



OFFICE OF ENVIRONMENTAL REMEDIATION

100 Gold Street – 2nd Floor
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NOTICE TO PROCEED
DOB Job Number A1 320627595

May 20, 2015

Ira Gluckman, R.A.
Brooklyn Borough Commissioner
NYC Department of Buildings
210 Joralemon Street, 8th Floor
Brooklyn, NY 11201

Re: **945 Bergen Street – 937 through 945 Bergen Street**
Brooklyn Block 1142, Lot 48 (formerly p/o Lots 44 and 48)
Hazardous Materials Restrictive Declaration and Noise “E” Designation
R-24: 2/10/2004 945 Bergen Street – CEQR 03 DCP 036K
E-302: 7/21/2004 Crown Heights Rezoning - CEQR 03 DCP 105K
OER Project Number 11RH-N223K / 14CVCP254K

Dear Commissioner Gluckman:

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 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 §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 Eric Ilijevich at 212-788-8841.

Sincerely,

Shaminder Chawla
Deputy Director

cc: Fabian Freeland, Crow Hill Development – freefabian@gmail.com
Nick Canonico, Nova Consulting – ncanonico@nova-consulting.com
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DECISION DOCUMENT

NYC VCP and E-Designation Remedial Action Work Plan Approval

May 20, 2015

Re: **945 Bergen Street – 937 through 945 Bergen 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 February 2015 with Stipulation Letter dated May 2015 and the Remedial Action Plan for Noise dated April 2015 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 April 3, 2015. There were no public comments.

Project Description

The applicant is proposing to convert the existing 6-story industrial-use building to mixed commercial- and residential-use. The building will contain commercial and mechanical uses in the cellar, commercial, mechanical and residential lobby uses at grade, and residential use on floors 2 through 6. The building is a brick masonry shell with steel and wood post and beam constructed interior floors and roof. For the gable ended portion of the building that fronts Bergen Street, the second floor in the front of the building will be raised, all remaining interior structure of the floors will be maintained, while for the portion of the building facing Franklin Street, the interior and roof structures will be removed, and a new 2nd and 3rd floor and roof built. Construction activities for the building will include all new mechanical (Commercial HVAC system calibrated to provide positive pressure to all cellar, sub cellar [vaults] and above areas), electrical and plumbing services for commercial space in the cellar, sub cellar (vaults) and ground floor, and for residential units on the 2nd through 6th floor. The building will have all new windows, insulation and weatherproofing at existing exterior masonry walls, as well as new exterior walls at the inner courtyard. The Cellar, Sub Cellar (Vaults) and Ground floors will be built out as raw space for commercial/retail use, with mechanical and building spaces, and a residential lobby on the Ground Floor, while Floors 2 through 6 will be built out for residential use. There will be three egress stairs and 2 elevators in the building for residential use, and 3 egress stairs and 2 elevators for commercial use.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation/Restrictive Declaration Program project known as “945 Bergen 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 Hazmat

The remedial action selected for the 945 Bergen 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 (Appendix 1).
2. Performance of a Community Air Monitoring Program (CAMP) for particulates and volatile organic carbon compounds (VOCs).
3. Completion of a Waste Characterization Study prior to excavation activities. A Waste Characterization Report documenting sample procedures, location, analytical results shall be submitted to NYCOER prior to the start of the remedial action.
4. Preparation of a Construction Health & Safety Plan (CHASP).
5. Establish Site Specific (Track 4) Soil Cleanup Objectives (SCOs).
6. Site mobilization involving Site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas.
7. Excavation and removal of soil/fill exceeding Track 4 SCOs. All concrete slabs on the ground, cellar and sub cellar (vaults) levels of the new building will be excavated to a depth of approximately 12 inches below grade for development purposes. An excavation (Ground Floor) will be conducted to a depth of 5 feet below land surface (bls).
8. 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.
9. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a photoionization detector (PID).
10. Management of excavated materials including temporarily stockpiling and segregating to prevent co-mingling of contaminated material and non-contaminated materials.
11. Off-Site disposal of all soil/fill material and transportation to and from permitted facilities will be conducted in accordance with applicable laws and regulations for handling, transport, and disposal. Sampling and analysis of excavated media as required by disposal facilities.
12. Collection and analysis of six end-point samples to determine the performance of the remedy with respect to attainment of SCOs.
13. Design and Installation of a Commercial HVAC system calibrated to provide positive pressure to all cellar, sub cellar [vaults] and above grade level areas.
14. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations.
15. Installation of a vapor barrier system will be installed beneath the 2 ground floor concrete slabs adjacent to the Dean Street (SITE 1) property boundary (and near the excavation of SG-8) as a part of development to prevent any potential future exposures from off-Site (SITE 1) soil vapor. Vapor barrier will also be installed beneath the cellar and sub-cellar slabs. The vapor barrier will consist of Liquid Boot™ Membrane/Liner (minimum 20 mil thickness Liquid Boot) or equivalent and will be installed.
16. Construction and maintenance of an engineered composite cover consisting of 4-6 inches of gravel and a 6-inch thick concrete slab across the ground floor and cellar levels of the new building.
17. Performance of all activities required for the remedial action, including permitting requirements and 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. Maintenance of records as described in this RAWP, including waste disposal manifests, clean fill/top soil sampling results, and appropriate health and safety forms and documentation.
20. Submission of an approved Site Management Plan (SMP) in the Remedial Action 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. Submission of a RAR that describes the remedial activities and 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.
22. The property will continue to be registered with a Restrictive Declaration at the NYC Buildings Department.

Establishment of Engineering Controls and Institutional Controls; 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 945 Bergen Street site are as follows:

In order to meet the requirements of the E-Designation, the following window/wall attenuations will be achieved at the locations described below:

1. 31 dBA for all facades;
2. 31 dBA in residential spaces;
3. 26 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
South and East Facades Commercial Floor 1	OITC 22 W2,W12, W13	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.0mm, 3.1mm)
South and East Facades Commercial Floor 1	OITC 27 W14	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.1mm, w/3.9mm-.09" PVB,.007" PET SSB- 3.9mm Lam.)
South and East Facades Commercial Floor 1	OITC 26 Q1,Q4, Q5,Q6	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra inswing Entrance Door U-DR1	7/8" IG (3.1mm, 3.1mm)
South Façade (Bergen St) Residential Floors 2-6	OITC 22 W3,W4, W5,W11,W12. W13	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.0mm, 3.1mm)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
South Façade (Bergen St) Residential Floors 2-6	OITC 27 W3,W5,W6, W8,W11,W12	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.1mm, w/3.9mm-.09" PVB,.007" PET SSB- 3.9mm Lam.)
South Façade (Bergen St) Residential Floors 2-6	OITC 28 Skylights W1,W7,W9	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Velux VS S06 2004	11/16" IG (1/8" tempered exterior, 11/32" argon, 7/32" laminated interior)
East Façade Residential Floors 2-6	OITC 22 W14,W21,W22	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.0mm, 3.1mm)
East Façade Residential Floors 2-6	OITC 27 W14,W23,W24	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.1mm, w/3.9mm-.09" PVB,.007" PET SSB- 3.9mm Lam.)
East Façade Residential Floors 2-6	OITC 27 W15,W16,W20 W18	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement Kolbe Ultra Sterling Fixed	7/8" IG (3.1mm, 13mm airspace, 2.7mm + .03" PVB + 2.7mm)
East Façade Residential Floors 2-6	OITC 29 W17	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Out- Swing Door	7/8" IG (1/8" exterior, 17/32" air space, 1/4" laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North Façade Residential Floors 2-6	OITC 27 W30,W31,W32	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.1mm, w/3.9mm-.09" PVB,.007" PET SSB- 3.9mm Lam.)
North Façade Residential Floors 2-6	OITC 27 W27	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	7/8" IG (3.1mm, 13mm airspace, 2.7mm + .03" PVB + 2.7mm)
North Façade Residential Floors 2-6	OITC 29 W26,W27,W28, W29	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	7/8" IG (1/8", 11/32" airspace, 3/8" lam.)
North Façade Residential Floors 2-6	OITC 31 W30	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	Single glaze, 3/8" laminated glass
West Façade Residential Floors 2-6	OITC 27 W35,W36	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling DH Window	7/8" IG (3.1mm, w/3.9mm-.09" PVB,.007" PET SSB- 3.9mm Lam.)
West Façade Residential Floors 2-6	OITC 24 W34	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	7/8" IG (5/32", 9/16" airspace, 5/32")
West Façade Residential Floors 2-6	OITC 27 W33	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	7/8" IG (3.1mm, 13mm airspace, 2.7mm + .03" PVB + 2.7mm)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
West Façade Residential Floors 2-6	OITC 29 W33	See ASTM E-90 acoustical report for the exact window and glazing in RAP Appendices.	Kolbe Ultra Sterling Casement	7/8" IG (1/8", 11/32" airspace, 3/8" lam.)

The façade masonry will have an OITC rating of 52 dBA or greater to accomplish the window/wall attenuation requirements outlined above. 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:

Trickle Vents: Install Trimvent Supervent trickle vents manufactured by Titon in all habitable rooms. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. **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 and Noise described above conform to the promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration OER guidance, as appropriate.

May 20, 2015

Date

Eric Ilijevich
Project Manager

May 20, 2015

Date

Shaminder Chawla
Deputy Director

May 20, 2015

Date

Zach Schreiber, Ph.D.
Assistant Director

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