



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**

**NYC VCP and E-Designation Remedial Action Work Plan Approval**

November 10, 2014

Re: 86 Fleet Place  
Brooklyn Block 2061, Lot 50  
Hazardous Materials and Noise “E” Designation  
E-241: Downtown Brooklyn Rezoning - CEQR 03DME016K  
OER Project Number 14EH-N496K / VCP Number 15CVCP014K

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) dated September 15, 2014 with Stipulation Letter dated November 6, 2014 and the Remedial Action Plan for Noise dated November 4, 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 program rule. That comment period ended on October 30, 2014. There were no public comments.

**Project Description**

The proposed development will consist of a 32-story, L-shaped high rise resting on a 1-story podium, which will cover the entire site except for the NYCEDC drainage easement area. About 28,000 square feet of the site will be developed. The proposed use of the building is commercial and residential. A cellar and sub-cellar level are proposed for the new development. The cellar level will be used for parking, storage, a superintendent’s office and workshop, and staff locker rooms. The sub-cellar will be used for parking, storage, and utility and mechanical rooms. The podium will consist of the at-grade level parking, commercial/retail, and storage. The second floor will consist of residential apartments and amenity space, including a gym, laundry room, common rooms for tenant use, and an outdoor landscaped terrace. Floors 3 through 32 will consist of residential apartment units with additional mechanical rooms on the 25th and 31st floors. A water tank, emergency generator, and appliance ventilation units will be located on the roof of the building.

The excavation for the sub-cellar will extend to approximately 29 feet below grade (bg), which is about 2 feet above the groundwater table. Approximately 45,000 tons of soil will be excavated for construction of the cellar levels. There will be three passenger, one passenger/service, one service, and two vehicle elevators. One elevator pit (SE-1) will require excavation deeper than the sub-cellar excavation. The sub-cellar, cellar, and ground floor will occupy the entire footprint of the lot except for the NYCEDC easement area.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation project known as “86 Fleet Place” 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 86 Fleet Place 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. Implementation of a CAMP during foundation excavation for particulates and volatile organic carbon compounds;
3. Selection of NYSDEC 6 NYCRR Part 375 Table 6.8(a) Unrestricted Use (Track 1) SCOs for soil within the portion of the site where development is proposed. Track 4 SCOs will be established within the NYCEDC easement;
4. Site mobilization involving site security setup, equipment mobilization, utility mark outs and marking & staking excavation areas;
5. Excavation and removal of soil/fill exceeding Track 1 SCOs from below the proposed building footprint. Cellar level excavations will extend to depths of about 29 feet bg. Elevator pit will be excavated to depths of about 33 feet bg. About 45,000 tons of soils will be excavated and transported off-site;
6. Screening of excavated soil/fill during intrusive work for indications of contamination by visual means, odor, and monitoring with a PID;
7. Management of excavated materials including temporarily stockpiling and segregating to prevent comingling of contaminated material and non-contaminated materials;
8. Transportation and off-site disposal of historic fill 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. Appropriate segregation of excavated media onsite;
9. Removal of underground storage tanks (if encountered) and closure of petroleum spills (if discovered) in compliance with applicable local, State, and Federal laws and regulations;
10. Collection and analysis of nine end-point (confirmation) soil samples and one end-point soil vapor sample from the development area to confirm the achievement of the remedy with respect to attainment of SCOs;
11. Performance of all activities required for the remedial action, including permitting requirements and pretreatment requirements, in compliance with applicable laws and regulations;
12. Implementation of storm-water pollution prevention measures in compliance with applicable laws and regulations;
13. Submission of an 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 EC/ICs to be implemented for the easement (and below the proposed building footprint if a complete Track 1 cleanup is not achieved);

If Unrestricted Use SCOs are not achieved, the following construction elements implemented will constitute Engineering and Institutional Controls:

14. As part of development, construction and maintenance of a composite cover system consisting of a 5-inch concrete slab-on-grade and 60-inch mat concrete slab over the building footprint to eliminate exposure to remaining soil and fill;
15. As part of development, installation of a waterproofing/vapor barrier system (with a minimum thickness of 20 mils) as per manufacturer's specifications beneath the building slab and around subsurface sidewalls;
16. As part of the new development, operation of an enclosed parking garage ventilated as per the New York City Mechanical Code;

17. As part of development, installation and operation of an SMD system under the waterproofing/vapor barrier system of occupied building areas except beneath the areas occupied by a ventilated parking garage;
18. Because Track 1 SCOs will not be achieved within the NYCEDC easement and the easement falls within the site, the property will continue to be registered with an E-Designation at the NYC Buildings Department. An SMP will be submitted with the RAR for the easement area (and building footprint if a Track 1 cleanup is not achieved) for long-term management of residual contamination, including plans for operation, maintenance, monitoring, inspection and certification of ECs and ICs and reporting at a specified frequency. Establishment of ECs and ICs is a requirement and management of these controls must be in compliance with an approved SMP. ICs 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. Additionally, an annual inspection of the SMD system for the first five years of operation will be included in the SMP. After the initial five years of operation, the SMD system may be converted to a passive system, based on inspection results.

**Description of Selected Remedy for Noise**

The elements of the remedial action selected for Noise for the 86 Fleet Place site are as follows:

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

1. 28 dBA in residential spaces on all facades;
2. 23 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation;

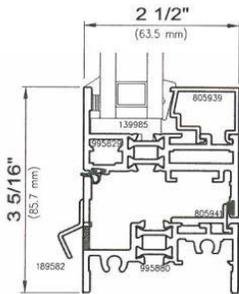
The following window(s) will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
All facades Floors Ground (0' – 14'10") Use Commercial curtain wall	24 dB(A)	See ASTM E-90 acoustical report for the exact window and glazing in Appendix E	EFCO System 5600 Curtain Wall System	1" IG (1/4" annealed, 1/2" air space, 1/4" annealed)
All facades Floors 2-32 (24'6" – 346'6") Use Fixed Residential	28 dB(A)	See ASTM E-90 acoustical report for a similar fixed window and glazing in Appendix E	Wausau 4250i Fixed Window	1" IG (1/4" tempered, 1/2" argon, 1/4" tempered)
All facades Floors 2-32 (24'6" – 346'6") Use Operable Residential windows	28 dB(A)	See ASTM E-90 acoustical report for operable window test with exact glazing in Appendix E	Wausau 4250i Casement Window	1" IG (1/4" tempered, 1/2" argon, 1/4" tempered)

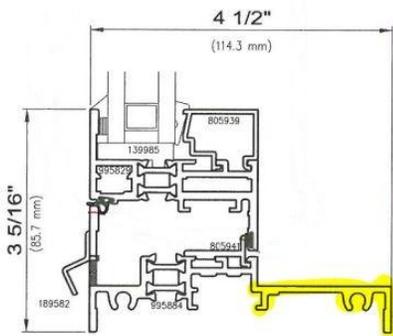
Façade Floor Range	OITC Rating	OITC Certification	Manufacturer and Model	Glazing
North and East facades  Floors 8-30 Residential Use Terrace Doors	30 dB(A)	See ASTM E-90 acoustical report for operable door and window test with exact glazing in Appendix E	TD-4250i Terrace Doors manufactured by Wausau	1/4" – 1/2" air space – 1/4" laminated

The acoustical reports described above are representative of the acoustical performance of all proposed windows/doors/curtain walls. Please note that a test report for the Fixed 4250i window is not available. However, Wausau has provided a test report for the Fixed 2250i, which is of identical construction with regard to the parts of the frame that support and seal to the glass. See details below:

Wausau 2250i, section detail:



Wausau 4250i, section detail:



The project acoustical engineer, Kristin Bleedorn, PE (83282PE, State of Oregon) certifies, in accordance with the applicable standard of care, that the acoustical performance of the Wausau 2250i and 4250i are expected to be equivalent; therefore, the Fixed 2250i test report stating an OITC rating of 28 should be considered an acceptable substitute for the unavailable Fixed 4450i report. In addition, the 2250i fixed window will have the same frame, gaskets, and glazing as the 2250i casement window which has an OITC rating of 28 dB(A). The fixed window is expected to perform at the same OITC rating as the casement.

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.

11-10-2014



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Date

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Shana Holberton  
Project Manager

11-10-2014



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Date

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Shaminder Chawla  
Deputy Director

11-10-2014



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Date

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Assistant Director

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