



**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 220672671**

October 25, 2019

Re: 761-775 East 233rd Street: 761-775 East 233<sup>rd</sup> Street, 4201 Barnes Avenue  
Bronx Block 4997, Lot 1, Former Lots 2, 3, 6, 8  
Hazardous Materials and Noise “E” Designation  
E-279: Williamsbridge/ Baychester Rezoning - CEQR 11DCP148X - 10/5/2011  
OER Project Number 17EH-N278X / 20CVCP015X

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 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 Anna Brooks at 212-788-7423.

Sincerely,

Shaminder Chawla  
Deputy Director

cc: Jay Martino, Stagg Group - JMartino@StaggGroup.Com  
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**DECISION DOCUMENT**  
**NYC VCP and E-Designation**  
**Remedial Action Work Plan Approval**

October 25, 2019

Re: 761-775 East 233rd Street: 761-775 East 233<sup>rd</sup> Street, 4201 Barnes Avenue  
Bronx Block 4997, Lot 1, Former Lots 2, 3, 6, 8  
Hazardous Materials and 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 September 2019 with Stipulation Letter dated October 2019 and the Remedial Action Plan for Noise dated October 2019 for the above-referenced project.

These Plans 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 will end on 11/10/2019, and any public comments will be addressed as received. NYSDEC and NYC DOHMH were briefed on this project on 6/15/2017.

**Project Description**

The redevelopment plan will consist of a new 7-story residential building with a gross construction area of approximately 97,355-square feet (sf). The proposed residential building will include a partial cellar for mechanical rooms and tenant storage, a first floor with indoor parking, residential lobby, 2 recreational rooms, laundry room, compactor room and bicycle room, floors second through seven containing 116 residential apartments, paved areas for outdoor parking and rear yard and roof terrace. Footprint of new building is 103,174 sf with 5405 sf of cellar. Outdoor parking area is 6069 sf for 61 of cars and rear yard is 5269 sf. Footings around the perimeter of the building are expected to be set at 4 feet below grade. No other open or landscaped areas are planned for this development. The current zoning designation is R6A with Commercial overlay C2-4. 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 “761-775 East 233rd 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 Hazardous Materials**

The remedial action selected for the 761-775 East 233rd Street 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. Selection of NYSDEC Part 375 Track 2 Restricted Residential Soil Cleanup Objectives (SCOs). Site already meets these 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). A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCNYC OER prior to the start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 2 Restricted Residential SCOs. The building area will be excavated as seen below to design grade for development purposes:
  - a. To a depth of approximately 10 feet below grade for partial basement.
  - b. To a depth of approximately 4 feet along the perimeter of the rest of the building footprint for concrete footings and foundation walls.
  - c. To a depth of approximately 2 feet below grade in open areas such as outdoor parking and rear yard.
  - d. A small portion of property will be excavated to the depth of 15 feet below grade for elevator pitApproximately 2,268 cubic yards 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 all USTs that could be potentially 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 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 six (6) end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
12. Import of materials to be used for backfilling and cover in compliance with this plan and in accordance with applicable laws and regulations.
13. As part of development, construction of an engineered composite cover consisting of a minimum 4-inch thick concrete slab beneath all the building areas and a minimum 3-inch binder course asphalt and 2-inch finish asphalt in open areas such as outdoor parking and rear yard across the Site to prevent human exposure to residual soil/fill remaining under the Site.
14. As part of development, installation of a vapor barrier system consisting of a 20-mil VaporBlock Plus vapor barrier beneath the building slab, elevator pit and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier beneath the slab will be installed on a 6" layer of crushed stone. All penetrations through the slab for utility lines will be sealed utilizing VaporBlock Plus Tape. 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. 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.
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
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, lists any changes from this

- RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.
18. If Restricted Residential SCOs are not achieved, 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.
  19. If Restricted Residential SCOs are not achieved, 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 NYC OER-approval.

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

The elements of the remedial action selected for Noise for the 761-775 EAST 233RD STREET site are as follows:

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

1. 33 dBA for all facades;

The following window(s) will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
All Facades  Floors – 1 <sup>st</sup> floor to Roof, which is 66’- 5” above ground level.	# 33	ASTM E-90 Lab Test Report(s), from Intertek Architectural Testing.	Fixed window type, Model #8510	inner lite; 3/16” lamination, 3/4” air space; 5/16” outer lite
All Facades  Floors – 1 <sup>st</sup> floor to Roof, which is 66’- 5” above ground level.	# 33	ASTM E-90 Lab Test Report(s), from Intertek Architectural Testing.	Casement window type, Model #8500	inner lite; 3/16” lamination, 3/4” air space; 5/16” outer lite

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. PTAC (Packaged Terminal Air Conditioner) Units: Hydronic PTAC units manufactured by Ice Air with an OITC rating of 29 will be installed at the site. The units will have a fresh air vent for an alternate means of ventilation. Each exterior room will have a PTAC unit built into the window frame. The boilers used to heat the water for the hydronic PTAC’s will be Viessman natural gas fired boilers. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. The A and B markings on AMV plans indicate cooling capacity for the PTAC units. The PTAC units have a manual outside air damper to allow outside air. PTAC A-Model # 5RSNUO7-H1.5 and PTAC B-Model #5RSNUO9-H1.5.
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 Designation 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.



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October 25, 2019

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Anna Brooks  
Project Manager



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October 25, 2019

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Shaminder Chawla  
Deputy Director



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October 25, 2019

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Maurizio Bertini  
Assistant Director

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