



OFFICE OF ENVIRONMENTAL REMEDIATION

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AMENDED DECISION DOCUMENT
E-Designation Remedial Action Work Plan Approval

October 16, 2024

Re: 2795 - 2797 Fulton Street
Brooklyn Block 3933, Lots 55
Hazardous Materials, Noise E Designation ,
E-366: East New York - CEQR 15DCP102K - 4/20/2016
OER Project Number 20EH-N258K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated August 2023 with Stipulation Letter dated May 2024 and the Remedial Action Plan for Noise dated September 2024 for the above-referenced project.

These Plans were submitted to OER under the E-Designation Program.

Project Description

The proposed future use of the Site will consist of a new 8-story mixed-use residential and commercial building with a covered parking area within the footprint of the building. The current zoning designation is R6A and C2-4 for residential and commercial purposes. The proposed use is consistent with existing zoning for the property. The new building is designed as a slab-on-grade building with a commercial space and garage area on the first floor, and residential spaces from the second to eighth floors. The proposed development will consist of 40,654.69 sq. ft. of internal gross floor area with 13 affordable housing units out of a total of 51 units. The southeast corner of the proposed building will be developed with an elevator shaft. The first-floor footprint will be set back 5-feet from the southern property boundary along Fulton Street and 2-feet from the western property boundary along Van Siclen Avenue. The proposed excavation depth within the building footprint is limited to 4-feet bgs in the areas of the proposed shallow footings and associated foundation structures. The water table in the area of the site is at approximately 40 feet bgs.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “2795 Fulton Street” 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 2795 Fulton Street site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Performance of a Community Air Monitoring Program (CAMP) for particulates and volatile organic carbon compounds.
2. Establishment of Track 4 Site-specific Soil Cleanup Objectives (SCOs).
3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. Completion of a Waste Characterization Study during excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility(s).
5. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs. The Site footprint would be excavated to a depth of approximately 2 feet below grade. The hotspot area will be excavated to least 5

feet below grade, potentially including a portion of the setback area along Fulton Street depending on excavation limitations derived from the NYC Transit Authority structures. The proposed at-grade areas of the Site will be excavated as needed to accommodate shallow foundation footings to a depth of approximately 4 feet below grade.

6. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID.
7. 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.
8. 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.
9. 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.
10. Collection and analysis of eight (8) end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
11. Demarcation of residual soil/fill in landscaped areas.
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 at a minimum, an 8" thick concrete building slab, a minimum 20-mil vapor barrier (discussed in detail below), a 6" layer of processed aggregate base, and clean granular sub-base over clean undisturbed compacted soil or fill.
14. 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 20-mil VaporBlock Plus VBP20 layer 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 RCR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Construction and operation of a grade-level 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 Remedial Closure Report (RCR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, lists any changes from this RAP, and describes all Engineering and Institutional Controls to be implemented at the Site.
19. Submission of an approved Site Management Plan (SMP) in the RCR for long-term management of residual contamination, including plans for operation, maintenance, 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 RAP 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 2795 Fulton Street site are as follows:

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

1. 32 dBA in the 1st floor retail/commercial space based on an allowed reduction of 5 dBA from the attenuation standard outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction (FNOS) for the Noise E as the site is not protective for all allowable uses (see Section 1.2). The proposed scenario is eligible for a FNOS for Noise E Designation upon completion, if commercial spaces satisfy the residential 45 dBA interior noise level requirement as demonstrated by an interior noise survey;
2. 37 dBA in residential spaces on the 2nd – 3rd floor;
3. 35 dBA in residential spaces on the 4th through 8th floors;

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades Floors 2-8 North and South Façades Bulkhead Fixed Window	37 (window) (Required OITC of 35)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Report No. J4756.01-113-11-R0, Data File No. J4756.01D	Vistaza, Inc. Vi6 Series Fix, Option J4756.01D	1-1/2” IG (5/16” laminated exterior, 13/16” argon, 3/8” laminated interior), Glass temperature 75°F
All Façades Floors 2-8 DAW Window	37 (window) (Required OITC of 37)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Report No. J4759.01-113-11-R0, Data File No. J4759.01E	Vistaza, Inc. Vi6 Series DAW (Dual Action Window), Option J4759.01E	1-15/16” IG (3/8” annealed exterior, 1/2” argon, 1/4” annealed center, 1/2” argon, 5/16” laminated interior), Glass temperature 75°F
South Façade – Floor 7 East Façade – Floor 2 North Façade - Floors 2 & 5 Patio Door	37 (door) (Required OITC of 35)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Report No. J4760.01-113-11-R0, Data File No. J4760.01D.	Vistaza, Inc. Vi6 Series Patio Door, Option J4760.01D	1-1/2” IG (5/16” laminated exterior, 13/16” argon, 3/8” laminated interior), Glass temperature 75°F
South Façade – Floor 1 West Façade – Floor 1 Fixed Window	32 (window) (Required OITC of 32)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Report No. N7448.01-113-11-R0, Data File No. N7448.01D.	ALUPROF S.A., MB-79, Fixed Window.	1-7/16” IG (3/8” laminated exterior, 13/16” argon, 1/4” annealed interior), Glass temperature 75°F

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
South Façade – Floor 1 West Façade – Floor 1 Balcony Door	32 (door) (Required OITC of 32)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E. Report No. P5217.01-113-11-R0, Data File No. P5217.01C1.	Windows NYC, Inc. Reynaers Masterline 8 Balcony Door, Option P5217.01C1	26mm IG (8mm tempered exterior, 12mm argon, 6mm tempered interior)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls

The applicant commits to demonstrating that the selected manufacturer’s window products achieve the minimum OITC requirement outlined in the table above. If the selected manufacturer does not have ASTM E90 test on file for the specific window assemblies to be installed, an interior noise survey will be conducted post-construction to confirm conditions meet the required interior noise level of 45 dB(A) within the worst-case scenario room(s).

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:

- Trickle Vents:** Installing Trimvent 90 trickle vents manufactured by Titon in all windows from floors 2 through 8. Fresh air will be provided to all bedrooms and living rooms by the trickle vents.
- 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, 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.

10/15/2024

Date



Yusef Kayyam
Project Manager

10/15/2024

Date



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