



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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

**Shaminder Chawla**  
**Acting Director**

Tel: (212) 788-8841

**NOTICE TO PROCEED**  
**DOB Job Number M08022114-11**

January 3, 2024

Re: 126-130 Lafayette Street  
Manhattan Block 209, Lot 21  
Hazardous Materials and Noise “E” Designation  
E-619: SoHo/NoHo Neighborhood Plan - CEQR 21DCP059M - 11/23/2021  
OER Project Number 22EH-N380M / 23CVCP047M

Dear Manhattan 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 Numbers. 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. 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 §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,

Shaminder Chawla  
Acting Director

cc: Matt Webber, Stellar Management - [mwebber@stellarmanagement.com](mailto:mwebber@stellarmanagement.com)  
William Eng, Stellar Management - [weng@stellarmanagement.com](mailto:weng@stellarmanagement.com)  
Gzim Lajqi, Stellar Management - [glajqi@stellarmanagement.com](mailto:glajqi@stellarmanagement.com)  
Erik Draijer, PVE, LLC - [edraijer@pve-llc.com](mailto:edraijer@pve-llc.com)  
Samuel Ambrose, PVE, LLC - [sambrose@pve-llc.com](mailto:sambrose@pve-llc.com)  
Christian Thompson, AKRF, INC. - [cthompson@akrf.com](mailto:cthompson@akrf.com)  
Dan Barry, Atelier New York Architecture - [dan@atelierny.com](mailto:dan@atelierny.com)  
Phillip Friedman, Friedman Engineering - [pfriedman@friedmaneg.com](mailto:pfriedman@friedmaneg.com)  
Borys Hayda, Desimone Consulting Engineers DPC - [borys.hayda@de-simone.com](mailto:borys.hayda@de-simone.com)  
Jan Cermak, Mueser Rutledge Consulting Engineers - [jcermak@mrce.com](mailto:jcermak@mrce.com)  
Zach Schreiber, Maurizio Bertini  
Yolanda Chow, PMA-OER



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**DECISION DOCUMENT**

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

January 3, 2024

Re: 126-130 Lafayette Street  
Manhattan Block 209, Lots 21  
Hazardous Materials, Noise E Designation,  
E-619: SoHo/NoHo Neighborhood Plan - CEQR 21DCP059M - 11/23/2021  
OER Project Number 22EH-N380M/23CVCP047M

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated May 2023 with Stipulation Letter dated June 1, 2023 and the Remedial Action Plan for Noise dated December 2023 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 12/20/2023. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of a new 25-story, mixed-use (residential with commercial) building. The building will occupy the entire footprint of the lot (6,139 sq ft), including a full cellar containing one (1) elevator pit. The cellar area will consist of residential and commercial storage areas, fitness center, utility, and boiler rooms. The first floor of the building will consist of a residential lobby and amenity area, a yard, and retail space. Retail space will only occupy the southern portion of the lot footprint. The second through the twenty-fourth floors will consist entirely of residential units. The twenty-fifth floor will consist of lounges and terraces amenities. A total of one-hundred and five (105) apartment units, and one (1) commercial spaces will compose the building.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “126 Lafayette Street” pursuant to Title 43 of the Rules of the City of New York Subchapter 7 of Chapter 14 and 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 126 Lafayette Street 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. Performance of a Community Air Monitoring Program for particulates and volatile organic carbon compounds.
3. Establishment of Track 4 Soil Cleanup Objectives (SCOs).
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 SCOs. The entire footprint of the Site will be excavated to a depth of approximately 5 feet below basement grade for development purposes. A portion of the property will be excavated to the depth of 15 feet below current basement grade for the elevator pit and pile caps.
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. 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.
10. 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.
11. Collection and analysis of six end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
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 twelve-inch-thick concrete building slab with an 6-10-inch clean granular sub-base beneath all building areas.
14. Installation of a vapor barrier system consisting of vapor barrier beneath the building slab and outside of sub-grade foundation sidewalls to mitigate soil vapor migration into the building. The vapor barrier system will consist of a 20-mil vapor barrier (W.R. Meadows Perminator EVOH) 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. The vapor barrier system is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the vapor barrier system was designed and properly installed to mitigate soil vapor migration into the building.
15. Installation of an active sub-slab depressurization system (SSDS) consisting of a network of horizontal pipe set in the middle of a gas permeable layer immediately beneath the building slab and vapor barrier system. The horizontal piping will consist of fabric wrapped, perforated schedule 40 6-inch PVC pipe connected to a 6-inch steel riser pipe that penetrates the slab and travels through the building to the roof. The gas permeable layer will consist of a 6 to 10-inch-thick layer of 2-inch trap rock stone. The pipe will be finished at the roof line with a 6-inch goose neck pipe to prevent rain infiltration. The active SSDS will be hardwired and will include a Radonaway™ blower installed on the roof line and a pressure gauge and alarm located in an accessible area in the basement. The active SSDS is an Engineering Control for the remedial action. The remedial engineer will certify in the RAR that the active SSDS was designed and properly installed to establish a vacuum in the gas permeable layer and a negative (decreasing outward) pressure gradient across the building slab to prevent vapor migration into the building.
16. 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.
17. Dewatering if needed will be performed 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.
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 RAWP, 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 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.
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 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 126 Lafayette Street site are as follows:

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. 23 dBA in the commercial space and amenity spaces based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation. It is understood that this reduction may prevent the project from obtaining a Final Notice of Satisfaction for the Noise E as the site is not protective for all allowable uses (see Section 1.2);
2. 28 dBA for windows less than 100 feet above street level;
3. 24 dBA for windows from 101 - 200 feet above street level based on a reduction of 3 dBA from the projected street-level  $L_{10}$  value of 71.2 to 68.2; and
4. 21 dBA for windows from 201 feet above street level to the top of the building based on a reduction of 6 dBA from the projected street-level  $L_{10}$  value of 71.2 to 65.2.

### **Window/ Wall Noise Attenuation**

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
All Facades  Floors 2 to 25  Residential and Amenity  Orange	36  21 to 28 dBA Required	See ASTM E90 Test Report for partial operable window test with exact glazing in Appendix F.  Zetalab Italia Report N. 230-2017-STM	Schuco Window Wall System AWS 90 – Type A or OER approved equivalent	10 mm extraclear, 16 mm argon space, 4.4/0.76 mm laminated
All Facades  Floors 2, 14, 20, and 25  Residential and Amenity Terrace Doors  Blue	28  31 Glass Only  21 to 28 dBA Required	Full assembly rating based on glass only OITC 31 manufacturer data in Appendix F. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Terrace Door with Viracon Glass or OER approved equivalent	1/4" glass, 3/4" air space, 1/4" glass

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
North, West, and East Facades  Floors 1 and 25  Retail and Amenity Storefront  Green	28  31 Glass Only  21 to 28 dBA Required	Full assembly rating based on glass only OITC 31 manufacturer data in Appendix F. Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Storefront System with Viracon Glass or OER approved equivalent	1/4" glass, 3/4" air space, 1/4" glass

The acoustical reports described above are representative of the acoustical performance of all proposed windows and doors. Color coded elevations and the labeled window schedule attached in Appendix E show the locations of the window and 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 glazing-only OITC ratings presented in the table may reduce substantially once noise transmission through the window frames is evaluated. The glazing presented above may need to be reevaluated if the attenuation losses due to framing elements render the window attenuation performance inadequate to satisfy the requirements.

### **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. **Trickle Vents:** Installing TV90 trickle vents manufactured by Titon in all residential units. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Floor plans showing the locations of trickle vents are included in Appendix A. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by Mitsubishi indoor VRFs with outdoor ACCUs installed on the rooftop and second floor setback/terrace. Manufacturer specifications for the trickle vents are included as Appendix G.
2. **Combination of Dedicated Fresh Air/ HVAC System.** Installing TLGHF0300RVX02A energy recovery (ERV) units manufactured by Lossnay and Mitsubishi indoor VRFs in the cellar level, ground floor, and Floor 25 amenity spaces for heating and cooling. A gooseneck intake on the Floor 2 roof provides fresh air to the cellar and ground floor ERVs and façade mounted louvers located on the south façade provide fresh air to the Floor 25 ERV. The ERVs, Mitsubishi indoor VRFs and associated ducting will provide fresh air to each amenity space. 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 2014 New York City Mechanical Code table 403.3. These rates will be the greater of 0.06 cfm/ft<sup>2</sup> within breathing zone or 20 cfm per person for the Cellar Gym/Fitness Room and be the greater of 0.06 cfm/ft<sup>2</sup> within breathing zone or 10 cfm per person for the first floor Residential Amenity area and 25th Floor Amenity Louges, representing the outdoor ventilation otherwise provided by the operable windows. P.E. certified mechanical drawings depicting the AMV system and how fresh air is delivered into each of the amenity

spaces are provided in Appendix H. A letter from the engineer who designed the dedicated fresh air/ HVAC system describing the system, the equipment involved (stating the manufacturer and model information), and how fresh air is delivered into each of the living spaces is attached as Appendix I.

3. **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.

## Installation Report Certification and Guidance

A Noise Attenuation Installation Report (IR) will be submitted to OER following implementation of the remedial action defined in this RAP. The IR will document that the remedial work required under this RAP has been completed and has been performed in compliance with this plan.

The remedies for Hazardous Materials, 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.

1/3/2024



Date

Yolanda Chow  
Project Manager

1/3/2024



Date

Shaminder Chawla  
Acting Director

cc: Matt Webber, Stellar Management - [mwebber@stellarmanagement.com](mailto:mwebber@stellarmanagement.com)  
William Eng, Stellar Management - [weng@stellarmanagement.com](mailto:weng@stellarmanagement.com)  
Gzim Lajqi, Stellar Management - [glajqi@stellarmanagement.com](mailto:glajqi@stellarmanagement.com)  
Erik Draijer, PVE, LLC - [edraijer@pve-llc.com](mailto:edraijer@pve-llc.com)  
Samuel Ambrose, PVE, LLC - [sambrose@pve-llc.com](mailto:sambrose@pve-llc.com)  
Christian Thompson, AKRF, INC. - [cthompson@akrf.com](mailto:cthompson@akrf.com)  
Dan Barry, Atelier New York Architecture - [dan@atelierny.com](mailto:dan@atelierny.com)  
Phillip Friedman, Friedman Engineering - [pfriedman@friedmaneg.com](mailto:pfriedman@friedmaneg.com)  
Borys Hayda, Desimone Consulting Engineers DPC - [borys.hayda@de-simone.com](mailto:borys.hayda@de-simone.com)  
Jan Cermak, Mueser Rutledge Consulting Engineers - [jcermak@mrce.com](mailto:jcermak@mrce.com)  
Zach Schreiber, Maurizio Bertini  
Yolanda Chow, PMA-OER