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

June 8, 2015

**Re: 963 Atlantic Avenue – 953-965 Atlantic Avenue
Brooklyn, Block 2019, Lot 80
Hazardous Materials and Noise “E” Designation
E-183: 7/25/2007, Fort Greene/Clinton Hill Rezoning - CEQR # 07 DCP 066K
OER Project Number 15EH-N012K / VCP Number 15CVCP089K**

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 June 2015 and the Remedial Action Plan for Noise dated May 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 March 28, 2015. There were no public comments.

Project Description

The Site is located at 963 Atlantic Avenue in the Clinton Hill section of Brooklyn, New York. The Site is 19,635 square feet and is currently comprised of a single story commercial building occupied by a White Castle fast food restaurant with a paved parking lot surrounding the building.

The development project consists of redeveloping the lot with a new 7-story affordable housing residential apartment building. The cellar level will consist of a parking garage for residential tenants, two mechanical rooms, a refuse collection room, two stairwells, and two elevators. The first floor will consist of the residential lobby, as well as a recreational room, a fitness room, a laundry room, two stairwells, two elevators, a warm-up kitchen, a refuse collection room, the parking ramp down into the cellar level garage, parking access driveway, and additional parking in the rear of the lot. Floors 2 through 7 will consist of studio, 1 bedroom, and 2 bedroom residential apartments. The entire Site will require excavation to a depth of approximately 12 feet below grade for construction of the building's cellar.

Statement of Purpose and Basis

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation Program project known as “963 Atlantic Avenue” 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 963 Atlantic Avenue 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 implementation 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 NYSDEC 6NYCRR Part 375 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 specified by disposal facility. A Waste Characterization Report documenting sample procedures, location, analytical results and disposal facility(s) approval letters will be submitted to NYCOER prior to the start of the remedial action;
6. Excavation and removal of soil/fill exceeding Unrestricted Use (Track 1) SCOs. For development purposes, the entire property will be excavated to a depth of 12 feet below grade for construction of the new building's cellar level. Approximately 13,095 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 (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;
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. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
14. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations; and
15. 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.

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

16. As part of new development, installation of a vapor barrier below mechanical areas of the cellar (at a minimum this area will be covered and the client may add to entire cellar area) and behind the foundation walls of the proposed building. The vapor barrier will consist of Raven Industries' VaporBlock 20 Plus, which is a seven layer co-extruded barrier made from state-of-the-art polyethylene and EVOH resins;
17. As part of new development, construction and maintenance of an engineered composite cover consisting of a 4 inch thick concrete basement slab to prevent human exposure to residual soil/fill remaining under the Site;
18. As part of new development, construction and operation of a ventilated parking garage as per NYC Building Department's codes and requirements;
19. If Track 1 SCOs is not achieved, submission of an approved Site Management Plan (SMP) in the RAR for long-term management of residual contamination, including plans for maintenance, monitoring, inspection and certification of Engineering and Institutional Controls and reporting at a specified frequency; and
20. If Track 1 SCOs is not achieved, 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 963 Atlantic Avenue 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. 35 dBA for the front elevation;
2. 30 dBA for the rear façade; a 5 dBA reduction for rear elevation

The following windows will be installed:

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|--------------------|---|--|---|
| Front Elevation; facing Atlantic Ave; 1 st to 7 th Floors | 34 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. 30160-09-0661, Test No. 1) in Appendix E | Marvin Clad Ultimate Casement Window; 1 | 3/4" IG Unit (1/8" annealed glass, 1/2" airspace, 1/8" annealed glass), 4-1/4" airspace, interior 1/8" annealed glass |
| Rear Elevation; facing yard; 2 nd to 7 th floors | 27 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. ESP016170P-4) in Appendix E | Marvin Clad Ultimate Double Hung Next Generation; 2 | 7/8" IG Unit (1/4" annealed exterior glass, 3/8" airspace, 1/4" laminated interior glass) |
| Front Elevation; facing Atlantic Ave; 1 st to 7 th floors | 35 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. E4498.01-113-11, Option G) in Appendix E | Reynaers CW50 two-lite curtain wall system; 3a, 3b, 3c, 3f, 3g, 3h, 3n, 3p, 3q, 3r | 1 3/4 " IG (5/16" annealed exterior, 15/16" air space, 1/2" interior), |
| Rear Elevation; facing yard; 2 nd to 7 th floors | 28 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. ESP016574P-10) in Appendix E | Marvin Clad Ultimate Casement windows ; 3d, 3e, 3l, 3o | 1" IG (1/4" exterior annealed glass, 1/2" air space, 1/4" laminated interior glass) |

| Façade Floor Range | OITC Rating | OITC Certification | Manufacturer and Model | Glazing |
|---|-------------|---|--|--|
| Front Elevation; facing Atlantic Ave; 7 th floor | 34 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. ESP018204P-19) in Appendix E | Marvin Clad Ultimate Inswing French Door with 1/8" Storm panel; 1d | double glazed 3/4" IG (3/16" annealed exterior, 5/16" air space, 1/4" laminated interior), 4" air space, 1/8" exterior secondary panel |
| Rear Elevation; facing yard; 2 nd floor | 27 | ASTM E-90 Sound Transmission loss Lab Test Report (Project No. 30160-05-66263-30) in Appendix E | Marvin Clad Ultimate Inswing French Door; 1a, 1b, 1c | double glazed 3/4" IG (1/8" tempered exterior, 3/8" air space, 1/4" laminated interior) |

As shown in the Robert A. Hansen Associates, Inc., Outdoor-Indoor Transmission Class Evaluation Report (provided in Appendix G) the 30 and 35 dBA window/wall attenuation requirements will be met with the windows and doors proposed within the attached architectural plans. Composite calculations included in Appendix G demonstrate that the windows included in the table above in combination with the façade masonry satisfy the referenced OITC requirements. The façade masonry will have an OITC rating of 49 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.

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 TTF Slimline trickle vents manufactured by Simon; within the 1st floor to the 7th floor. Fresh air will be provided to all bedrooms and living rooms by the trickle vents. Floor plans showing the locations of trickle vents are included in Appendix A. Manufacturer specifications for the trickle vents are included as Appendix F.
2. **Compliance with Mechanical Code:** Providing outside air to 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.

June 8, 2015

Date



Sarah Pong
Project Manager

June 8, 2015

Date



Shaminder Chawla
Deputy Director – VCP



June 8, 2015

Date

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