



**OFFICE OF ENVIRONMENTAL REMEDIATION**

100 Gold Street – 2<sup>nd</sup> Floor  
New York, New York 10038

**Mark P. McIntyre, Esq.**  
**Director**

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**NOTICE TO PROCEED**  
**DOB Job Number 210180490**

October 27, 2020

Re: 4477 3<sup>rd</sup> Avenue  
Bronx Block 3051, Lots 49 & 55  
Hazardous Materials, Air Quality, and Noise “E” Designation  
E-255: Third Avenue/ East Tremont Avenue Rezoning - CEQR 10DCP043X - 10/13/2010  
OER Project Number 20EHAN214X / 20CVCP084X

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 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 §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 Anna Brooks at 212-788-7423.

Sincerely,

Zach Schreiber, Ph.D.  
Assistant Director

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**DECISION DOCUMENT**

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

October 27, 2020

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Hazardous Materials, Air Quality, and Noise “E” Designation  
E-255: Third Avenue/ East Tremont Avenue Rezoning - CEQR 10DCP043X - 10/13/2010  
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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 2020 with Stipulation Letter dated October 2020, and the Remedial Action Plan for Air Quality and Noise dated October 2020 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 08/14/2020. There were no public comments. NYSDEC and NYCDOHMH was briefed on this site 05/15/2020.

**Project Description**

The proposed redevelopment project consists of a new 10-story mixed-use transient hotel comprised of hotel units, residential units, and full cellar level. The new building will cover approximately 50% of the property. The remainder of the property will be finished with a rear yard area. Each floor will be accessible by two stairwells (Stair A and Stair B) and/or elevator. The cellar level is divided into two sections: a lower and an upper cellar floor. The lower cellar floor will consist of a compactor room, ATS room, electrical room, gas meter room, hot water heater room, water service/sprinkler room, laundry room, and storage room. The upper cellar level will consist of hotel rooms and a refuse room. The first floor of the new building will consist of the hotel lobby and reception area, a breakfast area, ADA toilet/bathroom, pantry, refuse room, multiple storage rooms, bike storage room, and hotel rooms. The second through sixth floors will consist of hotel rooms and a refuse room. The seventh and eighth floors will consist of a mechanical room and refuse room, as well as studio apartment units each equipped with a kitchenette, bathroom, and closet space. The ninth floor will consist of additional studio apartment units, mechanical room, refuse room, and an outdoor recreation space. The tenth floor will consist of studio apartment units, two mechanical rooms, refuse room, laundry room, and a terrace. Excavations for the new building's cellar level (upper and lower) will be performed at least 13 feet below sidewalk grade with an additional 5 feet for the elevator pit. The remainder of the Site, in the rear yard area, will be excavated to at least 7 feet below grade. An approximately 30' x 20' area around an identified UST and related petroleum impacted soil will be excavated up to 15 feet below grade (depending on depth of bedrock). An estimated 2,400 tons of soil will require excavation for the new building footprint. The water table is estimated at approximately 10 feet below grade surface (bgs), and is anticipated to be encountered during excavation.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “4477 3<sup>rd</sup> 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 4477 3<sup>rd</sup> Avenue site is protective of public health and the environment. The elements of the selected remedy are as follows:

The proposed remedial action will consist of:

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. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds;
3. Establishment of Track 4 Site-specific Soil Cleanup Objectives (SCOs). Selected SCOs for this project includes: SVOCs 100 ppm, mercury 2.0 ppm and lead 1,000 ppm;
4. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
5. 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);
6. Excavation and removal of soil/fill exceeding Track 4 Site Specific SCOs across the Site to 13 feet below sidewalk grade for the new building's cellar level (upper and lower) with an additional 5 feet for the elevator pit. The remainder of the Site in the rear will be excavated to at least 7 feet below grade. An approximately 30' x 20' area around an identified UST and related petroleum impacted soil will be excavated up to 15 feet below grade (depending on depth of bedrock). An estimated 2,400 tons of soil will require excavation for the new buildings cellar;
7. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID;
8. 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;
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 five post-excavation confirmation samples to determine the performance of the remedy with respect to attainment of SCOs Collection and analysis of five petroleum hot-spot / tank endpoint samples analyzed for VOCs and SVOCs;
11. Import and reuses of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
12. Installation of a waterproofing membrane/vapor barrier system below the cellar level concrete slab as well as outside of sub-grade foundation sidewalls and below/around the elevator pits of the proposed building. The vapor barrier system will consist of a 20-mil polyethylene and EVOH resin vapor barrier liner (Raven Vapor Block Plus), or OER-approved equivalent below the slab throughout the full building area and outside all sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration;
13. Construction and maintenance of an engineered composite cover consisting of a 6-inch-thick concrete cellar slab under the footprint of the new building and a 6-inch-thick concrete slab in the proposed rear yard;
14. 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;
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
16. Dewatering is not anticipated for this site; however, if the water table should be encountered, dewatering will occur in compliance with city, state, and federal laws and regulations. Extracted groundwater will either be containerized for off-site licensed or permitted disposal or will be treated under a permit from New York City Department of Environmental Protection (NYCDEP) to meet pretreatment requirements prior to discharge to the sewer system;
17. Submission of an approved Site Management Plan (SMP) in the Remedial Action Plan (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;
18. 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 RAWP, and describes all Engineering and Institutional Controls to be implemented at the Site; and
19. 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 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 Air Quality**

The elements of the remedial action selected for Air Quality for the 4477 3<sup>rd</sup> Avenue site are as follows:

In order to satisfy the requirements of the E-designation, natural gas and electric equipment will be utilized at the site for space heating and cooling (electric and natural gas) and hot water (natural gas).

**Hot Water Heaters:** All guest unit bathrooms, public toilets and sinks will be provided with domestic hot water by two gas-fired, hot water heaters. Each hot water heater will be as manufactured by AO Smith, model BTH-400 MXI, with a storage capacity of 119 gallons and a heat input rating of 399,000 BTUH.

**Heating and Cooling:** Hotel guest rooms and dwelling units will be provided cooling and heating by a packaged terminal heat pump (PTHP). It should be noted that the term PTHP and PTAC are interchangeable. The common spaces, including corridors, lobby and breakfast area will be heated and cooled by split type heat pump systems consisting of condensers installed on the roof and an air handler installed in the area served.

All guest rooms will be provided with electrically operated PTAC's, as manufactured by Ice Air, model 8RSNU15, with a cooling capacity of 14,400 BTUH and heating capacity of 13,500 BTUH. Common spaces will be provided with air handlers as manufactured by Mitsubishi of varying sizes as shown on equipment schedules. Air-cooled, roof-mounted condensers will be connected to all heat pump air handlers (guest rooms and common spaces).

A gas fired roof-mounted dedicated outside air system (DOAS) will be provided to supply outside air to all common spaces provided with heat pump air handlers. The DOAS, as manufactured by Trane Horizon (OAB/G) B108 MODEL OABD084A3, will continuously supply 1,280 cfm of outside air distributed through ducts directly into some spaces, such as corridors, and into the inlets of air handlers.

#### **Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 4477 3<sup>rd</sup> Avenue site are as follows:

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

1. 30 dBA for all facades;

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 and West Façades  All Floors  Commercial (hotel areas) and residential	33	ASTM E-90 Lab Test Report, F9417.01-113-11-R0; data file number: F9417.01B	Crystal Windows; 8510; fixed; Window Type 1 (a), 2 (a), 5 (a), 6 (a)	1 ¼" I.G. (5/16" laminated Exterior, ¾" air space, 3/16" annealed interior)
East and West Façades  All Floors  Commercial (hotel areas) and residential	33	ASTM E-90 Lab Test Report, F9417.01-113-11-R0; data file number: F9417.01B	Crystal Windows; 8500; outswing casement; Window Type 1 (b), 2 (b), 3 (a), 4 (a), 5(b), 6 (b)	1 ¼" I.G. (5/16" laminated Exterior, ¾" air space, 3/16" annealed interior)

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls.

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 8RSNU15 PTAC units manufactured by Ice Air in each living room and bedroom. 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 I. Manufacturer specifications showing the fresh air intake for the PTAC units are included as Appendix G. The PTAC units continuously provide outdoor air. Guest rooms receive 35 cfm, studio apartments receive 50 cfm and dwelling unit living rooms and bedrooms each receive 25 cfm. A letter from the P.E describing the AMV is included in Appendix H.
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-Designations 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.

10/27/2020



Date

Anna Brooks  
Project Manager

10/27/2020



Date

Zach Schreiber, Ph.D.  
Assistant Director

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