



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

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**NOTICE TO PROCEED**  
**DOB Job Number NB 123265484**

October 1, 2018

Re: 247-249 East 117th Street  
Manhattan Block 1667, Lot 120  
Hazardous Materials and Noise “E” Designation  
E-422: East Harlem Rezoning - CEQR 17DCP048M - 12/12/2017  
OER Project Number 18EH-N080M / 18CVCP022M

Dear Manhattan 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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Maurizio Bertini, PhD  
Assistant Director

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

October 1, 2018

Re: 247-249 East 117th Street  
Manhattan Block 1667, Lots 120  
Hazardous Materials and Noise “E” Designation  
E-422: East Harlem Rezoning - CEQR 17DCP048M - 12/12/2017  
OER Project Number 18EH-N080M / 18CVCP022M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated October 2017 with Stipulation Letter dated November 2017 and the Remedial Action Plan for Noise dated September 2018 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 11/04/2017. There were no public comments. NYS DEC and NYCDOHMH were briefed on 9/28/2017.

**Project Description**

The proposed future use of the Site will consist of a residential building. The current zoning designation is R8A Residential with a C1-5 Commercial Overlay. The proposed use is consistent with existing zoning for the property. The planned development project consists of new construction of an approximate 34,566.12 square foot residential building. The building will cover the full lot (no landscaped or open yard space) and is slated to be twelve stories with a community facility and commercial space on the ground floor; the rest of the floors will consist of residential units. A partial cellar, approximately 1,612 square feet, will be constructed to an approximate depth of ten feet below ground surface. The remainder of the building will be slab on grade.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “247-249 East 117th 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 247-249 East 117th 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. 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). A Waste Characterization Report

documenting sample procedures, location, analytical results and disposal facility(s) approval letters will be submitted to NYCOER prior to the start of the remedial action.

6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. The partial cellar area will be excavated to a depth of approximately 10 feet below grade for development purposes. The remaining areas of the property will be excavated in various areas for slab on grade to depths of approximately 4 feet below grade. Approximately number tons 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 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.
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 nine (9) 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 and maintenance of an engineered composite cover consisting of a four-inch thick concrete building slab with an 8-inch clean granular sub-base beneath all building areas to prevent human exposure to residual soil/fill remaining under the Site.
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 20 system as manufactured by Raven Industries or equivalent system 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 RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Installation of an active sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 4-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of an 8-inch thick layer of 2-inch clean stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include an Airtech® blower installed on the roof line and a pressure gauge and alarm located in an accessible area in the basement. 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.
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. Dewatering in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system.
18. Implementation of storm-water 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, lists any changes from this RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site.

20. 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.
21. 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 247-249 East 117th 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. 31 dBA for all facades
2. 26 dBA in the commercial spaces based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation

The following window types 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 Façades Floors 1-12 Commercial Community Facility and Residential Spaces (Windows)	33  (31 required)	See ASTM E-90 acoustical report for exact window and glazing in Appendix C	Wausau Window and Wall Systems (See Appendix D)  2250i Series Invent (or equivalent)	Glass type: 1 1/16" (26.0 mm) Insulated Glass Unit (IG) Exterior Lite: ¼-inch Annealed Airspace: ½-inch Argon Filled Interior Lite: 5/16-inch Annealed
North Façades: Floor 2  South Façades: Floor 9, 12  West Façades: Floors 7, 10, 11  Residential (Terrace Doors)	34  (31 required)	See ASTM E-90 acoustical report for exact window and glazing in Appendix C	Wausau Window and Wall Systems (See Appendix D) 4250i Series Terrace Door (or equivalent)	Glass type: 1 1/16" (26.6 mm) Insulated Glass Unit (IG) Exterior Lite: ¼-inch Annealed Airspace: ½-inch Argon Filled Interior Lite: 5/16-inch Annealed

In order to satisfy the requirements of the E Designation, AMV will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

1. **PTAC Units:** The apartment units will utilize PTAC units to provide ventilation required by the Noise E-designation. PTAC units manufactured by Islandaire (Model Nos. EZ420722B1F46ABE, EZ420922C1F46ABE, EZ421222D1F46ABE and EZ421522E1F46ABE) will be installed in residential apartments on floors 2 through 12. Fresh air will be provided to all bedrooms and living rooms by the PTAC units and can be operated by the user.

2. **Compliance with Mechanical Code outside of Dwelling Units:** Outside air will be provided to commercial spaces and common areas such as lobbies, mechanical spaces, and corridors in accordance with the 2014 NYC Mechanical Code. Installing ERV manufactured by Renewaire (model No. HE3XRT) in amounts compliant with the 2014 NYC MC 403.3 via ERV.

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.

10/01/2018



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Date

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Samantha Catalanotto  
Project Manager

10/01/2018



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Date

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Maurizio Bertini, PhD  
Assistant Director

10/01/2018



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Date

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Shaminder Chawla  
Deputy Director

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