



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.
Director

Tel: (212) 788-8841

Fax: (212) 788-2941

DECISION DOCUMENT

NYC VCP and E-Designation Remedial Action Work Plan Approval

July 16, 2014

**Re: 5959 Broadway, 863 Atlantic Avenue
Bronx Block 5776, Lot 621
Hazardous Materials, Air and Noise “E” Designation
E-167: Van Cortlandt Center Rezoning 7/19/2006 - CEQR 06DCP076X
OER Project # 13EHAN297X / NYC VCP Site # 14CVCP176X**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2013 with Stipulation Letter dated January 14, 2014 and the Remedial Action Plan for Air Quality and/or Noise dated July 16, 2014 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 November 4, 2014. A Community Board meeting was attended by OER along with developer. As a result of this meeting, the developer agreed to include medical office space in the proposed development.

Project Description

The proposed future use of the Site will consist of a 6-story mixed use commercial, community and residential building with a full 2-level parking cellar. The ground floor will be used as retail space and will be 12,800 square feet. The second floor will be used as community space for a school and doctor office, and will be 14,000 square feet. The third to sixth floors will consist of residential apartments with a total of 71 units. The depth of the 2-level cellar excavation will be approximately 20 feet below grade surface (bgs) in the eastern portion and 30 feet bgs in the western portion. The entire site will be excavated for the layout of cellar foundations. The cellar excavation will extend between 6 feet and 13 feet within an interim unsaturated zone facilitated by dewatering activities. The cellar foundation will consist of a 9-inch thick mat slab poured on top of a 3-inch mud slab at the bottom of excavation.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation project known as “5959 Broadway” 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 Hazmat

The remedial action selected for the 5959 Broadway site is protective of public health and the environment. The remedial action includes: soil excavation and offsite disposal, an engineered composite cover system, and installation of vapor barrier/waterproofing barrier.

The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

1. Preparation of a Community Protection Statement and performance of all required NYC VCP citizen participation activities according to an approved Citizen Participation Plan (CPP);

2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds;
3. Establishment of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs);
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
5. Excavation and removal of soil/fill exceeding SCOs. For development purposes, eastern portion of property will be excavated to depths of 20 feet below grade and western portion of the property will be excavated to depths of approximately 30 feet below grade.
6. Appropriate segregation of excavated media onsite;
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID. Appropriate segregation of excavated media onsite;
8. 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;
9. 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;
10. Collection and analysis of end point samples to determine the performance of the remedy with respect to attainment of SCOs;
11. Demarcation of residual soil/fill;
12. As part of development, installation of a waterproofing/vapor barrier system beneath the building sub-grade foundations, as well as behind foundation walls of the proposed building. A vapor barrier system consisting of a 46-mil Preprufe 300R waterproofing membrane will be installed beneath the footing mat slab. The vapor barrier will be extended up to grade level by attaching it to the exterior sides of foundation walls using 32-mil Preprufe 160R waterproofing membrane or 62.5 mil Grace Bituthene 4000 membrane. The vapor barrier will be installed according to manufacturer specifications.
13. As part of development, construction and maintenance of an engineered composite cover consisting of 9-inch thick mat slab poured on top of a 3-inch mud slab at the bottom of excavation to prevent human exposure to residual soil/fill remaining under the Site;
14. As part of development, construction of two levels (sub-grade) of ventilated parking garage as per codes of NYC Buildings department;
15. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
17. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations. Since groundwater is at a depth of 14 to 16 feet below ground surface, dewatering permits will be obtained from NYCDEP.
18. 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.
19. If Track 1 Unrestricted Use SCOs are not achieved, submission of an approved Site Management Plan (SMP) in the 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. If Track 1 Unrestricted Use 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; a requirement that management of these controls must be in compliance with an approved SMP; and Institutional Controls including 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.

This remedy 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.

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the 5959 Broadway site are as follows:

In order to satisfy the requirements of E-167, natural gas will be utilized at the site to fire the heating systems and hot water systems. The heating units for the apartments will be individual wall mounted Islandaire EZ series 42 packaged terminal air conditioning (PTAC) units. The heating system in the commercial and community spaces will consist of two Carrier 48TC Gas Heat Cooling packaged units equipped with an economizer control and mounted on the roof top of second floor. Two Viessmann, Vitocell 100-V hot water heaters located in a boiler room in the cellar level will serve the entire building. Four Wascomat gas dryers will be located in the laundry room in the sub-cellar level.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 5959 Broadway site are as follows:

In order to satisfy the requirements of E-167 a window/wall attenuation of 28 dBA will be achieved on all facades. In order to achieve such attenuation, windows manufactured by Crystal Windows & Door Systems Ltd. including Double Hung Windows, Series/Model 2000A with glazing dimensions of 1/4" lamination, 1/2" air filled and 1/8" annealed with OITC of 27 dBA and Series 2100 fixed glass with glazing dimensions of 9/32" lamination, 15/32" argon and 1/8" annealed with OITC rating with OITC of 27 dBA will be installed in the residential spaces and windows manufactured by Oldcastle Building Envelope with glazing dimensions of 1/4" lamination, 0.030" air and 1/4" annealed with OITC of 33 dBA will be installed at the front of the retail space on the first floor and the community facility on the second floor.

Masonry façade elements including the exterior wall, window glazing and PTAC units in the worst case scenario room #607, which is located on the sixth floor facing Broadway are considered in the calculation of a composite window/wall attenuation value of 31.8 dBA. The exterior wall will be built with 4" brick, 1" air space, 8" concrete block filled with solid, 4" insulation and 5/8" gypsum board. The OITC class of this wall composition as published by the National Concrete Masonry Association TEK Manual (2008) is rated with an OITC of 50 dBA. An individual Islandaire EZ series 42 PTAC unit is rated with an OITC of 29 dBA.

7-18-2014

Date



Rebecca Bub
Project Manager

7-18-2014

Date



Maurizio Bertini
Assistant Director – Noise E

7-18-2014

Date



Shaminder Chawla
Deputy Director

Developer: Jay Martino, jmartino@stagggroup.com

Consultant (Hazmat): Paul Matli, pmatli@hydrotechenvironmental.com

Architect (Air/noise): Mohammad Badaly, badalyarchitects@gmail.com

Consultant (Air/noise): Alan Fierstein, acoustilog1@verizon.net