



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
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**Shaminder Chawla**  
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**NOTICE TO PROCEED**  
**DOB Job Number NB 210180819**

November 9, 2023

Re: 1600 Macombs Road - Phase II  
Bronx Block 2865, Lot 134  
Hazardous Materials and Noise "E" Designation  
E-442: Jerome Avenue Rezoning - CEQR 17DCP019X - 3/21/2018  
OER Project Number 23EH-N148X / 23CVCP045X

Dear Bronx 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 Miranda Fatolitis at 212-676-4925.

Sincerely,

Zach Schreiber, Ph.D.  
Assistant Director

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**DECISION DOCUMENT**

**NYC Voluntary Cleanup and E-Designation Programs  
Remedial Action Work Plan Approval**

November 9, 2023

Re: 1600 Macombs Road - Phase II  
Bronx Block 2865, Lot 134  
Hazardous Materials, Noise E Designation  
E-442: Jerome Avenue Rezoning - CEQR 17DCP019X - 3/21/2018  
OER Project Number 23EH-N148X / 23CVCP045X

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2023 with Stipulation Letter dated October 2023 and the Remedial Action Plan for Noise dated July 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 10/26/2023. There were no public comments. NYS DEC and the NYC DOHMH were briefed on 07/08/2021.

**Project Description**

The proposed redevelopment for the Site (Building 2) will comprise approximately 222,000 gross square feet and have a footprint of approximately 17,000 square feet. It will include an approximately 9,500-square foot partial cellar with top of slab up to 16 feet below existing grade [approximate elevation +73 feet above the North American Vertical Datum of 1988 (NAVD88)], directly above an approximately 9,500-square foot sub-cellar with top of slab up to 13 feet deeper, for a total of approximately 29 feet below existing grade (approximate elevation +60 feet NAVD88). To accommodate installation of the sub-cellar slab and foundation elements and taking into consideration the varying ground surface elevations across the Site, the cellar/sub-cellar portion of the building will require excavation to depths up to 38 feet below ground surface (bgs) (approximate elevation +61 to +51 feet NAVD88). Remaining portions of the building will be slab-on-grade. Slab-on-grade building slab and foundation elements will require excavation to depths up to 14 feet bgs (approximate elevation +89 to +75 feet NAVD88). Installation of the building foundation will require local bedrock chipping.

The building will be mixed-use with 244 residential units, along with resident amenities and a terrace space. The sub-cellar will include the residential entranceway, along with utility, maintenance, and storage rooms (i.e., utility rooms, mail/package rooms, bike storage room, trash, elevator lobby, detention tank, etc.), and the cellar will include community facility spaces (i.e., fitness room, arts/crafts room, library, kitchen, laundry, casework office, etc.) and storage spaces. The first floor will include both residential units and community facility spaces, and floors 2 through 14 will include primarily residential units.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1600 Macombs Road - Phase II” 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 for Hazardous Materials**

The remedial action selected for the 1600 Macombs Road - Phase II site is protective of public health and the environment. 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 CPP.
2. Performance of CAMP for particulates and VOCs.
3. Establishment of Track 4 Site-Specific SCOs.
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
5. Completion of a Soil Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by the disposal facility(s). A Waste Characterization Report documenting sample procedures, locations, and analytical results will be submitted to OER prior to start of remedial action.
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. Excavation for the proposed partial cellar/sub-cellar (once C&D above existing grade is removed) to depths ranging between 10 and 36 feet bgs (approximate elevation +53 and +51 feet NAVD88); excavation for the proposed slab-on-grade portions of the foundation to depths ranging between 6 and 14 feet bgs (approximate elevation +83 and +75 feet NAVD88); excavation for the proposed front yard landscaped area to depths ranging between 2 and 26 feet bgs (approximate elevation +94 to +70 feet NAVD88); and limited excavation for the proposed rear yard to depths up to 2 feet bgs (approximately elevation +87 feet NAVD88). Excavation in areas of shallow bedrock, including the south/southeastern cellar/subcellar portion and west/western-central slab-on-grade portions, will require bedrock chipping to reach the target depths for construction.
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a photoionization detector. Appropriate segregation of excavated media on-site.
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 any unknown USTs encountered during soil/fill removal actions.
10. Removal of the residual petroleum contamination associated with NYSDEC Spill No. 2110624. Upon removal in February 2022 of the former 2,500-gallon UST, a limited amount of petroleum-stained material displaying photoionization detector (PID) readings up to approximately 100 parts per million (ppm) was observed in the base of the excavation along the south sidewall. Excavation of the stained material could not be performed at that time due to structural concerns regarding a nearby retaining wall to the south. Spill closure and any associated groundwater remediation will be managed under NYSDEC authority for Spill number 2110624. Excavation related to remediation of Spill number 2110624 will take place as part of the development.
11. Registration of tanks and reporting of any petroleum spills associated with USTs, if discovered, and appropriate closure of these petroleum spills in compliance with applicable local, State and Federal laws and regulations.
12. 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.
13. Collection and analysis of 13 endpoint samples to determine the performance of the remedy with respect to attainment of SCOs. In consultation with OER, endpoint samples will not be collected in areas where the terminal excavation depth is on bedrock.
14. Demarcation of residual soil/fill in landscaped areas. (Demarcation layer is not required underneath the slab).
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. Construction of a Site cover system consisting of the following:
  - a. An approximate 12- to 14-inch-thick concrete building slab for the sub-cellar level and elevator pit, over a minimum 6-inch-thick compacted subbase, with select portions consisting of 48-inch-thick foundation mat slab.
  - b. A 12- to 14-inch-thick concrete building slab for the slab-on-grade-level, over a minimum 6-inch-thick compacted subbase, with select portions consisting of 48-inch thick foundation mat slab.
  - c. A minimum 3 inches of concrete above a minimum 8 inches of stone, followed by a demarcation barrier, over a minimum 6-inch-thick compacted subbase for exterior hardscapes (i.e., concrete walkways, stairways, concrete pavers).
  - d. A rubber play surface above a minimum 4-inches of stone, followed by a demarcation barrier, over a minimum 6-inch-thick compacted subbase for the play area.
  - e. A minimum two-foot thick, clean soil cap in landscaped areas (e.g., planted trees, shrubs, and grasses). Additionally, the front yard on the southwestern portion of the Site will include areas of exposed bedrock; and both the front yard and rear yard will include salvaged boulders anchored to the Site.
  - f. A wooden patio situated on top of footings/piers above aggregate and residual soil in the rear yard.
17. Installation of a vapor barrier system beneath the building slab, below and around the elevator pit, and along foundation sidewalls to grade to mitigate soil vapor migration into the building. The vapor barrier will consist of Carlisle Coating and Waterproofing (CCW) products on subgrade portions of the building foundation (sub-cellar/cellar and elevator pit) and Stego® products on slab-on-grade portions of the building foundation. Specifically, CCW MiraPLY™-H (70 mils) beneath horizontal sections of the sub-cellar and elevator pit slabs; CCW MiraPLY™-V (70 mils) along vertical sections of raised pile caps in the sub-cellar; CCW-703V Liqueiseal (90 mils) on top of typical footings in the cellar and 4-inches onto any penetrating reinforcing bars; MiraDRI® 860/861 (60 mils) along vertical sections of typical footings and foundation walls to grade in the sub-cellar/cellar and elevator pit; and Stego® Wrap 20-mil Vapor Barrier (20 mils) beneath horizontal slab-on-grade sections of the slab, along horizontal and vertical sections of unexcavated rock (remaining rock) in the elevator pit, and along horizontal and vertical sections of typical first floor grade beams. In areas where the CCW and Stego® products will be connected, they can be properly joined/sealed with the CCW products (MiraPLY™ Seam Tape, LM800XL Mastic, and Sure-Seal Lap Sealant), providing a continuous vapor barrier system. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an EC 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.
18. 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.
19. If necessary, dewatering will be performed in compliance with City, State, and Federal laws and regulations. Extracted groundwater will be either containerized for off-site licensed or permitted disposal or will be treated under a permit from NYC Department of Environmental Protection to meet pretreatment requirements prior to discharge to the sewer system.
20. Implementation of stormwater pollution prevention measures in compliance with applicable laws and regulations.
21. Submission of an 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 ECs and ICs to be implemented at the Site.
22. Submission of an approved SMP in the RAR for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of ECs and ICs and reporting at a specified frequency.
23. The property will continue to be registered with an “E” Designation at the DOB. Establishment of ECs and ICs in this RAWP and a requirement that management of these controls must be in compliance with an approved SMP. ICs 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 1600 Macombs Road - Phase II site are as follows:

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

1. 28 dBA in the office, amenity, and community facility space in the cellar level 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;
2. 33 dBA on the southern (Floors 1 to 11), southeastern (Floors 1 to 8), western (Floors 1 to 11), and eastern (Floors 1 to 7) facades for windows less than 100 feet above street level;
3. 31 dBA on the southern (Floors 12 to 14), southeastern (Floors 9 to 14), western (Floors 12 to 14), eastern (Floors 8 to 14), and northeastern (Floors 10 to 14) facades for windows from 101 feet above street level to the top of the building based on a reduction of 3 dBA from the projected street-level  $L_{10}$  value of 76.7 to 73.7;
4. 31 dBA on the northern (Floors 1 to 11) façade for windows less than 100 feet above street level;
5. 28 dBA on the northern (Floors 12 to 14) façade for windows from 101 feet above street level to the top of the building based on a reduction of 3 dBA from the projected street-level  $L_{10}$  value of 73.6 to 70.6; and
6. 20 dBA on the northwest facade

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
Southeast  Cellar  Office Space, Amenity, and Community Facility	28  (28 dBA required)	Full assembly rating based on glass only OITC 31 manufacturer data in Appendix H of the Noise RAP. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Storefront system with Viracon Acoustical Glass or OER approved equivalent	1/4" glass, 3/4" airspace, 1/4" glass
East, Southeast, South, West, Northwest Facades  Floors 1 to 14  Residential	33  (31 dBA required for Southern (Floors 12 to 14), Southeastern (Floors 9 to 14), Western (Floors 12 to 14), Eastern (Floors 8 to 14), and Northeastern	Full assembly rating based on glass only OITC 36 manufacturer data in Appendix H of the Noise RAP. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Casement /Fixed windows with Viracon Acoustical Glass or OER approved equivalent	1/4" glass, 1/2" airspace, 1/4" glass, 0.030" PVB, 1/4" glass

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
	(Floors 10 to 14) facades  33 dBA required for Southern (Floors 1 to 11), Southeastern (Floors 1 to 8), Western (Floors 1 to 11), and Eastern (Floors 1 to 7) facades)			
North Façade  Floors 1 to 14  Residential	31  (28 dBA required Floors 12 to 14  31 dBA required Floors 1 to 11)	Full assembly rating based on glass only OITC 34 manufacturer data in Appendix H of the Noise RAP. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Casement/Fixed Windows with Viracon Acoustical Glass or OER approved equivalent	5/16" glass, 1/2" airspace, 3/8" glass
Northwestern Façade  Floors 1 to 14  Residential	27  (20 dBA required)	Full assembly rating based on glass only OITC 30 manufacturer data in Appendix H of the Noise RAP. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Casement/Fixed Windows with Viracon Acoustical Glass or OER approved equivalent	1/4" glass, 1/2" airspace, 1/4" glass

The acoustic reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. Color coded elevations and the labeled window schedule attached in Appendix G of the Noise RAP show the locations of the window/ door types.

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, a mockup will be laboratory tested as per ASTM E90 to demonstrate compliance with the minimum OITC requirement.

#### **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:** Installing SM 1000 2000 trickle vents manufactured by Trimvent in the bedroom and living room windows. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Heating will be provided to residential spaces receiving fresh air via trickle vents by hot water baseboard

and cooling will be provided by GE window air conditioning units which will be placed in a sleeve that is part of the window assembly to be provided and installed by the owner. Manufacturer specifications for the trickle vents are included as Appendix I of the Noise RAP.

2. **Central System:** Installing model HE1.5XIN and HE1XIN Energy Recovery Ventilators (ERV) manufactured by RenewAire on the Cellar level serving the cellar level uses, model HE3XRTH manufactured by RenewAire on the roof serving the subcellar level mail room, package room, entry lounge, and super's office, and ARNU363B8A4, ARNU093TRD4, ARNU183SKA4, ARNU053SJA4, ARNU123TRD4, ARNU363M2A4, ARNU123M1A4, ARNU183M1A4, ARNU053TRD4, ARNU543M3A4, and ARNU283TAA4 model Air Handling Units manufactured by LG in each amenity/office space. Fresh air intakes for the cellar level ERVs are located on the cellar level southeast façade and Air Handling Units and associated ducting will provide fresh air to each amenity/amenity space. P.E. certified mechanical drawings depicting the AMV system are provided in Appendix J of the Noise RAP. A letter from the engineer who designed the HVAC system that describes the system, the equipment involved (stating the manufacturer and model information).
3. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2022 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.



11/09/2023

Date

Miranda Fatolitis  
Project Manager



11/09/2023

Date

Zach Schreiber, Ph.D.  
Assistant Director

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