



OFFICE OF ENVIRONMENTAL REMEDIATION

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

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Director

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NOTICE TO PROCEED

DOB Job Number: NB - 420892323

June 17, 2015

Derek Lee, R.A.
Queens Borough Commissioner
NYC Department of Buildings
120-55 Queens Boulevard
Kew Gardens, NY11424

Re: **134-37 35th Avenue (134-21 – 134-37 35th Avenue & 33-60 – 33-70 Farrington Street)**
Queens, Block 4949, Lot 31
Hazardous Materials, Air Quality, Noise “E” Designation
E-246: 7/29/2010 – 134-03 35th Avenue (aka New Millennium / Prince St) Rezoning –
CEQR Number: 04DCP013Q
OER Project Number: 14EHAN384Q/ NYSDEC Spill Number: 94-16190


Dear Commissioner Lee:

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 plan, Noise remedial action plan, Air Quality remedial action plan that are acceptable to this Office, as well as an NYSDEC approved spill remedial work plan that is 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 William Wong at (212) 341-0659.

Sincerely,


Shaminder Chawla
Deputy Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER
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DECISION DOCUMENT

E-Designation Remedial Action Plan Approval

June 17, 2015

Re: **134-37 35th Avenue (134-21 – 134-37 35th Avenue & 33-60 – 33-70 Farrington Street)
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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 April 23, 2015 and the Remedial Action Plan for Air Quality and Noise dated June 5, 2015 for the above-referenced project. These Plans were submitted to OER under the E-Designation Program.

Project Description

The proposed use of the Site will be commercial and residential. Redevelopment will include the construction of a one- to 15-story building with a cellar partially below ground occupying the ground level and two sub-cellars to a total depth of 26 feet below grade (fbg). The redevelopment plan includes demolishing the current Site building, with removal and proper offsite disposal of all demolition debris. No sub-grade demolition is anticipated or planned.

The new building will be approximately 38,775 square feet and will occupy the entire lot. The second sub-cellar (lowest level), which extends across the entire lot, will contain parking and mechanical rooms. The first sub-cellar, located above the second sub-cellar, will contain parking, a pool, a café, a kitchen, maintenance rooms, laundry rooms, a fitness center, and meeting rooms. The cellar (ground level) will contain nine retail units, a hotel lobby, a residential apartment lobby, maintenance rooms, and work rooms. The first floor will contain a parking garage and maintenance rooms. The second floor will contain hotel rooms, conference rooms, and a terrace. Floors three through seven will contain hotel rooms and maintenance rooms. Floors 8 through 15 will contain residential apartments and maintenance rooms. The roof will be used as a terrace. The building will contain 210 hotel rooms, 148 apartments, and two elevators; the total gross area of the building will be 354,454 square feet. Redevelopment will include excavation across the entire Site to a depth of 29 fbg. Approximately 41,650 cubic yards (estimated at 54,150 tons) of soil will be excavated. Depth to groundwater is estimated at 27 fbg.

The current zoning designation is R6 with a C2-2 overlay, which permits residential and retail commercial use.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “134-37 35th Avenue” pursuant to the Zoning Resolution and §24-07 of the Rules of the City of New York.

Description of Selected Remedy for Hazmat

The remedial action selected for the 134-37 35th Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Perform a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
2. Selection of Unrestricted Use (Track 1) Soil Cleanup Objectives (SCOs).
3. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
4. Completion of a Waste Characterization Study prior to excavation activities. Waste characterization soil samples will be collected at a frequency specified by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results and disposal facility(s) approval letters will be submitted to NYCOER prior to the start of the remedial action.
5. Excavation and removal of soil/fill to the planned excavation depth of 29 feet below existing grade for the foundation. The elevator shaft will be excavated to a depth of approximately eight feet below the sub-cellar slab. Approximately, 54,150 tons of soil will be excavated and removed from this Site.
6. 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.
7. 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.
8. Closure of the open petroleum spill (NYSDEC Spill Case numbers 95-16190) under the authority of NYSDEC and in compliance with applicable local, State and Federal laws and regulations. Spill remediation will be conducted in accordance to NYSDEC approved Spill RAP. This RAWP does not alter or interfere with the remedial action for the petroleum spill.
9. Removal of underground storage tanks (if encountered) 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.
10. 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 onsite.
11. Collection and analysis of sixteen (16) end-point samples to determine the performance of the remedy with respect to attainment of site-specific SCOs.
12. Construction and maintenance of a three-foot engineered composite cover consisting of the building foundation slab.
13. Installation of a vapor barrier system beneath the building slab and along foundation sidewalls.
14. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
15. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
16. Submission of a Remedial Closure Report (RCR) that describes the remedial activities, certifies that the remedial requirements have been achieved, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAP.
17. If Unrestricted Use Soil Cleanup Objective are not met, 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 RAP 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 Air Quality

The elements of the remedial action selected for Air Quality for the 134-37 35th Avenue site are as follows:

In order to satisfy the requirements of the E-designation, Natural gas will be used at the site for space heating and hot water. No. 2 fuel oil will be used for an emergency generator located at 2nd floor roof, at 12' from west side of Lot line. A 175-gal fuel storage day tank will be provided below the generator on 2nd floor roof. The emergency generator will only be used during emergency condition to supply power for the building life safety equipment in compliance with 2014 NYC DOB Building Code.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 134-37 35th Avenue 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. 30 dBA in residential spaces;
2. 25 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation;
3. 28 dBA in residential spaces on all facades for windows from 101 - 200 feet above street level based on a reduction of 3 dBA from the projected street-level L₁₀ value;

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Cellar & Ground Floor- Commercial East & South Elevations	31 dBA	ASTM E-90	Storefront Window manufactured by TubeLite, Inc. Model: T24000 Series	1/4" heat strengthened exterior, 1/2" air space, 5/16" laminated interior
Cellar & Ground Floor- Commercial South Elevation	30 dBA	ASTM E-90	Storefront Single Door manufactured by TubeLite, Inc. Model: T24000 Series	1/4" heat strengthened exterior, 1/2" air space, 5/16" laminated interior
Cellar & Ground Floor- Commercial East & South Elevations	25 dBA	ASTM E-90	Storefront Double Door manufactured by TubeLite, Inc. Model: T24000 Series	1/4" heat strengthened exterior, 1/2" air space, 5/16" laminated interior
East Elevation- 3 rd -7 th floors South Elevation- 3rd, 4th, 14th & 15th floors West Elevation- 4th- 15th floors	32 dBA	ASTM E-90	Aluminum Curtain Wall manufactured by Gamco Corporation, Model: CW-250 Series	1/4" tempered exterior, 1/2" argon, 1/4" laminated interior

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
East, South, West & North Elevations- 2nd-15th floors	30dBA	ASTM E-90	Casement Window, Manufactured by Crystal Window & Door Systems, Ltd., Model: 8000 series.	5/16" laminate, 3/8" air space, 5/16" laminate
East, South, West & North Elevations- 2nd-15th floors	32 dBA	ASTM E-90	Fixed Window, Manufactured by Crystal Window & Door Systems, Ltd., Model: 8100 series	5/16" laminate, 3/8" argon, 5/16" laminate
East, South & West Elevations- 8th-15th floors	30 dBA	ASTM E-90	Sliding door aluminum and glass by Crystal Window & Door Systems, Ltd., Model: 1240 series	1/4" laminated, 1/2" air space, 1/4" laminated
East Elevation- 2nd, 3rd, 5th, 8th-15th floors South Elevation- 8th~15th floors West Elevation 2nd, 3rd, 8th-14th floors	33dBA	ASTM E-90	Swing Door, manufactured by Gamco Corporation, Model: BD-325 series	7/16" laminated exterior, 9/16" air space, 1/4" laminated 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:

- The water source heat pump air conditioning units (HPAC) will be used for the space heating and cooling in entire building, including residential dwelling units, hotel guest rooms, community facilities and retail units. The heat pump units are made by Bosch – Florida Heat Pump; size varies from LV009 – LV070. HPAC units will provide outdoor air through individual louvers to all hotel living space, retail and community facility space. An outdoor air intake fan in each residential dwelling unit will provide outdoor air to all living spaces, i.e. living rooms and bedrooms in compliance with 2014 NYC Mechanical Code.
- Two (2) double-cell cooling towers, made by Baltimore Air Coil, Series 1500 Model S15E-1285-7MN-2, will be installed on the building roof for the building cooling
- Each residential dwelling unit will have one outdoor air fan within the unit, to supply 75 cfm outdoor fresh air to all living space, i.e. living rooms and bedrooms in compliance with 2014 NYC Mechanical Code. Outdoor air louvers at each floor corridor will provide minimum code required outdoor air via HPAC units dedicated for residential corridors and lobby.

- Each hotel guest room will have an outdoor air intake louver (6x6) within the room, to provide minimum code required outdoor fresh air (30 cfm), drawn by a heat pump air conditioning unit, for all living spaces, i.e. living rooms and bedrooms in compliance with 2014 NYC Mechanical Code. All hotel public corridors in guest room floors will have dedicated louvers for minimum outdoor fresh air, drawn by heat pump units serving the corridors.
- A gas-fired rooftop AC unit (AC-1), located on 1st floor roof, will supply tempered outdoor air to the hotel lobby, dining areas, meeting rooms, gym, swimming pool and other hotel accessory areas in cellar and sub-cellar, in compliance with 2014 NYC Mechanical Code.
- 12" height architectural louvers will be provided above all windows in retail and community facility space in cellar and 2nd floor, and blanked off for future tenant outdoor air connection. Toilet exhaust fans will be installed and providing 50 cfm per toilet fixture for all toilets in retail and community facility units.
- Compliance with Mechanical Code: Providing outdoor fresh air to commercial spaces and common area such as lobbies and corridors in accordance with 2014 NYC Mechanical Code.

The remedies for Hazardous Materials, Air Quality, 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.

June 17, 2015

Date


 William Wong
 Senior Project Manager

June 17, 2015

Date


 Shaminder Chawla
 Deputy Director

June 17, 2015

Date


 Zach Schreiber, Ph.D.
 Assistant Director

cc: Daniel Walsh, Shaminder Chawla, Zach Schreiber, Maurizio Bertini, William Wong, PMA-OER
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