



**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 - 321090788**

November 5, 2015

Re: 977 Manhattan Avenue  
Brooklyn Block 2532, Lot 45  
Hazardous Materials and Noise “E” Designation  
E-232: 7/29/2009 Greenpoint - Williamsburg Contextual Rezoning- CEQR 09DCP056K  
OER Project Number 15EH-N344K/ VCP Number 15CVCP126K

Dear Brooklyn 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 Alysha Alfieri at 212-676-0459.

Sincerely,

Shaminder Chawla  
Deputy Director

cc: Issac Brown, B & B Global Development Corp. - [bbglobaldev@gmail.com](mailto:bbglobaldev@gmail.com)  
Kim Somers, EBC - [ksomers@ebcincny.com](mailto:ksomers@ebcincny.com)  
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore  
Alysha Alfieri, PMA-OER



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**DECISION DOCUMENT**  
**NYC VCP and E-Designation**  
**Remedial Action Work Plan Approval**

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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 October 2015 with Stipulation Letter dated October 2015 and the Remedial Action Plan for Noise dated September 2015 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 May 31, 2015. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of developing the lot with a new 8 - story mixed use residential and commercial building with a partial cellar. The cellar level will encompass the first 100 feet of the lot and will consist of a commercial storage area, a commercial trash room, a residential trash room, a tenant gym, parking area for 7 bicycles, an area for rooms as required by MH Engineer, two stairwells, and an elevator. The first floor consists of the retail store, the residential lobby, as well as two stairwells and an elevator. Floors 2 through 8 will consist of residential apartments.

The front 100 feet of the Site will require excavation of approximately one foot below the existing cellar for construction of the building's cellar. The existing cellar is at approximately 8 feet below grade. Approximately ten footings to 4ft, one sump pit to 2ft, and one elevator pit to 5ft below cellar grade will also be required. The rear 1,075 sf portion of the lot will not be excavated and will remain slab on-grade. An estimated 200 cubic yards (300 tons) of soil will require excavation for the new building. The water table is expected at approximately 18 feet below grade surface (bgs), and will therefore not be encountered during excavation.

The current zoning designation is R7A with a C2-4 commercial overlay. 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 project known as “977 Manhattan Avenue” 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 Description of Selected Remedy**

The remedial action selected for the 977 Manhattan Avenue 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. After demolition of existing building structures, perform additional site characterization for groundwater and soil vapor. Groundwater investigation includes the installation of three monitoring wells prior to start of construction activities. One soil vapor sample will also be obtained at the same time in the area of SB-8 to confirm TCE concentrations in soil vapor and to reevaluate the need for active SSDS.
3. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
4. Establishment of Site-Specific (Track 4) Soil Cleanup Objectives (SCOs).
5. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
6. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency dictated by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action.
7. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, the first 100 ft of the Site will require excavation to a depth of approximately 9 feet below grade for the building cellar level; excavating one additional foot from the existing basement, with additional excavations for the building footings and elevator pit. Approximately 159 tons of soil will be removed.
8. 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.
9. Management of excavated materials including temporarily stockpiling and segregating to prevent co-mingling of contaminated material and non-contaminated materials.
10. Removal of any underground storage tanks, including the fuel oil storage tank located beneath the cellar slab in the front portion of the Site, and closure of petroleum spills (if evidence of a spill/leak is encountered during Site excavation) in compliance with applicable local, State and Federal laws and regulations.
11. Transportation and off-Site disposal of all soil/fill material at 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.
12. Collection and analysis of three end-point samples to determine the performance of the remedy with respect to attainment of SCOs
13. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
14. Installation of an active or passive Sub-Slab Depressurization System (SSDS). The SSDS system will be installed in the gravel layer beneath the entire new building slab. One additional soil vapor sample will be obtained upon building demolition in the area of SB-8 to confirm TCE concentrations in soil vapor and to determine whether the SSDS should be active or passive system.
15. Installation of a vapor barrier system below the concrete slab of the building as well as behind foundation walls of the proposed building. The vapor barrier will consist of Raven Industries' VaporBlock 20 Plus, which is a seven layer co-extruded barrier made from state-of-the-art polyethylene and EVOH resins, or equivalent system. The vapor barrier must be installed under the elevator pit slab and up through the elevator foundation walls and the building foundation walls. The vapor barrier rising from the elevator pit must be taped seamlessly to the sub-slab

vapor barrier. The vapor barrier must be inspected by EBC prior to the pouring of concrete.

16. Construction and maintenance of an engineered composite cover consisting of the 6 inch thick concrete cellar slab (in the areas of building footprint) to prevent human exposure to residual soil/fill remaining under the Site. The rear yard areas will be backfilled with at least two foot of clean soil cap.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
19. 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 describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP.
20. Submission of an approved Site Management Plan (SMP) in the 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.
21. The property will continue to be registered with an E-Designation by 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 977 Manhattan Avenue site are as follows:

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

1. 30 dBA for residential facades;
2. 25 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.

The following window(s) will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
East Facades Floors 2 through 8 (W-01)	34	See ASTM E-90 Lab Test Report Architectural Testing Project No: E-6337.01-113-11 Date: 4/02/2015 For the exact window and glazing in Appendix D	Professional Grade Aluminum, Inc. W62 Terrace Door/Fixed	1-3/8" IG (1/4" annealed exterior, 5/8" air space, 1/2" laminated interior
East Facades Floors 6 and 8 (W-02)	34	See ASTM E-90 Lab Test Report Architectural Testing Project No: E-6337.01-113-11 Date: 4/02/2015 For the exact window and	Professional Grade Aluminum, Inc. W62 Narrow Frame/Narrow Sash Casement Window	1-3/8" IG (1/4" annealed exterior, 5/8" air space, 1/2" laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
		glazing in Appendix D		
East and West Facades Floors 2 through 8 (W-03)	34	See ASTM E-90 Lab Test Report Architectural Testing Project No: E-6337.01-113-11 Date: 4/02/2015 For the exact window and glazing in Appendix D	Professional Grade Aluminum, Inc. W62 Narrow Frame/Narrow Sash Casement Window	1-3/8" IG (1/4" annealed exterior, 5/8" air space, 1/2" laminated interior)
West Facade Floors 2 through 8 (W-04)	34	See ASTM E-90 Lab Test Report Architectural Testing Project No: E-6337.01-113-11 Date: 4/02/2015 For the exact window and glazing in Appendix D	Professional Grade Aluminum, Inc. W62 Narrow Frame/Narrow Sash Casement Window	1-3/8" IG (1/4" annealed exterior, 5/8" air space, 1/2" laminated interior)
North & South Facades Floors 4 through 8 (W-05)	34	See ASTM E-90 Lab Test Report Architectural Testing Project No: E-6337.01-113-11 Date: 4/02/2015 For the exact window and glazing in Appendix D	Professional Grade Aluminum, Inc. W62 Narrow Frame/Narrow Sash Casement Window	1-3/8" IG (1/4" annealed exterior, 5/8" air space, 1/2" laminated interior)
East Façade First Floor Commercial (W-06)	30	See ASTM E-90 Lab Test Report Architectural Testing Project No: A0195.01-113-11 Date: 5/28/2010 For the exact window and glazing in Appendix D	Kawneer Trifab Center Glazed 451UT Curtain Wall System	1" IG (1/4" laminated, 1/2" air space, 1/4" laminated)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. The labeled window schedule attached in Appendix A shows the locations of the window/door types.

## 2.3 ALTERNATIVE MEANS OF VENTILATION

In order to satisfy the requirements of the E-Designation, Alternative Means of Ventilation (AMV) will be installed in order to maintain a closed window condition. AMV for this project will be achieved by:

- PTAC Units:** Installing models PTH073G, PTH093G, PTH123G and PTH153G PTAC units manufactured by Amana in each bedroom and living/dining area of each residential unit on the second through sixth floors. 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 A. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix F. The PTAC units will continuously provide outdoor air through a vent control louver. The vent control will allow outside air to be drawn into the conditioned area when the blower is operating.
- Compliance with Mechanical Code:** The commercial space will be fitted with ducting and louvers to provide outside air as required by 2014 Mechanical Code. Future tenants of the commercial space will be responsible for installing the mechanical equipment needed for ventilation.

The remedies for Hazardous Materials and Noise 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.

11/5/15



Date

Alysha Alfieri  
Project Manager

11/5/15



Date

Shaminder Chawla  
Deputy Director

11/5/15



Date

Zach Schreiber  
Assistant Director

cc: Issac Brown, B & B Global Development Corp. - [bbglobaldev@gmail.com](mailto:bbglobaldev@gmail.com)  
Kim Somers, EBC - [ksomers@ebcincny.com](mailto:ksomers@ebcincny.com)  
Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, Hannah Moore  
Alysha Alfieri, PMA-OER