



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
Acting Director

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NOTICE TO PROCEED
DOB Job B00851732-I1

May 6, 2024

Re: 12074 Flatlands Avenue
Brooklyn Block 4434, Lot 1
Hazardous Materials, Air Quality, and Noise "E" Designation
E-679: Innovative Urban Village FEIS - CEQR 20DCP057K - 11/22/2022
OER Project Number 23EHAN210K / NYS DEC# 224353

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 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 New York State Department of Environmental Conservation (NYSDEC)-approved Brownfield Cleanup Program (BCP) Hazardous Materials Remedial Action Work Plan (RAWP) dated May 2024 and a Decision Document dated May 2024 approving this RAWP. The Applicant has also submitted an Air Quality and Noise Remedial Action Plan dated April 2024 that are acceptable to this Office. 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 Yolanda Chow at 212-788-7423.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Bertini", is placed above the printed name.

Maurizio Bertini
Assistant Director

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DECISION DOCUMENT

E-Designation Remedial Action Work Plan Approval

May 6, 2024

Re: 12074 Flatlands Avenue
Brooklyn Block 4434, Lots 1
Hazardous Materials, Air Quality, Noise E Designation,
E-679: Innovative Urban Village FEIS - CEQR 20DCP057K - 11/22/2022
OER Project Number 23EHAN210K / NYS DEC# 224353

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan for Air Quality and Noise dated April 2024 for the above-referenced project. OER has also received the NYS Department of Environmental Conservation (DEC) approved Remedial Action Work Plan (RAWP) for the 12074 Flatlands Avenue site dated May 2024 and prepared by Langan Engineering on behalf of the Innovative Urban Living, LLC.

These Plans were submitted to OER under the E-Designation Program.

Project Description

The proposed future use of the Site consists of construction of a mixed-use commercial/community facility/residential building with retail space, affordable housing, a daycare, a playground, and below-grade parking. The residential portions of the buildings will be comprised of 100% income-based affordable housing, while the commercial portions will be used for neighborhood retail space and the community facility for a daycare. The cellar will consist of below grade parking, mechanical rooms, and storage.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “12074 Flatlands Avenue” pursuant to 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 12074 Flatlands Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

This Site is managed by the New York State Department of Environmental Conservation (NYSDEC) under the state Brownfield Cleanup Program, (Site # C224353). The remedial action selected for the 12074 Flatlands Avenue site outlined in the May 2024 NYSDEC-approved Remedial Action Work Plan.

Project related documents are available at OER online portal at:

<https://a002-epic.nyc.gov/app/workspace/34679/docrepository>

Full remedy details and all project related documents are available on the NYS DEC online repository at:

<https://extapps.dec.ny.gov/data/DecDocs/C224353/>

Description of Selected Remedy for Air Quality

The elements of the remedial action selected for Air Quality for the 12074 Flatlands Avenue site are as follows: The fuel and stack requirements were modified for Segment 3 and removed for Segment 4 in accordance with a study conducted by VHB. Based on the modifications approved by the Office of Environmental Coordination and the Department of City Planning on February 28, 2024, the updated requirements are as follows:

Block 4434, Lot 1, Building 3

Any new residential or mixed-use development on the above-referenced property, if using fossil-fuel fired HVAC or hot water systems, must exclusively use natural gas and be fitted with low-NO_x (up to 20 ppm) burners and have a stack at least 168 feet above grade to avoid any significant adverse air quality impacts. Additionally, the stack must be located on the building roof at a minimum of 27.5 feet from the northern lot line (facing Flatlands Avenue) and at a minimum of 48.5 feet from the eastern lot line (facing Pennsylvania Avenue). With these stack restrictions there would not be any significant adverse air quality impacts.

Fuel Type

In order to satisfy the requirements of the E-designation, natural gas water heaters will be utilized at the site for the domestic hot water system serving residential apartments and amenity spaces. Remaining systems, including space heating and HVAC systems will be powered electrically. A copy of the stamped gas riser diagram are provided in Appendix F. A copy of the stamped Mechanical Equipment Schedule and Specifications are provided in Appendix H.

In order to satisfy the requirement to use low NO_x (< 20 ppm) burners, Innovation burners manufactured by Aerco will be used. Manufacturer's specifications demonstrating that the burner achieves this standard are included in Appendix E.

Stack Location

In order to satisfy the requirements of the E-Designation, 1 stack will be located on the roof of Segment 3. Stack 1 will be located 168 feet above the average base plane of the lot. Stack 1 serves domestic water heaters that provide hot water to both Segments 3 & 4. All water heaters are located in the cellar of Segment 3. No stacks will be located on the roof of Segment 4. Both Segment 3 and 4 share a common cellar floor. Thus, no stacks are located on Segment 4 and there are no taller buildings than Stack 1 within 225 ft from the proposed Stack 1 location.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 12074 Flatlands Avenue site are as follows:

Façade and Height Requirements

The requirements of the E-Designation 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 for Segment 3 facades facing Flatland Avenue and the facades facing Pennsylvania Avenue within 50 feet of Flatland Avenue and the facades facing Louisiana Avenue within 50 feet of Flatland Avenue;
2. 23 dBA in the commercial spaces in Segment 3 based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.
3. 31 dBA for Segment 4 southern façade and the eastern facades within 50 feet of the proposed childcare facility playground;
4. 28 dBA for elevations above 100' for Segment 4 facades as listed above;
5. 26 dBA in the commercial spaces in Segment 4 based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.

Window/ Wall Noise Attenuation

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Segment 3 All Facades All Floors (Residential or Use Group 3)	27 (Composite 30, 28 dBA required)	ASTM E-90 Lab Test Report # I6990.01-113- 11-R1 Report Date: 5/30/2019 Data File No.: I6990.01E	Intus Supera Casement AW	1" IGU ¼" annealed, ½" argon, ¼" annealed
Purple/Light Purple	26 (Composite 30, 28 dBA required)	ASTM E-90 Lab Test Report # I6988.01-113- 11-R0 Report Date: 5/07/2019 Data File No.: I6988.01C	Intus Supera Fixed CW/AW	1" IGU ¼" annealed, ½" argon, ¼" annealed
Segment 3 All Facades 1 st Floor (Commercial) Light Purple	26 (23 dBA required)	ASTM E-90 Lab Test Report # I6988.01-113- 11-R0 Report Date: 5/07/2019 Data File No.: I6988.01C	Intus Supera Fixed CW/AW	1" IGU ¼" annealed, ½" argon, ¼" annealed
Segment 4 South Façade, East Façade within 50' of Proposed Child Facility Playground All Floors (Residential or Use Group 3)	31 (31dBA required)	ASTM E-90 Lab Test Report # I6990.01-113- 11-R1 Report Date: 5/30/2019 Data File No.: I6990.01D	Intus Supera Casement AW	<u>1-3/32" IGU</u> 5/32" annealed; 9/16" argon; 3/8" annealed
Blue/Light Blue	31 (31 dBA required)	ASTM E-90 Lab Test Report # I6988.01-113- 11-R0 Report Date: 5/07/2019 Data File No.: I6988.01E	Intus Supera Fixed CW/AW	<u>1-3/32" IGU</u> 5/32" annealed; 9/16" argon; 3/8" annealed
Segment 4 All Facades 1 st Floor (Commercial) Light Purple	26 (26dBA required)	ASTM E-90 Lab Test Report # I6988.01-113- 11-R0 Report Date: 5/07/2019 Data File No.: I6988.01C	Intus Supera Fixed CW/AW	1" IGU ¼" annealed, ½" argon, ¼" annealed

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Segment 4 All Other Facades Purple/Light Purple	27 (no requirement)	ASTM E-90 Lab Test Report # I6990.01-113-11-R1 Report Date: 5/30/2019 Data File No.: I6990.01E	Intus Supera Casement AW	1" IGU ¼" annealed, ½" argon, ¼" annealed
	26 (no requirement)	ASTM E-90 Lab Test Report # I6988.01-113-11-R0 Report Date: 5/07/2019 Data File No.: I6988.01C	Intus Supera Fixed CW/AW	1" IGU ¼" annealed, ½" argon, ¼" annealed

The acoustical 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 A 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. **Central Systems:** For cellar spaces, 100% outdoor fan coil units in the ceiling of the cellar will condition outdoor air ducted from a 1st floor louver band and supply it directly to spaces where it will be cooled and recirculated by wall mounted VRF evaporators. The unit manufacturer will be Daikin, the fan coil unit model will be CAH and the wall mounted VRF evaporators will be FXAQ.

For the 1st floor lobby, VRF 100% outdoor air evaporator units in the ceiling of the lobby, mail room and package room will condition outdoor air ducted from a 1st floor louver band and supply it to the lobby, mail room, and package room ceilings. Those VRF evaporators will condition the lobby, mail room, and package room and supply the outdoor air to the spaces. The VRF unit manufacturer will be Daikin and model will be FXMQ.

For the Corridors on all residential floors and the children's playroom, social services office, and Computer Lounge on the 14th floor of Segment 3 and the Childrens Play room and Lounge on the 12th floor of Segment 4, conditioned outdoor air shall be supplied from an Energy Recovery Unit on the roofs of both Segments. The conditioned air shall be supplied to the corridors through a corridor supply riser with CAR dampers to regulate airflow. The amenities shall be served from the corridor supply riser by a branch duct with a CAR damper. The ERU manufacturer shall be Aeon and the model shall be RNA.

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 2022 New York City Mechanical Code table 403.3. These rates will be the greater of 0.35 air changes per hour or 5 cfm per person, representing the outdoor ventilation otherwise provided by operable windows.

2. **Trickle Vents:** TV90 trickle vents manufactured by Titon will be installed in all apartments on all floors. Outdoor air will be provided to all bedrooms and living rooms by the trickle vents. Heating and cooling will be provided in residential spaces receiving outdoor air via trickle vents by VRF units.
3. **Louvers:** The proposed louver is the Airolite SCC550. It is a Storm Class combination louver providing high volume airflow and protection against water penetration and debris impact. The design features a horizontal-blade exterior module, as well as a vertical-blade interior module. The SCC550 is AMCA 540 listed for wind-borne debris impact and AMCA 550 listed for high velocity wind driven rain.
4. **Compliance with Mechanical Code:** Outdoor air is provided to commercial spaces and common areas such as lobbies and corridors in accordance with the 2014 NYC Mechanical Code. 1st floor retail spaces shall be built to a core and shell standard and fitted out by their tenants, using louver bands on the building façade at the 1st floor for outdoor air.

The remedies for Hazardous Materials, Air Quality, 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.

5/06/2024



Date

Yolanda Chow
Project Manager

5/06/2024



Date

Maurizio Bertini
Assistant Director

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