

## Period Review Report

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Former Days Inn Site  
NYSDEC No. 851054

23 Riverside Drive  
Corning, New York

December 8, 2025

Prepared for:

**Fitzpatrick Holdings, Inc.**  
37 Pyrex Street  
Corning, New York 14830

Prepared by:

**Roux Environmental Engineering  
and Geology, D.P.C.**  
2558 Hamburg Turnpike, Suite 300  
Buffalo, New York 4218

## Table of Contents

1. Introduction .....	1
1.1 Site Background .....	1
1.2 Purpose/Scope .....	2
2. Site Overview .....	3
2.1 Site Redevelopment Activities .....	3
3. Site Management Plan.....	5
3.1 IC/EC Plan.....	5
3.1.1 Institutional Controls .....	5
3.1.2 Engineering Controls .....	6
3.1.3 Site Inspection & IC/EC Compliance .....	6
3.2 Monitoring and Sampling Plan.....	6
4. Conclusions and Recommendations .....	7
5. Declaration/Limitation.....	8
References .....	9

## Figures

1. Site Location and Vicinity Map
2. Site Plan (Aerial)
3. Existing Site Cover System Map

## Appendices

- A. Site Inspection Forms
- B. Site Inspection Photographs

# 1. Introduction

Roux Environmental Engineering and Geology, D.P.C has prepared this Periodic Review Report (PRR), on behalf of Fitzpatrick Holdings, Inc. (FHI) to summarize the post-remedial status of the Former Days Inn Site and City-Owned Parking Lot subject to the Site Management Plan (SMP; Ref. 1).

The Former Days Inn Site is located at 23 Riverside Drive, Steuben County, Corning, New York (Site) and is owned by FHI. The City-Owned Parking Lot is located at (unaddressed) Riverside Drive across the street, south of 23 Riverside Drive. It is used as the parking lot for the hotel and is owned by the City of Corning. See Figures 1 and 2. The Site was formerly a Days Inn hotel, which was demolished in June 2014, and is now a Hilton Garden Inn which was newly constructed and opened in 2018. The City-Owned Parking Lot was improved with storm sewer infrastructure and new light poles in June 2018, to coincide with the opening of the Hilton Garden Inn.

This PRR has been prepared for the Site & City-Owned Parking Lot in accordance with NYSDEC DER-10/*Technical Guidance for Site Investigation and Remediation* (Ref. 2). This PRR and the associated IC/EC Form (see Appendix A) have been completed for the post-remedial period from November 30, 2024 through November 30, 2025. Site photographs from the site inspection are included as Appendix B.

## 1.1 Site Background

During redevelopment activities in 2014, contaminated fill consisting of refractory brick, black ash, and glass cullet was removed from the Site during construction activities along with other soil/fill materials. As many as 220 truckloads of mixed volume were removed from the Site and taken to eight (8) other locations in Steuben County for use as fill material. The New York State Department of Environmental Conservation (NYSDEC) expressed concern regarding the fill material that was present at the Site, and that material which has been removed. Construction activities were halted at the Site until the matter was resolved. At the time the project was halted, the foundations work for the new hotel was underway.

FHI, the Site owner; High Construction Company (HCC), the Site construction contractor for the hotel project; and Doug Gross Construction, Inc. (DGC), HCC's subcontractor for excavation activities associated with the hotel project; entered into an Order on Consent with NYSDEC on September 10, 2015. Although the Site was subject to a Superfund Program Order on Consent, it was given a "P" classification. Class P sites are not listed on the Registry of Inactive Hazardous Waste Disposal Sites (Registry) and many are eventually found to not qualify for Registry listing. NYSDEC uses the P classification for sites where preliminary information indicates that a site may have contamination that makes it eligible for consideration for placement on the Registry.

Site characterization (SC) and SC Report (Ref. 3) were completed from September 2015 through January 2016 to supplement previous environmental data collected by NYSDEC; collect additional soil/fill samples to further characterize fill and native soil present at the Site and City-owned parking lot; and delineate the extent of contaminated soil/fill containing ash, slag, and glass cullet at the Site and City-owned parking lot. The SC Report proposed to implement an Interim Remedial Measure (IRM) involving installation of a cover system across at the Site, establishing an Environmental Easement (EE) and preparation and implementation of a Site Management Plan (SMP) SMP to address soil/fill glass waste and/or contamination

if it is encountered during redevelopment and/or future activities to be conducted. The SC Report was approved by NYSDEC in a letter dated January 8, 2016. The IRM Work Plan (Ref. 4) for the Site was approved by NYSDEC in a letter dated September 16, 2016 and the Off-Site IRM Work Plan (Ref. 5) for the eight (8) off-site properties was approved by NYSDEC in a letter dated September 19, 2016.

The IRM activities at the eight (8) off-site properties receiving fill material containing ash, brick and glass from the Site were completed in October 2016. The eight (8) individual Construction Completion Reports for those individual Sites were approved by NYSDEC in a letter dated March 31, 2017.

The IRM activities at the Site occurred in February 2017. The on-site IRM activities were documented in an on-site CCR (Ref. 6) which was approved by NYSDEC in a letter dated April 6, 2017. The Order on Consent for the Site was then terminated by NYSDEC in a letter dated April 21, 2017.

The Site and City-Owned Parking Lot are both considered commercial uses, a hotel and parking lot, respectively. Therefore, the Site was remediated consistent with a 6NYCRR Part 375 Track 4 Commercial Use in which a cover system, Environmental Easement and Site Management Plan were employed to control exposure to remaining contamination to ensure protection of public health and the environment.

Construction activities at the Site associated with redevelopment for the Hilton Garden Inn and improvements to the City-Owned parking lot were completed between September 2017 and July 2018. A summary of these activities are discussed in Section 2.1 of this CM&PRR.

Figure 2 is an aerial view of the Site following redevelopment and improvements to the City-Owned Parking Lot.

The properties adjoining and surrounding the Site are primarily commercial properties to the north, east and west. The City-Owned Parking Lot and a NYS-owned municipal garage are located to the south.

## **1.2 Purpose/Scope**

The SMP requires, among other things, periodic inspection, and certification that the institutional and engineering controls implemented at the Site remain in place and are functioning as designed. The existing SMP requires that a site-wide inspection be completed at a minimum of once per year to verify that the institutional and engineering controls established for the Site remain in place and are operating as intended and be documented in a Periodic Review Report (PRR).

## 2. Site Overview

The redevelopment of the Site and City-owned parking lot were completed in accordance with the NYSDEC-approved SMP which identifies requirements for monitoring and maintenance of engineering and institutional controls; and procedures for excavation and related activities that may disturb the cover systems.

The Site and City-owned parking redevelopment activities associated with SMP-related activities occurred between September 5, 2017 and July 11, 2018. No additional redevelopment or subsurface disturbance activities occurred after July 2018. The redevelopment activities that did occur between September 2017 and July 2018 are discussed below in Section 2.1.

The area surrounding the Site has not significantly changed since the SMP was issued.

### 2.1 Site Redevelopment Activities

Redevelopment activities, that required SMP-implementation, occurred between September 2017 and July 2018. During these activities, environmental oversight was provided, and the Community Air Monitoring Plan (CAMP) was implemented. Oversight and CAMP were also provided during intrusive work conducted in Riverside Drive and at the City-Owned Parking Lot.

The contaminated soil/fill encountered during subsurface activities containing ash, slag, brick, and glass cullet that was generated from the Site (southeastern portion of the Site formerly under the 1-foot cover), in the City-owned parking lot, and under Riverside Drive were sent to the Stueben County Bath Landfill for disposal. Approximately 1,865 tons of material were taken to the landfill for disposal as part of the redevelopment activities. The landfill approvals and disposal documentation are provided in Appendix E. [Prior to the restart of redevelopment activities, a dumpster containing vegetation and soil from grubbing activities was present on the north side of the Site in April 2017. It was characterized and landfill disposed.

Excess soil and previously placed stone generated from the Site outside of the impacted areas identified during the SC (approximately 700 cubic yards) and soil used to construct the 1 ft soil cover in the southeastern portion of the Site (approximately 200 cubic yards) that could not be reused on-site were taken to Gridley Excavation LLC located at 41 River Soad, Corning NY or Country Side Energy Services LLC, located at 8498 Route 415 in Cambell, New York, for use as fill under NYSDEC-approved Beneficial Use Determination (BUD) approvals. These materials were observed during excavation to verify they did not contain ash, slag, brick, and glass cullet before being transported off-site under the BUD approval.

Materials imported to the Site as part of the redevelopment activities included: Round #3 Stone, Crushed #3 Stone, Crusher Run Stone, Crushed #1& 2 Stone, #1A Stone, Sand and Topsoil with NYSDEC-approvals. An orange demarcation layer was installed during subsurface redevelopment activities.

A summary of the major subsurface redevelopment activities included the following, in chronological order:

September & October 2017: On-site utility excavation work for the installation of storm sewers, sanitary sewers, electrical, gas and water lines.

**2025 Periodic Review Report  
Former Days Inn Site**

November & December 2017: Collect waste characterization samples (see Appendix F) from beneath the 1-foot cover system in the southeastern portion of the Site to characterize soil/fill and establish a landfill profile for materials to be removed containing the ash, slag, brick, and glass cullet for patio foundation and utility installations in this area. Remove cover system and excavate to required depths to install patio foundation and utilities.

March & April 2018: Excavations along Riverside Drive and around building for dumpsters pad and sidewalks.

April 2018: Excavations for catch basins, utility tie-ins, and curbing along Riverside Drive.

June 2018: City-Owned Parking Lot stormwater and lighting infrastructure; and resurface parking lot.

July 11, 2018: Installation of Hilton Garden Inn sign at southeast corner of the Site. Last day of redevelopment activities.

In 2019, the mulch that was initially installed with planting in the parking lot islands on the north side of the Site was replaced with riverstone. The mulch in these areas was present over a black landscaping weed control fabric. The mulch was not a part of the cover system, but a decorative material.

The redevelopment activities discussed in herein Section 2.1 and associated documentation can be found in the January 16, 2024 Corrective Measures and Periodic Review Report (Ref. 7)

## 3. Site Management Plan

The SMP (Revision 1) was approved by the Department on March 12, 2024. The SMP includes an IC/EC Plan, a Monitoring and Sampling Plan, an Operation & Maintenance (O&M) Plan, an Excavation Work Plan (EWP), and a copy of the Environmental Easement. A brief description of the components of the SMP is presented below.

### 3.1 IC/EC Plan

Since remaining contaminated soil/fill exists beneath the Site, Institutional Controls and Engineering Controls (IC/ECs) are required to protect human health and the environment. The Engineering and Institutional Control Plan describes the procedures for the implementation and management of all IC/ECs at the Site. At the time of the site inspection, the Site is compliant with all engineering and institutional control requirements as shown in Figure 3 – Existing Cover System.

#### 3.1.1 Institutional Controls

The Site has a series of Institutional Controls in the form of site restrictions. Adherence to these Institutional Controls are required by the Environmental Easement. Site restrictions that apply to the Site are:

- The property may be used for commercial and/or industrial use;
- All ECs must be operated and maintained as specified in this SMP;
- All ECs must be inspected at a frequency and in a manner defined in the SMP.
- The use of groundwater underlying the property is prohibited without necessary water quality treatment as determined by the NYSDOH or the Steuben Department of Health to render it safe for use as drinking water or for industrial purposes, and the user must first notify and obtain written approval to do so from the Department.
- Groundwater and other environmental or public health monitoring must be performed as defined in the SMP;
- Data and information pertinent to site management must be reported at the frequency and in a manner as defined in this SMP;
- All future activities that will disturb remaining contaminated material must be conducted in accordance with this SMP;
- Monitoring to assess the performance and effectiveness of the remedy must be performed as defined in the SMP;
- Operation, maintenance, monitoring, inspection, and reporting of any physical component of the remedy shall be performed as defined in this SMP; and
- Access to the site must be provided to agents, employees or other representatives of the State of New York with reasonable prior notice to the property owner to assure compliance with the restrictions identified by the Environmental Easement.

### **3.1.2 Engineering Controls**

Engineering controls at the Site include:

- Cover System – Exposure to remaining contamination in soil/fill at the Site is prevented by a final cover system placed over the site. This cover system is comprised of a minimum of 12-inches of clean soil (with underlying demarcation layer), asphalt pavement, concrete-covered sidewalks, and concrete building slabs, was placed over the Site. The cover system must be maintained in compliance with the SMP.

### **3.1.3 Site Inspection & IC/EC Compliance**

On November 22, 2025, Roux's Qualified Environmental Professional (QEP) per 6NYCRR Part 375.12. Christopher Boron, P.G., performed a Site visit and assessment.

At the time of the Site visit and assessment, the existing cover systems (see Figure 3) are performing as intended and found to be compliant with the IC/EC requirements. No observable indication of intrusive activities, cover failure, or use of groundwater were noted.

Appendix A includes the completed and QEP-certified IC/EC Form for the Site. Appendix B includes the Site Photographic Log.

## **3.2 Monitoring and Sampling Plan**

The remedy for the Site does not rely on any mechanical systems such as sub-slab depressurization or soil vapor extraction, nor are there any long-term monitoring or sampling requirements, to protect public health and the environment.

## 4. Conclusions and Recommendations

### Conclusions

- No redevelopment activities have occurred in the past reporting period.
- At the time of the Site inspection, the Site complied with the SMP. Specifically, the Site is fully compliant with the Institutional Controls including land-use restrictions, groundwater-use restrictions, and the soil/fill management plan component; and fully compliant with the Engineering Controls (Site cover system).
- If redevelopment activities involving cover system modification or import/export of soil or stone materials occur in the next reporting period they will be subject to the SMP.

### Recommendations

- Roux recommends that the reporting period for the Site be changed from annually to triennial. The Site conditions and cover system (engineering control) have not changed since construction was completed in 2019, and there are no future plans to alter the cover system. Therefore, the next reporting period would run November 30, 2025 to November 30, 2026, the next annual inspections would occur in the fall of 2026, 2027, and 2028, and the next PRR would be due on December 30, 2028.

## 5. Declaration/Limitation

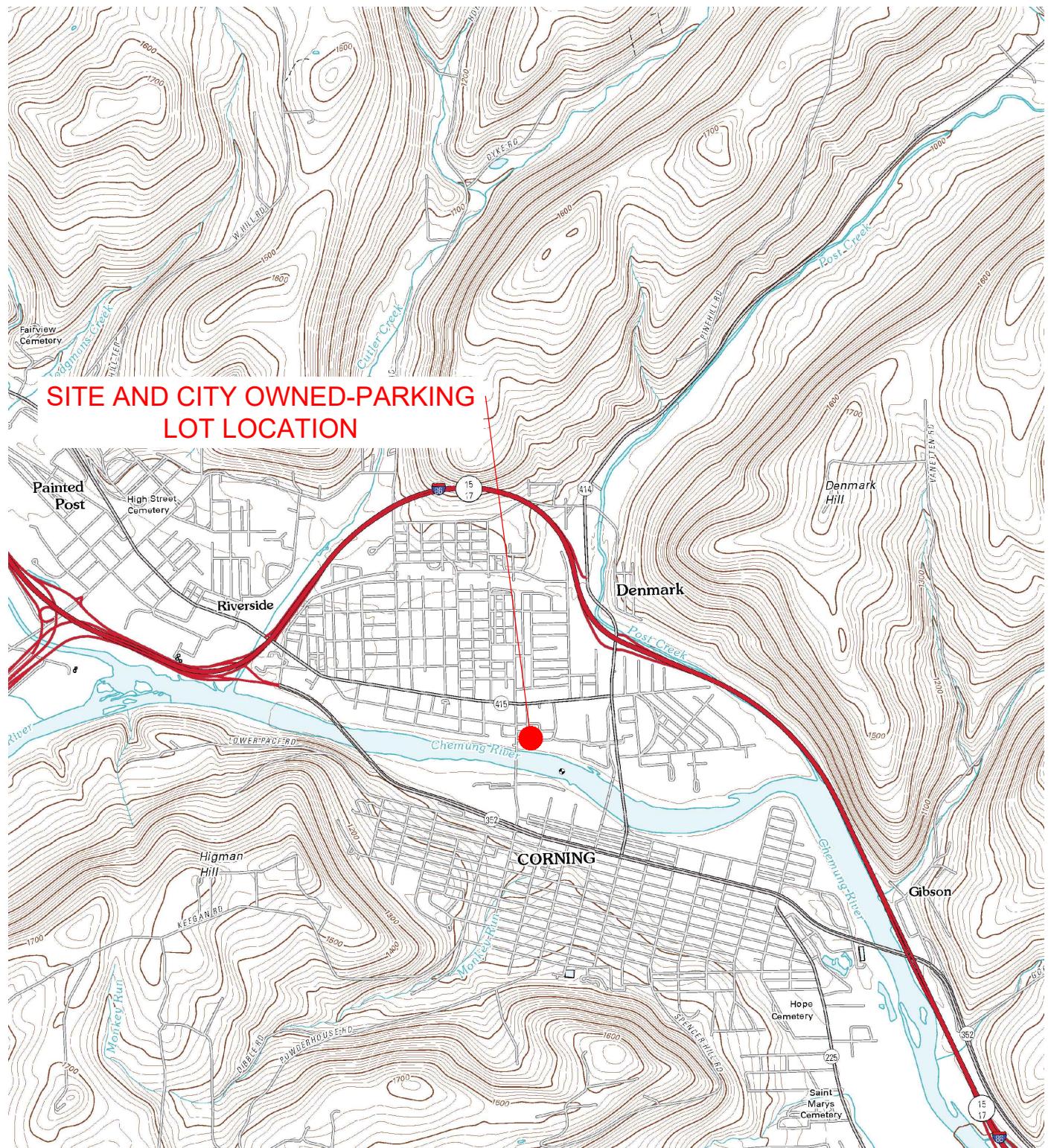
Roux Environmental Engineering and Geology, D.P.C. personnel conducted the annual site inspection for NYSDEC Site No. 851054, located in Corning, New York, according to generally accepted practices. This report complied with the scope of work provided to FHI by Roux Environmental Engineering and Geology, D.P.C.

This report has been prepared for the exclusive use of FHI. The contents of this report are limited to information available at the time of the site inspection. The findings herein may be relied upon only at the discretion of FHI. Use of or reliance upon this report or its findings by any other person or entity is prohibited without written permission of Roux Environmental Engineering and Geology, D.P.C.

## References

1. Roux Environmental Engineering & Geology, DPC. *Site Management Plan. Former Days Inn Site, NYSDEC Site Number: 851054, 23 Riverside Drive, Corning, New York.* Revision 1 March 2024.
2. New York State Department of Environmental Conservation. *DER-10/Technical Guidance for Site Investigation and Remediation.* May 2010.
3. TurnKey Environmental Restoration, LLC. *Site Characterization Report. 23 Riverside Drive, Former Days Inn Site, Site No. 851054, Corning, New York.* January 2016.
4. TurnKey Environmental Restoration, LLC, in association with Benchmark Environmental Engineering & Science, PLLC. *Interim Remedial Measures Work Plan, Former Days Inn Site, Site No. 851054, 23 Riverside Drive & City-Owned Parking Lot, Corning, New York.* February 2016, Revised August 2016.
5. TurnKey Environmental Restoration, LLC, in association with Benchmark Environmental Engineering & Science, PLLC. *Off-Site Interim Remedial Measures Work Plan, Fill Material at Eight Off-Site Properties, Former Days Inn Site, 23 Riverside Drive, Corning, New York, Site No. 851054.* September 2015, Revised August 2016.
6. TurnKey Environmental Restoration, LLC, in association with Benchmark Environmental Engineering & Science, PLLC. *Construction Completion Report, Former Days Inn Site, NYSDEC Site Number: 851054, 23 Riverside Drive, Corning, New York.* April 2017.
7. Roux environmental Engineering and Geology, D.P.C. *Corrective Measures & Periodic Review Report, Former Days Inn Site, NYSDEC No. 851054, 23 Riverside Drive, Corning, New York.* January 16, 2024.

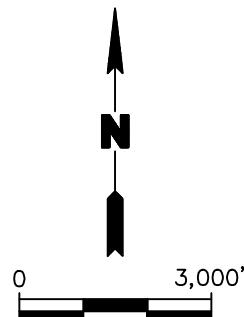
## **FIGURES**



QUADRANGLE LOCATION



SOURCE:  
CORNING, NY, 2010  
USGS 7.5 MINUTE TOPOGRAPHIC MAP



Title: **SITE VICINITY PLAN**

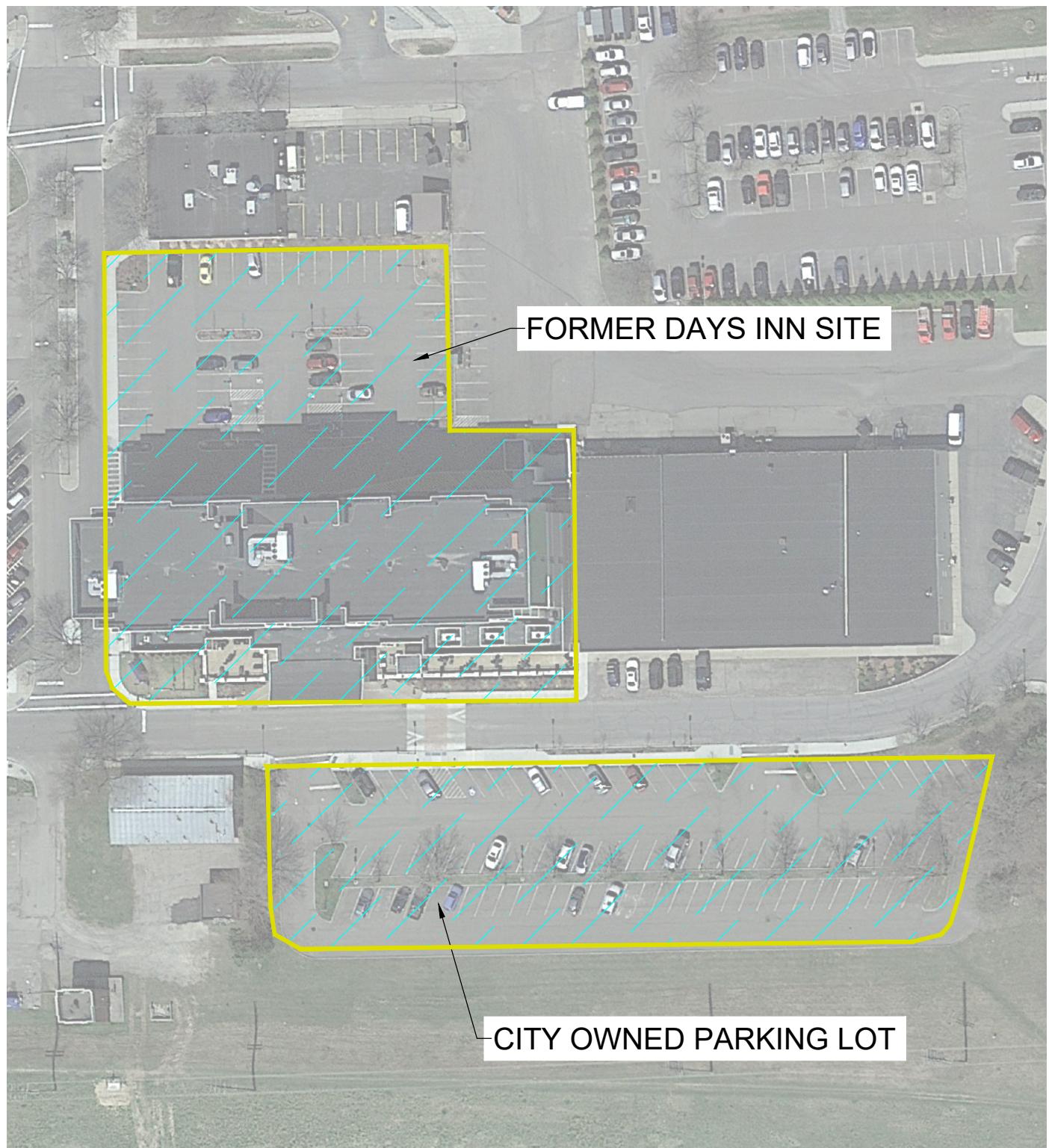
**PERIODIC REVIEW REPORT**

23 RIVERSIDE DRIVE (SITE) AND CITY-OWNED PARKING LOT  
CORNING, NEW YORK

Prepared for:  
**FITZPATRICK HOLDINGS, INC.**

<b>ROUX</b>	Compiled by: CNK	Date: DECEMBER 2024
	Prepared by: CNK	Scale: AS SHOWN
	Project Mgr: CZA	Project: 4504.0001B000
	File: FIGURE 1; SITE VICINITY PLAN.DWG	

FIGURE **1**



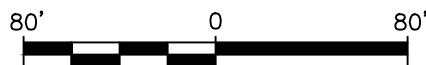
LEGEND:



APPROXIMATE PROJECT  
LIMITS

NOTE:

1. IMAGE SOURCE GOOGLE EARTH 2021.



**SITE AND CITY OWNED PARKING LOT  
PLAN (AERIAL)  
PERIODIC REVIEW REPORT**

23 RIVERSIDE DRIVE (SITE) AND CITY-OWNED PARKING LOT  
CORTLAND, NEW YORK

Prepared for:

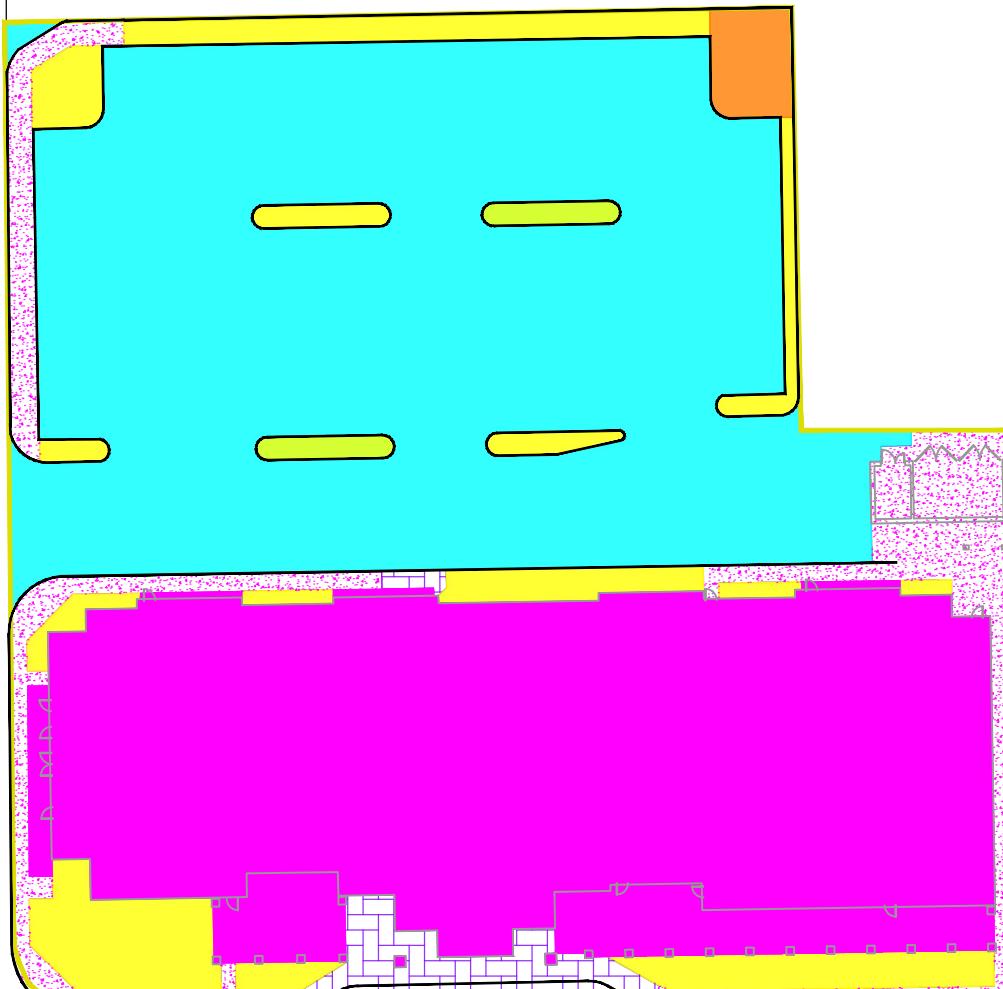
FITZPATRICK HOLDINGS, INC.



Compiled by: CNK	Date: DECEMBER 2024	FIGURE 2
Prepared by: CNK	Scale: AS SHOWN	
Project Mgr: CZB	Project: 4504.0001B000	

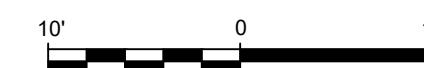
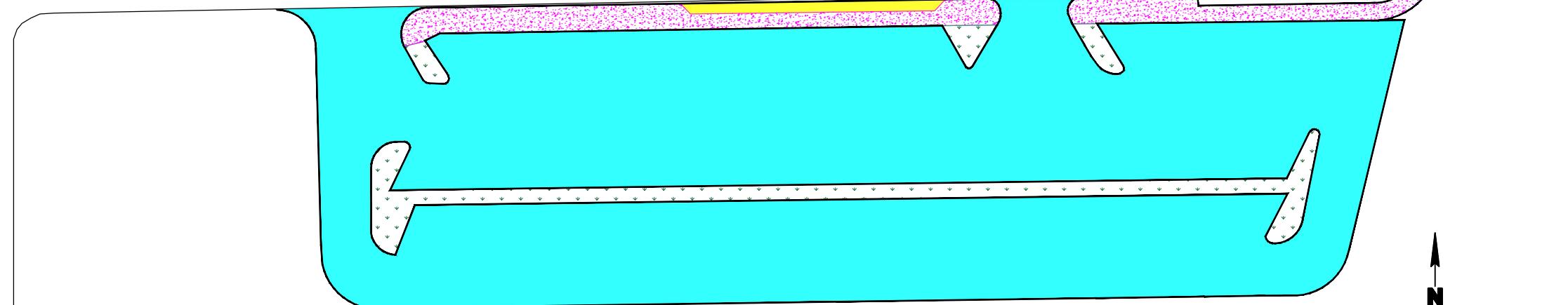
File: FIGURE 2: SITE AND CITY OWNED PARKING LOT PLAN (AERIAL).DWG

FERRIS STREET

LEGEND:

- APPROXIMATE PROPERTY LIMIT AND INSTITUTIONAL CONTROL BOUNDARY
- GRANITE CURBING (HARSCAPE)
- CONCRETE BUILDING COVER (HARSCAPE)
- CONCRETE SIDEWALK COVER OR STORAGE AREA (HARSCAPE)
- DECORATIVE PAVER SIDEWALK COVER (HARSCAPE)
- ASPHALT COVER (HARSCAPE)
- 1 FOOT OF ACCEPTABLE SOIL WITH DECORATIVE STONE COVER & LANDSCAPING
- 1 FOOT OF ACCEPTABLE STONE (RIP RAP)
- GREENSPACE

RIVERSIDE DRIVE



Title: **ENGINEERING CONTROLS AND  
INSTITUTIONAL CONTROL BOUNDARY  
PERIODIC REVIEW REPORT**

23 RIVERSIDE DRIVE (SITE) AND CITY-OWNED PARKING LOT  
CORNING, NEW YORK

Prepared for:  
**FITZPATRICK HOLDINGS, INC.**

Compiled by: CNK	Date: DECEMBER 2024	FIGURE
Prepared by: CNK	Scale: AS SHOWN	
Project Mgr: CZA	Project: 4504.0001B000	
File: FIGURE 3; COVER SYSTEM.DWG		3



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## **APPENDIX A**

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### **INSTITUTIONAL & ENGINEERING CONTROLS CERTIFICATION FORM**



Enclosure 2  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Site Management Periodic Review Report Notice  
Institutional and Engineering Controls Certification Form



**Site Details**

**Box 1**

Site No. 851054

Site Name Former Days Inn

Site Address: 23 Riverside Drive Zip Code: 14830  
City/Town: Corning  
County: Steuben  
Site Acreage: 1.350

Reporting Period: November 30, 2024 to November 30, 2025

YES NO

1. Is the information above correct?

If NO, include handwritten above or on a separate sheet.

2. Has some or all of the site property been sold, subdivided, merged, or undergone a tax map amendment during this Reporting Period?

3. Has there been any change of use at the site during this Reporting Period (see 6NYCRR 375-1.11(d))?

4. Have any federal, state, and/or local permits (e.g., building, discharge) been issued for or at the property during this Reporting Period?

**If you answered YES to questions 2 thru 4, include documentation or evidence that documentation has been previously submitted with this certification form.**

5. Is the site currently undergoing development?

**Box 2**

YES NO

6. Is the current site use consistent with the use(s) listed below?

Commercial and Industrial

7. Are all ICs in place and functioning as designed?

**IF THE ANSWER TO EITHER QUESTION 6 OR 7 IS NO, sign and date below and DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

Signature of Owner, Remedial Party or Designated Representative

Date

**Description of Institutional Controls**

<u>Parcel</u>	<u>Owner</u>	<u>Institutional Control</u>
<b>317.08-01-024.000</b>	Fitzpatrick Holdings, Inc.	Ground Water Use Restriction Landuse Restriction Site Management Plan

EE filed 2017  
SMP

Box 4

**Description of Engineering Controls**

<u>Parcel</u>	<u>Engineering Control</u>
<b>317.08-01-024.000</b>	Cover System
Cover system	

**Periodic Review Report (PRR) Certification Statements**

1. I certify by checking "YES" below that:

- a) the Periodic Review report and all attachments were prepared under the direction of, and reviewed by, the party making the Engineering Control certification;
- b) to the best of my knowledge and belief, the work and conclusions described in this certification are in accordance with the requirements of the site remedial program, and generally accepted engineering practices; and the information presented is accurate and compete.

YES      NO

2. For each Engineering control listed in Box 4, I certify by checking "YES" below that all of the following statements are true:

- (a) The Engineering Control(s) employed at this site is unchanged since the date that the Control was put in-place, or was last approved by the Department;
- (b) nothing has occurred that would impair the ability of such Control, to protect public health and the environment;
- (c) access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of this Control;
- (d) nothing has occurred that would constitute a violation or failure to comply with the Site Management Plan for this Control; and
- (e) if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose established in the document.

YES      NO

**IF THE ANSWER TO QUESTION 2 IS NO, sign and date below and  
DO NOT COMPLETE THE REST OF THIS FORM. Otherwise continue.**

**A Corrective Measures Work Plan must be submitted along with this form to address these issues.**

Signature of Owner, Remedial Party or Designated Representative

Date

**IC CERTIFICATIONS  
SITE NO. 851054**

**Box 6**

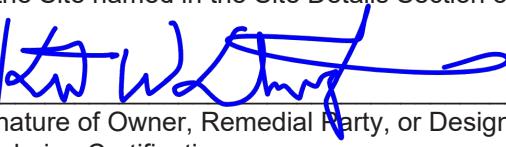
**SITE OWNER OR DESIGNATED REPRESENTATIVE SIGNATURE**

I certify that all information and statements in Boxes 1,2, and 3 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Keith W Shugerts at Hilton Garden Inn - 23 Riverside Drive, Corning, NY 14830,  
print name print business address

am certifying as Authorized Representative for Fitzpatrick Holdings, Inc. (Owner or Remedial Party)

for the Site named in the Site Details Section of this form.

  
\_\_\_\_\_  
Signature of Owner, Remedial Party, or Designated Representative  
Rendering Certification

December 5, 2025

Date

## EC CERTIFICATIONS

Box 7

### Qualified Environmental Professional Signature

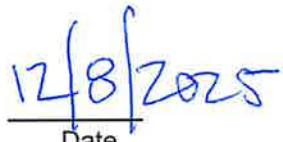
I certify that all information in Boxes 4 and 5 are true. I understand that a false statement made herein is punishable as a Class "A" misdemeanor, pursuant to Section 210.45 of the Penal Law.

I Christopher Boron at 2558 Hamburg Turnpike, Suite 300, Buffalo, New York,  
print name print business address

am certifying as a Qualified Environmental Professional for the Owner - Fitzpatrick Holdings, Inc.  
(Owner or Remedial Party)

  
Signature of Qualified Environmental Professional, for  
the Owner or Remedial Party, Rendering Certification

Stamp  
(Required for PE)

  
Date

## **APPENDIX B**

### **SITE PHOTOGRAPHIC LOG**



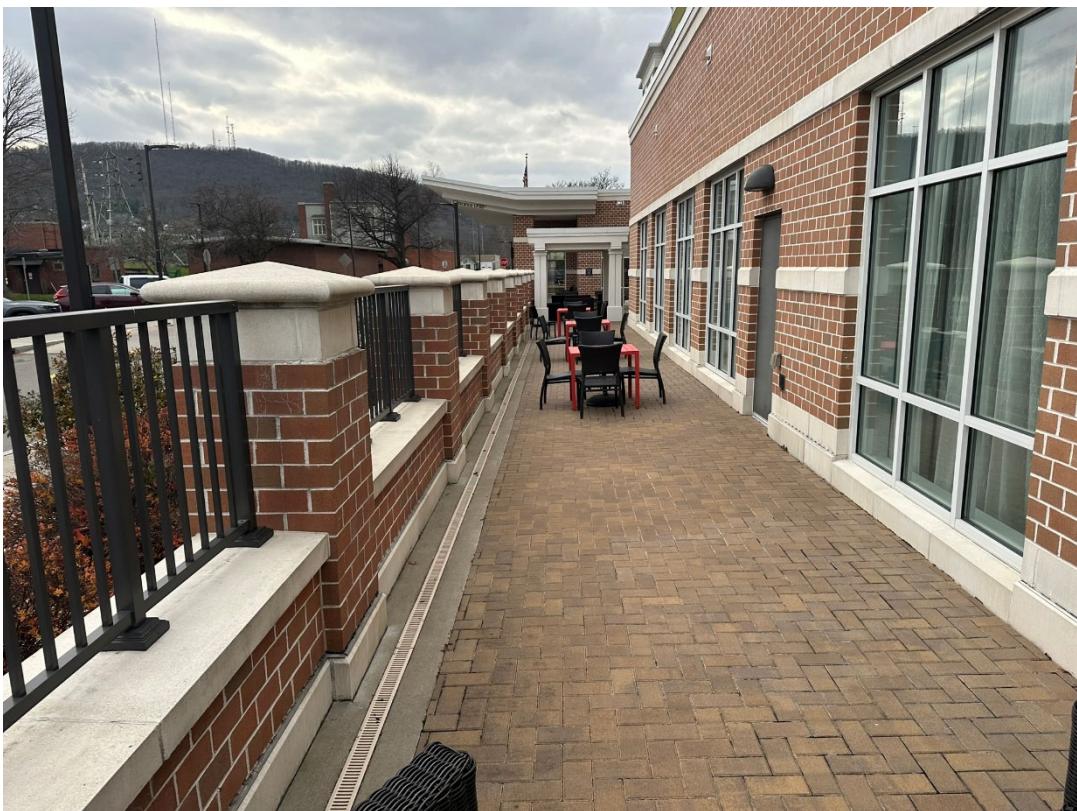
**Photograph 1: City-Owned Parking Lot (looking east).**



**Photograph 2: City-Owned Parking Lot (looking west).**



**Photograph 3: Landscaped bed in the southeast corner of the building along Riverside Drive. (looking west).**



**Photograph 4: Patio and stamped concrete cover system in the southeast corner of the building along Riverside Drive (looking west).**



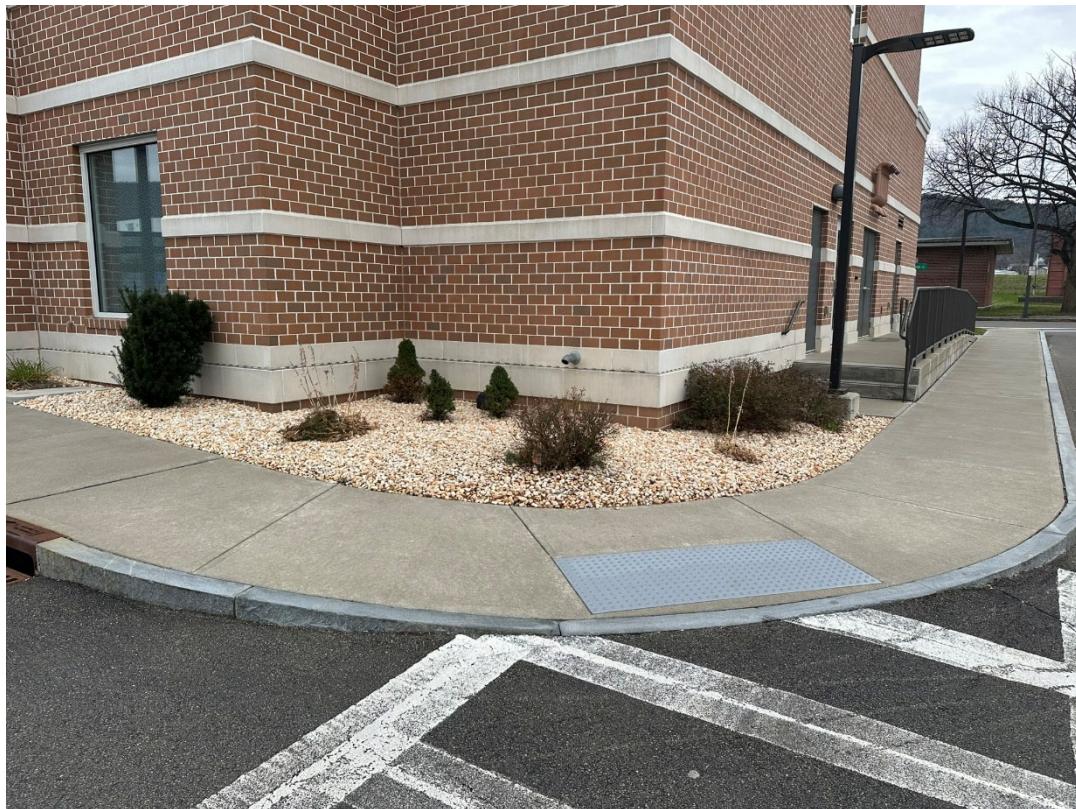
**Photograph 5: Concrete cover system along east side of building (looking north).**



**Photograph 6: Greenspace on the southwest corner of the Site (looking east).**



**Photograph 7: Parking lot and landscaped islands on the north side of the building (looking east).**



**Photograph 8: Landscaped bed on the northwest corner of the building (looking south).**



**Photograph 9: : Concrete sidewalks and back side of exterior storage areas along the northeast corner of the building (looking east).**



**Photograph 10: Dumpster areas and exterior storage area at the northeast corner of the building (looking south).**



**Photograph 11: Rip rap cover system in northwest corner of Site (looking northwest).**



**Photograph 12: Parking lot and landscaped islands on north side of the building (looking east).**