



OFFICE OF ENVIRONMENTAL REMEDIATION

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NOTICE TO PROCEED
DOB Job Number NB 340802073

January 28, 2022

Re: 1775 Coney Island Avenue: 1763-1779 Coney Island Avenue
Brooklyn Block 6749, Lot 78
Hazardous Materials, Air Quality, and Noise “E” Designation
E-159: Midwood Rezoning - CEQR 06DCP030K - 4/5/2006
OER Project Number 21EHAN062K / 22CVCP043K

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 Numbers. 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,

Maurizio Bertini
Assistant Director

cc: Eddie Yair, 1730 Ocean Avenue Development LLC - 2802kings@gmail.com
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DECISION DOCUMENT

E-Designation Remedial Action Work Plan Approval

January 28, 2022

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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 October 2021 with Stipulation Letter dated January 2022 and the Remedial Action Plan for Air Quality and Noise dated January 2022 for the above-referenced project.

These plans were submitted to OER under the E-Designation Program.

Project Description

The proposed future use of the Site will consist of an 8-story mixed-use building including 75 residential units, street level commercial space on the west (front) portion of the building and a two-level parking garage with 39 parking spaces on the east (rear) portion of the Site. The top of slab for the lower parking garage will be partially sub-grade (approximately 3 feet below grade [fbg]) and the upper garage level top of slab will be approximately 6 feet above grade. There is no cellar to the building and the mechanical and meter rooms, elevators, trash and laundry rooms are within the at grade first floor level. The maximum depth of excavation is expected to be approximately 8 fbg for the building foundation footings. The current zoning designation is R7A with a C2-3 commercial overlay. The proposed use is consistent with existing zoning for the property.

Statement of Purpose and Basis

This document presents the remedial action for the E-Designation Program project known as “1775 Coney Island Avenue” pursuant to 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 1775 Coney Island 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 Track 4 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 Track 4 Site Specific SCOs will be completed to the extent feasible. The entire footprint of the Site will be excavated to a depth of approximately 7 feet bgs for development purposes. A small portion of property will be excavated to the depths of approximately 8 and 10 feet bgs for the elevator pit and parking access ramp foundation footings.

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 unknown USTs that may be 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. Spill closure remediation is currently being completed as an Interim Remedial Measure (IRM) as approved by the NYSDEC for Spill 20-08080 which includes:
 - a. A series of eight (8) weekly mobile dual phase extraction events utilizing temporary well RW-1 for the extraction of petroleum/hydrocarbon vapors and impacted groundwater from the area of the former remote fill.
 - b. Application of a chemical oxidant via injection to treat the soil/groundwater interface and saturated soil/groundwater to remediate petroleum related dissolved phase VOCs.
 - c. Collection of post-injection event groundwater samples to evaluate the groundwater conditions beneath the Site;
 - d. Submittal of an Interim Remedial Action Report under separate cover to the NYSDEC that summarizes the remedial actions completed and evaluates the efficacy of the interim remedial actions; and
 - e. Submittal of a closure request to the NYSDEC for spill number 20-08080 under separate cover.
 - f. This RAWP does not alter or interfere with the remedial action for the petroleum related spill case.
10. Transportation and off-Site disposal of excavated 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 confirmation end-point soil 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 will be in compliance with this plan and in accordance with applicable laws and regulations.
13. Construction of an engineered composite cover consisting of six-inch thick concrete building slab with a 6-inch clean granular sub-base throughout the entire property and 12-inch concrete foundation walls.
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 Stego Wrap vapor barrier or equivalent, below the slab throughout the full building area and outside 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 four (4) branch 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 4-inch diameter schedule 40 polyvinyl chloride (PVC) pipe connected to 4-inch headers connecting via stub ups to cast iron risers. The gas permeable layer will consist of a 6-inch thick layer of $\frac{3}{4}$ -inch virgin stone beneath the entire slab with the SSDS piping laid within a 12-inch wide and deep trench also filled with the $\frac{3}{4}$ -inch virgin stone. The cast iron riser pipe will penetrate/travel through the building to the roof and will terminate a minimum of 3-feet above the roofline. The risers will be completed with an inline fan and rain cap. The active SSDS will be hardwired and will include RadonAway RP265 fans installed for each branch riser above the roof line and pressure gauges and alarms located in an accessible area on the first floor. 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. Construction and operation of the lower level of the parking garage will include high volume air exchange in conformance with NYC Building Code. The upper level of the parking garage is open to the elements.
17. Import of materials to be used for backfill and cover will be in compliance with this plan and in accordance with applicable laws and regulations.
18. Performance of activities required for the remedial action, including acquisition of required permits and attainment of pretreatment requirements, will be in compliance with applicable laws and regulations.
19. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
20. Submission of a RAR that describes the remedial activities, certifies remedial requirements have been achieved, defines the Site boundaries, lists changes from this RAWP and describes all Engineering and Institutional Controls to be implemented at the Site.
21. 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.
22. 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.
23. Recording of a Declaration of Covenants and Restrictions that includes a listing of Engineering Controls and Institutional Controls 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 1775 Coney Island Avenue site are as follows:

In order to satisfy the requirements of the E-designation, natural gas will be utilized at the site for space heating, hot water, and/or HVAC systems.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 1775 Coney Island Avenue site 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. 35 dBA in residential spaces;
2. 30 dBA in the commercial office space 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.

The following windows and/or façade elements will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
All Façades Floors 2-8 Residential – Tilt Turn	35 (required 35)	ASTM E-90 Lab Test Report, See test number #L7590.01A	PGA ALT W72 Tilt-turn Window, Alumintechno, JLLC	1-3/16" (1/4" annealed exterior, 1/2" air space, 7/16" laminated interior)
All Façades Floors 2-8 Residential - Fixed	35 (required 35)	ASTM E-90 Lab Test Report, See test number #L7590.01A and letter from manufacturer	PGA ALT W72 Fixed Window, Alumintechno, JLLC	1-3/16" (1/4" annealed exterior, 1/2" air space, 7/16" laminated interior)
All Façades Floors 2-8 Balcony Doors	35 (required 35)	ASTM E-90 Lab Test Report, See test number #L7590.01A and letter from manufacturer	PGA ALT W72 Balcony Door, Alumintechno, JLLC	1-3/16" (1/4" annealed exterior, 1/2" air space, 7/16" laminated interior)
All Facades 1 st Floor Commercial	32 (required 30)	ASTM E-90 Lab Test Report, See test number #L4204.01A	W62 Storefront Window, Alumintechno, JLLC	1-7/16" (5/16" laminated exterior, 7/8" argon, 1/4" annealed 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. PTAC Units: Installing 8RSNU07H, 8RSNU15H, and 8RSNU18H model PTAC units manufactured by ICE AIR® in each residential living room and/or bedroom on the second through eighth floors. Fresh air will be provided to all bedrooms and living rooms by the PTAC units. The PTAC units can be operated by user to provide outdoor air.
2. Combination of Dedicated Fresh Air/ HVAC System.
 - Installing a variable refrigerant volume (VRV) RXSQ24TAVJU model split system with a condensing system manufactured by DAIKIN on the roof and an Energy Recovery Ventilator (ERV) providing fresh air, model ECO-FLO RA1-50-2 manufactured by CFM, INC. serving the one (1) first floor apartment unit.
 - Installing TUHMB100ACV4V4 gas fired furnaces with cooling coils, manufactured by TRANE, and model 4TTR4048L1000A condensers located on the second-floor roof terrace, and ALDES FAK-II-MD-8 Fresh Air Kit Part #68140DA connected to each furnace providing fresh air, serving the first floor commercial and community spaces.
 - Installing a variable refrigerant volume (VRV) RXSQ36TAVJU model split system with a condensing system manufactured by DAIKIN on the roof and ALDES FAK-II-MD-5 Fresh Air Kit Part #65050DA connected to the lobby air handler, and ALDES FAK-II-MD-4 Fresh Air Kit Part #64020DA connected to the vestibule air handler, providing fresh air, serving the first-floor residential lobby and vestibule.

- Installing a variable refrigerant volume (VRV) ducted concealed air handler units with RXSQ60TAVJU model split system with a condensing system manufactured by DAIKIN on the roof and an Energy Recovery Ventilator (ERV) providing fresh air, model FIT 120E manufactured by FANTECH and model VAM300GVJU manufactured by DAIKIN, serving the second floor recreational space.
- 3. 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 5 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows.
- 4. 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.

1/28/2022

Date

Anna Brooks
Project Manager

1/28/2022

Date

Maurizio Bertini
Assistant Director

1/28/2022

Date

Shaminder Chawla
Deputy Director

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