



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Daniel Walsh, Ph.D.**

**Director**

Tel: (212) 788-8841

**NOTICE TO PROCEED**  
**DOB Job Number NB - 421216320**

January 18, 2017

Re: 36-33 - 36-37 31st Street  
Queens Block 600, Lot 12  
Hazardous Materials and Noise "E" Designation  
E-314: East Elmhurst Rezoning - CEQR 13DCP138Q - 10/30/2013  
OER Project Number 16EH-N161Q / 16CVCP045Q

Dear Queens 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 Numbers. 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 Katherine Glass at 212-676-4925.

Sincerely,

Shaminder Chawla  
Deputy Director

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**DECISION DOCUMENT**

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

January 18, 2017

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Queens Block 600, Lot 12  
Hazardous Materials and Noise “E” Designation  
E-314: East Elmhurst Rezoning - CEQR 13DCP138Q - 10/30/2013  
OER Project Number 16EH-N161Q / 16CVCP045Q

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated December 2015 with Stipulation Letter dated December 2015 and the Remedial Action Plan and Composite Calculation Memo for Noise dated December 2015 and November 2016 respectively 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 will end on January 10, 2016. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of a 7-story mixed-use residential and commercial building. The depth of excavation for the redevelopment is approximately 10 feet at the property in the area of the cellar. The rest of the lot will be covered by a concrete-capped parking area. The current structures at the property will be removed from the Site to accommodate for the new construction of the proposed building.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “36-37 31<sup>st</sup> 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 36-37 31<sup>st</sup> 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. Selection of Restricted Residential (Track 2) 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 Restricted Residential (Track 2) SCOs, including the area of Track 2 mercury exceedance in SB-2. The entire footprint of the building area (about 35% of the property) will be excavated to a depth of approximately 10 feet below grade for development purposes

with the top two feet of the remainder of the site. Approximately 1,000 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. 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 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. Appropriate segregation of excavated media on-Site.
11. Collection and analysis of four end-point samples to determine the performance of the remedy with respect to attainment of Track 2 Restricted Residential 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.
16. As part of development, construction of an engineered composite cover consisting of a six-inch thick reinforced concrete building slab will be constructed beneath the building area.
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 20-mil Tex-Trude Xtreme vapor barrier extruded in a single sheet of material composed of virgin polyolefin resin. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
18. As part of new development, construction and operation of a grade-level parking garage with high volume air exchange in conformance with NYC Building Code.
19. Demarcation of residual soil/fill in landscaped areas.
20. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (RAR) for long-term management of residual contamination (if needed), 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 36-37 31<sup>st</sup> Street site are as follows:

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

1. 40 dB(A) at the front (northwestern) façade, residential floors 2-7;
2. 35 dB(A) at 1<sup>st</sup> floor commercial space of front (northwestern) façade, reduced to special mixed-use district minimum attenuation requirement; and
3. 35 dB(A) at the rear (southeastern) façade, reduced due to shielding.

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>
Window: Northwestern Façade Floors 2 through 7 (Front Façade)	OITC-36	Rating based on Window ASTM E-90 Lab Test Report	Windoor 9060	1-3/8" IG (3/8" laminated, 5/8" air space, 3/8" laminated)
Northwestern Façade:  Doors on Floors 2 through 7  Southeastern Façade:  All Doors	OITC-34	Rating based on Window ASTM E-90 Lab Test Report	Windoor Inc. Series/Model 9050 Single Side-Hinged Swing Door	1-9/16" IG (3/16" heat strengthened exterior, 1-1/16" argon, 5/16" laminated SGP interior)
Southeastern Façade  All Floors (Windows)	OITC-29	Rating based on Window ASTM E-90 Lab Test Report	Windoor 9060	1-1/4" IG (1/8" tempered exterior, 7/8" air space, 1/4" tempered interior)
Northwestern Façade: Windows on 1st Floor Commercial Space.	OITC-37	Rating based on Window ASTM E-90 Lab Test Report	Alumil. M25000 Window Unit Upper (Fixed) Lower (Fixed)	Upper 1.94 in insulated glazing 0.67 in glazing 0.77 in air space 0.50 in glazing  Lower 1.94 in insulated glazing 0.67 in glazing 0.77 in air space 0.50 in glazing
Northwestern Façade: Swing doors on 1st Floor Commercial Space.	OITC-36	Rating based on Window ASTM E-90 Lab Test Report	Windoor Inc. Series/Model 9050 Single Side-Hinged Swing Door	1-7/16" IG (3/8" laminated SGP exterior, 3/4" argon, 5/16" laminated SGP interior)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls.

INSUL Sound Insulation Prediction by Marshall Day Acoustics used to predict OITC/STC rating of proposed façade construction is as follows:

- Wall type 1B: STC: 77 OITC: 65
- Panel 1 Outer layer: 1x1.5 in Brick - (m=12.49 lb/f2, fc=722 Hz, Damping=0.00)
- Cavity: None, 16 in, infill Sound absorber thickness 3 in
- Panel 2 Inner layer: 1x8.00 in CMU Hollow (95 lb/ft3)-(m=32.25 lb/ft2, fc=205 Hz, Damping=0.01)
- Cavity: Point connections 16 in
- Panel 3 Inner layer: 1x0.63 in Type X Gypsum Board-(m=2.24 lb/ft2, fc=2511 Hz, Damping=0.01)

Composite calculations demonstrate that the windows and masonry elements included in the tables above satisfy the referenced OITC requirements.

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 installation of trickle vents SM405- Surface mounted aluminum slot ventilator manufactured by TITON INC. These will be installed through sash and frame of every window. Fresh air will be provided to all bedrooms and living rooms at Residential areas and fresh air will be provided to all Commercial areas by the trickle vents. A Mitsubishi Split System Air Cooled Air Conditioned Units for cooling and heating will be installed for the Residential portion. For commercial spaces and common areas such as lobbies and corridors, outside air will be provided in accordance with the NYC Mechanical Code.

The remedies for Hazardous Materials and Noise described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

December 2, 2014

Date



Katherine Glass  
Project Manager

December 2, 2014

Date



Shaminder Chawla  
Deputy Director

May 1, 2015

Date



Zach Schreiber, Ph D.  
Assistant Director

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