



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Shaminder Chawla
Acting Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number 321383105

October 2, 2023

Re: 491-495 Baltic Street, 198-200 Nevins Street
Brooklyn Block 399, Lot 39
Hazardous Materials and Noise “E” Designation
E-601: Gowanus Neighborhood Plan - CEQR 19DCP157K - 11/23/2021
OER Project Number 23EH-N281K / 24CVCP006K

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 Number. 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 William Quinones at 212-788-2773.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

cc: Christopher Wang, Two Kings Company - chris@twokingsrealestate.com
Ari Schottenstein, O3-B LLC c/o Protean Advisors LLC - aas@protean.us
Ralph Kowalczyk, Issac & Stern Architects, P.C. - ralph@issacstern.com
Kevin Brussee, Brussee Environmental Corp. – kevinbrussee@hotmail.com
Chawinie Reilly, Brussee Environmental Corp. - creilly@brusseeoer.com
Shaminder Chawla, Zach Schreiber
William Quinones, PMA-OER



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
New York, New York 10038

Shaminder Chawla
Acting Director

Tel: (212) 788-8841

DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

October 2, 2023

Re: 491-495 Baltic Street, 198-200 Nevins Street
Brooklyn Block 399, Lots 39
Hazardous Materials and Noise “E” Designation
E-601: Gowanus Neighborhood Plan - CEQR 19DCP157K - 11/23/2021
OER Project Number 23EH-N281K / 24CVCP006K

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 August 9, 2023, and the Remedial Action Plan for Noise dated August 2023 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 09/04/2023. There were no public comments.

Project Description

The redevelopment project will consist of a new 14-story mixed-use commercial and residential apartment building with retail spaces occupying the southern half of the 1st floor along Baltic Street.

The first floor will occupy the entire footprint of the lot and will consist of three commercial/retail spaces on the eastern portion of the Site occupying a total of 3,320.99 sq ft, the residential lobby, utility rooms (gas meter room, water meter room, electrical room), a package room, mailboxes, and one 687.61 sq ft apartment on the northern portion of the first floor. The second floor will consist of a 2,881.53 sq ft commercial retail space occupying the eastern half of the building along Nevins Street, a 590.09 sq ft bicycle storage room, utility rooms, and an electrical room. The 3rd through 14th floors will consist of residential apartments.

Excavation to depths of approximately 4 to 6 ft below grade would be required in for the pile caps, grade beams, and the elevator pit.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “491 Baltic Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 7 and 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 491 Baltic 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. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action;
 - During the waste characterization sampling additional lead delineation sampling will be completed around SB5 to determine the vertical and horizontal extent of the lead contamination.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, excavation to a depth of approximately 2 ft bsg for the building's 1st floor slab, with additional excavation to 4 to 6 ft bsg for the pile caps, grade beams, and the elevator pit. Sloped excavation from grade to 4 to 6 ft bsg will be performed around the elevator pit and the detention tank areas on the southwestern portion of the Site. Two hotspots, SB-1 and SB-5 will be excavated to approximately 3 ft bsg. A 2.5-3 ft setback along the Nevins Street portion of the Site will remain unexcavated. An estimated 1,030 cubic yards (1,500 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 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 underground storage tanks (UST's) 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 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;
11. Collection and analysis of six (6) site-wide end-point samples to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs;
 - One of the endpoint samples (EP1) will be collected from the base of the excavation for the SVOC hotspot located at SB1; and
 - One of the endpoint samples (EP5) will be collected from the base of the excavation for the lead hotspot located at SB5.
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. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
14. Installation of a vapor barrier system beneath the entire 1st floor slab, below/around pile caps, grade beams, and below/around the elevator pit to mitigate soil vapor migration into the building. The vapor barrier system will consist of Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system or OER-approved equivalent system. 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;
15. Construction and maintenance of an engineered composite cover consisting of the following to prevent human exposure to residual soil/fill remaining at the Site:
 - The 1st floor slab will be capped with a 6-inch thick concrete slab underlain with Raven Industries VaporBlock Plus® Series (VBP20) 20-mil vapor barrier system (or OER-approved equivalent system), and a 6-inch layer of gravel over residual soil, and
 - The building 2.5-3 ft setback will be capped with a 4-inch thick concrete slab (concrete pavers installed over concrete slab) underlain with residual and/or imported/reused clean soil.
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
17. Dewatering is not anticipated, but if needed will be performed 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 an approved Site Management Plan (SMP) in the Remedial Action Report (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. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP;
21. Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and Institutional Controls 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.
22. The property will continue to be registered with an E-Designation or Restrictive Declaration 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.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 491 Baltic 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 dB(A) in residential spaces for all facades;
2. 26 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses (see Section 1.2);

The following windows and doors will be installed:

Window/Door Types	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
<i>Commercial Fixed Windows - Blue</i> Nevins/East Facade Floor 1 - A-200 Baltic Street/Northeast Facade Floors 1 and 2 - A-200	29 26 require d	See ASTM E90 Sound Transmission Loss Test Report Report No. P5909.03-113-11-R0 Report Date: 03/31/23 Data File No. P5909.01C for the exact window and glazing in Appendix E	Glass One Group Series/Model CS55 Fixed Window	30 mm IG (8 mm annealed exterior, 16 mm argon, 6 mm annealed interior)
<i>Commercial Doors - Blue</i> Nevins Street/East Facade Floor 1 - A-200 Baltic Street/South Facade Floors 1 and 2 - A-200	29 26 require d	See ASTM E90 Sound Transmission Loss Test Report Report No. P5909.03-113-11-R0 Report Date: 03/31/23 Data File No. P5909.01C for the fixed window and glazing in Appendix E	Glass One Group Series/Model CS55 Fixed Window	30 mm IG (8 mm annealed exterior, 16 mm argon, 6 mm annealed interior)
<i>Residential Fixed Windows - Pink</i> Nevins Street/East Facade	35 31 require	See ASTM E90 Sound Transmission Loss Test Report Report No. F5899.01-113-11-R0	Tehnomarket Lineal 62 Fixed Window	38 mm IG (12 mm laminated exterior, 16 mm argon, 10 mm laminated

Floors 2-14 - A-200 Baltic Street/South Facade Floors 2-14 - A-200 Rear/West Façade Floors 3-14 - A-201 Rear/North Façade Floors 9-11 - A-201	d	Report Date: 05/04/16 Data File No. F5899.01A for fixed window in Appendix E		interior)
<i>Residential Operable Windows - Red</i> Nevins Street/East Facade Floors 2-14 - A-200 Baltic Street/South Facade Floors 2-14 - A-200 Rear/West Façade Floors 3-14 - A-201	31 31 require d	See ASTM E90 Sound Transmission Loss Test Report Report No. H6053.03-113-11- R0 Report Date: 02/05/18 Data File No. H9503.03A for tilt-turn window in Appendix E	Tehnomarket Lineal 62 Tilt-Turn Window	1-1/8" IG (1/4" annealed exterior, 5/8" air space, 1/4" laminated interior)
<i>Residential Doors - Green</i> Nevins Street/East Facade Floors 2-12, and 14 - A-200 Baltic Street/South Facade Floors 2-12 and 14 - A-200 Rear/West Façade Floors 2-13 - A-201	33 31 require d	See ASTM E90 Sound Transmission Loss Test Report Report No. P5900.03-113-11- R0 Report Date: 04/18/23 Data File No. P5900.01C for tilt-turn window in Appendix E	Tehnomarket Lineal 62 Door	32 mm IG (8 mm annealed exterior, 18 mm argon, 6 mm annealed interior)

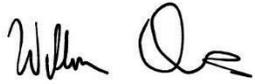
The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors. The labeled window schedule attached in Appendix A show the locations of the window/door types and glazing thicknesses.

2.3 Alternate Means of Ventilation

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. Trickle Vents:** Alternate means of ventilation (AMV) will be provided by installing Titan Trimvent® 400 Hi Lift slot ventilators in each bedroom and living room at a minimum rate of one Trimvent® 400 Hi Lift slot ventilator per room. Fresh air will be provided to all bedrooms and living rooms by the Trimvent® 400 Hi Lift slot ventilators. Floor plans and elevation drawings showing the installation location of the Trimvent® 400 Hi Lift slot ventilator are included within Appendix A. Specifications for the Trimvent® 400 Hi Lift slot ventilators are provided in Appendix H.
- 2. HVAC System:** The cooling and heating in every residential unit will be provided via split type electrical heat pump systems with condensers, model #RXTQ36TAVJ9A and RXTQ48TAVJUA manufactured by Daikin. Air handling units includes Mitsubishi model PUMY-P36NKMU3(-BS). P.E. certified mechanical drawings depicting the HVAC system are provided in Appendix G. A letter from the P.E. describing the HVAC system is also attached as Appendix F.
- 3. Compliance with 2014 NYC Mechanical Code:** Providing outside air to commercial spaces and residential common areas such as the lobbies, corridors, and amenity spaces 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.

10/02/2023	
Date	William Quinones Project Manager
10/02/2023	
Date	Maurizio Bertini, Ph.D. Assistant Director

cc: Christopher Wang, Two Kings Company - chris@twokingsrealestate.com
Ari Schottenstein, O3-B LLC c/o Protean Advisors LLC - aas@protean.us
Ralph Kowalczyk, Issac & Stern Architects, P.C. - ralph@issacstern.com
Kevin Brussee, Brussee Environmental Corp. - kevinbrussee@hotmail.com
Chawinie Reilly, Brussee Environmental Corp. - creilly@brusseeecorp.com
Shaminder Chawla, Zach Schreiber
William Quinones, PMA-OER