



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 and E-Designation
Remedial Action Work Plan Approval

February 12, 2025

Re: 321 Avenue T
Brooklyn Block 7087, Lots 46
Hazardous Materials E Designation ,
E-800: 321 Avenue T and 2170 McDonald Avenue - CEQR 23BSA013K - 8/12/2024
OER Project Number 25EHAZ043K / 25CVCP018K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated January 2025 with Stipulation Letter dated January 2025 for the above-referenced project.

The Plan was 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 10/24/2024. There were no public comments.

Project Description

The proposed development will consist of the construction of a 5-story building that will connect to the existing building on Lot #34. The Lot #46 Building cellar will be completed 12 feet below street grade. The elevator pit of the new facility will be installed along the western section of the property and will require an additional 5 feet of excavation below street grade. Other excavation required foundation and structure of the new building will be performed to approximately 14.5 feet below street grade. The proposed cellar will consist of office space, a teacher's lounge area, and utility rooms. The first floor through the fifth floor will consist of classrooms, offices, and a sensory gym, and a 250 sq ft green roof tray system is proposed to be built on the roof of the new building. The current zoning designation is within a M1-1 district; however, Magen David Yeshiva has been approved by the New York City Board of Standards and Appeals (BSA) in 2008 for school use in such M1-1 zoning district. 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 "321 Avenue T" pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and the Zoning Resolution and §43-1474 of the Rules of the City of New York.

Description of Selected Remedy

The remedial action selected for the 321 Avenue T 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 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. 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).
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. The entire footprint of the building area (100% of the property) will be excavated to a depth of approximately 12 feet below grade (EL. 13') for development purposes. A small portion of property will be excavated to a depth of 17 feet below grade (EL. 8') for elevator pits. Other excavation required foundation and structure of the new building will be performed to approximately 14.5 feet below street grade (EL. 6.99'). Approximately 1,370 cubic yards 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 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.
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.
11. Collection and analysis of three end-point samples to determine the performance of the remedy with respect to attainment of Track 1 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. 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.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. 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 lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering and Institutional Controls.

16. As part of development, construction of an engineered composite cover consisting of a reinforced 6-inch-thick concrete building slab on grade with and 6-inch clean gravel fill, and a 12-inch concrete foundation wall.
17. As part of development, 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 vapor barrier by Stego Wrap 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.
18. If Unrestricted Use cleanup is not achieved, 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. 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

The remedies for Hazardous Materials 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.

<u>2025/01/13</u>	<u><i>Madeleine Frank</i></u>
Date	Madeleine Frank Project Manager
<u>2025/01/13</u>	<u><i>Shaminder Chawla</i></u>
Date	Shaminder Chawla Acting Director

cc: Nathan Azizo, Abeco Management Corp - nathan@abecomangement.com
Jonathan Imani, IMC Architecture DPC - jimani@imcarch.com
Erik Draijer, PVE, LLC - edraijer@pve-llc.com
Mariana Verri, PVE Engineering - mverri@pve-llc.com
Jared Roemer, PVE - jroemer@pve-llc.com
Shaminder Chawla, Zach Schreiber, Maurizio Bertini, OER
Madeleine Frank, OER