



OFFICE OF ENVIRONMENTAL REMEDIATION

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

Daniel Walsh, Ph.D.

Director

Tel: (212) 788-8841

Fax: (212) 788-2941

DECISION DOCUMENT
NYC VCP and E-Designation

Remedial Action Work Plan and Remedial Action Plan Approval

October 23, 2014

Re: **156 Tillary Street**
156-158 Tillary Street and 129 Flatbush Avenue Extension
Brooklyn, Block: 133, Lot: 15
Hazardous Materials & Noise “E” Designation
E-124: 6/28/2004 Downtown Brooklyn Rezoning - CEQR # 03 DME 016K
OER Project Number 14EH-N486K / VCP Number 15CVCP030K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated October 2014 with Stipulation List dated October 2014 and the Remedial Action Plan for Noise dated October 2014 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 NYC VCP program rule. That comment period will end on November 15, 2014. Any public comments that require changes to the RAWP will be addressed prior to commencement of the remedial action.

Project Description

The Site is located at 156 Tillary Street in the downtown section of Brooklyn, New York and is identified as Block 133 and Lot 15 on the New York City Tax Map. The proposed future use of the Site will consist of a 22-story brick masonry building which will be utilized as a hotel. The building will cover the majority of the lot. The proposed use is consistent with existing zoning for the property. Currently, the Site houses a vacant four-story brick masonry building. The proposed building will have a basement consisting of mechanical rooms for utilities; a large kitchen, two meeting rooms, bathrooms, and a corridor open to the first floor. The first floor (ground level) will house restaurants, storage areas, and an open air courtyard with restaurant seating. Guest rooms for the hotel begin on the second floor. No landscaped areas are planned at the site. Excavation activities for the proposed redevelopment will entail excavating the entire site footprint to a minimum of sixteen feet below current grade to allow for the basement slab. Other areas of the site will be excavated to between twenty to twenty-five feet below grade to allow for elevator and stairwell pits. A small portion of the lot will be excavated to a depth of 15-17 feet below grade and completed as a paved, concrete driveway.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “156 Tillary Street” pursuant to Title 43 of the Rules of the City of New York Chapter 14, Subchapter 1 and § 11-15 of 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 156 Tillary 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 Site-Specific (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. 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, the entire Site will be excavated to a depth of at least 16 feet for the building's new cellar level. A small portion of the property will be excavated to at least 20 feet for the elevator pit and water tanks. Approximately, 2500 tons of soil will be excavated and removed from this Site.
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 underground storage tanks (USTs) (if encountered) and closure of petroleum spills (Spill number of existing spill or if evidence of a spill/leak is encountered during Site excavation) 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.
11. Collection and analysis of eight 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. Installation and operation of an active sub-slab depressurization system. The active SSDS will consist of three runs of 4" diameter perforated PVC piping installed under the building slab. The piping will be set in a one-foot thick bed of ¾" crushed stone.
14. Installation of a vapor barrier system beneath the building slab and outside foundation sidewalls below grade. The vapor barrier will consist of Grace Preprufe 300R/160R which is a 46-mil high density polyethylene (HDPE). The vapor barrier will be installed prior to pouring the building's concrete slab.
15. Construction and maintenance of an engineered composite cover consisting of the 48" thick mat foundation at the tower and 5" thick slab-on grade at the 1-story terrace to prevent human exposure to residual soil/fill remaining under the Site.
16. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations.
17. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations.
18. Installation of 3 permanent wells, 1 up-gradient and 2 down-gradient (down to 15 feet below grade) after excavation is complete to monitor groundwater quality.
19. Submission of a Remedial Action Report (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 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 by 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 156 Tillary 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. 23 dBA in the lobby/restaurant space. The ground floor and the lounge space on the 22nd floor will utilize a curtain wall system with an Alumil 1” insulated glazing unit (1/4” glass – 1/2” airspace – 1/4” glass), with an estimated OITC rating of 30 dBA, or an OER approved substitute which achieves a minimum OITC rating of 23 dBA.
2. 28 dBA in the hotel guestrooms, which will utilize a casement window with a Wausau 1-1/16” insulated glazing unit (1/4” annealed glass – 1/2” argon space – 5/16” annealed glass) with an OITC rating of 34 dBA, or an OER approved substitute which achieves a minimum OITC rating of 28 dBA.

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 – as well as heating and cooling – for this project will be supplied to guestrooms by Packaged Terminal Air Conditioner (PTAC) units with fresh air louvers on the façade. Interior portions of guestrooms will be provided with fresh air via AAON RN series Packaged Roof Top Units (RTUs) and concealed ductwork. Amenity spaces will be heated and cooled by ducted AC units. Fresh air will be provided via louvers on the façade. Retail spaces will be ventilated in similar manner. All common areas will be ventilated according to 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.

October 23, 2014

Date



Sarah Pong
Project Manager

October 23, 2014

Date



Shaminder Chawla
Deputy Director – VCP

October 23, 2014

Date



Zach Schreiber, Ph.D.
Assistant Director – Noise E

cc: Roy Baker, Brooklyn LW Hotel Associates, L.P – roy.baker@lodgeworks.com
James Friend, Friend Development Group – jim@frienddevelopment.com
Robert Wolff, URS Corporation – robert.wolff@urs.com
Christian Thompson, AKRF, Inc. – cthompson@akrf.com
Neill Parker, R.A., Stonehill & Taylor – nparker@stonehilltaylor.com
Daniel Walsh, Maurizio Bertini, Hannah Moore
Sarah Pong, PMA-OER