



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Shaminder Chawla
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Tel: (212) 788-8841

NOTICE TO PROCEED
DOB Job Number M00813221-11

July 3, 2024

Re: 430-434 West 37th Street, 429-435 West 36th Street
Manhattan Block 734, Lot 52 (former Lots 16, 55)
Hazardous Materials and Noise “E” Designation
E-137: Hudson Yards Rezoning - CEQR 03DCP031M - 1/19/2005
OER Project Number 16EH-N275M / 24CVCP017M

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 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 §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 William Quinones at 212-788-2773.

Sincerely,

Maurizio Bertini, Ph.D.
Assistant Director

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DECISION DOCUMENT

NYC VCP, E-Designation Remedial Action Work Plan Approval

July 3, 2024

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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 2024, with Stipulation Letter dated June 26, 2024, and the Remedial Action Plan for Noise dated June 2024 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 3/15/2024. There were no public comments.

Project Description

The applicant is proposing to build a new 11-story building with a full cellar and partial sub-cellar. The partial sub-cellar will extend beneath approximately 80-85% of the cellar level, with only the farthest northeasterly portion of the cellar not being atop the sub-cellar. Due to an approximately 9-foot elevation change between West 36th Street and West 37th Street, the cellar level is below grade along West 37th Street, but at grade along West 36th Street. As part of redevelopment, a depth of 22 feet below ground surface (bgs) on the W 37th street side and a depth of 12 feet bgs on the W 36th Street side is anticipated, and may vary for elevator pits, sump pits, and ejector pits which may extend excavations.

The building will have residential amenity, mechanical, and commercial spaces in the sub-cellar level; residential, commercial, and community facility spaces in the cellar level; commercial space and residential apartments on the ground level; and residential units on Floors 1-11. Development plans indicate the building will have 129 market rate units.

The building will have a height of 120-feet with a 15-foot setback from West 37th Street and a 10- foot setback from Dyer Avenue. The building will also feature an interior courtyard that will include a swimming pool and a terrace at the first-floor level.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “430 West 37th Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 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 430 West 37th Street site is protective of public health and the environment.

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. Selection of Unrestricted Use (Track 1) 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, to bedrock, exceeding Unrestricted Use (Track 1) SCOs to accommodate development. The sub-grade cellar of the building area (about 90% of the property) will be excavated to a depth of up to 25 feet below grade, and the remaining ground floor/cellar area will be excavated to a depth of approximately 15 feet for development purposes. A small portion of property will be excavated to the depth of 26 feet below grade for elevator pits. Approximately 8,000 cubic yards of soil/fill will be removed from the Site and properly disposed at an appropriately licensed or permitted facility. No residual soil will remain onsite and therefore no excavation endpoints collected.
7. 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.
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 two (2) 550-gallon UST's from the northeastern portion of the site that were closed in place in 2012 and suspected USTs identified during the RIR within the southern portion of the onsite building. Registration/closure of tanks and reporting of any petroleum spills associated with UST's and appropriate closure of petroleum spills in compliance with applicable local, State and Federal laws and regulations.
10. Spill remediation activities and any associated groundwater remediation will be managed under NYSDEC Spill 23-06967. Segregation of petroleum impacted soil for off-site disposal and treatment for dewatering will be implemented.
11. 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.
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. 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.
14. Dewatering 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.
15. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
16. 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 lists any changes from this RAWP.

If Track 1 Unrestricted Use SCOs are not achieved, the following construction elements implemented as part of new development will constitute Engineering and Institutional Controls:

17. As part of development, construction of an engineered composite cover consisting of a minimum 14-inch thick concrete building slab with a variable sub-base.
18. As part of development, installation of a waterproofing/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 GCP Applied Technologies' ("GCP") PREPRUFE® 300R Plus membrane layer below the mat slab throughout the sub-grade cellar area and a

GCP 160R Plus Membranes (32-mil thick waterproofing membrane) outside all single side sub-grade foundation sidewalls. All welds, seams and penetrations will be properly sealed to prevent preferential pathways for vapor migration.

Description of Selected Remedy for Noise

The elements of the remedial action selected for Noise for the 430 West 37th Street site are as follows:

The following windows will be installed:

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Northern, Southern, Inner Court-North Façade Floors 2-11 Eastern Façade Floors 1-11, Inner Court West Façade Floor 11, Inner Court- South Façade Floors 1-10 Residential	35 (required 35)	STM E-90 Lab Test Report(s): F6401.01-113-11-R0, Data File #F6401.01C in Appendix B. Confirmation letter from Reynaers dated March 30, 2022 - Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Fixed Window Reynaers CS77	1 ¾" IG (1/4" annealed exterior, 1" air space, ½" laminated interior)
Northern, Inner Court North, East and West Façade Floors 2-11, Eastern Façade Floors 1-11, Inner Court-South Façade Floors 1-10 Residential	35 (required 35)	ASTM E-90 Lab Test Report(s): F6401.01-113-11-R0, data file #F6401.01C in Appendix B.	Tilt and Turn Window Reynaers CS77	1 3/4" IG (1/4" annealed exterior, 1" air space, 1/2" laminated interior)
Northern, Southern, Inner Court-North, East and West Façade Floors 2-11, Eastern Façade Floors 1-11, Inner Court-South Façade Floors 1-10 Residential	35 (required 35)	ASTM E-90 Lab Test Report(s): F6401.01-113-11-R0, data file #F6401.01C in Appendix B. Confirmation letter from Reynaers dated March 30, 2022 - Full assembly ASTM E90 test report to be provided to OER prior to purchase and installation.	Fixed Spandrel Panel Reynaers CS77	1 3/4" IG (1/4" annealed exterior, 1" air space, 1/2" laminated interior)
Northern Façade Floors 1, 9-11, Eastern Façade Floors 7-11, Southern Façade Floors 1, 8, 10, Inner Court North, East and West Floors 2-11, Inner Court-South Façade Floors 1-10 Residential	35 (required 35)	ASTM E-90 Lab Test Report(s): E4499.01-113-11, data file #E4499.01A3 in Appendix B.	Swing Door Reynaers CS77HID Terrace door	1 3/4" IG (5/16" annealed exterior, 15/16" air space, 1/2" laminated interior)

Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
Inner Court North, East and West Facades Floors 2-11, Inner Court- South Façade Floors 1-10 Residential	35 (required 35)	ASTM E-90 Lab Test Report(s): E4498.01-113-11, data report #E4498.01G in Appendix B. <i>(please note, the test results section <u>incorrectly</u> labels the “G” option as the “F” option, but the glazing and OITC matches the G option).</i>	Curtain Wall Window Reynaers CW50 Curtain Wall System	1 3/4" IG (5/16" annealed exterior, 15/16" air space, 1/2" laminated interior)
Northern façade Floors 1 and 2, Eastern, Southern and Inner Court North Façade Floor 1 Commercial	30 (required 35)	ATSM E-90 Lab Test Report(s): TL10-576 in Appendix B.	Storefront Window U.S. Aluminum FT601 Flush-Out	1 1/16" Dual Glazed Unit (7/32" monolithic glass, 17/32" air space, 5/16" laminated glass)

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. **Central System:** Installing PURY-P96TNU-A model split systems with condensing systems manufactured by Mitsubishi Electric Corp on the 11th Floor roof and air handling units (model #s PEFY-P15NMSU-ER2 and PEFY-P48NMAU-E4) for the ground concourse level and first floor. The main residential lobby and recreational spaces on the 1st floor will be served by split system model #PEFY-P18NMSU-ER2 and air handling unit model # PURY-P120-TNU-A. Each residential unit will be provided with condenser model # PURY-P120TNU-A, PURY-P114TNU-A, PURY-P168TNU-A, and PURY-P192TNU-A. Fresh air intakes are located on the 11th floor roof and air handling units and associated ducting will provide fresh air to each bedroom and living room in each residential unit via two (2) 11th floor roof mounted RenewAire model #HE6XRTH-F Energy Recovery Ventilators (ERVs). 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 MC 403.3.1.1 These rates will be the greater of 0.35 air changes per hour or 15 cfm per person, representing the outdoor ventilation otherwise provided by the operable windows.
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, 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.

07/03/2024



Date

William Quinones
Project Manager

07/03/2024



Date

Shaminder Chawla
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