



OFFICE OF ENVIRONMENTAL REMEDIATION

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

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NOTICE TO PROCEED
DOB Job Number B00715375-II

October 31, 2023

Re: 1034-1042 Atlantic Avenue, 1034-1042 Atlantic Avenue & 1035 Pacific Street
Brooklyn Block 1125, Lots 29, 33
Hazardous Materials, Air Quality, and Noise “E” Designation
E-637: 1034 - 1042 Atlantic Avenue Rezoning - CEQR 21DCP170K - 4/28/2022
OER Project Number 22EHAN390K / 23CVCP052K

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 Hazardous Materials remedial action work plan, Noise remedial action plan, and Air Quality 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 §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 Kestana Anokye at 212-788-8319.

Sincerely,

Zach Schreiber, Ph.D.
Assistant Director

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DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

October 31, 2023

Re: 1034-1042 Atlantic Avenue, 1034-1042 Atlantic Avenue & 1035 Pacific 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 July 2023 with Stipulation Letter dated October 2023 and the Remedial Action Plan for Air Quality and Noise dated October 2023 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on October 13, 2023. There were no public comments.

Project Description

The proposed future use of the Site will consist of a new, interconnected 17-story and 9-story mixed commercial and residential use buildings with a cellar. The cellar foundation requires excavation of the entire Site to depths between 9 feet below grade surface (bgs) and 15 feet bgs for the construction of footings, and a small portion to 18 feet bgs for the construction of an elevator pit in the central portion. The 17-story building will be utilized as follows; the cellar will be utilized as parking, bike storage, tenant storage, refuse storage, gym, recreation use, mechanical rooms, utility rooms, and retail use; the first floor will be used for retail, mail, recreational, and lobby use; the second floor will be used for apartments, and recreational use; the 3rd through 17th floors will be used for apartment use; the roof will be used for sustainable energy practices, mechanical, and elevator bulkhead use. The nine-story interconnected building will be utilized as follows; the cellar will be utilized as parking, bike storage, tenant storage, refuse storage, gym, recreation use, mechanical rooms, utility rooms, and retail use; the first floor will be used for retail, mail, recreational, and lobby use; the second through 9th floor will be used for apartments use; the roof will be used for recreational, mechanical, and elevator bulkhead use. The courtyard connecting the two buildings in the cellar level will be landscaped and the sidewalk areas within the lot lines will be paved with concrete. Details will be included in the Construction Documents (CD) drawings prior to construction. The proposed internal gross square footage for the new buildings will be approximately 227,295.14 square-feet. Total of 190 market rate and 47 MIH rate apartment units are planned for the new buildings (for a total of 237 apartments).

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “1034-1042 Atlantic 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

The remedial action selected for the 1034-1042 Atlantic Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

1. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
2. Establishment of Site-Specific 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 dictated by disposal facility(s).
5. Excavation and removal of soil/fill exceeding Site-Specific SCOs. The cellar foundation requires excavation of the entire Site to depths between 9 feet below grade surface (bgs) to 15 feet bgs for the construction of footings, and a small portion to 18 feet bgs for the construction of an elevator pit in the central portion.
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. 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.
9. 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.
10. Collection and analysis of seven end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
11. Demarcation of residual soil/fill in landscaped areas.
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 a 6-inch reinforced concrete mat slab underlain by a vapor barrier system, underlain by a 6-inch clean granular sub-base beneath the Site. Landscaped areas will be excavated to two feet below grade surface and backfilled with two feet of clean fill.
14. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls extended vertically to grade level to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil Stego Wrap manufactured by Stego Industries or approved equal below the slab throughout the full building area and outside all sidewalls to grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RARRAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Construction and operation of a cellar level parking garage with high volume air exchange in conformance with 2022 NYC Building Code.
16. A passive sub-slab depressurization system (SSDS), consisting of three loops below the new cellar slab, excluding the parking garage footprint, will be installed as a mitigation system to prevent vapor migration into the new buildings. Each loop will consist of perforated 4" SCH 40 PVC that will be connected to a 4" solid PVC riser below ground, which then will be connected to a 6" cast iron or galvanized steel riser above the slab. Each loop will have its own riser for a total of three risers. The remedial engineer will certify in the RARRAR that the SSDS was designed and properly installed to mitigate soil vapor migration into the building.
17. 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.
18. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
19. 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 RAP, and describes all Engineering and Institutional Controls to be implemented at the Site.

20. Submission of an approved Site Management Plan (SMP) in the Remedial Closure Report (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 at 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 1034-1042 Atlantic Avenue site are as follows: In order to satisfy the requirements of the E-designation, electric equipment will be utilized at the site for space heating, hot water, and/or HVAC systems.

The fresh air for residential lobbies in the cellar and on the 1st floor will be provided via VRF heat pump system with condensers CU-LOB.1 & CU-LOB.2, model #PUHY-P144TNU-A(-BS). Condenser CU-LOB.1 will be installed on the roof of the 9-story building, condenser CU-LOB.2 will be installed on bulkhead level of the 17-story building. 800cfm (130+130+240+300) fresh air intake to the lobbies is provided from the courtyard. The additional 110 cfm fresh air intake is provided from ERV-1 and the 50 cfm fresh air intake is provided from ERV-2.

The “golf simulator, screen & media” rooms in the cellar will be provided with cooling and heating via VRV system with one condenser CU-PLAY, model #PUMY-P48NKMU3(-BS), installed on the bulkhead level and one ducted air handler AH-PLAY, model #PEFY-P48NMAU-E4. The 350 cfm fresh air intake for these areas is provided via F.A.I. louver from the courtyard.

The recreation space on the 2nd floor will be provided with cooling and heating via VRF heat recovery system with condenser CU-REC, model #PURY-P168TNU-A(-BS), installed on the roof over bulkhead level of 17-story building and ducted air handlers AH-REC.1 thru AH-REC.3, model #PEFY-P48NMAU-E4 & AH-REC.4, model #PEFY-P18NMAU-E4. The Energy Recovery Ventilator ERV-3, model HE2XINH, manufactured by RenewAire, provides 1200 cfm of fresh air intake for this area.

The commercial space on the 1st floor will be provided with cooling and heating via VRF heat pump system with condensers CU-1.1 & CU-1.2, model #PUHY-P144TNU-A(-BS), installed on the bulkhead level of 17-story building and ducted air handlers AH-1.1 thru AH-1.6, model #PEFY-P48NMAU-E4. The Energy Recovery Ventilators ERV-4 & ERV-5, model HE1XINH, manufactured by RenewAire, provide 750 cfm of fresh air intake for this area simultaneously from each ERV.

The second commercial space on the 1st floor will be provided with cooling and heating via VRF heat pump system with condenser CU-2, model #PUHY- -A(-BS), installed on the bulkhead level of 17-story building and ducted air handlers AH-2.1 & AH-2.2, model #PEFY-P48NMAU-E4. The 300 cfm fresh air intake for this area will be provided via F.A.I. louver from Atlantic Avenue and additional F.A.I. 300 cfm from the rear yard.

The third commercial space on the 1st floor will be provided with cooling and heating via VRV system with condenser CU-3, model #PUMY-P48NKMU3(-BS), installed on the roof of 9-story building and ducted air handler AH-3, model #PEFY-P48NMAU-E4. The 300 cfm fresh air intake for this area will be provided via F.A.I. louver from the courtyard.

The two elevator machine rooms, serving elevators of the 17-story building, are provided with wall mounted air handlers AH-EMR.1 & AH-EMR.2, model #PKA-A12HA7 and condensers CU-EMR.1 & CU-EMR.2, model #PUZ-A12NKA7, which are installed on the roof over bulkhead level.

The elevator machine room, serving elevator of the 9-story building, is provided with wall mounted air handler AH-

EMR.3, model #PKA-A12HA7 and condenser CU-EMR.3, model #PUZ-A12NKA7, which is installed on the bulkhead level.

The elevator machine room, serving garage elevator, is provided with wall mounted air handler AHEMR.4, model #PKA-A12HA7 and condenser CU-EMR.4, model #PUZ-A12NKA7, which is installed on the 1st floor terrace.

All condensers described above manufactured by Mitsubishi use electrical source of power.

The ventilation of the residential corridors and trash compactor rooms of the 17-story building is achieved by ERV-1, installed on the roof over bulkhead level, providing 60 cfm corridor supply per floor & 50 cfm exhaust per trash room per floor. The Energy recovery ventilator, model #U-ERV-1800 manufactured by LG, is equipped with dehumidification coil, model PRLK048A0 manufactured by LG, of indoor unit and ARUN048GSS4 of outdoor unit.

The ventilation of the residential corridors and trash compactor rooms of the 9-story building is achieved by ERV-2, installed on the bulkhead level, providing 50 cfm corridor supply per floor & 50 cfm exhaust per trash room per floor. The Energy recovery ventilator, model #U-ERV-600 manufactured by LG, is equipped with dehumidification coil, model PRLK048A0 manufactured by LG, of indoor unit and ARUN024GSS4 of outdoor unit.

Each residential unit will produce hot water by an individual electrical, storage type hot water heater HWH-1. The HWHs, manufactured by A.O. SMITH, model #ENT-50, have a storage capacity of 50 gallons and will be installed in HWH closets next to the dedicated apartment.

The hot water supply for the laundry will be provided by one electrical storage type water heater HWH-2, manufactured by A.O. SMITH, model #DRE-52-12, located in the HWH's room in the cellar. The HWH's room location is shown on P-302. The hot water supply in common restrooms, commercial restrooms, utility rooms in the cellar, and on the 1st floor will be provided by an instantaneous, electric water heater made by EEMAX, MOD #SPEX55T-ML.

The hot water supply in common restrooms, commercial restrooms, utility rooms in the cellar, and on the 1st floor will be provided by an instantaneous, electric water heater made by EEMAX, MOD #SPEX55T-ML.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 1034-1042 Atlantic Avenue site are as follows:

The following windows and doors will be installed on the 17-story building (Tower 1):

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|--|------------------------|--|---|---|
| North Façade (Atlantic Elevation) 1 st Floor (Commercial) South and East Façades (Courtyard Elevation) Garden at Cellar and 1 st Floor (Residential) | 29 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5909.03-113-11-R0) | CS55 Fixed Window manufactured by Tehnomarket Doo | 30 MM IG (8 MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR |

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|------------------------|--|--|---|
| <p>North Façade (Atlantic Elevation) 1st – 17th Floors</p> <p>West Façade 7th - 11th Floors and 15th - 17th Floors</p> <p>(Residential)</p> | 35 (required 31) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5899.01-113-11-R0) | Lineal 62 Fixed Window manufactured by Tehnomarket Doo | 38 MM IG (12 MM LAMINATED EXTERIOR, 16 MM ARGON, 10 MM LAMINATED INTERIOR) |
| <p>North Façade (Atlantic Elevation) 1st – 17th Floors</p> <p>(Residential)</p> | 31 (required 31) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: H9053.03-113-11-R0) | Lineal Plus 62 Operable (Tilt- Turn) Window manufactured by Tehnomarket Doo | 1-1/8" IG (1/4" ANNEALED EXTERIOR, 5/8" AIR SPACE, 1/4" LAMINATED INTERIOR) |
| <p>North Façade (Atlantic Elevation) 5th, 6th, 9th, 10th, 11th Floors</p> <p>(Residential)</p> | 31 (required 31) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5911.03-113-11-R0) | T67 Sliding Door manufactured by Tehnomarket Doo | 30 MM IG (8MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR) |
| <p>North Façade (Atlantic Elevation) 7th, 9th through 14th Floors</p> <p>(Residential)</p> | 33 (required 31) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5900.03-113-11-R0) | Lineal 62 Balcony Doors manufactured by Tehnomarket Doo | 32 MM IG (8MM ANNEALED EXTERIOR, 18 MM ARGON, 6 MM ANNEALED INTERIOR) |
| <p>West Façade 2nd – 17th Floors</p> <p>South Façade (Courtyard Elevation) 2nd – 17th Floors</p> <p>East Façade 3rd – 17th Floors</p> | 28 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5899.03-113-11-R0) | Lineal 62 Fixed Window manufactured by Tehnomarket Doo | 30 MM IG (8 MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR) |

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|------------------------|--|--|---|
| (Residential) | | | | |
| West Façade 2 nd – 17 th Floors South Façade (Courtyard Elevation) 3 rd – 17 th Floors East Façade 3 rd – 11 th Floors (Residential) | 28 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: H9053.07-113-11-R0) | Lineal Plus 62 Operable (Tilt- Turn) Window manufactured by Tehnomarket Doo | 1-1/8" IG (1/4" ANNEALED, 5/8" AIR SPACE, 1/4" ANNEALED) |
| West Façade 7 th Floor and 15 th - 17 th Floors South Façade (Courtyard Elevation) 2 nd – 7 th Floors and 15 th – 17 th Floors East Façade 12 th – 17 th Floors (Residential) | 30 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5900.02-113-11-R0) | Lineal 62 Swing Door manufactured by Tehnomarket Doo | 28 MM IG (6 MM ANNEALED, 16 MM ARGON, 6 MM ANNEALED) |
| South Façade (Courtyard Elevation) 3 rd – 6 th Floors (Residential) | 31 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing (Report No: P5911.03-113-11-R0) | T67 Sliding Door manufactured by Tehnomarket Doo | 30 MM IG (8MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR) |

The following windows and doors will be installed on the 9-story building (Tower 2):

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|------------------------|---|--|--|
| South Façade (Pacific Elevation) 1 st Floor North Façade (Courtyard Elevation) Cellar and 1 st Floor (Residential and Commercial) | 29 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing in (Report No: P5909.03-113-11-R0) | CS55 Fixed Window manufactured by Tehnomarket Doo | 30 MM IG (8 MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR |
| South Façade (Pacific Elevation) 2 nd – 9 th Floors West Façade (over adjacent 3-story building) 6 th – 9 th Floors East Façade 6 th – 9 th Floors North Façade (Courtyard Elevation) 2 nd – 9 th Floors (Residential) | 28 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing in (Report No: H9053.07-113-11-R0) | Lineal Plus 62 Operable (Tilt- Turn) Window manufactured by Tehnomarket Doo | 1-1/8" IG (1/4" ANNEALED, 5/8" AIR SPACE, 1/4" ANNEALED) |
| South Façade (Pacific Elevation) 2 nd – 9 th Floors West Façade (over adjacent 3-story building) 6 th – 9 th Floors East Façade 5 th – 9 th Floors North Façade (Courtyard Elevation) 2 nd – 9 th Floors (Residential) | 28 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing in (Report No: P5899.03-113-11-R0) | Lineal 62 Fixed Window manufactured by Tehnomarket Doo | 30 MM IG (8 MM ANNEALED EXTERIOR, 16 MM ARGON, 6 MM ANNEALED INTERIOR) |

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|--|------------------------|---|--|--|
| South Façade (Pacific Elevation) 8 th Floor West Façade (over adjacent 3-story building) 3 rd – 7 th Floors East Façade 6 th – 8 th Floors North Façade (Courtyard Elevation) 2 nd – 9 th Floors (Residential) | 30 (required 28) | See ASTM E-90 acoustical report for the exact window and glazing in (Report No: P5900.02-113-11-R0) | Lineal 62 Swing Door manufactured by Tehnomarket Doo | 28 MM IG (6 MM ANNEALED, 16 MM ARGON, 6 MM ANNEALED) |

GlassOne is the sole distributor of Tehnomarket D.O.O. in the United States of America for aluminum windows and doors.

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 E 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.

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.



10/31/23

Date

Kestana Anokye
Project Manager



10/31/2023

Date

Zach Schreiber, Ph.D.
Assistant Director

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