



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number NB 220673162**

May 13, 2021

Re: 29 Featherbed Lane  
Bronx Block 2865, Lot 122  
Hazardous Materials and Noise “E” Designation  
E-442: Jerome Avenue Rezoning - CEQR 17DCP019X - 3/21/2018  
OER Project Number 21EH-N069X / 21CVCP040X

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 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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Shaminder Chawla  
Deputy Director

cc: Arjan Gjushi, FEATHERBED DEVELOPMENT LLC - [GJUSHICONSTRUCTION@GMAIL.COM](mailto:GJUSHICONSTRUCTION@GMAIL.COM)  
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**DECISION DOCUMENT**  
**NYC VCP, E-Designation**  
**Remedial Action Work Plan Approval**

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Hazardous Materials and Noise “E” Designation  
E-442: Jerome Avenue Rezoning - CEQR 17DCP019X - 3/21/2018  
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The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated February 2021 with Stipulation Letter dated February 18, 2021 and the Remedial Action Plan for Noise dated May 2021 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 March 18, 2021. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of a 12-story, approximately 128,774 gross square foot (gsf) residential building which will contain space for 160 units (approximately 501 residents). 25% of the units will be affordable. The building will also include 1,639 square feet of accessory areas including laundry and bike rooms, a 1,062 sf gym, a fire command center, 1,339 sf of storage space and 3,011 sf of parking space for approximately nine (9) vehicles. There will also be an exterior landscaped recreation yard approximately 2,293 sf in size at the rear of the building. Two small landscaped areas will be located on each end of the building along the front exterior. Approximate square footage of the eastern landscaped area is 30 sf and on the western side 150 sf. The proposed building will measure approximately 145.67 feet tall. The building will be slab on grade with footings extended to approximately 4.0 feet bgs. Areas where the elevators will be located will be extended approximately 5.0 feet bgs.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “29 FEATHERBED LANE” 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 29 FEATHERBED LANE 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 Citizen Participation Plan.

2. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Site Specific Use (Track 4) 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 Site Specific Use (Track 4) SCOs. The entire footprint of the building area (100% of the property) will be excavated for development purposes. Building footprint will be excavated down to 4 feet below grade for development purposes. The central area of the building footprint will be excavated down to 5 feet for two elevator pits. Two small areas along Featherbed Lane on the eastern and western portion ends of the building will be excavated down to 2 feet below grade. The landscaped recreation area will not be excavated but landscaped with two feet of clean fill overlain the bedrock. Approximately 2,445 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.
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 end-point samples to determine the performance of the remedy with respect to attainment of Site-Specific Track 4 SCOs. Samples will be analyzed for all parameters to determine if Restricted Residential Use SCOs can be achieved.
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. Construction of an engineered composite cover consisting of 4 inches of reinforced concrete slab underlain by 6 inches of clean gravel sub-base material in building areas; 4 inches of concrete pavement underlain by 4 inches of clean gravel sub-base material in exterior sidewalks, and 2 feet of clean soil in open space areas.
14. 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 Stego Wrap vapor barrier manufactured by Stego Industries, LLC below the slab throughout the full building area and outside all sub-grade foundation sidewalls to meet grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.
15. 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.
16. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
17. Submission of a 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 Engineering and Institutional Controls to be implemented at the Site.
18. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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.

#### **Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 29 FEATHERBED LANE site are as follows:

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

1. 35 dBA for all facades.
2. 37 dBA with the masonry/ wall elements outlined in Appendix J and as documented by the composite calculations included in Appendix J.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades  Floors 1-12  Residential	33 dBA (37 dBA composite wall) (35 required)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix F (F9417.01B)	Crystal Window and Door Systems, Series 8510 / Model: Beside 8500 (Fixed beside casement window)	1-¼" IG (5/16" laminated exterior, 3/4" air space, 3/16" annealed interior)

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. **PTAC Units:** Installing model RSNU18 unit manufactured by Ice Air in all residential units. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. Floor plans showing the locations of PTAC units are included in Appendix G. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix H. The PTAC units can be operated by user to provide outdoor air at 60 cfm. In all cases, the rate of outside air (cfm) delivered to each habitable space (bedrooms and living spaces) will meet or exceed that specified in the 2014 New York City Mechanical Code table 403.3.1.1. These rates will be the greater of 0.35 air changes per hour or not less than 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows.
2. **Compliance with Mechanical Code:** Providing outside air to common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials and 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.

5/13/2021

Date



Samantha Catalanotto  
Project Manager

5/13/2021

Date



Shaminder Chawla  
Deputy Director – Hazardous Materials

5/13/2021

Date



Maurizio Bertini, Ph.D.  
Assistant Director – Noise

cc: Arjan Gjushi, FEATHERBED DEVELOPMENT LLC - [GJUSHICONSTRUCTION@GMAIL.COM](mailto:GJUSHICONSTRUCTION@GMAIL.COM)  
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