

**Phase I Environmental Assessment
for
475 Bay Street, AKA Block 488 Lot 9
Staten Island, New York 10304
Inspection 20011005**

Prepared by:

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Executive Summary

January 12, 2000

On January 6, 2000, AVT Enterprises initiated a Phase I Environmental Site Assessment at 475 Bay Street in Staten Island, New York. The work was done at the request of Mervin Rampaul a prospective buyer for the property.

AVT conducts their Phase One Assessments in accordance with recommendations of the ASTM Practice E 1527-97.

Site inspection was conducted on January 6, 2000 by Mr. Joseph A. Pasaturo of AVT. He was met at the property and accompanied by Mr. Rampaul, the properties prospective buyer, areas inspected included:

- The entire fenced in area of the property

Findings:

The history of the subject property on the 1934 Sanborn map shows the subject property as the Chas F. McAteer Inc. Coal Yard. The map also indicates a filling station with tanks and pumps on the yard whose fate is unknown. Adjoining properties and proximate sites also show a history of industrial use. The uses predate any regulatory controls and represent sources of possible contamination.

Recommendations:

The property should be first surveyed with a magnetometer to locate any buried tanks or similar anomalies (i.e. buried drums, conduits, or drywells). In addition, sufficient soil borings down to a depth of about 20 feet should be taken and analyzed with a Photo-ionization Detector (PID). Composites of the various samples can be made and should be submitted for laboratory analysis for Priority Pollutants+40 (PP+40), Total Petroleum Hydrocarbons (TPH) and PCBs'. If the water table is encountered then aqueous samples should be taken and also analyzed.

Joseph A. Pasaturo PE
President & Chief Engineer
AVT Enterprises

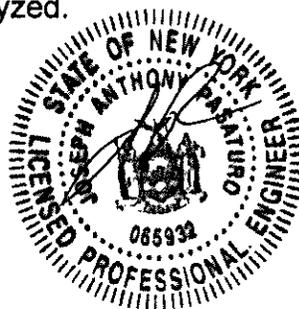


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1. Introduction

1.1. Purpose

Provide Phase I Environmental Site Assessment (ESA) for a client to satisfy the requirement for "appropriate inquiry" to qualify for the innocent landowner defense to CERCLA liability. The ESA seeks to determine if there is cause for environmental concern over liability or contamination from past or current activity. The ESA is performed to identify Recognized Environmental Conditions (REC). The term Recognized Environmental Condition means the presence or likely presence of any hazardous substances or petroleum products on a property, under conditions that indicate an existing release, a past release or material threat of a release of any hazardous substance or petroleum products into structures on the property, into the ground, groundwater or surface water on the property. The term is not intended to include de minimis conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be subject of an enforcement action if brought to the attention of the appropriate governmental agencies. The survey is performed voluntarily (not in response to regulatory inquiry) and consists of historical research, permitting and violations inquiry, and site reconnaissance. Appropriate documents will be examined at least back to January 1, 1940 where possible and appropriate as defined by ASTM E 1527-97.

1.2. Limitations and Exceptions of Assessment

ESA does not attempt to quantify contamination or to design remediation. Sampling may be recommended as *addenda* to the ESA if materials or processes currently or previously related to the site indicate need for further investigation. Contamination to and from proximate areas is also an issue addressed in this report. Extensive sampling is *not* within the scope of work although cursory sampling may be included if requested and approved by the client and provider of this report. Non-scope items as defined by ASTM E 1527-97 while possibly mentioned and discussed as additional information are not covered by this report as they are not required to satisfy the innocent landowner defense requirements to CERCLA liability. These substances which may be present on the property in quantities that may lead to contamination of the property or of nearby properties but are not included in CERCLA's definition of hazardous substances or do not otherwise present potential CERCLA liability. In general this ESA is valid for a period of six months of the date of this report and should not be relied upon beyond that period without consultation and follow up with AVT Enterprises.

1.3. Limiting Conditions and Statement of Limitations of Liability

Processes involved in preliminary site assessments include a collection of documentation in the public domain and information derived from personal interviews. No further warranty is made regarding the accuracy of these sources. AVT performed investigations and assessments using accepted trade practices. All information has been presented with full disclosure exercising best efforts to ascertain past, present and future risks of environmental contamination and liability within the scope of "appropriate inquiry" and "reasonably ascertainable" within the time allowed for delivery of the report by the client. The time frame stated by the client for delivery of this report was 3 weeks. No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not to eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property. The ESA recognizes reasonable limits of time and cost.

This report was prepared solely for the use of the client stated in the report. Reliance of this report by anyone other than the stated client is prohibited without the express written consent of duly authorized representatives of AVT Enterprises.

It is understood and agreed that AVT Enterprises is not an insurer and that the ESA and report are not intended to be construed as a guarantee or warranty expressed or implied that the subject property is completely free of hazardous substances or other materials or conditions that could subject the client to potential liability. The presence or absence of any such condition can only be confirmed through the collection and analysis of soil and groundwater samples, as well as testing relevant materials for various suspect contaminants. This testing is beyond the scope of this investigation. In the event that the AVT Enterprises and or its agents are found liable due to breach of contract, breach of warranty, negligence, negligent misrepresentation, negligent hiring or any other theory of liability, then the liability of AVT Enterprises and its agents and employees shall be limited to a sum equal to the fee paid to AVT Enterprises for the ESA.

2. Site Description

2.1. Location and Legal Descriptions

Geographic location	The property is located approximately at the intersection of N40.6303 and W74.0777	
Site Address	475 Bay Street Staten Island, New York 10304	
Block and Lot	Block 488 Lot 9	

2.2. Site and Vicinity Characteristics

This property is in an urban area with relatively little vegetation. The property is set in a mixed industrial and commercial neighborhood with some scattered housing. The property is basically rectangular. It is approximately 275 feet deep by 180 feet wide. It is on the East side of Bay Street, between William Street and Wave Street in the borough of Staten Island.

2.3. Descriptions of Structures, Roads and Other On-Site Improvements

The property is a vacant lot covered with an asphalt black top which is highly damaged. There are no structures located on the property and it is surrounded by a chain link fence on three sides. The front of the property is open to the street.

The City of New York supplies water and sewer services to the property. Con Edison supplies electric service and Brooklyn Union supplies gas. There are currently no active utility services on the property.

2.4. Current Use of Property

The property is currently vacant. Anecdotal information indicates that one of its prior uses was as a lot to store new cars for a local dealership.

2.5. Current Use of Adjoining Properties

The proximate buildings are light industrial and commercial.

Adjoining North: Commercial mixed use building
(Dry cleaners, Window manufacturer, Water craft dealer)
Adjoining South: Auto repair shop and a McDonald's Restaurant
Adjoining East: Train tracks (Staten Island Rapid Transit)
Adjoining West: Bay Street (Plumbing supply across Street)

2.6. Site Geology, Hydrology and Topography

The subject property is approximately 25 feet above sea level. Surrounding areas pitch down to the East.

3 Site History

3.1. City Directory and Municipal Document Review

A NYC Building Department Property Profile Overview shows no open violation on the subject property. City Directories were reviewed within the scope of this report and are not specific for the subject property. Surrounding properties are a mix of non-specific commercial and industrial businesses.

3.2. Sanborn Fire Insurance Map Review

This historical map series dates back to the late 1800s and is still in business. The company began as a fire insurance resource, mapping structures and prominent property features. The maps have been periodically updated so as to provide a picture of historical evolution for an area or a specific property.

The series for 255 47th Street includes maps from 1898, 1937 1950, 1977, 1981, 1991 to 1996.

The 1898 map shows the subject property as the James Thompson and Sons Lumber Yard. Surrounding properties are primarily commercial and industrial properties. The G. Barth Coal Yard is adjoining the subject property to the East.

The 1937 maps shows the area significantly more developed. The subject property is now the Chas F. McAteer Inc. Coal Yard. Surrounding properties are primarily industrial with a commercial laundry facility adjoining the property to the North & lumber yard and car painting shop adjoining the property to the South.

The 1950 map shows the subject property as the J.T. Montesani Sand and Gravel Co. Very little change has taken place to the surrounding properties.

The maps from 1977 and on show the subject property as it is today, vacant. There are indications that a local car dealer was storing cars on the property. Surrounding properties are still a mix of commercial and industrial uses.

3.3. Past Use of Adjoining Properties

According to the Sanborn Maps and anecdotal information the surrounding properties have historically, industrial and commercial facilities. Several of the prior uses have can present recognized environmental conditions.

4. Records Review

4.1. Federal and State Database Review

Environmental Impact Area Map and Statistical Profile:

The Environmental Impact Area Maps, supplied by EDR show the area studied within varied radii of the target site, depending on the hazard being investigated. The maps show properties in the studied area that have been found in any of the federal data bases searched. Copies of the maps are included in the Reference Section.

National Priorities List (NPL):

The NPL, also known as the Superfund List, is an EPA listing of uncontrolled or abandoned hazardous waste sites. The list is primarily based on a score that the site receives from the EPA's Hazardous Ranking System. These sites are targeted for possible long-term remedial action under the Superfund Act. **No sites are identified within the target radius.**

Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS):

The CERCLIS list is a compilation by the EPA, of known or suspect uncontrolled or abandoned hazardous waste sites, which the EPA has investigated, or is currently investigating for release or threatened release of hazardous substances pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (Superfund Act). Once a site enters CERCLIS, it may be subjected to several levels of review and evaluation, and ultimately placed on the NPL. While the EPA has determined that some CERCLIS sites require no action, others could well pose a real or perceived environmental threat to neighboring properties, thus impacting their value. **No sites or conditions were identified that would currently impact the subject property.**

State Hazardous Waste Sites are the State equivalent of CERCLIS and may or may not list site identified by the CERCLIS system. Data is reported by the New York State Department of Environmental Conservation. **No sites or conditions were identified that would currently impact the subject property.**

Toxic Release Inventory (TRI):

The TRI contains information on the annual estimated release of toxic chemicals to the environment by a certain property. This includes the maximum amount stored on site, the estimated quantity emitted into the air, discharged into bodies of water, injected underground, or released to land; methods used in waste treatment, and data on the transfer of chemicals off-site. **No sites or conditions were identified within the target radius that would currently impact the subject property.**

Resource Conservation and Recovery Act (RCRA):

The EPA's RCRA Database identifies and tracks hazardous waste from the point of generation to the point of disposal. Sites listed in the RCRA Database are those which comply with the regulations stipulated in the Resource Conservation and Recovery Act. The Non-Compliance RCRA Database is a list of those sites that have failed to file notification forms with the EPA in accordance with RCRA regarding the generation, storage, transportation, treatment, or disposal of hazardous waste. **Eight sites were identified within the 1/4 mile radius. There is a commercial dry cleaning plant adjoining the subject property.**

Emergency Response Notification System (ERNS):

The Emergency Response Notification system (ERNS) is a national computer database and retrieval system used to store information on the release of oil and hazardous substances. ERNS consists of release notifications submitted to the National Response Center, of the US Coast Guard, since 1987. The information it provides includes reported discharges, date of release, material releases, causes of releases, damage or injuries involved, quantity released, source of release, incident location, response actions taken, authorities notified, and affected environmental medium. **No sites or conditions were identified within the target radius that would currently impact the subject property.**

Nuclear Facilities (NuFac.):

Contains the facility name, location and county location in the state. **No sites or conditions were identified within the target radius that would currently impact the subject property.**

Open Dumps (OD):

Any facility or site where solid waste is disposed of, which is not a sanitary landfill that meets the criteria for classification of a Solid Waste Disposal Facility. Listed sites are not facilities for disposal of hazardous waste. **No sites or conditions were identified within the target radius that would currently impact the subject property.**

Chemical and Petroleum Bulk Storage (PBS):

The NYS DEC and local fire department records are searched for any evidence of prior or current bulk storage tanks. This includes all tanks of any capacity regulated by the fire department. In addition, the database that contains reported Leaking Underground Storage Tanks (LUST) is searched. **Twenty five sites have reported leaking underground tanks within a ½ mile radius of the subject property. Three of the sites are located within 1/8 of a mile. The identified sites or conditions should not be an impact on the subject property.**

Landfills (LF):

Disposal facilities where potentially hazardous substances are stored or treated. **No sites or conditions were identified within the target radius that would currently impact the subject property.**

Hazardous Substance Waste Disposal Site Inventory (HSWDS):

The HSWDS Inventory includes any known or suspected hazardous substance waste disposal sites. Included also are sites de-listed from the registry and non-registered sites which the U.S. EPA Preliminary Assessment reports or site investigation reports are being prepared. **There is one site located within a ½ mile of the subject property. The site should not impact the subject property.**

Regulatory Permitting and Violations Abstract (Federal and State)

	<u>Target Site</u>	<u>Adjacent Sites</u>	<u>Neighboring Sites</u>
NPL	None	None	None
CERCLIS	None	None	None
SHWS			None
TRI	None	None	See CER
RCRA	None.	None	2 small sites and 6 large within ¼ mile
ERNS	None	None	None
NuFac.	None	None	None
OD	None	None.	See CER
PBS (UST)	None	None	None >400,000 Gallons
PBS (UST)	None	None	<400,000 Gallons 7 USTs within ¼ mile
PBS (AST)	None		
FINDS			
LF	No	None	None
Spills	See CER		
LUST	None	None	25 sites within ½ mile no soil or water impact to subject prop.
CSF	None	None	None

CER = Computerized Environmental Report (Reference, Section 8).

5. Site Reconnaissance and Interviews

Relevant Inspection Data

Site inspection was performed by Mr. Joseph A. Pasaturo P.E. of AVT Enterprises, on January 6, 2000. He was met at the building and accompanied by, Mr. Mervin Rampaul, the prospective purchaser of the building.

Weather

On the day of the inspection, it was 40 degrees and sunny.

Scope of Inspection

The inspection included a neighborhood assessment, including the use of the surrounding areas and basic geographic features. The grounds were surveyed and site drainage and vegetation inspected.

5.1. Building Interior

The property is completely vacant no buildings are on the subject property.

5.2. Building Exterior

Not applicable

5.3. Hazardous Substance Storage

There were no hazardous materials in evidence at the time of inspection. There were no signs of distressed vegetation or signs of dumping noted on the property.

5.4. Storage Tanks

While no evidence was noted at the site. Sanborn maps indicated that a filling station with possible underground tanks exists on the property. Indications are that the tanks are located at the bay street side of the property. The disposition of the suspected tanks is unknown.

5.5. Indications of PCBs

There were no indications of PCBs. The Staten Island Rapid Transit runs along the rear of the subject property. Equipment used in the past associated with the transit system was known to contain high levels of PCB's. This report cannot quantify or qualify these materials, but are since under strict governmental control. Inquiries can be made to the NYC Transit Authority if so desired.

5.6. Indications of Solid Waste Disposal

None.

5.7. Asbestos Containing Materials

The assessment is limited to observations made on exposed, friable, suspect asbestos-containing materials only and it is possible that asbestos is present behind walls and above ceilings throughout the building. This is noteworthy when considering renovation activities. In addition, non-friable asbestos containing materials (ACM) need to be considered when planning renovation and considering maintenance activities.

Should renovation or demolition be scheduled for the property, a complete asbestos investigation, which should include non-friable materials, will be necessary prior to any work being performed. The Owner may wish to conduct a complete asbestos survey for inclusion into the buildings' Operations and Maintenance Program. Some areas accessed did contain some suspect non-friable ACM in the form of linoleum and floor tiles. An asbestos survey must be performed before any renovations can take place. In addition, other non-friable ACM (see following pages) must be considered when planning renovations and considering maintenance activities.

Some non-friable suspect materials present are:

- * Floor tile and tile mastic
- * Ceiling Tile
- * Plaster walls and ceilings
- * Electric wiring
- * Roofing Materials
- * Mastics
- * Transite exterior siding
- * Vinyl wall paper
- * Fire doors
- * Cementitious mortar, block and other products
- * Caulks
- * Tar wraps

5.8. Lead Based Paint and Other Lead Related Issues

The owner may wish to test painted surfaces for lead content for future reference and incorporation into the building Operations and Maintenance Program. Should the paint need to be sanded, scraped, etc., or be involved in demolition, testing should first be performed to determine lead content.

5.9. Radon

Data provided by the New York State Department of Health indicates that for participating properties, in most areas of Staten Island, the average levels of Radon are below the US EPA Action Level of 4 picocuries/liter.

As in any building on a concrete slab, the sumps, floor drains, cracks and penetrations could allow a seepage of radon gas. This area has a low risk of radon, but periodic testing of radon is advised for any properties housing a significant number of people.

5.10. Physical Setting Analysis

The subject property is in an urban setting with heavy industrial activity. The property is covered with a highly damage asphalt black top.

There are various listed hazardous waste sites and LUST Sites in the area including the Staten Island Home Port. While in close proximity to the subject property none of the sites should impact the subject property. Please see the enclosed database report for site specific information. In addition the Staten Island Rapid Transit runs along the back of the property.

6. Conclusions and Recommendations

We have performed a Phase 1 Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E1527 of **475 Bay Street, Staten Island, NY**. Exceptions to, or deletions from this practice are described in section 1 of this report. The assessment has revealed no evidence of recognized environmental conditions in connection with the property **except for the following:**

The past and current use of the property and adjacent and neighboring properties is industrial and commercial.

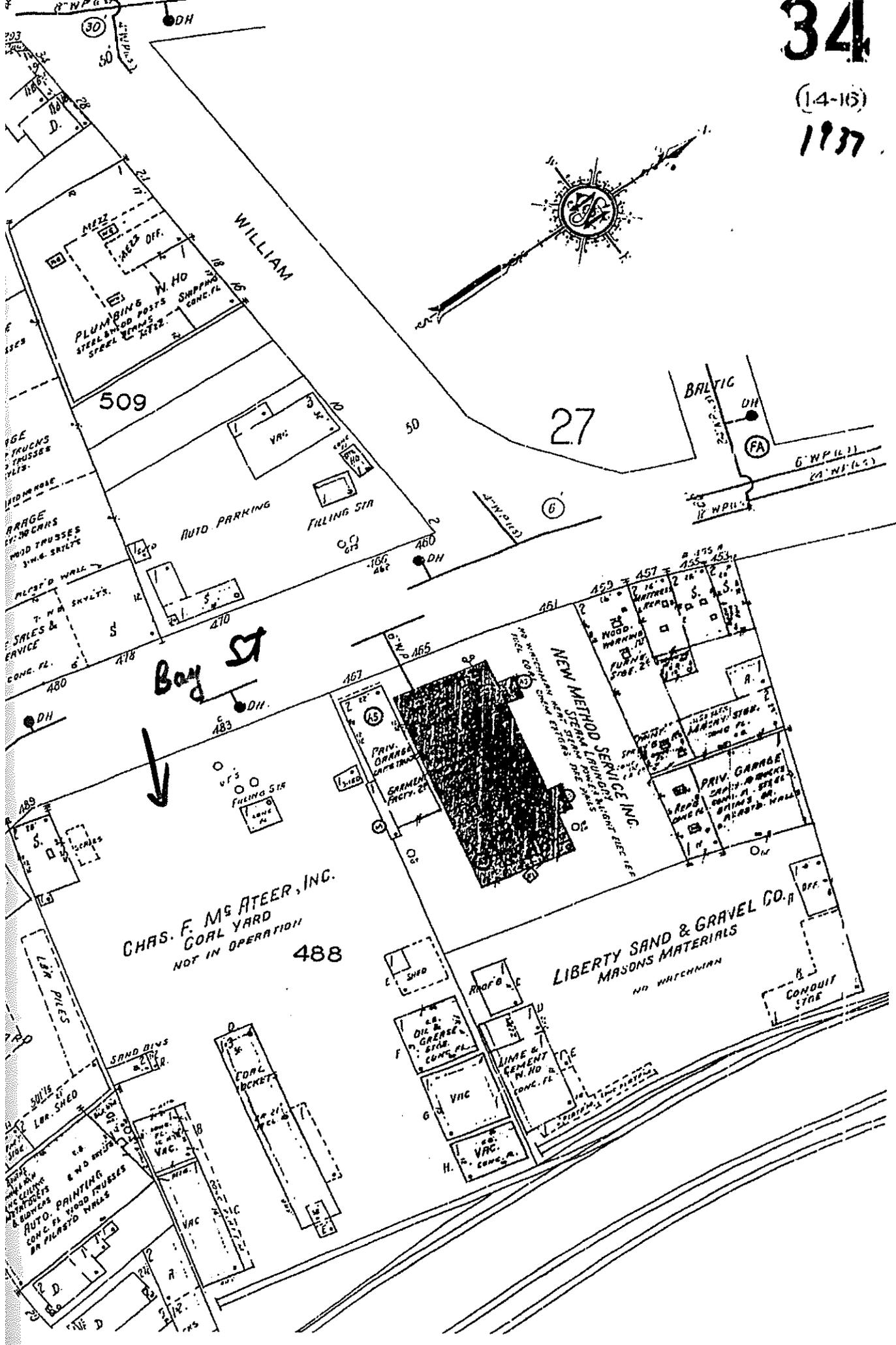
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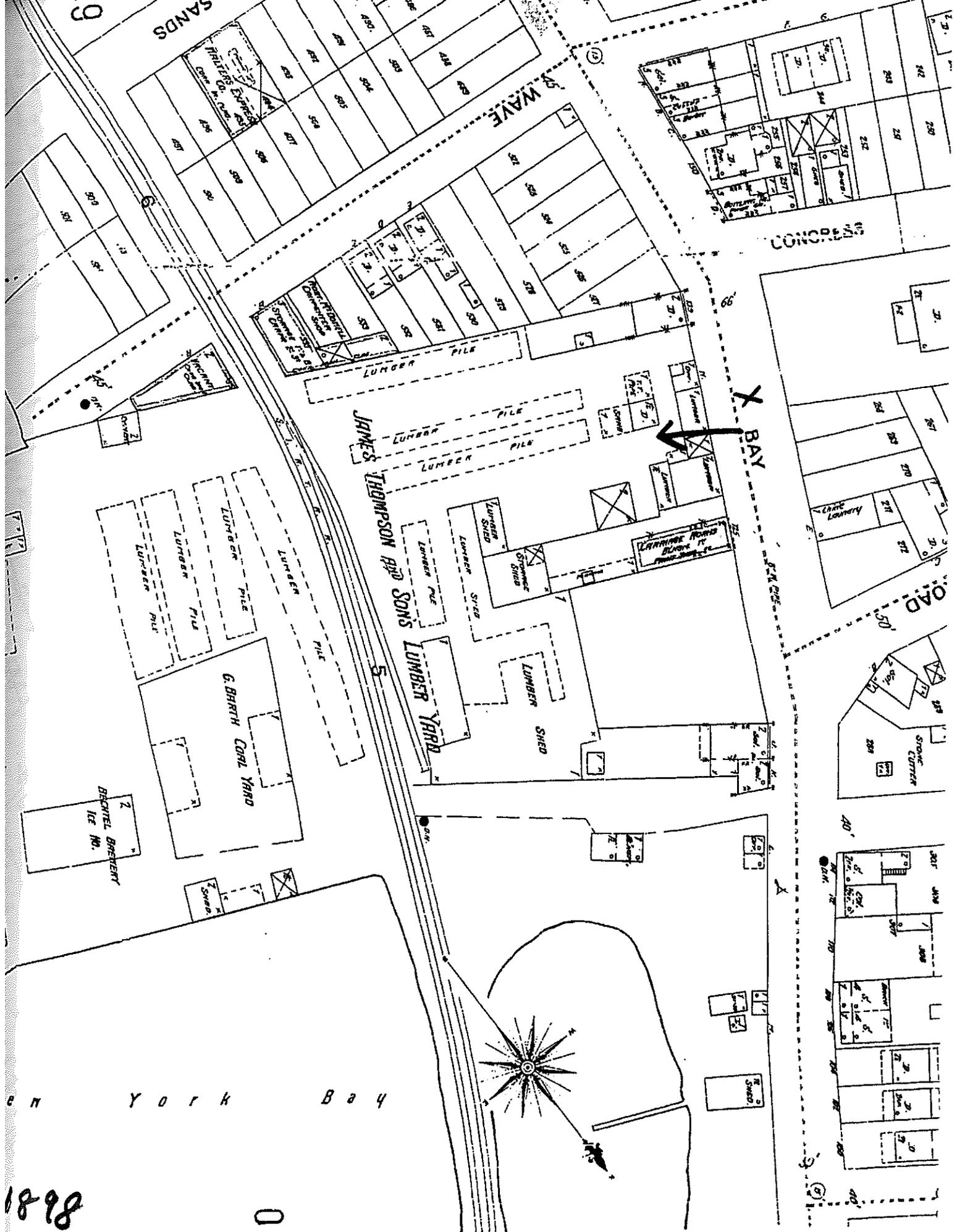
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There are neighboring sites that are listed in one or more of the databases searched. A list of properties found in any one database for the studied area can be found in the Reference Section. Several sites are listed as participating in the bulk storage programs or, as generating and transporting hazardous waste. The property is proximate to commercial and multi-housing properties and as such reasonably would be within range of these activities. Several spills of fuel products have been reported within the search radius. The quantities, distances from the subject site and nature of the product would pose minimal risk of migration.

Preliminary Budget

Item	Quantity	Estimated Cost
Soil Analysis for Priority Pollutants+40, TPH and PCB's	20 Borings with 5 composite samples	Approx. \$14000.00
Magnetometer scan of property for possible buried tanks, drums, etc	N/A	Approx. \$2500.00
PID Soil Samples	20	Approx. \$1800.00
		Total Approx. \$18,300.00





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New York Bay

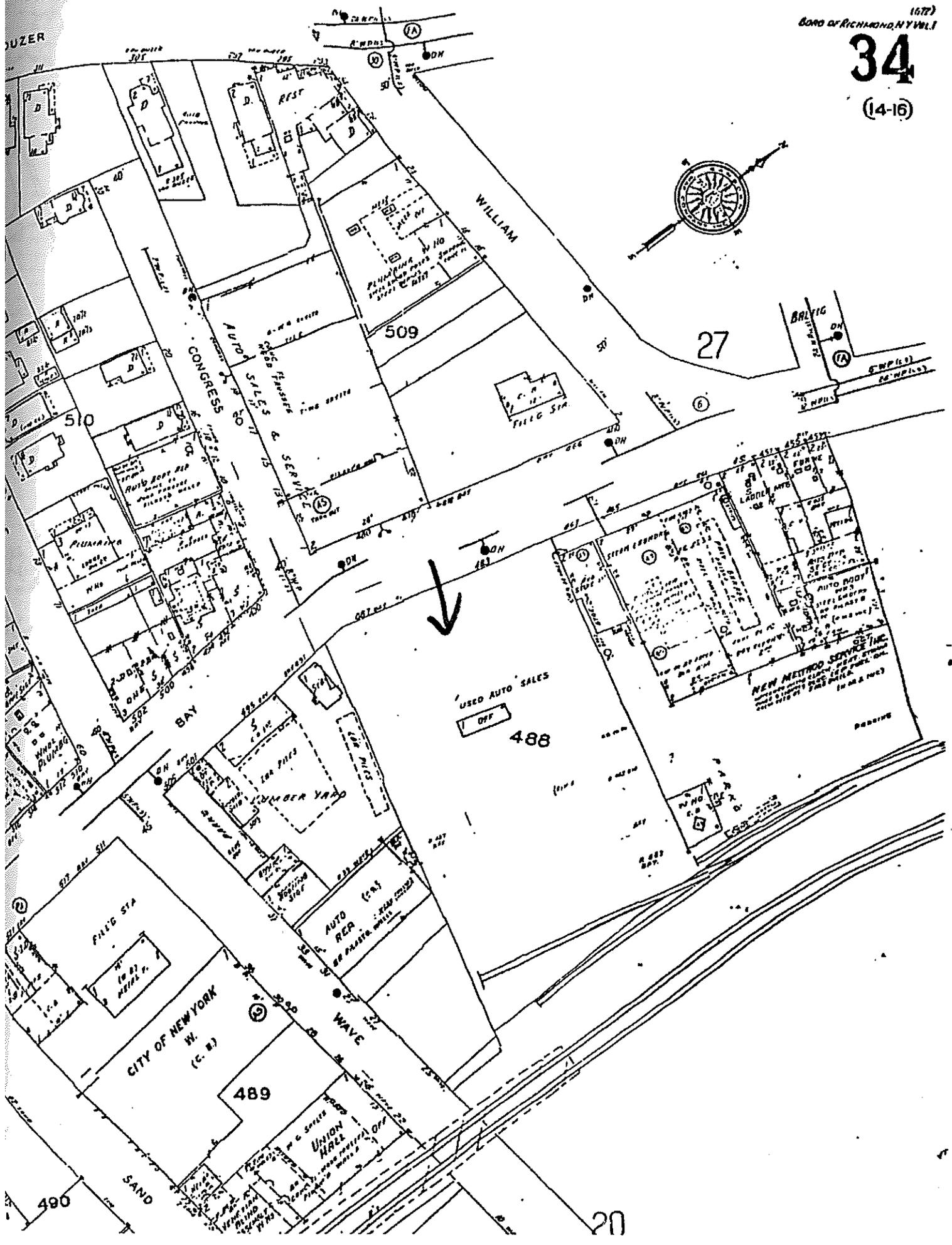
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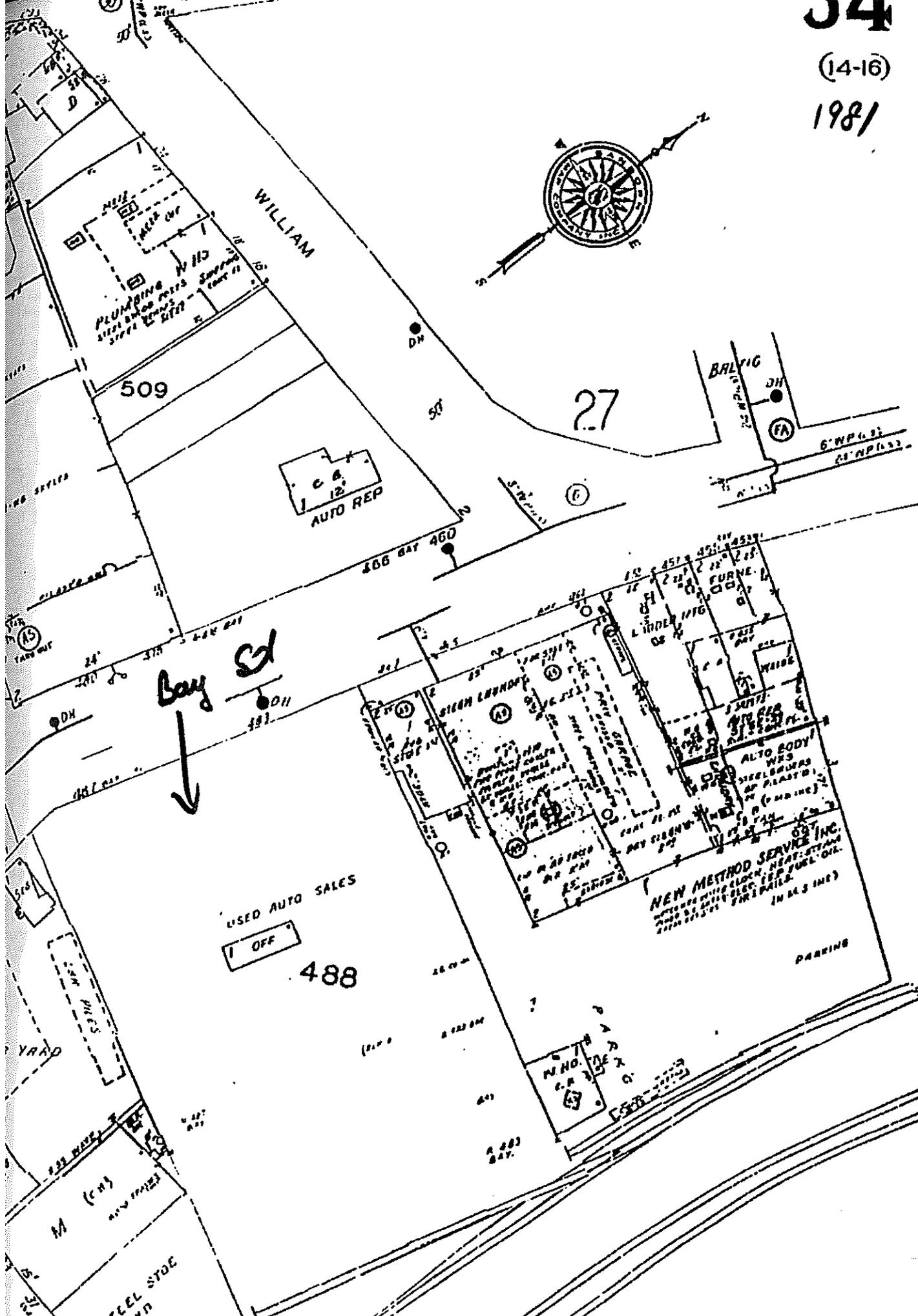
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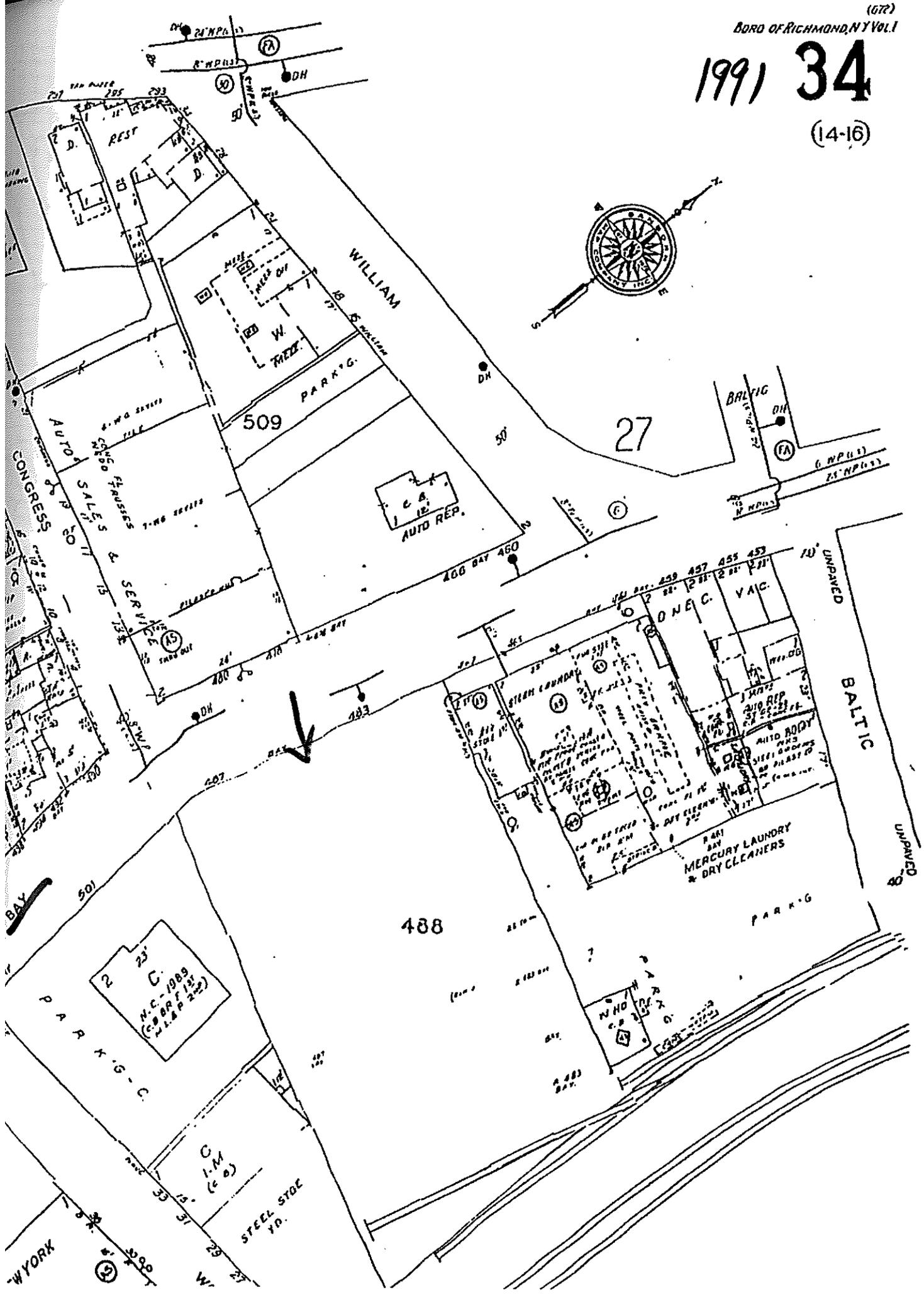
USED AUTO SALES
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NEW METHOD SERVICE INC.
WASHING, OILING, BLEACH, HEAT-SETTING,
TINTING, DYEING, PRESSING, and more
IN ALL SIZES

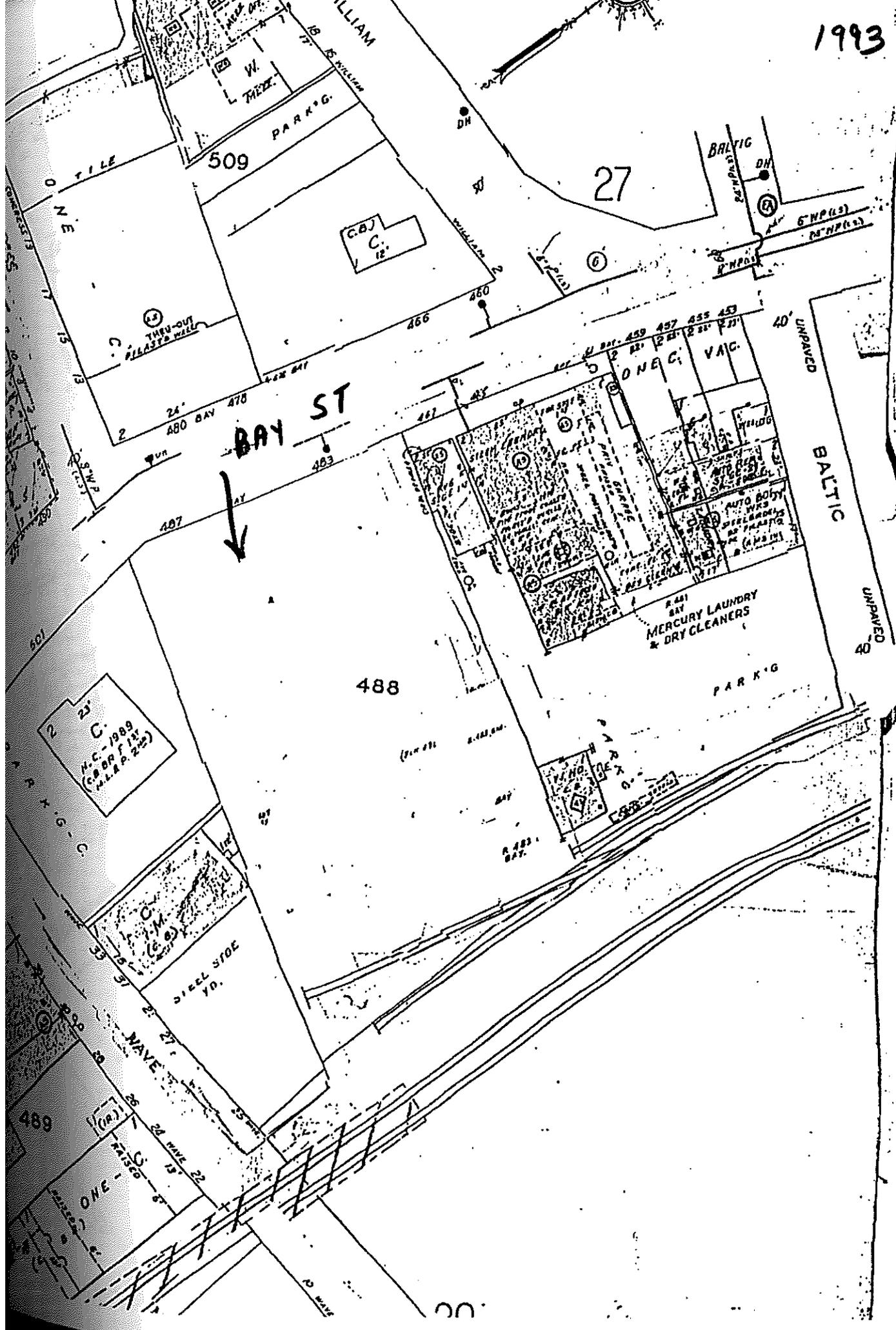
PARKING

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1993



BAY ST

BALTIC

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MERCURY LAUNDRY & DRY CLEANERS

STEEL STORAGE YD.

WAVE

ONE

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509

PARK'G

THRU-OUT
PLASTIC WALL

480 BAY 478

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WAVE

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PARK'G

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6" HP (L)

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