, Lot 24 (Former Lots 23 and 24)  
Hazardous Materials, Air Quality, and Noise “E” Designation  
E-442: Jerome Avenue Rezoning - CEQR 17DCP019X - 3/21/2018  
OER Project Number 20EHAN242X / 20CVCP078X

Dear Bronx 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, Noise remedial action plan, and Air Quality 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

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

June 9, 2021

Re: 1477 Macombs Road; 1475 Macombs Road; 1450 Cromwell Avenue  
Bronx Block 2857, Lot 24 (Former Lots 23 and 24)  
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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 April 2021 with Stipulation Letter dated April 21, 2021 and the Remedial Action Plan for Air Quality and Noise dated May 2021 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 May 23, 2021. There were no public comments. NYS DEC and NYCDOHMH were briefed on May 21, 2020.

**Project Description**

The proposed redevelopment requires demolition of the existing shed, followed by construction of a 73,326 total gross sf 8-story charter school with a full cellar. The proposed building design has not yet been finalized but is anticipated to include mechanical space and a cafeteria on the cellar level, with school offices, classrooms, and a gym on the remaining floors. The proposed development will also include outdoor recreational space for the charter school.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1477 Macombs Road” 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 1477 Macombs Road 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 the following:

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 (CAMP) for particulates and VOCs.
3. Establishment of Site-Specific Track 4 Site-specific SCOs.
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs, and marking and 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(ies).
6. Excavation and removal of soil/fill exceeding Track 4 Site-specific SCOs. The proposed foundation and building design have not yet completed, however, it is anticipated that the top of slab elevation for the proposed cellar level will be el. 283 feet (NAVD88), which is approximately 11 feet below sidewalk grade along Macombs Road east of the Site and approximately 15 feet below sidewalk grade along Cromwell Avenue west of the Site. Installation of the building's concrete slab foundation will require excavation to approximately el. 25.83 feet (NAVD88) across approximately 9,787 sf of the Site, which ranges from 12 to 16 feet below ground surface. The proposed outdoor recreation space design has not yet been completed, however, it is anticipated that the finished grade elevation for the proposed outdoor recreation space will be approximately el. 37.45 feet (NAVD88), which is approximately even with existing grade along Macombs Road east of the Site and approximately 4 feet below sidewalk grade along Cromwell Avenue west of the Site. Installation of the outdoor recreation space cover system components will require excavation to approximately el. 35.45 feet (NAVD88) across approximately 6,223 sf of the Site, which ranges from 2 to 6 feet below ground surface. Based on proposed excavation depths, approximately 7,500 cubic yards (11,250 tons) of soil/fill will be removed from the Site and 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 photoionization detector (PID).
8. Management of excavated materials, including temporarily stockpiling and segregating in accordance with defined material types to prevent co-mingling of contaminated and non-contaminated materials.
9. Removal of all USTs that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with USTs and appropriate closure of these petroleum spills in compliance with applicable city, state, and federal laws and regulations.
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 in accordance with this RAWP. Sampling and analysis of excavated media as required by disposal facilities. Appropriate segregation of excavated media on-Site.
11. Collection and analysis of five end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
12. Demarcation of residual soil/fill in landscaped areas (if any).
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. Construction of an engineered composite cover consisting of a minimum 6-inch thick concrete building slab, concrete or asphalt sidewalks/pathways, outdoor recreational field, and/or landscaped areas (if any).
15. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to meet grade to mitigate soil vapor migration into the building. The vapor barrier system will consist of a minimum 20-mil (0.02-inch thick) EPRO E.Series waterproofing membrane, which will also serve as a vapor barrier, (or OER-approved equivalent) below the slab throughout the full building area and outside all sub-grade foundation sidewalls. 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 Remedial Action Report (RAR) that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
16. Installation of an active sub-slab depressurization system (SSDS) below the cellar slab of the building. The active SSDS will include a network of 4-inch diameter schedule 40 slotted polyvinyl chloride (PVC) horizontal pipes set within a minimum 6-inch thick gas permeable layer (minimum 16-inch thick for pipe trenches) meeting the requirements of ASTM #5 installed immediately beneath the concrete building slab and vapor barrier. The slotted horizontal piping will transition to solid PVC piping, which will then transition to 4-inch diameter galvanized steel piping at the slab penetration points. The galvanized steel pipes will be manifolded together on the cellar floor, and will continue as one 6-inch galvanized steel riser to the roof. The riser will terminate above the roofline with 6-inch steel exhaust stack with a rain cap to prevent rain infiltration. The active SSDS will be hardwired and will include a blower (NYBLOWER Compact Pressure Blower Model No. 100506, or approved equal) installed on the roof line and a pressure gauge and alarm located in an accessible area in the cellar. The active 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.
17. 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.
  18. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations.
  19. Submission of a 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, and describes all Engineering Controls (ECs) and Institutional Controls (ICs) to be implemented at the Site.
  20. 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 ECs and ICs and reporting at a specified frequency.
  21. The property will continue to be registered with an E-Designation at the NYC Buildings Department. Establishment of ECs and ICs in this RAWP and a requirement that management of these controls must be in compliance with an approved SMP. ICs 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.
  22. Placement of a deed restriction to record the ECs/ICs on the deed to ensure that future owners of the Site continue to comply with the SMP, as required.

#### **Description of Selected Remedy for Air Quality**

The elements of the remedial action selected for Air Quality for the 1477 Macombs Road site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating for the gym and the stage. Remaining systems, including hot water, and HVAC systems, will be powered electrically. Space heating for the school will be provided by electrically-powered Daikin variable refrigerant flow (VRF) units model numbers FXMQ09PBVJ, FXMQ12PBVJ, FXMQ15PBVJ, FXMQ18PBVJU, FXMQ24PBVJU, FXMQ36PBVJU, FXMQ48PBVJU, RXYQ120TATJU, RXYQ144TATJU, RXTSQ36TAVJ9, RSXQ24TAVJU, RXTQ60TAVJU, REYQ144TATJU, and RXTQ48TAVJU. Domestic hot water will be provided by electrically-powered heaters. There are two AAON gas-fired rooftop units (RTUs). RTU-1 (AAON RN-025-80) is rated at 405 MBH and serves the gym. RTU-2 (AAON RN-011-8-0) is rated at 195 MBH and serves the stage. There are also two gas-fired dedicated outdoor air (DOAS) units. DOAS-1 (AAON RN-030-8-0-EB09) is rated at 540 MBH. DOAS-2 (AAON RN-050-8-0-EB09) is rated at 1,080 MBH. The DOAS units provide ventilated air to the classrooms, offices, and conference rooms.

Two RTUs will be located on the roof. RTU-1 will be located 65 feet from the southern lot line facing West 170th Street at a height of approximately 118 feet above grade. RTU-2 will be located 15 feet from the southern lot line facing West 170th Street at a height of approximately 118 feet above grade. DOAS-1 is located 56 feet from the southern lot line facing West 170th Street at a height of approximately 118 feet above grade. DOAS-2 is located 20 feet from the southern lot line facing West 170th Street at a height of approximately 108 feet above grade. The requirements of the E-Designation were modified based on an HVAC analysis performed for the RTUs and the DOAS units based on the procedures outlined in the 2020 CEQR Technical Manual. The analysis showed that there would be no significant adverse impacts based on the current design.

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

The elements of the remedial action selected for Noise for the 1477 Macombs Road site are as follows:

The requirements of the E-Designation are as follows:

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

1. 28 dBA for all facades

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern, Eastern, Western Façades (no windows on Southern Façade)  All floors  Academic Use (Community Facility)	31 (required 28)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix I. Report # I6988.01-113-11-R0, Test # I6988.01E	Fixed Window, Supera by Intus	1-3/32" IGU: 5/32" annealed exterior glass, 9/16" air space, 3/8" annealed interior glass
Northern, Eastern, Western Façades (no windows on Southern Façade)  All floors  Academic Use (Community Facility)	31 (required 28)	See ASTM E-90 acoustical report for exact window and glazing in Appendix I. Report # I6990.01-113-11-R1, Test # I6990.01D	Operable Window, Supera by Intus	1-3/32" IGU: 5/32" annealed exterior glass, 9/16" air space, 3/8" annealed interior glass

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. **Combination of Dedicated Fresh Air/ HVAC System:** Community facility (school) spaces will be provided with VRF indoor AC units in each classroom/office, Daikin model FXMQ09PBVJ, FXMQ12PBVJ, FXMQ12PBVJU, FXMQ15PBVJ, FXMQ18PBVJU, FXMQ24PBVJU, FXMQ36PBVJU, FXMQ48PBVJU, FXMQ54PBVJU, FXZQ05TAVJU, FXZQ07TAVJU, FXZQ12TAVJU, FXLQ07MVJU9, FXLQ09MVJU9, and air cooled condensing units (Daikin Model RXYQ120TATJU, RXYQ144TATJU, RXTSQ36TAVJ9, RSXQ24TAVJU, RXTQ60TAVJU, REYQ144TATJU, RXTQ48TAVJU) located on 1st floor roof and main roof. Indoor units will be connected to outdoor equipment via refrigerant piping to provide heating and cooling. Dedicated outdoor air ventilation units (AAON Model RN030/050-8-0-EB09) will locate at the roof, providing fresh air to occupied spaces in the building. In all cases, the rate of outside air (cfm) delivered to each classroom will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3. These rates will be equal to or greater than the air flow rates (based upon the area and per person) in the ventilation table. Ventilation air will be mechanically delivered to each space.
2. **Compliance with Mechanical Code:** Providing outside air to common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, and Noise "E" Designations 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.

6/9/2021



Date

Samantha Catalanotto  
Project Manager

6/9/2021



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Date

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

6/9/2021



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Date

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Shaminder Chawla  
Deputy Director – Hazardous Materials

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