

NEW YORK STATE BROWNFIELDS CLEANUP PROGRAM

Program Application and Supplemental Information Package
August 2009

EBC Project No: PPI0901

**Former “Jerusalem Avenue Sand Corp.”
Disposal Site
1121 Jerusalem Avenue
Uniondale, NY**



Program Requestor:

**1121 Jerusalem Partners LLC
865 Merrick Ave., Suite 50N
Westbury, NY 11590**

Submitted to:



**New York State Department of Environmental Conservation
Brownfields and Voluntary Cleanup Section
625 Broadway, 11th floor
Albany, NY 12233-7015**



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road, Ridge, NY 11961 Ph: 631.504.6000 Fax: 631.924.2870

1121 Jerusalem Avenue, Uniondale, NY
BCP APPLICATION - SUPPLEMENTAL INFORMATION

BCP Application Form

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Attachment B	Supplemental Property Tax Information



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

07/07

DEPARTMENT USE ONLY
BCP SITE #: _____

Section I. Requestor Information

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):

Previous Owner

Current Owner

Potential /Future Purchaser

Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project.

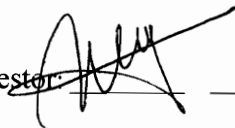
Yes

No

(Note: proof of site access must be submitted for non-owners)

PROPERTY NAME: Former Jerusalem Ave Sand Corp Disposal Site															
ADDRESS/LOCATION 1121 Jerusalem Avenue		CITY/TOWN Uniondale		ZIP CODE 11553											
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Hempstead															
COUNTY Nassau			SITE SIZE (ACRES) 4.48												
LATITUDE (degrees/minutes/seconds) N 40 ° 41 ' 42.47" + "			LONGITUDE (degrees/minutes/seconds) W 73 ° 34 ' 44.75" + "												
HORIZONTAL COLLECTION METHOD: <input type="checkbox"/> SURVEY <input type="checkbox"/> GPS <input checked="" type="checkbox"/> MAP			HORIZONTAL REFERENCE DATUM: WGS84												
FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)															
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage										
1121 Jerusalem Avenue		50	G	269	4.48										
1121 Jerusalem Avenue		50	G	272	0.1										
<p>1. Do the property boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="padding-left: 40px;">If no, please attach a metes and bounds description of the property.</p> <p>2. Is the required property map attached to the application? (application will not be processed without map) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>For more information go to: http://www.nylovesbiz.com/BrownField_Redevelopment/default.asp.</p> <p>If yes, identify area (name) _____</p> <p><input type="checkbox"/> 50% <input type="checkbox"/> 100% of the site is in the En-zone (check one)</p>															
PROPERTY DESCRIPTION NARRATIVE: See attached supplemental information															
List of Existing Easements (type here or attach information) <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Easement Holder</u></td> <td style="width: 50%;"><u>Description</u></td> </tr> <tr> <td>Long Island Lighting Company, recorded 6/24/1996</td> <td>Gas and Electric Easement</td> </tr> <tr> <td>New York Telephone Company, recorded 10/5/1995</td> <td>Telephone Easement</td> </tr> <tr> <td>New York Telephone Company, recorded 10/5/1995</td> <td>Telephone Easement -</td> </tr> <tr> <td>Wal-Mart Real Estate Business Trust, recorded 12/8/1997</td> <td>Reciprocal Easement Agreement</td> </tr> </table>						<u>Easement Holder</u>	<u>Description</u>	Long Island Lighting Company, recorded 6/24/1996	Gas and Electric Easement	New York Telephone Company, recorded 10/5/1995	Telephone Easement	New York Telephone Company, recorded 10/5/1995	Telephone Easement -	Wal-Mart Real Estate Business Trust, recorded 12/8/1997	Reciprocal Easement Agreement
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Wal-Mart Real Estate Business Trust, recorded 12/8/1997	Reciprocal Easement Agreement														
List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information) <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><u>Type</u></td> <td style="width: 33%;"><u>Issuing Agency</u></td> <td style="width: 33%;"><u>Description</u></td> </tr> <tr> <td>None</td> <td>None</td> <td>None</td> </tr> </table>						<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	None	None	None				
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>													
None	None	None													

Initials of each Requestor: _____



Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

- | | | |
|--|-----|----|
| 1. Are any enforcement actions pending against the requestor regarding this site? | Yes | No |
| 2. Is the requestor subject to an existing order relating to contamination at the site? | Yes | No |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? | Yes | No |
| 4. Has the requestor been determined to have violated any provision of ECL Article 27? | Yes | No |
| 5. Has the requestor previously been denied entry to the BCP? | Yes | No |
| 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? | Yes | No |
| 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? | Yes | No |
| 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? | Yes | No |
| 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? | Yes | No |

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

- | | | |
|--|-----|----|
| 1. Is the property listed on the National Priorities List? | Yes | No |
| 2. Is the property listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?
If yes, please provide: Site # _____ Class # _____ | Yes | No |
| 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ | Yes | No |
| 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ | Yes | No |
| 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. | Yes | No |

Section VI. Project Description

What stage is the project starting at? investigation remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
Other*					

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

Above Ground Pipeline or Tank	Lagoons or Ponds	Underground Pipeline or Tank	Surface Spill or Discharge
Routine Industrial Operations	Dumping or Burial of Wastes	Septic tank/lateral field	Drums or Storage Containers
Adjacent Property	Seepage Pit or Dry Well	Foundry Sand	Electroplating
Coal Gas Manufacture	Industrial Accident	Unknown	
Other: _____			

5. INDICATE PAST LAND USES:

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner	Salvage Yard	Bulk Plant
Pipeline	Service Station	Landfill	Tannery	Electroplating	Unknown
Other: _____					

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board/dept. chair of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Intended Use: Unrestricted Residential Commercial Industrial (check all that apply)

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

Yes No

1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)

2. Is the proposed use consistent with applicable zoning laws/maps?

3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?

4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).

5. Are there any federal or state land use designations relating to this site?

6. Do the population growth patterns and projections support the proposed use?

7. Is the property accessible to existing infrastructure?

8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?

9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile?

10. Are there floodplains within ½ mile?

11. Are there any institutional controls currently applicable to the property?

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

(By requestor who is an individual)

I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am managing member (title) of JM1121 LLC, managing member of 1121 Jerusalem Partners LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 8/18/09 Signature: Michael Grey Print Name: MICHAEL GREY

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.ny.gov/about/776.html>

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

1.0 INTRODUCTION

An application for acceptance into the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) is being submitted for the property identified as Section 50 Block G Lot 269, located at 1121 Jerusalem Avenue, Uniondale, NY (see **Figures 1-3**). This document contains the supplemental information as required in the application package.

1.1 Requestor

1121 Jerusalem Partners LLC is the applicant for the project and is applying to the program as a volunteer. 1121 Jerusalem Partners LLC, purchased the property in 2009, and is not affiliated in any way with the previous owner of the Site (Jerusalem Avenue LLC), or the release of contaminants at the site.

1.2 Property Description Narrative

ALL that certain plot, piece or parcel of land, situate, lying and being in the County of Nassau, State of New York, bounded and designated as section 50 block G lot 269 (F/K/A P/O lots 265 and 266) on the Nassau County Tax Assessment Map.

ALL that certain plot, piece or parcel of land, situate, lying and being in the unincorporated area of Uniondale, Town of Hempstead, County of Nassau and State of New York, bounded and described as follows:

Beginning at a point on the present northerly side of Jerusalem Avenue, 269.14 feet easterly from the corner former by the intersection of said northerly side of Jerusalem Avenue with the easterly side of Winthrop Drive;

Running thence in a northerly direction $21^{\circ} 18' 29''$ east, 481.90 feet; thence in a northeasterly direction in the following courses and distances;

(1) North $30^{\circ} 15' 39''$ east 63.50 feet;
(2) North $61^{\circ} 58' 39''$ east 222.10 feet;
(3) North $57^{\circ} 33' 59''$ east 14.00 feet;
Thence South $81^{\circ} 31' 33''$ east 76.48 feet;
Thence South $8^{\circ} 28' 28''$ west and part of the distance through a party wall 378.81 feet;
Thence North $81^{\circ} 33' 30''$ west 168.84 feet;
Thence South $8^{\circ} 26' 30''$ east 196.34 feet;
Thence South $81^{\circ} 33' 30''$ east 120.00 feet;
Thence South $8^{\circ} 26' 30''$ west 58.11 feet;
Thence South $76^{\circ} 32' 58''$ east 89.59 feet;
Thence South $10^{\circ} 28' 42''$ west 34.68 feet;
Thence South $10^{\circ} 13' 20''$ west 87.00 feet to the northerly present line of Jerusalem Avenue;
Thence in a westerly direction along the present northerly side of Jerusalem Avenue the following courses and distances:

1. A course having an arc of a curve bearing to the right and having a radius of 973.92 feet a length of 447.47 feet;
2. North 53° 26' 00" west a distance of 1.54 feet to the point or place of beginning.

Excepting therefrom so much as may be taken for the widening of Jerusalem Avenue, as approved October 2, 1995 but not yet dedicated (designated as Lot 272 for this purpose).

Together with the benefits of a certain declaration made by Uniondale Realty Associates, dated September 3, 1997, recorded November 10, 1997 in Liber 10853 page 582.

2.0 PROJECT DESCRIPTION

2.1 Site History

Available information indicates that the subject site (lots 269/272) and adjoining lots (270/271) were utilized as a concrete mixing plant and sand mine operation from the 1930's to 1962. The sand mine was located in the northern quarter of the site and occupied approximately 2.4 of the 10.5 acre property. In 1962 a bowling alley was constructed on the southwest corner of the site.

By 1975 the pit was filled in and a golf driving range was constructed over the area. During public hearings held in 1989, it was revealed that medical wastes and hazardous substances were disposed of in the open pit. A series of investigations was performed at the site in 1990, as part of the SEQR process to develop the site as a shopping center. The investigations were performed under a consent order agreement between the developer and the NYSDEC. Though the investigation identified heavy metals, volatile organic compounds (VOCs), pesticides and PCBs in soil and / or groundwater, the NYSDEC determined that the site did not represent a significant threat and recommended that a methane abatement system be installed as a condition of developing the property.

In 1995-1996 the property was developed as a shopping center and the requested methane abatement system was installed under the new buildings. The lot was subdivided at this time into lots 269/272 and 270/271. The buildings, which share a common wall, included a ShopRite Supermarket with two smaller retail units (Lot 269/272) and a Walmart Store (Lot 270/271). ShopRite vacated the building in 2003 due to problems with sub-slab waste lines damaged during settling. The building (lot 269) has remained vacant and in derelict condition since this time. The mortgage lender, Northwestern Mutual Life (NML), foreclosed on the property in 2006. NML conducted several investigations regarding the environmental condition of the property which were forwarded to the NYSDEC. These results indicated elevated levels of VOCs, semi-VOCs and PCBs in groundwater samples on-site and / or at the downgradient property line.

Based on these results the NYSDEC determined that a "consequential quantity of hazardous waste was disposed of at the site" and that further investigation was required. In October 2007 the DEC designated the site as a potential (P-listing) Class II Inactive Hazardous Waste Site.

The environmental issues at the site and associated liability have prevented the site from being redeveloped / returned to use. The property has been vacant since 2003.

2.2 Redevelopment Plans

Following completion of the Remedial Investigation a decision will be made as to whether or not the existing building will be salvaged. If it is to be salvaged, reconstruction / renovation and upgrading of the existing structure will begin following the Remedial Investigation. If the building is not salvageable then it will be replaced with a like in kind structure as appropriate for use in a commercial shopping center.

The planned project includes the reconstruction or replacement of approximately 60,816 ft² of commercial retail space which has the potential to employ up to 60 locally-based employees. In addition, the development of the property will restore a vacant and derelict building to productive use. The restoration of vacant buildings is of particular importance in lower income areas engaged in the on-going process of community revitalization. The property in its current condition is developing into a "hang-out" for area youths, itinerant and dispossessed individuals. This situation, if unresolved can result in reduced property values in the surrounding area and a "broken window" effect in which further decline spreads. This would work in direct opposition to the progress the community has fought so hard to achieve over the last decade.

The Volunteer intends to re-lease the restored building to a supermarket providing a much needed resource to the local community. Members of the local community and area residents have repeatedly expressed support for this plan. Although the site has been attractive to the food industry in the past, attempts to renovate and re-rent it have failed due to unresolved issues concerning its environmental condition.

Potential tenants for a property such as this must commit significant time, effort and resources to occupy the site and begin its operation. No tenant is willing to risk these efforts with a significant and uncertain environmental issue. On the other side, the owner cannot restore or reconstruct the building without a firm, long-term commitment from a potential tenant. As such the property has remained vacant and underutilized since May of 2003.

2.3 Project Schedule

BCP Milestones

(Based on an assumed date of 9/30/09 for execution of the BCP agreement)

Implement Remedial Investigation Work Plan (RIWP)	October 2009
Submit Remedial Investigation Report (RIR)	November 2009
Submit Remedial Action Work Plan (RAWP)	December 2009

3.0 ENVIRONMENTAL HISTORY

3.1 Summary of Previous Investigations

Numerous environmental investigations, remedial studies and remedial actions have been performed at the site including the following:

- Supplemental Soil & Groundwater Investigation at Uniondale Shopping Center Site, Fanning Phillips & Molnar, June 1989;
- Final Environmental Impact Statement for Uniondale Shopping Center, Fanning Phillips & Molnar, July 1989;
- Supplemental Geohydrology Work Plan, Uniondale Shopping Center Site, Fanning Phillips & Molnar, February 1990;
- Work Plan For Follow Up Soil And Groundwater Investigation Uniondale Shopping Center Site, Fanning Phillips & Molnar, March 1990;
- Methane Abatement System Design, Uniondale Shopping Center, Uniondale, New York, Envirotrac Ltd., June 1995;
- Environmental Site Assessment of ShopRite, 1621 Jerusalem Avenue Uniondale, New York ATC Environmental Inc., November 1996.
- Methane Abatement System Evaluation, Uniondale Shopping Center, Uniondale, NY, GEI Consultants, June 17, 2005
- Draft Report Environmental Review of 1121 Jerusalem Avenue, Uniondale, New York Golder Associates Inc., November 2005
- Site Investigation Report ShopRite Facility, 1121 Jerusalem. Avenue Uniondale, New York Golder Associates Inc., April 2007
- Results of Preliminary Evaluation on Indoor Air Quality, ShopRite Portions of the Uniondale Shopping Center, Uniondale, New York, Apex Companies, LLC, July 19, 2007
- Indoor Environmental Quality Assessment Report, 1121 Jerusalem Avenue, Uniondale, New York, Golder Associates Inc., November 21, 2007
- Groundwater Data Summary Report, Former ShopRite Facility, 1121 Jerusalem Avenue, Uniondale, New York, Golder Associates Inc., July 11, 2008
- Groundwater Data Summary Report, Former ShopRite Facility, 1121 Jerusalem Avenue, Uniondale, New York, Golder Associates Inc., September 18, 2008

- Groundwater Data Summary Report, Former ShopRite Facility, 1121 Jerusalem Avenue, Uniondale, New York, Golder Associates Inc., January 30, 2009

3.1.1 1989 Supplemental Soil and Groundwater Investigation

In response to the concerns expressed during an April 1989 public hearing as part of the State Environmental Quality Review Act (SEQRA) process, Fanning, Phillips and Molnar (FPM) performed a soil and groundwater investigation in May 1989. The results of this investigation identified several SVOCs, heavy metals and pesticides above NYSDEC Recommended Soil Cleanup Objectives and several VOCs and pesticides above Ambient Water Quality Standards.

3.1.2 2007 Site Investigation Report

As a preliminary step prior to foreclosure on the subject property, Northwestern Mutual retained Golder Associates to perform a subsurface investigation on the lot formerly occupied by the ShopRite (Lot 269). From January through March 2006, Golder installed 8 soil borings and 8 groundwater monitoring wells at the site. Golder concluded that four of the borings contained non-native fill materials indicative of the former landfill. The fill contained reclaimed asphalt, brick fragments, styrofoam, concrete, wire, fence materials and pieces of glass and porcelain.

Analytical results of samples of fill included exceedances of the NYSDEC RSCO for certain SVOCs and metals. There were no exceedances in the samples which did not contain the fill material.

Groundwater samples from the monitoring wells exceeded standards for one or more of the following: VOCs (chloroethane, benzene, chlorobenzene, toluene and ethylbenzene), SVOCs (naphthalene), pesticides (aldrin, alpha chlordane, dieldrin, and gamma chlordane) and PCBs (arochlor 1260).

3.1.3 2008 Groundwater Summary Reports

Golder Associates collected groundwater samples in January, July and October of 2008, from the eight monitoring wells installed on the ShopRite lot during the 2006 investigation. The well network includes two upgradient wells (MW2, MW5), three wells downgradient of the landfill footprint (MW1, MW3, MW4) and three wells at the downgradient property line (MW6, MW7, MW8).

The results of this sampling indicated exceedances in one or more of the following VOCs: benzene, ethylbenzene, toluene, chlorobenzene, chloroethane, naphthalene, 1,4-Dichlorobenzene, 1,1-Dichloroethane, acetone, xylenes, Isopropylbenzene, cis-1,2-Dichloroethene, Vinyl Chloride, 1,2-Dichloroethane, Trichloroethene and 4-Methyl-2-Pentanone in each of the downgradient wells and in at least one of the property line wells during each of the three sampling events.

3.2 Previous Owners and Operators

Previous owners of the property at 1121-1123 Jerusalem Avenue were reviewed from 1960 to the present, showing that entities related to Mr. Harvey Plander owned the property from at least 1960 to 1987 when the title was transferred to Uniondale Realty Associates who developed the property with the current shopping center. In 2006, the mortgage holder, Northwestern Mutual Life (NML) foreclosed and took title to the property. NML sold the property to the current owner 1121 Jerusalem Partners LLC in 2009. The property has been occupied in turn by a concrete mixing plant and sand

mine, a bowling alley, a golf driving range and a shopping center with a ShopRite supermarket, dry-cleaner, WalMart, Radio Shack and pizzeria.

Table 1 – Previous Owners
1121 Jerusalem Avenue, Uniondale NY
Section 50 Block G Lot 269/272

Dates	Name	Comments	Contact Info
Prior to 1/2/60	Adeline Plander Jerusalem Avenue Sand Corp.	Owners from at least 1960	Unknown
5/4/60 to 4/3/69	Harvey M. Plander		Unknown
4/3/69 to ??	Plander Building Inc.		Unknown
?? to 10/30/87	Plander Lanes		Unknown
10/30/87 to 9/19/06	Uniondale Realty Associates		295 Madison Ave 2nd fl, New York, NY 10017
9/19/06 to 4/8/09	Jerusalem Avenue Property LLC (i.e. Northwestern Mutual Life)	In Lieu of Foreclosure	720 East Wisconsin Avenue Milwaukee, Wisconsin 53202
4/8/09 to present	1121 Jerusalem Partners LLC	Acquired through purchase	865 Merrick Ave., Suite 50N, Westbury, NY 11590

Note: 1121 Jerusalem Partners, LLC is in no way affiliated with Jerusalem Avenue Property LLC.

The following resources were employed in obtaining historical information with respect to ownership:

- Wilsearch Information Network, Inc.

Table 2 – Previous Operators
1121 Jerusalem Avenue, Uniondale NY
Section 50 Block G Lot 269/272

Dates	Name	Comments	Address
Prior to 1/2/60 to 1975	Jerusalem Avenue Sand Corp.	Sand mine and cement plant	1121 Jerusalem Avenue, Uniondale, NY
1975 to 1994	Plander Lanes	Bowling Alley with Golf driving range on adjacent parcel (lot 270/271)	1121 Jerusalem Avenue, Uniondale, NY
1994-1995	Vacant	Property vacant and/or under construction	N/A
2/1995 to 5/2003	ShopRite	ShopRite leased the entire building and had sublease to smaller units with Radio Shack, Pizzeria-Restaurant	33 Northfield Avenue Edison, NJ 08818 732-906-5271

4.0 CONTACT LIST INFORMATION

The following sub-sections provide the minimum contact list information as required in the BCP application form.

4.1 Local Government Contacts - Chief Executive Officer and Zoning Board Chairman

Nassau County

Chief Executive Officer: Nassau County Executive, Thomas R. Suozzi
1550 Franklin Avenue, Mineola, NY 11501
(516) 571-3131

Planning Commission: Chair Jeffrey H. Greenfield
1550 Franklin Avenue, Mineola, NY 11501
(516) 571-1624

Town of Hempstead

Chief Executive Officer: Supervisor Kate Murray
One Washington Street
Hempstead, NY 11550
(516) 489-5000

Department of Planning & Economic Development
200 North Franklin Street
First Floor
Hempstead, New York 11550
(516) 538-7100

4.2 Adjacent Property Owner Contacts

Properties adjacent to the project site are shown in **Figure 4**. Contact information for the identified owners, as listed in Nassau County tax rolls (as of February 2008), are as follows:

East

- 1** Property ID: Section 50 Block G Lot 270
Current Use: Commercial Retail
Address: 1123 Jerusalem Avenue
Property owner: Uniondale Realty Associates, 295 Madison Ave 2nd fl, New York, NY 10017

West

- 2** Property ID: Section 50 Block 448 Lot 25
Current Use: Residential
Address: 1063 Jerusalem Avenue
Property Owner: Arturro Reyes

-
- 3** Property ID: Section 50 Block 448 Lot 6
Current Use: Residential
Address: 681 Winthrop Drive
Property Owner: Jose Moratoya, 351 Emerson Drive, Hempstead, NY
- 4** Property ID: Section 50 Block 448 Lot 7
Current Use: Residential
Address: 675 Winthrop Drive
Property Owner: Joseph Olguy
- 5** Property ID: Section 50 Block 448 Lot 8
Current Use: Residential
Address: 669 Winthrop Drive
Property Owner: Nely Mejia
- 6** Property ID: Section 50 Block 448 Lot 10
Current Use: Residential
Address: 657 Winthrop Drive
Property Owner: Lawanna Jeffery
- 7** Property ID: Section 50 Block 448 Lot 11
Current Use: Residential
Address: 651 Winthrop Drive
Property Owner: Noel Reid
- 8** Property ID: Section 50 Block 448 Lot 12
Current Use: Residential
Address: 645 Winthrop Drive
Property Owner: Kevin Oliva

North

- 9** Property ID: Section 50 Block 448 Lot 13
Current Use: Residential
Address: 639 Winthrop Drive
Property Owner: Junior Wills
- 10** Property ID: Section 50 Block 448 Lot 14
Current Use: Residential
Address: 627 Winthrop Drive
Property Owner: Etal Granados
- 11** Property ID: Section 50 Block 448 Lot 15
Current Use: Residential
Address: 621 Winthrop Drive
Property Owner: Donovan Baldie

-
- 1 2** Property ID: Section 50 Block 448 Lot 16
Current Use: Residential
Address: 615 Winthrop Drive
Property Owner: Sherrod Edwards
- 1 3** Property ID: Section 50 Block 448 Lot 17
Current Use: Residential
Address: 609 Winthrop Drive
Property Owner: Allonce Darly
- 1 4** Property ID: Section 50 Block 448 Lot 18
Current Use: Residential
Address: 603 Winthrop Drive
Property Owner: Hubert Moorner
- 1 5** Property ID: Section 50 Block 448 Lot 19
Current Use: Residential
Address: 592 Mitchell Street
Property Owner: Ronald Pickney
- 1 6** Property ID: Section 50 Block 448 Lot 26
Current Use: Residential
Address: 599 Mitchell Street
Property Owner: JTP Development, 148-45 Hillside Avenue, Jamaica, NY

South

- 1 7** Property ID: Section 55 Block E Lot 1261
Current Use: Commercial - Retail Strip Stores
Address: 1060 Jerusalem Avenue
Property Owner: Uniondale Realty Associates - Uniondale South, LLC, 295 Madison Ave
2nd fl, New York, NY 10017
- 1 8** Property ID: Section 55 Block 530 Lot 24
Current Use: Residential
Address: 1080 Jerusalem Avenue
Property Owner: Interfaith Nutrition Network, 211 Fulton Avenue, Hempstead, NY 11550
- 1 9** Property ID: Section 55 Block 530 Lot 25
Current Use: Residential
Address: 722 Northgate Drive
Property Owner: Jose Acosta
- 2 0** Property ID: Section 55 Block 531 Lot 27
Current Use: Residential
Address: 723 Northgate Drive
Property Owner: Cyril Smith

- 21** Property ID: Section 55 Block 531 Lot 28
Current Use: Residential
Address: 1104 Jerusalem Avenue
Property Owner: Herbert Jimenez
- 22** Property ID: Section 55 Block 531 Lot 29
Current Use: Residential
Address: 1110 Jerusalem Avenue
Property Owner: Florence Watson and Linda Andrews
- 23** Property ID: Section 55 Block 531 Lot 30
Current Use: Residential
Address: 1116 Jerusalem Avenue
Property Owner: Donald Jarmond
- 24** Property ID: Section 55 Block 531 Lot 31
Current Use: Residential
Address: 875 Northgate Drive
Property Owner: Marvin Rainford
- 25** Property ID: Section 55 Block 532 Lot 41
Current Use: Residential
Address: 876 Northgate Drive
Property Owner: Eula Walker
- 26** Property ID: Section 55 Block 532 Lot 39
Current Use: Residential
Address: 1140 Jerusalem Avenue
Property Owner: Carlos Mejia

4.3 Local News Media

Community Journal

456 New York Avenue
Baldwin, NY 11510
538-4200

Uniondale Beacon Newspaper

5 Centre Street
Hempstead NY 11550
481-5400

4.4 Public Water Supplier

Town of Hempstead - Uniondale Water District

Water Department
1995 Prospect Avenue
East Meadow, New York 11554
(516) 794-8300

4.5 Requested Contacts

No requests have been made at this time.

4.6 Schools and Daycare Facilities

The following Schools and Daycare facilities were identified within a one-half mile radius of the project site (see **Figure 5**):

Sure Foundation Childcare Center
625 Union Drive
Uniondale, NY 11553
Director: Novella Harris
Phone: (516) 483-0855

Uniondale School District -Turtle Hook Middle School - Grades 5 and 6
975 Jerusalem Avenue
Uniondale, NY 11553-3099
Principal: Annette O'Ferrall
Phone: (516) 489-8046

Roosevelt Senior High School - Grades 9 through 12
1 Wagner Avenue
Roosevelt, NY 11575
Principal: Yves Mompont
Phone: (516) 345-7200

4.7 Document Repository

The following location will serve as a repository for public access to documents generated under the BCP program:

Uniondale Public Library
400 Uniondale Avenue
Uniondale, NY 11553
Phone: (516) 489-2220

Hours:

Monday - Thursday 9:00am to 9:00pm

Friday - 9:00am to 6:00pm

Saturday 10:00am to 5:00pm

Saturday (July & August) 10:00am to 2:00pm

Sunday (Mid-September-Mid-June) 1:00pm to 5:00pm

5.0 LAND USE FACTORS

5.1 Surrounding Land Use

The surrounding land use (**Figure 4**) includes residential properties to the south, west and north, and a large retail store (WalMart) to the east. The proposed project is compatible with the surrounding land use and will be in compliance with the current zoning.

5.2 Environmental Zone

In October 2003, the New York State Brownfield Program was signed into law under Title 14 of the ECL, Article 27. The law directed New York States economic development agency, Empire State Development (ESD) to designate Environmental Zones in which tax credits offered under the BCP are enhanced. The subject site does not fall within any of the current designated Environmental Zones. However, given that En-Zones are currently determined by Census Tract, changes resulting from the 2010 Census could alter the En-Zone status of the site.

As shown on **Figure 6**, the property is located within a potential environmental justice area. The NYSDEC defines a potential environmental justice area as a "minority or low-income community that may bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies".

Environmental justice means the fair treatment and meaningful involvement of all people regardless of race, color, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including a racial, ethnic, or socioeconomic group, should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local, and tribal programs and policies.

5.3 Site Geography and Geology

The geologic setting of Long Island is well documented and consists of crystalline bedrock composed of schist and gneiss overlain by layers of unconsolidated deposits.

Immediately overlying the bedrock is the Raritan Formation, consisting of the Lloyd sand confined by the Raritan Clay Member. The Lloyd sand is an aquifer and consists of discontinuous layers of gravel, sand, sandy and silty clay, and solid clay. The Raritan clay is of low permeability, and effectively hydraulically isolates the Lloyd Aquifer from overlying aquifers. The Raritan clay is a solid and silty clay with: few lenses of sand and gravel; abundant lignite and pyrite; and gray, red or white in color. This aquifer and all underlying deposits previously discussed are of Cretaceous age.

Above the Raritan Clay lies the Magothy Formation, which is a prolific aquifer. The Magothy consists of layers of fine to coarse sand of moderate to high permeability, with interbedded lenses of

silt and clay of low permeability resulting in areas of preferential horizontal flow. Therefore, this aquifer generally becomes more confined with depth.

The Magothy Aquifer is overlain by the Upper Glacial Aquifer. Upper Glacial Aquifer is the water table aquifer at this location and is comprised of medium to coarse sand and gravel with occasional thin lenses of fine sand and brown clay. This aquifer extends from the land surface to the top of the Magothy and, therefore, is hydraulically connected to the Magothy Aquifer.

The topographic elevation of the property is approximately 49 feet above mean sea level and slopes to the east toward Meadowbrook Creek. Meadowbrook Creek is located approximately 800 feet east of the property line. The area around Meadowbrook Creek is designated as a Zone A flood area (**Figure 7**). Zone A areas are areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage.

The area around Meadowbrook Creek is also identified as a class PF01A wetland. These are non-tidal temporarily flooded wetlands dominated by trees and shrubs. The wetland area is approximately 350 feet to the east of the property.

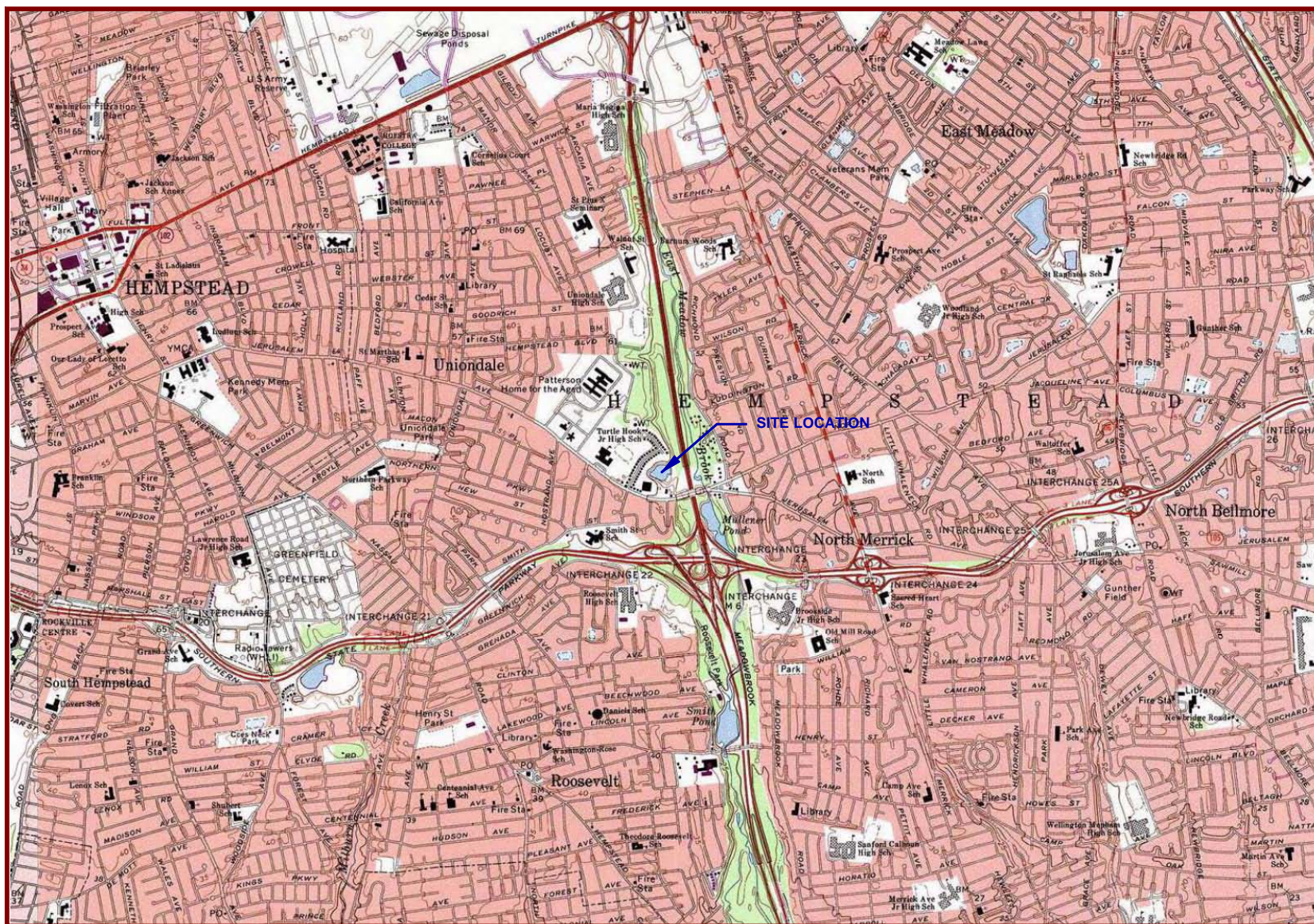
5.4 Groundwater Vulnerability

Groundwater at the site exists at approximately 20 feet below grade and flows in a south-southeast direction. Groundwater at the site and at the downgradient property line has been affected by both VOC and chlorinated-VOC (CVOCs) compounds.

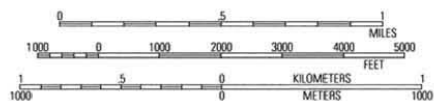
Impact to drinking water is not an immediate concern to the residential homes downgradient of the site since all water for the area is supplied by the Town of Hempstead Uniondale Water District. However, the Town of Hempstead does operate municipal wells in the area and these wells should be evaluated for potential impact from VOCs and CVOCs leaving the property.

Vapor intrusion from impacted soil (if present) and /or groundwater to residential and commercial buildings, and to utility infrastructure has been a concern given the shallow depth to groundwater the confirmed presence of VOCs and the past use of the site as a landfill.

FIGURES



USGS Freeport Quadrangle, 1994, Contour Interval = 5 feet



MN 1
131/2°
07/30/09

BC

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961


Phone 631.504.6000

Fax 631.924.2780

1121 JERUSALEM AVENUE, UNIONDALE, NY
TOPOGRAPHIC MAP

FIGURE 1

LEGEND													SPECIAL DISTRICTS													MUNICIPALITIES																									
COUNTY LINE	-----												POLICE	FIRE PROTECTION												PUBLIC PARKING	DRAINAGE												TOWN OF:												
TOWN LINE	-----												County Police	3												Unincorated	36												HEMPSTEAD												
VILLAGE LINE	-----												WATER	SANITARY												SEWER	FIRE HYDRANT RENTAL												NORTH HEMPSTEAD												
SCHOOL DISTRICT LINE	-----												East Meadow	9												Nassau County Sewage Disposal District #2	202												OYSTER BAY												
PROPERTY LINE	-----												Unincorated	7												Nassau County Sewage Disposal District #3	39												CITY OF												
SPECIAL DISTRICT LINE	-----												REFUSE & GARBAGE	TOWN OF HEMPSTEAD												PARK	TOWN OF HEMPSTEAD												GLENN COVE												
BLOCK LIMIT	-----												REFUSE DISPOSAL	L												IMPROVEMENT	F												LONG BEACH												
LOCATION POINT	-----												LIGHTING	47												SIDEWALK													VILLAGE OF:												
TAX MAP PARCEL NO.	246												LIBRARY	U																																					
CALCULATED ACRES	750(C)												SEWAGE COLLECTION	X																																					
DEED ACRES	1761												FIRE	77																																					
SCALED DIMENSION	3375												Unincorated	35																																					
DEED DIMENSION	185.09												Sewage Collection District #2-RU	U																																					
REFERENCE MAPS													Sewage Collection District #3-RSA	F																																					
MAP NO.																																																			
CODE													CODE													CODE																									
SPECIAL													SPECIAL													SPECIAL																									
DISTRICT													DISTRICT													DISTRICT																									
WITHIN													WITHIN													WITHIN																									
015 1 2 3 35 39 47 77 9 P L V X													015 1 2 3 35 39 47 77 9 P L V X													015 1 2 3 35 39 47 77 9 P L V X																									
213 1 2 202 3 35 36 47 7 77 L U V X													213 1 2 202 3 35 36 47 7 77 L U V X													213 1 2 202 3 35 36 47 7 77 L U V X																									



Nassau County

Department of Assessment

Charles O'Shea, Chairman

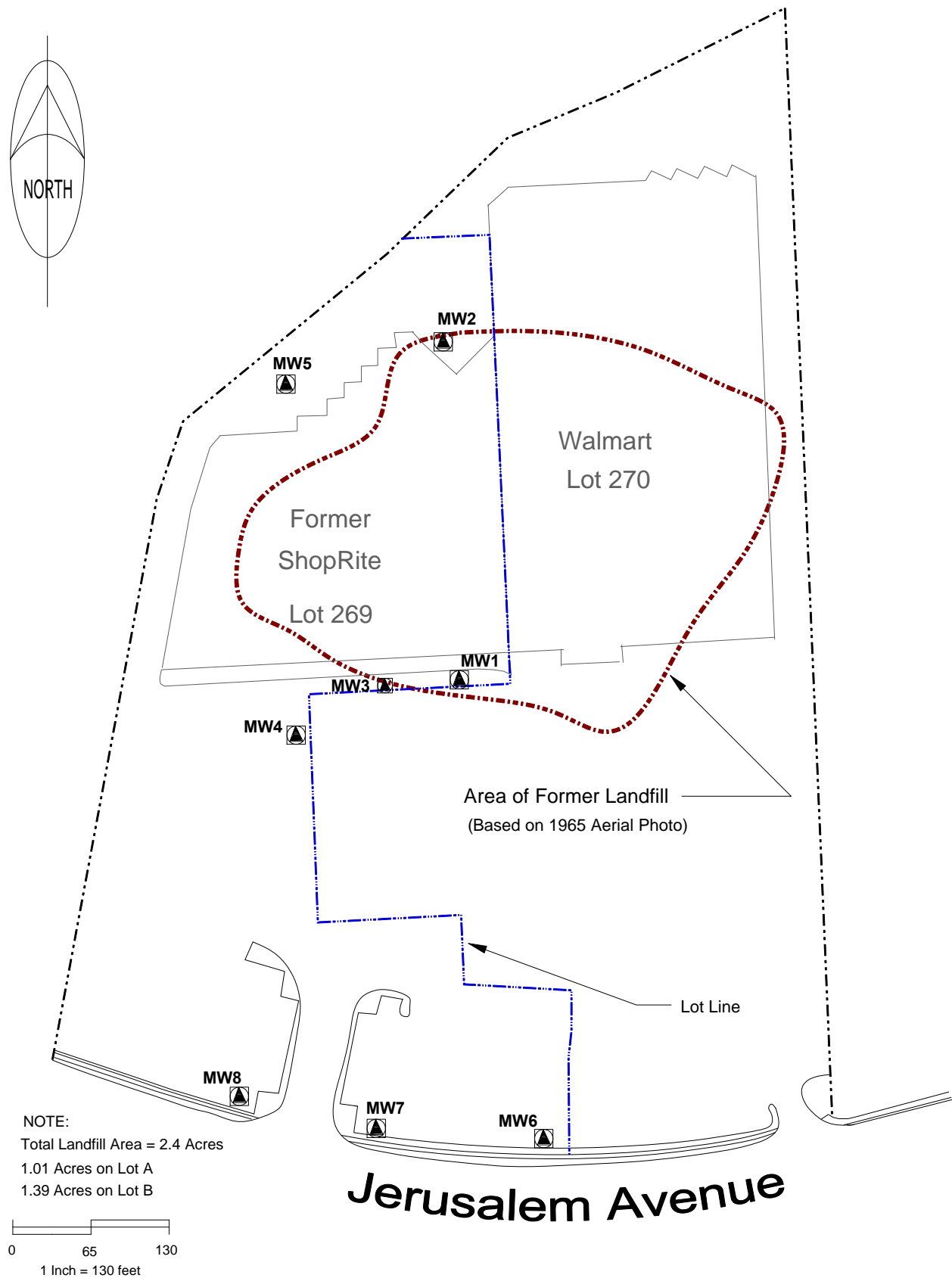
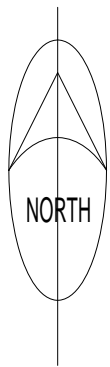
Land & Tax Map

SEC. 50

BLK. G

Map Last Revised: October 10 2002

SHEET 1 OF 1



Based on Land Title Survey 10/21/96, Barrett, Bonacci, Hyman and Van Weele, P.C.

IBC

ENVIRONMENTAL BUSINESS CONSULTANTS

1808 Middle Country Road
Ridge, NY 11961

Phone 631.504.6000
Fax 631.924.2870

UNIONDALE SHOPPING PLAZA
1121 JERUSALEM AVENUE
UNIONDALE, NY

FIGURE 3 SITE PLAN



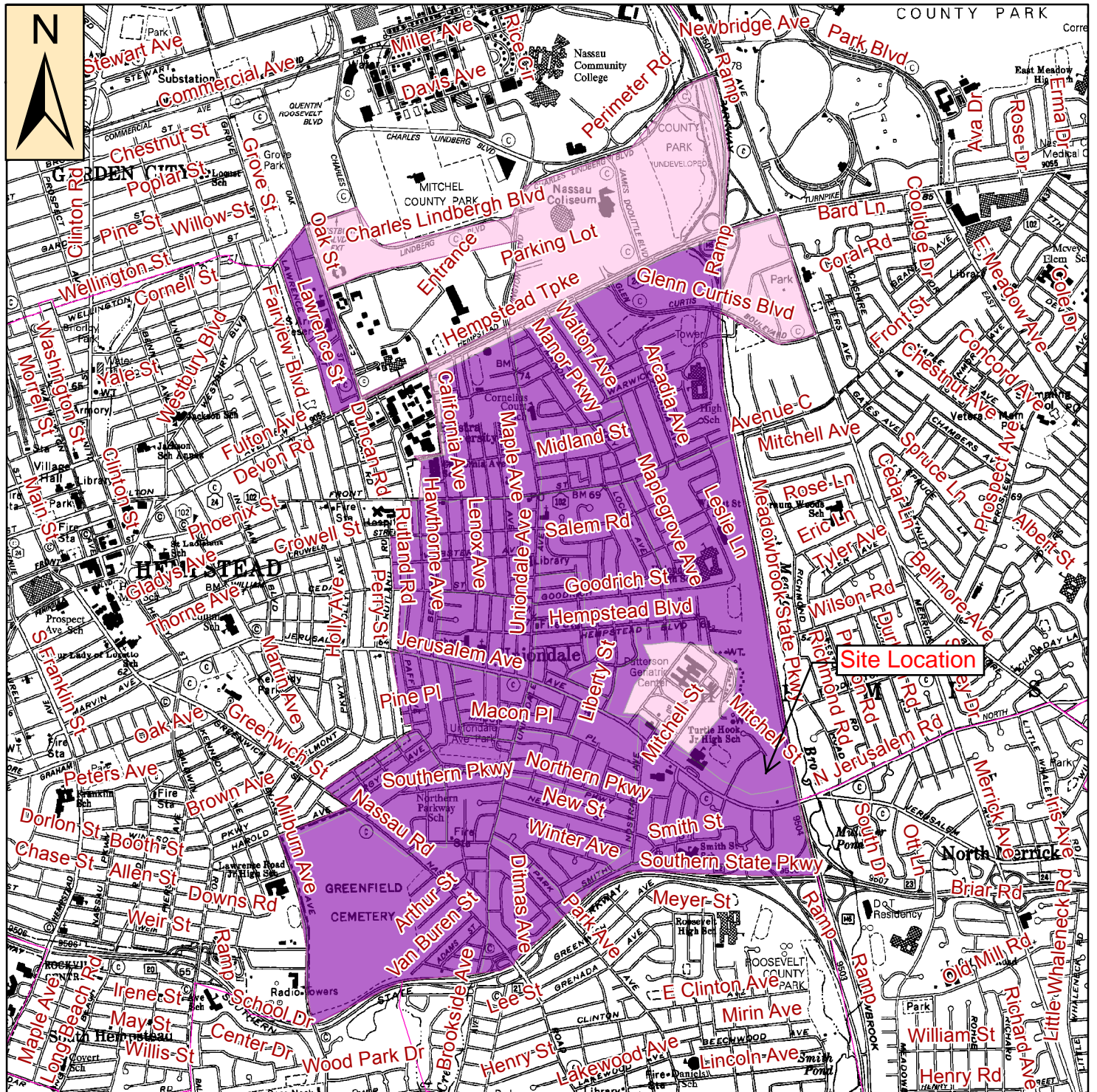
ENVIRONMENTAL BUSINESS CONSULTANTS

Phone 631.504.6000
Fax 631.924.2870

**1121 JERUSALEM AVENUE, UNIONDALE, NY
ADJACENT PROPERTIES**

FIGURE 4

Potential Environmental Justice Areas in the City of Uniondale, Nassau County, New York 11553



This computer representation has been compiled from supplied data or information that has not been verified by EPA or NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

Neither EPA nor NYSDEC guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census

Legend

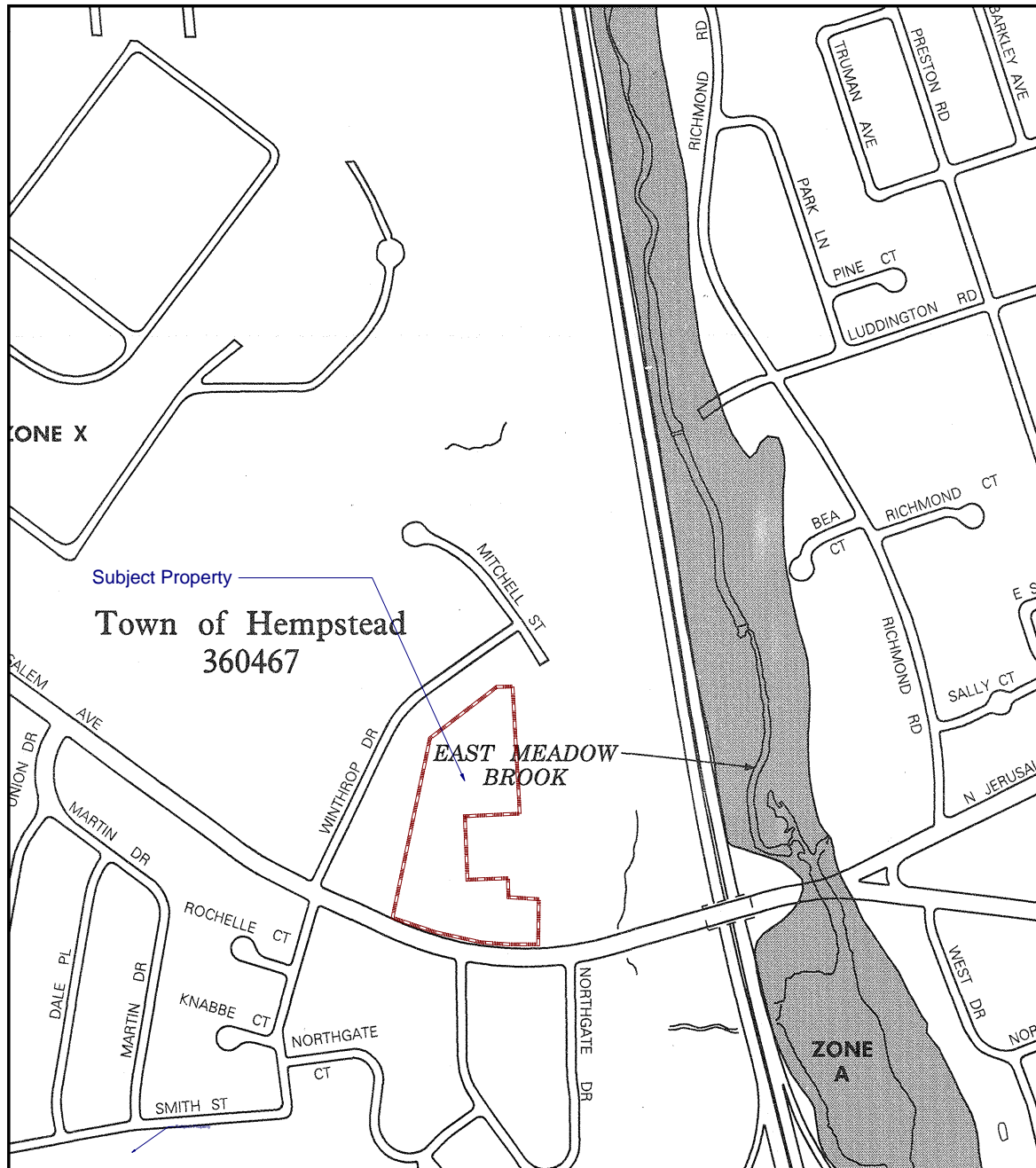
- Not an EJ Area
- Potential EJ Area

0 0.2 0.4 0.6 0.8 1 Miles
SCALE: 1:30,000

For questions about this map contact:
New York State Department of
Environmental Conservation
Office of Environmental Justice
625 Broadway, 14th Floor
Albany, New York 12233-1500
(518) 402-8556
ej@gw.dec.state.ny.us



Figure 6



APPROXIMATE SCALE

500 0 500 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM FLOOD INSURANCE RATE MAP NASSAU COUNTY, NEW YORK (ALL JURISDICTIONS)

PANEL 229 OF 360

(SEE MAP INDEX FOR PANELS NOT PRINTED)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
HEMPSTEAD, TOWN OF	360467	0229	F

Notice to User: The MAP NUMBER shown below should be used when placing map orders; the COMMUNITY NUMBER shown above should be used on insurance applications for the subject community.

MAP NUMBER
36059C0229 F

EFFECTIVE DATE:
APRIL 2, 1997



Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



ENVIRONMENTAL BUSINESS CONSULTANTS

1808 MIDDLE COUNTRY ROAD, RIDGE, NY 11961

Phone 631.504.6000

Fax 631.924.2780

1121 JERUSALEM AVENUE, UNIONDALE, NY
FLOOD ZONE MAP

FIGURE 7

ATTACHMENT A
Draft Remedial Investigation Work Plan
Under Separate Cover

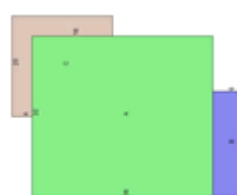
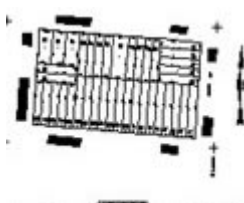
ATTACHMENT B
Supplemental Property Tax Lot Information

[Department Home](#)[Property Search](#)[Map](#)

Section 50 **Block** G **Lot** 269 **Condo** **Unit** **Town** Hempstead

Address 1121 Jerusalem Ave, Uniondale, 11553

Village **School** Uniondale - 2

[Enlarge photos](#)[View Area Maps](#)[View Tax Maps](#)[View Property Sketch](#)[View Correspondence](#)

[Values](#) [Comparable Sales](#) [General and School Taxes](#) [Property Description](#) [Recent Sales](#)

Roll Year	2010-2011	Liber & Page (Deed#)	12278758
		Land Category	Commercial
Property Size Code	2	Land Title	Large Individual Retail Food Store - Supermarket
Property Class Code	454.04	Land Description	
Item Number	6467	Large Individual Retail Food Store - Supermarket	
NYS School Code	282002		
NYS SWIS Code	282089	Lot Grouping	
View Property Record Cards 1938-1985			

Tax Year	2011
Card	1
School District	UNIONDALE UFSD - 2
Acres	4.4897
Lot Frontage	348
Lot Depth	158
Lot Square Footage	195572
Land Code	PRIMARY SITE
Location	SECONDARY STRIP
Year Built	1996

Building Detail

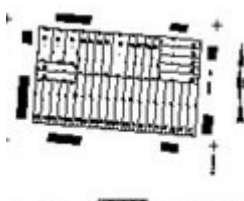
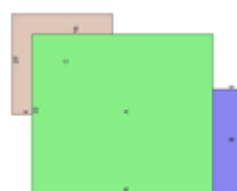
BLD	Built	Grade	Structure	Area	SF	Stories	Floors	Units	Use
3	1996	B-	SUPERMARKET	60816	60816	1	01-01	0	DISCOUNT STORE/MKT
3	1996	B-	SUPERMARKET	2800	2800	1	M1-M1	0	DISCOUNT STORE/MKT

Addition and Out-Building Structures

Code	Structure	Area
SS1	SPRINKLER SYS WET	0
LD1	LOAD DOCK,ST OR CONC	520
EL4	ELEVATOR HYDRAULIC PASNGR	0
CP7	CANOPY RF-ECONOMY	3456
CP5	CANOPY ONLY	520
LD5	DOCK LEVELERS	0

[Department Home](#)[Property Search](#)[Map](#)

:

Section 50 **Block** G **Lot** 272 **Condo** **Unit** **Town** Hempstead**Address** Jerusalem Ave, Uniondale, 11553**Village** **School** Uniondale - 2[Enlarge photos](#)[View Area Maps](#)[View Tax Maps](#)[View Property Sketch](#)[View Correspondence](#)[Values](#) [Comparable Sales](#) [General and School Taxes](#) [Property Description](#) [Recent Sales](#)

Roll Year	2010-2011	Liber & Page (Deed#)	9858-199
		Land Category	Vacant Land
Property Size Code	4	Land Title	Commercial
Property Class Code	330.14	Land Description	
Item Number	6470	Vacant Lots Or Acreage Located In Commercial Areas. Includes Right Of Way In Commercial Areas. (R.O.W.)	
NYS School Code	282002		
NYS SWIS Code	282089	Lot Grouping	

Building Detail

BLD	Built	Grade	Structure	Area	SF	Stories	Floors	Units	Use
-----	-------	-------	-----------	------	----	---------	--------	-------	-----