



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

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NOTICE TO PROCEED
DOB Job Number NB 220613735

November 24, 2020

Re: 414 Gerard Avenue, 121 – 129 East 144th Street
Bronx Block 2350, Lots 1, 5
Hazardous Materials, Air Quality, and Noise “E” Designation
E-227: Lower Concourse Rezoning and Related Actions - CEQR 08DCP071X - 6/30/2009
OER Project Number 18EHAN143X

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 is enrolled in the New York State Department of Conservation Brownfield Cleanup Program (NYSDEC BCP), Site No. C203106, for Lot 1 only and has submitted an NYSDEC-approved Hazardous Materials Remedial Action Work Plan (RAWP) dated May 2018. Both Lots will be implementing this May 2018 RAWP prepared by Langan Engineering. The Applicant has also submitted a Stipulation Letter updating the DEC approved RAWP to OER and has submitted an Air Quality 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 has concluded that the Applicant may proceed with pulling construction permits from DOB. At the completion of construction, a P.E.-certified NYSDEC BCP Final Engineering Report (FER) needs to be submitted by the Applicant to NYSDEC for approval and submitted to OER at the conclusion of remediation/construction activities.

No remedial work outside of what is outlined in the RAWP shall be performed at the site until NYSDEC has issued a final Decision Document. If the applicant opts out of the NYSDEC BCP, the remedial action outlined in the RAWP and Stipulation Letter must be implemented in order to satisfy the Hazardous Materials “E” Designation. 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 (approval of FER and Installation Reports) 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

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DECISION DOCUMENT
E-Designation
Remedial Action Work Plan Approval

November 24, 2020

Re: 414 Gerard Avenue, 121 – 129 East 144th Street
Bronx Block 2350, Lots 1, 5
Hazardous Materials, Air Quality, and Noise “E” Designation
E-227: Lower Concourse Rezoning and Related Actions - CEQR 08DCP071X - 6/30/2009
OER Project Number 18EHAN143X

The New York City Office of Environmental Remediation (OER) has received the May 2018 Remedial Action Work Plan (RAWP) prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, D.P.C. and submitted to NYSDEC in the New York State Brownfield Cleanup Program (NYS BCP). NYSDEC has completed their 45 day public comment period on the cleanup plan. We have also received and reviewed the Stipulation Letter dated October 20, 2020 for Lot 5 and the Remedial Action Plan for Air Quality and Noise dated December 2019 for the above-referenced project.

These Plans were submitted to OER under the E-Designation Program. Only Lot 1 is enrolled in the NYS DEC Brownfield Cleanup Program. However, both Lots will be implementing the NYS DEC-approved May 2018 RAWP.

Project Description

Current redevelopment plans call for the development to include abatement and demolition of the existing warehouse and construction of a mixed-use residential and commercial building with two full cellar levels. The sub-cellar will be used for parking. The cellar will include parking, and mechanical and amenity space. The first floor will include a residential lobby, parking access, and retail and residential amenity space. Floors 2 through 11 will include residential apartments, 20% of which will be affordable housing.

Excavation across the site footprint to elevation (el) 1.5 (depths ranging from about 20 to 30 feet below grade) will be required to accomplish the Track 1 unrestricted remediation and to accommodate construction of the cellar levels and foundation components. Support of excavation (SOE) construction and dewatering will be implemented to facilitate excavation, as required.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “Former Rocket Jewelry Box Site (414 Gerard Avenue)” pursuant to 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 Former Rocket Jewelry Box Site (414 Gerard Avenue) site is protective of public health and the environment. The elements of the selected remedy are as follows:

Lot 1 of the Site is enrolled in the NYSDEC Brownfield Cleanup Program (NYS BCP Site No. C203106). In an effort to satisfy the Hazardous Materials “E” requirements for this project, the applicant submitted all necessary

documentation to our office for review. This documentation included the NYSDEC-approved May 2018 Remedial Investigation Report and May 2018 Remedial Action Work Plan. The RAWP has completed the 45-day comment period and the Decision Document has been issued by DEC. The NYSDEC proposed remedy includes excavation and removal of site soils to 26' depth to achieve Unrestricted Use (Track 1) SCOs and a soil vapor intrusion study with provisions for engineering and institutional controls. Complete DEC approved RAWP and other project related documents are available from NYSDEC through the link:

<https://www.dec.ny.gov/data/DecDocs/C203106/>

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the Former Rocket Jewelry Box Site (414 Gerard Avenue) site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating and hot water. Heating and cooling systems for the apartments is furnished through 294 x 15.5 MBH Islandaire Gas PTAC-A, model # EZ07 Natural Gas Packaged Terminal Air Conditioner (PTAC) units, and 216 x 16.8 MBH Islandaire Gas PTAC-B, model #EZ09 PTAC units. Three 2,500 MBH Laars MGV-2500 boilers will be located in the roof mechanical room and will provide hot water for the retail space and domestic hot water needs for the rest of the building. Variable refrigerant flow air-cooled heat pump systems (VRF) will provide heating and cooling systems for common areas. Remaining systems, including HVAC systems, will be powered electrically.

In order to satisfy the requirements of the E-Designation, three stacks will be located on the roof. Stack 1 will be located 109 feet and 7 inches from the southeast corner of lot 5. Stack 2 will be located 113 feet and 7 inches from the southeast corner of lot 5. Stack 3 will be located 117 feet and 8 inches from the southeast corner of lot 5.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the Former Rocket Jewelry Box Site (414 Gerard Avenue) site are as follows:

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

1. 28 dBA on the eastern, western, and southern façades;
2. 28 dBA on the northern façade at least 50 feet from Gerard Avenue;
3. 33 dBA on the northern façade within 50 feet of Gerard Avenue;
4. 23 dBA in the commercial and tenant amenity space along the eastern, western, and southern façades 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 (see Section 1.2);
5. 28 dBA in the commercial space along the northern façade 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 (see Section 1.2)

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
<p>Eastern, Western, Southern and Courtyard Façades</p> <p>Northern Façade at least 50 feet from Western Façade</p> <p>Floors 2-11</p> <p>Residential (Fixed Portion)</p>	<p>30</p> <p>(28 dBA required attenuation)</p>	<p>See ASTM E-90 acoustical report for the exact window and glazing in Appendix M</p>	<p>Supera CWAUW (I6988.01D) fixed window manufactured by Intus</p>	<p>5/16" monolithic – 5/8" argon– 1/4" monolithic</p>
<p>Eastern, Western, Southern and Courtyard Façades</p> <p>Northern Façade at least 50 feet from Western Façade</p> <p>Floors 2-11</p> <p>Residential (Operable Portion)</p>	<p>32</p> <p>(28 dBA required attenuation)</p>	<p>See ASTM E-90 acoustical report for the exact window and glazing in Appendix M</p>	<p>Supera CW (I6989.01D) casement window manufactured by Intus</p>	<p>5/16" monolithic – 21/32" argon– 1/4" monolithic</p>
<p>Northern Façade within 50 feet of Western Façade</p> <p>Floors 2-11</p> <p>Residential (Fixed Portion)</p>	<p>33</p> <p>(33 dBA required attenuation)</p>	<p>See ASTM E-90 acoustical report for the exact window and glazing in Appendix M</p>	<p>Supera CWAUW (I6988.01K) fixed window manufactured by Intus</p>	<p>3/8" monolithic – 13/16" argon– 5/16" laminated</p>
<p>Northern Façade within 50 feet of Western Façade</p> <p>Floors 2-11</p> <p>Residential (Operable Portion)</p>	<p>34</p> <p>(33 dBA required attenuation)</p>	<p>See ASTM E-90 acoustical report for the exact window and glazing in Appendix M</p>	<p>Supera CW (I6989.01J) casement window manufactured by Intus</p>	<p>3/8" monolithic – 5/8" argon– 1/4" monolithic</p>

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades Floors 1-2 Commercial and Tenant Amenity	28 (23 and 28 dBA required attenuation)	Full assembly rating based on glass only OITC 31 manufacturer data in Appendix M. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Storefront using glass manufactured by Viracon or OER approved equivalent.	1/4" – 3/4" air space – 1/4"
Courtyard Façades Floor 2 Terrace Doors	33 (28 dBA required attenuation)	See ASTM E-90 acoustical report for the exact door and glazing in Appendix M	Supera balcony door (J5848.01D) manufactured by Intus	5/16" annealed – 5/8" argon – 1/4" annealed

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 EZ Series PTAC units manufactured by Islandaire in residential bedrooms and living rooms. Fresh air will be provided to all bedrooms and living rooms by the PTAC units via manually-operated damper. 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. These rates will be the greater of 0.35 air changes per hour or 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows. The PTAC units can be operated by user to provide outdoor air. Fresh air will be provided to amenity spaces by Daiken air conditioning units.
2. **Compliance with Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, 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.

11/24/2020

Date



Samantha Catalanotto
Project Manager

11/24/2020

Date



Maurizio Bertini, Ph.D.
Assistant Director – Air Quality and Noise

11/24/2020

Shaminder Chawla

Date

Shaminder Chawla
Deputy Director – Hazardous Materials

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