



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number NB 210181060

December 27, 2021

Re: 289 – 299 East 161st Street
Bronx Block 2421, Lots 49, 50, 51, 52, 53, 54
Hazardous Materials, Air Quality, and Noise “E” Designation
E-225: 161 Street River Avenue Rezoning - CEQR 09DCP024X - 9/30/2009
OER Project Number 21EHAN276X / 21CVCP055X

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 Samantha Catalanotto at 212-788-2676.

Sincerely,

Zach Schreiber, Ph.D.
Assistant Director

cc: Jack Weiss, Bronx 161 LLC - bronx161llc@gmail.com
Pinchos Halberstam, Diamond Property - pmh@diamondprop.com
Aron Feldman, Complete Development Inc - aron@cdcony.com
Keith Butler, Environmental Business Consultants - kbutler@ebcincny.com
Kevin Brussee, Environmental Business Consultants - kbrussee@ebcincny.com
Yevgeniy Mekhtiyev, IMC Architecture DPC - EMEKHTIYEV@IMCARCH.COM
Wailoon Wong, Ventrop Engineering Consulting Group PLLC - office@ventrop.com
Ariel Czemerinski, AMC Engineering, PLLC - Ariel@AMC-Engineering.com
Mark McIntyre, Shaminder Chawla, Maurizio Bertini, Sarah Pong
Samantha Catalanotto, PMA-OER



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Mark P. McIntyre, Esq.
Director

Tel: (212) 788-8841

DECISION DOCUMENT
NYC VCP, E-Designation
Remedial Action Work Plan Approval

December 27, 2021

Re: 289 – 299 East 161st Street
Bronx Block 2421, Lots 49, 50, 51, 52, 53, 54
Hazardous Materials, Air Quality, and Noise “E” Designation
E-225: 161 Street River Avenue Rezoning - CEQR 09DCP024X - 9/30/2009
OER Project Number 21EHAN276X / 21CVCP055X

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 2021 with Stipulation Letter dated October 7, 2021 and the Remedial Action Plan for Air Quality and Noise dated December 2021 for the above-referenced project.

These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program. NYSDEC and NYCDOHMH were briefed on July 8, 2021.

The RAWP was released for public comment for 30 days as required by program rule. That comment period ended on September 4, 2021. There were no public comments.

Project Description

The proposed redevelopment project consists of constructing a new 12-story, multi-tenant, mixed use (commercial-residential building) with a full cellar level. The cellar encompasses the entire lot and will consist of attended parking (52 parking spaces), two storage rooms, fire pump room, super workshop, laundry room, telecom/ arcs room, electrical room, gas meter room, water meter room, bike room, trash room, detention tank and vehicle ramp. The 1st floor encompasses the entire lot and contains a 13,057 ft² commercial space, a residential entrance containing a mail room and package room. The 2nd through 10th floors consist of residential apartments. The 11th floor consists of residential apartments, a game room, a corridor lounge and co-working room. The 12th floor consists of residential apartments, a game room and co-working room.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “289 East 161st Street” 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 289 East 161st Street 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 - 200 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. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to start of remedial action;
6. Excavation and removal of soil/fill exceeding Track 4 Site-Specific SCOs. For development purposes, excavation for the cellar level is proposed to a depth of approximately 12 feet below the existing grade for the cellar slab, 15 feet below grade for the stack pit, 20 feet for the elevator pit, 16 feet below grade for the detention tank and 14 to 19 feet for the footings. Therefore, an estimated 9,500 cubic yards (14,250 tons) of soil will be removed from the Site and properly disposed of at an appropriately licensed or permitted facility;
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 underground storage tanks 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 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 eight end-point samples (EP1-EP8) to determine the performance of the remedy with respect to attainment of Track 4 Site-Specific SCOs. Endpoint samples would be analyzed for SVOCs. If Track 1 SCOs are proposed following completion of excavation, then the end point samples would be analyzed for VOCs, SVOCs, PCBs, pesticides, and metals;
12. The vapor barrier system will consist of Stego Industries® Stego® Wrap 20-mil Vapor Barrier system installed below the slab throughout the building area, below/around the elevator pit and outside all sub-grade foundation sidewalls to grade. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration. If Stego Industries® Stego® Wrap 20-mil Vapor Barrier is not available then one of the follow vapor barriers will be installed: Raven Industries Vaporblock® Plus™ VBP20, Americover Builds Vaporblock® Plus™, Husky Yellow Guard, Grace Industries Preprufe 300R & 160R. 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;
13. Construction and maintenance of an engineered composite cover consisting of the new building's 5-inch thick concrete cellar floor slab over a 20-mil vapor barrier for the areas outside of the parking garage and 5-inch thick concrete cellar floor slab for the areas within the parking garage to prevent human exposure to residual soil/fill remaining at the Site;
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 an approved Site Management Plan (SMP) in the Remedial Action Report 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;
17. Submission of a Remedial Action Report (RAR) that describes the remedial activities, certifies that the remedial requirements have been achieved, defines the Site boundaries, and describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP; and
18. If a Track 4 cleanup is achieved, 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 289 East 161st Street 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, hot water, or HVAC systems.

Heating and cooling will be provided to the residential units by ducted heat pump systems. Condensers will be installed on the 2nd floor and the main roof. Each condenser will be connected to either single or multiple air handlers installed within each apartment. The condensers will be manufactured by Daikin (Model RXTQ48TAVJU) and the air handling units will be Daikin (Model FXSQ24TAVJU.)

Air to the building corridors will be provided by one packaged HVAC unit mounted on the building roof. The unit is natural gas-fired and manufactured by AAON (Model RN Series).

Domestic hot water is provided by two natural gas-fired water heaters manufactured by Lochinvar (Model AWH).

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 289 East 161st Street 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 in the commercial spaces based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.
2. 35 dBA for all facades in the residential spaces.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
South Façade, 1 st , 11 th , and 12 th Floors (CW1, CW2, CW3, CW4, CW5, CW6, CW7, CW8, CW9 and CW10) Commercial Space and Residential Amenity Space)	32 (required 30 dBA)	ASTM E-90 Lab Test Report I7786 01-113-11-R0; Data File No. I7786.01A included in Appendix H	YKK AP America, Inc.; YCW 750 XT Curtain Wall System, Aluminum Windows	1-5/8" IG (3/8" CRL laminated exterior, 7/8" air space, 3/8" CRL laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North and South Façades, 1 st Floors (EN01, EN02, EN03, EN04, EN06 and EN07) Commercial Space	32/31 (required 30 dBA)	ASTM E-90 Lab Test Report 94932.01-113-11; Data File No. 94932.01 included in Appendix H	YKK AP America, Inc.; Series 35XT Single and Pair Store Front Doors	1" IG (5/16" laminated exterior, 7/16" air space, 1/4" tempered interior)
All Façades, 2 nd through 12 th Floors (W1, W2, W3, and W4) Residential Space	37 (required 35 dBA)	ASTM E-90 Lab Test Report K4165.02-113-11-R0; Data File No. K4165.02A4 included in Appendix H	Ikon AUL86 Series Tilt Turn Windows, Aluminum	1-7/8" IG (1/2" laminated exterior, 3/4" argon, 5/8" laminated interior)
All Façades, 2 nd through 12 th Floors (W1, W2, and W4) Residential Space	37 (required 35 dBA)	ASTM E-90 Lab Test Report K4165.02-113-11-R0; Data File No. K4165.02A4 and Manufacturer letter included in Appendix H	Ikon AUL86 Series Fixed Window, Aluminum	1-7/8" IG (1/2" laminated exterior, 3/4" argon, 5/8" 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:

1. Trickle Vents: Installing TrimVent 90 HiLift ventilators manufactured by Tinton in each residential unit on the 2nd through the 12th floors at a rate of one trickle vent per bedroom and living room. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Heating and cooling will be provided to residential spaces receiving fresh air via trickle vents by ducted heat pump systems.
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.

12/27/21

Date



Samantha Catalanotto
Project Manager

12/27/21

Date



Zach Schreiber, Ph.D.
Assistant Director

cc: Jack Weiss, Bronx 161 LLC - bronx161llc@gmail.com
Pinchos Halberstam, Diamond Property - pmh@diamondprop.com
Aron Feldman, Complete Development Inc - aron@cdcony.com
Keith Butler, Environmental Business Consultants - kbutler@ebcincny.com
Kevin Brussee, Environmental Business Consultants - kbrussee@ebcincny.com
Yevgeniy Mekhtiyev, IMC Architecture DPC - EMEKHTIYEV@IMCARCH.COM
Wailoon Wong, Ventrop Engineering Consulting Group PLLC - office@ventrop.com
Ariel Czemerinski, AMC Engineering, PLLC - Ariel@AMC-Engineering.com
Mark McIntyre, Shaminder Chawla, Maurizio Bertini, Sarah Pong
Samantha Catalanotto, PMA-OER