



**OFFICE OF ENVIRONMENTAL REMEDIATION**

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**DECISION DOCUMENT**

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

May 21, 2015

Re: **“140 Vanderbilt Avenue”**  
**136-148 Vanderbilt Avenue, 389-401 Myrtle Avenue**  
**Brooklyn Block 2046, Lot 84**  
**Hazardous Materials and Noise “E” Designation**  
**E-183: 7/25/2007 Fort Greene/Clinton Hill Rezoning – CEQR 07 DCP 066K**  
**OER Project Number 14EH-N433K/VCP Number 14CVCP245K**

The New York City Office of Environmental Remediation (OER) has completed its review of the Remedial Action Work Plan (RAWP) for Hazardous Materials dated May 2014 with Stipulation Letter dated May 2015 and the Remedial Action Plan (RAP) for Noise dated April 2015 for the above-referenced project. These Plans were submitted to OER under the NYC Voluntary Cleanup Program and E-Designation Program.

The Hazardous Materials RAWP was released for public comment for 30 days as required by program rule. That comment period ended on June 5, 2014. There were no public comments.

**Project Description**

The proposed future use of the Site will consist of a 5-story mixed use building with a full cellar across the entire property. The new building will consist of approximately 8,688.38 ft<sup>2</sup> of commercial space on the first floor with an additional 8,910 ft<sup>2</sup> of commercial space in the cellar. The remainder of the first floor space will consist of a 3,419 ft<sup>2</sup> community facility, a 950 ft<sup>2</sup> recreation room, and a 997 ft<sup>2</sup> residential lobby area which includes the elevator shafts and stairs. The remainder of the cellar level will consist of 1,466 ft<sup>2</sup> for residential storage, 415 ft<sup>2</sup> for a bicycle storage room, 1,036 ft<sup>2</sup> for a recreation room, and 1,509 ft<sup>2</sup> for a mechanical room. The second through sixth floors will consist residential apartments.

The slab of the new cellar will be installed at a depth of approximately 12 feet below grade. Assuming an average excavation depth of 12 feet across the entire Site for the proposed building's cellar, a total of approximately 6,600 cubic yards (9,850 tons) of soil will require removal.

**Statement of Purpose and Basis**

This document presents the remedial action for the NYC Voluntary Cleanup Program and E-Designation project known as “140 Vanderbilt 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 140 Vanderbilt 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 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 Track 4 Site-Specific Soil Cleanup Objectives (SCOs);
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 4 Site-Specific SCOs. For development purposes, the entire Site will be excavated to a depth of approximately 12 feet for the new building's cellar level. Approximately 9,850 tons of soil will be removed;
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. Removal of underground storage tanks and closure of NYSDEC petroleum spill number 97-12610 in compliance with applicable local, State and Federal laws and regulations;
8. Collection and analysis of five end-point samples to determine the performance of the remedy with respect to attainment of SCOs. Confirmation endpoint sampling performed for this Site will be conducted in addition to any endpoint sampling required by NYSDEC for closure of spill(s) and/or tanks. Confirmation endpoint sampling and testing will be performed following materials removal and completed proper to Site development activities;
9. 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. Appropriate segregation of excavated media on-Site;
10. Import of materials to be used for backfill and cover in compliance with this plan and in accordance with applicable laws and regulations;
11. Installation of a vapor barrier system below the concrete slab of the building as well as behind 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;
12. Construction and maintenance of an engineered composite cover consisting of 6 inch thick concrete building slab to prevent human exposure to residual soil/fill remaining under the Site;
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;
15. Based on the proposed development, excavation will not be conducted below water table, therefore, dewatering should not be required during excavation. However, if dewatering activities are needed, dewatering will be completed in accordance with a New York City Department of Environmental Protection (NYCDEP) permit;
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 describes all Engineering and Institutional Controls to be implemented at the Site, and lists any changes from this RAWP;
17. 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; and
18. 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 140 Vanderbilt 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. 30 dBA in residential spaces; and
2. 25 dBA in the commercial space based on an allowed reduction of 5 dBA from the attenuation requirement outlined in the E-Designation.

The following windows will be installed:

<b>Façade Floor Range</b>	<b>OITC Rating</b>	<b>OITC Certification</b>	<b>Manufacturer and Model</b>	<b>Glazing</b>
DOORS 1st Floor South and East Facades (Commercial)	31	See ASTM E90 Sound Transmission loss Test Report (D1170.01B)	Series/Model CS68 Door manufactured by Reynaers Aluminum Systems, LTD	1-1/16" IG (5/16" annealed exterior, 1/2" air space, 1/4" annealed interior)
WINDOWS 1st Floor South and East Facades (Commercial)	30	See ASTM E90 Sound Transmission loss Test Report (E4498.01D)	Series/Model CW50 Two-Lite Curtain Wall System	1-1/16" IG (1/4" annealed exterior, 1/2" air space, 5/16" annealed interior)
BALCONY DOORS 2 <sup>nd</sup> - 5 <sup>th</sup> Floors All Facades (Residential)	31	See ASTM E90 Sound Transmission loss Test Report (D1170.01B)	Series/Model CS68 Door manufactured by Reynaers Aluminum Systems, LTD	1-1/16" IG (5/16" annealed exterior, 1/2" air space, 1/4" annealed interior)
WINDOWS All Facades 2 <sup>nd</sup> – 5 <sup>th</sup> Floors (Residential)	30	See ASTM E90 Sound Transmission loss Test Report (E4498.01D)	Series/Model CW50 Two-Lite Curtain Wall System	1-1/16" IG (1/4" annealed exterior, 1/2" air space, 5/16" annealed interior)

The acoustical report described above is representative of the acoustical performance of all proposed windows/doors/curtain walls.

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 Ventalis ventilation units manufactured by Reynaers Aluminum N.V. in each bedroom and living room at a rate of one Ventalis ventilation unit per room. Fresh air will be provided to all bedrooms and living rooms by the Ventalis ventilation units.
2. **Compliance with 2008 Mechanical Code:** Providing outside air to commercial spaces and common areas such as lobbies and corridors in accordance with the NYC Mechanical Code.

A Noise Attenuation Installation Report (IR) will be submitted to OER following implementation of the remedial action defined in this RAP. The IR will document that the remedial work required under this RAP has been completed and has been performed in compliance with this plan.

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.

May 21, 2015



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Date

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Amanda Duchesne, Project Manager

May 21, 2015



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Date

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Shaminder Chawla, Deputy Director

May 21, 2015



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Date

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Maurizio Bertini, Ph D., Assistant Director

May 21, 2015



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Date

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Hannah Moore, Assistant Director

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