



**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 B00684074-II**

May 16, 2022

Re: 705 – 711 Franklin Avenue; 641 – 649 Park Place  
Brooklyn Block 1231, Lot 1  
Hazardous Materials and Noise “E” Designation  
E-302: Crown Heights West Rezoning - CEQR 13DCP105K - 9/24/2013  
OER Project Number 18EH-N063K / 19CVCP026K

Dear Brooklyn 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 Subchapter 7 of Chapter 14 of Title 43 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 § 43-1474 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**

May 16, 2022

Re: 705 – 711 Franklin Avenue; 641 – 649 Park Place  
Brooklyn Block 1231, Lot 1  
Hazardous Materials and Noise “E” Designation  
E-302: Crown Heights West Rezoning - CEQR 13DCP105K - 9/24/2013  
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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 2022 with Stipulation Letter dated May 9, 2022 and the Remedial Action Plan for Noise dated April 2022 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 October 30, 2018. There were no public comments. NYSDEC and NYCDOHMH were briefed on October 25, 2018.

**Project Description**

The proposed future use of the Site will consist of a new seven-story mixed residential and commercial use building with a full cellar. The cellar will be utilized as utility rooms (1,251 sqft), building storage (299 sqft), bicycle storage (510 sqft), and parking garage (6,820 sqft), and one bathroom; the ground floor will be utilized as commercial retail, and residential lobby; the second through seventh floors will be utilized as residential apartments. In order to construct the new cellar and foundation, soils beneath the Site will be excavated to 16 to 18 below grade surface (bgs). It should be noted that the current cellar height is approximately 8 to 10 feet.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “705 Franklin Avenue” pursuant to the Zoning Resolution and §43-1474 of the Rules of the City of New York.

**Description of Selected Remedy for Hazardous Materials**

The remedial action selected for the 705 Franklin 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.
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. 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 Track 4 Site Specific SCOs. Only minor excavation will take place for development purposes. The current cellar height is approximately 8 to 10 feet. Localized excavation to 1.5 to 2.25 feet below existing cellar slab will be conducted to install new footings. A small portion of property will be excavated to 5 below grade for an elevator pit.
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 all UST's that are encountered during soil/fill removal actions. Registration of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of these petroleum spills in compliance with applicable local, 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 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 three (3) end-point 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. Construction of an engineered composite cover consisting of a six-inch thick concrete building slab with a 6-inch compacted porous fill sub-base beneath all building areas.
14. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of the new east sub-grade foundation sidewall to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil Stego Wrap vapor barrier manufactured by Stego Industries or equivalent system below the slab throughout the full building area and outside the new east 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 RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Construction and operation of a cellar parking garage with high volume air exchange in conformance with NYC Building Code.
16. 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.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Submission of a 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.
19. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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.
20. The property will continue to be registered with an E-Designation at 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 705 Franklin Avenue site 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. 31 dBA for all façades.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
West and South Façades, Floor 1  East Façade, Floor 2  Retail Window and Door Systems	27  (required 31)	See ASTM E-90 acoustical test report for the exact window and glazing from Architectural Testing, Inc. Report No. E90951.01.-113-11-R0, Data File No. E90951.01A	Skyline Windows, 1200 SG Dual Action Window	1-1/4" IG (1/4" annealed, 3/4" air space, 14" annealed)
All Façades  Floors 2-8  Residential Windows	34  (required 31)	See ASTM E-90 acoustical test report for the exact window and glazing from Architectural Testing, Inc. Report No. G4778.01.-113-11-R1, Data File No. G4778.01	WICONA (SAPA Building Systems GMBH), WICLINE 65EVO, In-Swing Casement Window	1-3/8" IG (5/16" tempered exterior, 5/8" air space, 7/16" laminated interior)
All Façades  Floors 2-8  Terrace Doors	33  (required 31)	See ASTM E-90 acoustical test report for the exact window and glazing from Architectural Testing, Inc. Report No. G4781.01.-113-11-R0, Data File No. G4781.01	WICONA (SAPA Building Systems GMBH), WICLSIDE 160 Sliding Glass Door	1-11/16" IG (5/16" tempered exterior, 1" air space, 3/8" laminated interior)

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.**

*Fresh Air Introduction*

- a. A Make-up Air Unit (MAU), one (1) packaged HVAC Rooftop Unit will be fired by natural gas and will be mounted on the roof as shown on mechanical plan drawing M-105, will be utilized to provide fresh outdoor air to public corridor and apartments on each residential floor. The MAU, manufactured by AAON, model RN-025, is specified with cooling and heating capacity suitable for 100% outdoor air application. The MAU will take in fresh air continuously and discharge conditioned air into a supply duct system with branch ducts and supply registers to distribute the fresh air to each public corridor and apartment.
- b. The rate of outside air 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.

The ventilation rate provided in each space complies with the minimum outdoor airflow rate required as per the 2014 NYC Mechanical Code Section 403.

*Cooling & Heating.*

All stairwells, vestibules and mechanical rooms are heated with a total of (8) wall mounted units,

manufactured by BERKO model FRC4020. Retail space and library on the first floor are heated with temporarily electric unit heaters with a total of (3), manufactured by BERKO model HUH524TA.

Each apartment unit will be provided cooling and heating by ducted heat pump systems with condensers installed on the roof and multiple air handlers installed within each unit. Each condenser will be connected to air handler installed within each unit. The condensers will consist of 69 Mitsubishi Electric condensers, (68) 36 MBH model PUMY-P36NKMU3, (1) 60 MBH model PUMY-P60NKMU3.

*Service Water Heating.*

Each apartment unit will be provided domestic hot water by its own electric hot water heater (HWH) installed in a mechanical closet within each unit. The HWHs installed in each apartment unit will be A.O.Smith model ENLB-50, with 48-gallon (nominal) capacity delivering 6000 watts.

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

The remedies for Hazardous Materials 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.

5/16/2022	
Date	Samantha Catalanotto Project Manager
5/16/2022	
Date	Maurizio Bertini, Ph.D. Assistant Director
5/16/2022	
Date	Shaminder Chawla Deputy Director

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