

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Bureau of Technical Support, 11th Floor**  
625 Broadway, Albany, New York 12233-7020  
**Phone: (518) 402-9553 • FAX: (518) 402-9577**  
**Website: www.dec.state.ny.us**



**MEMORANDUM**

**TO:** Michael Ryan, NYSDEC - DER Remedial Bureau C  
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation  
Ram Pergadia, Remediation Engineer, Region 3  
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau  
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat  
Anne Hohenstein, NYSOSC  
Denise D'Ambrosio, Region 3

**FROM:** Kelly Lewandowski, NYSDEC - DER Bureau of Technical Support

**SUBJECT:** Brownfield Cleanup Program Application  
Future Love Road Guardian Self Storage Facility, C314113

**DATE:** August 17, 2004

The attached Brownfield Cleanup Program Application for remedial work at the subject site has been forwarded to you for your records and/or processing according to the established Brownfield Cleanup Program procedures. If you require additional copies or the complete series of the related application's attachments, please contact me at 518-402-9553.

The Time and Activity Code for the subject site is: To be Assigned.

Attachment(s)

Distribution

Original (with all attachments) to:

Michael Ryan, NYSDEC - DER Remedial Bureau C

Copy (with all attachments) to:

Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation

Ram Pergadia, NYSDEC Region 3

Anne Hohenstein, NYSOSC

Denise D'Ambrosio, Region 3

Copy (without attachments) to:

Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau

Christina Dowd, NYSDEC - DFWMR Bureau of Habitat

**New York State Department of Environmental Conservation**  
**Division of Environmental Remediation**  
**Bureau of Technical Support, 11<sup>th</sup> Floor**  
625 Broadway, Albany, New York 12233-7020  
**Phone:** (518) 402-9553 • **FAX:** (518) 402-9577  
**Website:** www.dec.state.ny.us



August 17, 2004

Mr. Herbert Redl  
80 Washington Avenue  
Poughkeepsie, NY 12601

Re: Brownfield Cleanup Application  
Future Love Road Guardian Self Storage Facility  
BCP #C314113

Dear Mr. Redl:

The New York State Department of Environmental Conservation (DEC) is in receipt of your application for participation in the Brownfield Cleanup Program pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the DEC and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a thirty-day public comment period is to be commenced upon the Department's determination that an application is complete. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the applicant you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial workplans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide notice of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than August 25, 2004. Additionally, all of the above-mentioned mailings should be completed no later than August 24, 2004. To the extent that the mailings and publications are not completed in accordance with these time frames, the

Department will extend the comment period for a period sufficient to comply with the required thirty-day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7014  
ATTN: Michael Ryan

The Department will make every effort to determine your eligibility and status under the BCP by October 9, 2004. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,



Kelly A. Lewandowski  
Chief  
Site Control Section

Enclosure

cc: w/enc. M. Ryan  
G. Litwin, NYSDOH  
J. McIver, Fuss & O'Neill, Inc.  
A. Quartararo  
D. D'Ambrosio

## **Instructions to Applicant Regarding Placing and Mailing of Notification Regarding Completeness Determination**

1) The enclosed notice must be provided, without modification, by the applicant to a local newspaper of general circulation servicing the area including the brownfield site for publication no later than the date specified in the cover letter. The notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

2) The enclosed notice must be mailed, without modification, by the applicant to the brownfield site contact list as identified in the applicant's application. The mailing must be performed by the date specified in the cover letter. No other materials can be mailed with this notice.

3) The applicant must complete and submit to the Department the attached certificate of mailing within the time frame specified in the cover letter.

4) The applicant must forward to the Department proof of publication by the newspaper of the newspaper notice within the time frame specified in the cover letter.

5) The applicant must make available a copy of the application and all other related documents (i.e., Phase Assessment Reports, Remedial Investigation Work Plans and Reports and Remedial Design Work Plans.) at the document repository specified in the public notice.

## **Instructions to Newspapers Regarding Printing the Public Notice**

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program. Pursuant to ECL Section 27-1407(5), the notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

## **Instructions to Individuals Receiving the Public Notice**

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program (BCP). Pursuant to ECL Section 27-1407(5), upon the Department's determination that a BCP application is complete, the applicant must send notice of the application to individuals on a site contact list. Please read the enclosed notice for further information and instructions.

## **Brownfield Cleanup Program**

### **Future Love Road Guardian Self Storage Facility**

**City of Poughkeepsie, Dutchess County**

**State of New York**

### **NOTICE**

#### **Pursuant to ECL 27-1407 and 1417**

The New York State Department of Environmental Conservation (Department) administers the Brownfield Cleanup Program pursuant to ECL 27-1400 et seq. The Brownfield Cleanup Program is designed to encourage the remediation of contaminated properties known as brownfields for reuse and redevelopment. Mr. Herbert Redl has submitted an application to participate in the Brownfield Cleanup Program. The application was determined to be complete by the Department on August 17, 2004. The property described in the application is located at 2 Love Road, Poughkeepsie, NY 12603. The application proposes that the applicant will conduct investigation and/or remedial activities at the site. The application proposes that the site will be used for commercial purposes.

The Department will receive public comments concerning the application for thirty days from August 25, 2004 through September 24, 2004. A copy of the application and its supporting documentation is available by contacting the Department's representative at the address listed below or in the document repository for this site located at the Poughkeepsie Town Hall, 1 Overocker Road, Poughkeepsie, NY 12603 or the Adriance Memorial Library, 93 Market Street, Poughkeepsie, NY 12601.

All citizens are encouraged to offer comments in writing to:

New York State Department of Environmental Conservation  
625 Broadway  
Albany, New York 12233-7014  
ATTN: Michael Ryan  
Phone #: (518) 402-9564

***Future Love Road Guardian Self Storage Facility***  
***BCP ID C314113***

**CERTIFICATION OF MAILING**

I certify that I mailed on \_\_\_\_\_ a copy of the attached  
\_\_\_\_\_ by first class mail upon the person(s) on the attached  
mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper,  
in the Post Office box at  
\_\_\_\_\_ in the City of  
\_\_\_\_\_, New York, which box is under the exclusive  
care and custody of the United States Post Office Department:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



**Fuss & O'Neill of New York, P.C.**

2600 South Road, Suite 44-246  
Poughkeepsie, NY 12601  
TEL 800 394-8081 FAX 845 691-7098  
INTERNET: www.fussandoneill.com

Other Offices:

Manchester, Connecticut  
Trumbull, Connecticut  
Boca Raton, Florida  
West Springfield, Massachusetts  
Albany, New York

Greenville, North Carolina  
Providence, Rhode Island  
Columbia, South Carolina  
Sheburne, Vermont

August 5, 2004

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

**RECEIVED**

AUG 10 2004

BUREAU OF  
TECHNICAL SUPPORT

**RE:    *Brownfield Cleanup Program Application,  
         2 Love Road, Poughkeepsie, New York***

Dear Sir:

Attached you will find an Application for the Brownfield Cleanup Program (BCP) prepared pursuant to ECL Article 27/Title 14, on behalf of Mr. Herbert Redl, 80 Washington Street, Poughkeepsie, New York. The application is for the property located at 2 Love Road in the Town of Poughkeepsie, New York. The site is currently a vacant, abandoned parcel occupied by a dilapidated wooden structure and portions of a foundation and basement. A portion of the property was formerly used as petroleum bulk storage facility.

While clearing the site in preparation for construction activity, a strong petroleum odor was noted in the vicinity of the former bulk storage area. Work was ceased at the facility and test pits were excavated to determine the approximate horizontal boundaries of the impacted area. Based on the preliminary screening, the impacted area would lie beneath the footprint of the proposed self-storage building and ancillary parking. It was evident that this site was a potential Brownfield site and the Department was contacted to arrange for a Pre-Application Meeting.

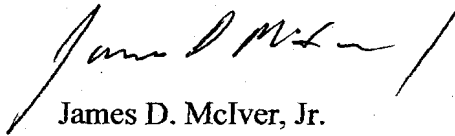
After walking the site, representatives of the Department and the NYS Department of Health indicated that this site would most likely be eligible for the BCP. Therefore, Fuss & O'Neill of New York, P.C., on behalf of our client, respectfully requests that the Department consider the attached Application and that the Applicant be allowed to enter the BCP as a Volunteer. The Applicant's liability has resulted solely from his ownership of the property. The Applicant has not now or ever owned, operated or been involved at the site in a way that would have resulted in the disposal of hazardous waste or the discharge of petroleum.

Chief, Site Control Section  
NYSDEC Division of Environmental Remediation  
Page 2 of 2

The Applicant purchased the abandoned parcels with the intent of constructing a self-storage facility on the parcel, received the necessary approvals from the local municipality and fully intends to move forward with the project as soon as an appropriate remedial alternative is agreed upon and addressed to the satisfaction of the Department. Restoration of this site to productive use benefits the local community by providing a necessary service and returning property to the ratable tax roles. We appreciate your prompt consideration.

Please feel free to contact me if you have any questions regarding this Application.

Sincerely,



James D. McIver, Jr.  
Associate

Attachments: BCP Application

cc: Herbert Redl  
Michael Ryan, NYSDEC  
Bradley Brown, NYSDEC  
Christine LaPlante, P.E., PhD.



**Fuss & O'Neill of New York, P.C.**

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**BROWNFIELD CLEANUP PROGRAM APPLICATION  
PROPOSED GUARDIAN SELF-STORAGE FACILITY  
2 LOVE ROAD  
POUGHKEEPSIE, NEW YORK**

**Prepared for:**

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

**August 5, 2004**

**BROWNFIELD CLEANUP PROGRAM APPLICATION  
PROPOSED GUARDIAN SELF-STORAGE FACILITY  
2 LOVE ROAD  
POUGHKEEPSIE, NEW YORK**

**Prepared by:**

**Fuss & O'Neill of New York, P.C.  
2600 South Road, Suite 44-246  
Poughkeepsie, New York 12601**

**August 5, 2004**

**BROWNFIELD CLEANUP PROGRAM APPLICATION  
PROPOSED GUARDIAN SELF-STORAGE FACILITY  
2 LOVE ROAD  
POUGHKEEPSIE, NEW YORK**

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**Fuss & O'Neill of New York, P.C.**

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**A. Application**



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

C214113

10/9/03

<b>Applicant Information</b>			
NAME Herbert Redl			
ADDRESS 80 Washington Street			
CITY/TOWN Poughkeepsie, New York		ZIP CODE 12601	
PHONE (845) 471-3388	FAX (845) 471-3851	E-MAIL	
NAME OF APPLICANT'S REPRESENTATIVE Fuss & O'Neill of New York, P.C. : James D. McIver, Jr., Associate			
ADDRESS 2600 South Road, Suite 44-246			
CITY/TOWN Poughkeepsie, New York		ZIP CODE 12601	
PHONE (800) 394-8081	FAX (845) 691-7098	E-MAIL Jmciver@fando.com	
<p>THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p><input type="checkbox"/> <b>PARTICIPANT</b></p> <p>An applicant 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.</p> </div> <div style="width: 48%;"> <p><input checked="" type="checkbox"/> <b>VOLUNTEER</b></p> <p>An applicant other than a participant, including an applicant 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.</p> <p>NOTE: By checking this box, the applicant 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.</p> </div> </div>			
Applicant Relationship to Property (check one):			
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____			
<b>Current Owner/Operator Information</b>			
OWNER'S NAME (if different from applicant)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
OPERATOR'S NAME (if different from applicant)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	

# Fuss & O'Neill of New York, P.C.

Site Information			
SITE NAME Future Love Road Guardian Self Storage Facility			
SITE ADDRESS 2 Love Road		CITY/TOWN Poughkeepsie, New York	ZIP CODE 12603
COUNTY Dutchess		SITE SIZE (ACRES) -4.59 acres	
LATITUDE 41.7259 (41°43' 33.2")		LONGITUDE 73.8421 (73°50' 31.5")	
PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.			
1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6). IF YES, IDENTIFY AREA (NAME) _____		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Applicant Eligibility Information (Please refer to ECL § 27-1407)			
1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Site Eligibility Information (Please refer to ECL § 27-1405)			
1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)?		<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? IF YES, PLEASE PROVIDE: SITE # _____ CLASS # _____		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM?		<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
Project Description			
PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:			
<ul style="list-style-type: none"> <li>PURPOSE AND SCOPE OF THE PROJECT</li> <li>ESTIMATED PROJECT SCHEDULE</li> </ul>		Project Description and Schedule provided in the following sections	

**Site's Environmental History**

TO THE EXTENT THAT EXISTING INFORMATION/STUDIES/REPORTS ARE AVAILABLE TO THE APPLICANT, PLEASE ATTACH THE FOLLOWING:

**1. ENVIRONMENTAL DATA**

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. Not Available  
IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):

☐ YES ☐ NO

**2. OWNERS**

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE"). Provided in Attachment

**3. OPERATORS**

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

**Contact List Information**

PLEASE ATTACH, AT A MINIMUM, THE NAMES AND ADDRESSES OF THE FOLLOWING:

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED.
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE.
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED.
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST.
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE.
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY).

Contact list  
provided in the  
following  
sections

**Contaminant Information**

INDICATE KNOWN OR SUSPECTED CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN OR SUSPECTED TO HAVE BEEN AFFECTED:

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

\*Please describe:

**Land Use Factors (Please refer to ECL § 27-1415(3))**

Current Use: ☐ Residential ☐ Commercial ☒ Industrial ☐ Other Vacant & Abandoned

Future Use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Other \_\_\_\_\_

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

	Yes	No	Unknown
1. Do current historical and/or recent development patterns support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Fuss &amp; O'Neill of New York, P.C.

original  
signature  
on next pg.

3. Is the proposed use consistent with applicable brownfield opportunity area designations?			
4. Is the proposed use consistent with applicable comprehensive community master plans, local revitalization plans, other adopted land use plans?			
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Is the site accessible to existing infrastructure?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Are there floodplains proximate to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.	Attachment		
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.	Attachment		
15. Describe on attachment the geography and geology of the site.	Attachment		
(Note: the 16 <sup>th</sup> criteria relates to comments from the public, which would not be received at the time of application)			

## Statement of Certification

(By applicant 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: 8/5/04

Signature: 

Print Name: Herbert Redl

(By an applicant other than an individual)

I certify that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (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: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

## SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

- Three (3) of the copies, one with original signatures, 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) 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.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

RCP SITE NO-

RCP SITE T&amp;A CODE-

PROJECT MANAGER-



**Fuss & O'Neill of New York, P.C.**

3. Is the proposed use consistent with applicable brownfield opportunity area designations? (See GML 970-r)	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
4. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, other adopted land use plans?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
6. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
7. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
8. Is the site accessible to existing infrastructure?	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
9. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
10. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
11. Are there floodplains proximate to the site?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
12. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
13. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.	Attachment
14. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.	Attachment
15. Describe on attachment the geography and geology of the site.	Attachment
(Note: the 16 <sup>th</sup> criteria relates to comments from the public, which would not be received at the time of application)	

**Statement of Certification**

(By applicant 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: 8/5/04

Signature: 

Print Name: Herbert Redl

(By an applicant other than an individual)

I certify that I am \_\_\_\_\_ (title) of \_\_\_\_\_ (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: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**SUBMITTAL INFORMATION:**

Four (4) complete copies, one with original signatures, are required.

- Three (3) of the copies, one with original signatures, 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) 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.state.ny.us/website/dec/index.html>

FOR DEPARTMENT USE ONLY

RCP SITE NO-

RCP SITE T&A CODE-

PROJECT MANAGER-

## **B. Project Description**

The proposed Brownfield Cleanup Program (BCP) site is the future home of a Guardian Self Storage Facility. The current owner of the property has received the necessary approvals from the Town of Poughkeepsie to construct the facility. A site plan documenting the proposed configuration is attached.

The site currently consists of three tax parcels making up approximately 4.59 acres. The tax parcels are identified as follows:

Grid/Street Numbers	Tax I.D.
83-85 Dutchess Turnpike	14-6261-01-173893-00
97-99 Dutchess Turnpike	14-6261-01-205886-00
87-91 Dutchess Turnpike	14-6261-01-188903-00 (2 Love Road)

The tax parcel boundaries are roughly depicted on the site plan attached to this application.

Access to the site is along Love Road, which intersects with Burnett Boulevard Extension (Site Location Map). One partially demolished building exists in the center of the site. Another abandoned, dilapidated wooden building is located on the southeast corner of the property. The foundation of the partially demolished building will be incorporated into the proposed redevelopment. The abandoned wooden building will be demolished and removed from the property, as warranted.

## **C. Site History**

The site was formerly occupied by a petroleum bulk storage (PBS) facility, a lumber/building supply yard and a gasoline service station. The PBS facility closed in the late 1980's. The PBS facility formerly contained a 2,500,000-gallon fuel oil tank, two 25,000-gallon tanks and three 20,000-gallon tanks. The 25,000 and 20,000-gallon tanks stored either fuel oil or kerosene. The 2,500,000 was located in the diked storage area to the north of the garage facility/loading facility. The 25,000-gallon tanks and one of the 20,000-gallon tanks were located on a concrete pad along the fence in the center portion of the property near the truck loading facility. The other 20,000-gallon tanks were located on cradles between the former garage and the fenced in area. The tanks were reportedly cleaned and abandoned in the early 1990's by the former owner/operator. No information was available documenting closure activity other than the letter from Luzon Environmental Services, which is attached to this letter..

## **D. Purpose and Scope of the Project**

The Applicant has successfully developed other parcels of land in the Hudson Valley region as self-storage facilities. This parcel has been approved for the proposed self-storage facility (see Site Plan). The Applicant intends to move forward with the approved development once the

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environmental issues have been addressed.

The Applicant was beginning to clear the land in preparation for construction and noticed a petroleum odor. The Applicant stopped work and contacted Fuss & O'Neill to inspect the property. Subsequent test pitting in the vicinity of the proposed new construction indicated that the soils were potentially impacted with petroleum based on the odors. No samples were taken to confirm the nature and extent of the release.

The developer was concerned about the impacts the potential contaminants would have on the construction at the facility and wanted to take appropriate steps to improve environmental quality and be protective of site workers and users of the facility.

The site was and is intended for commercial re-use. The properties surrounding the site are heavily commercial in nature. There is a residential development located approximately 1/3 of a mile to the east of the property. The residents are upgradient so are not likely to be impacted by any contaminants migrating away from the site. Additionally, the region surrounding the site is provided with potable water by the Poughkeepsie Water District, so ingestion of contaminated groundwater is not likely.

The proposed use of the facility will result in limited potential exposure to users of the facility. Patrons of the facility will spend very little time on the property and there will probably no more than four employees at the facility at any point in time.

## **E. Schedule**

The Applicant intends to begin working on the Site Investigation portion of the investigation immediately upon acceptance into the BCP. The Applicant is currently in the process of drafting a Site Investigation Work Plan for submittal to the Department and expects to commence work immediately upon approval of the work plan. The Applicant intends to complete the investigation within two months of authorization to proceed. The Applicant would like to implement remediation, as warranted, and begin construction in Spring of 2005.

## **F. Previous Owners**

The parcel located at 83-85 Dutchess Turnpike (Tax I.D. 14-6261-01-173893-00) was formerly owned by Dutchess County. The parcel was taken in lieu of taxes owed by the prior owner Robert Reed. This parcel is located on the west side of the proposed development.

The central parcel (87-91 Dutchess Turnpike, Tax I.D. 14-6261-01-188903-00 (2 Love Road)) was formerly owned and operated by Love/Effron Oil (owners: Donald L. Love and H. Paul Richards). The most recent use for this parcel was as a petroleum bulk storage (PBS) facility. Prior to Love/Effron's ownership, the property was owned and operated by E.A. Ulrich Home Heating Oil Co. Ulrich operated on the site since the 1940's. A portion of this parcel was also operated as Clay's Service Station, an automobile repair and service station. However, the portion of the site that operated as a service station was buried beneath NYS Rt. 44 when the road was widened approximately 40 to 50 years ago. Love/Effron is still operating in Poughkeepsie, New York. They own and operate a PBS facility located along the Hudson River located at the end of Prospect Street. The corporate headquarters is located at 154 Garden Street, Poughkeepsie, NY, 12601. Their phone number is (845) 452-2600.

The parcel at 97-99 Dutchess Turnpike (Tax I.D. 14-6261-01-205886-00) was formerly owned by National Propane L.P., also known as Adirondack Bottled Gas Corporation. This company has been out of business for more than 30 years and the site has been vacant.

## G. Contact List

### CONTACT LIST FOR BROWNFIELD CLEANUP PROGRAM

1. Hon. Joseph Davis  
Town of Poughkeepsie Supervisor  
One Overocker Road  
Poughkeepsie, New York 12603  
  
Mr. James Santoro  
Zoning Board of Appeals Chairman  
One Overocker Road  
Poughkeepsie, New York 12603
2. Owners and Occupants of adjacent properties:  
Kimco Development  
3333 New Hyde Park Road  
Suite 100  
PO Box 5020  
New Hyde Park, New York 11402-0020  
  
Dutchess County  
22 Market Street  
Poughkeepsie, New York 12601  
  
Planet Wings of Poughkeepsie  
24 Sunnyside Avenue  
Middletown, New York 10940  
  
BVS Poughkeepsie, LLC  
1720 Post Road  
Fairfield, Connecticut 06430  
  
Rocket Dog, LLC  
668 Dutchess Turnpike  
Poughkeepsie, New York 12603  
  
Arlington Fire District  
11 Burnett Boulevard  
Poughkeepsie, New York 12603  
  
Blockbuster Video  
Dutchess Turnpike, Dutchess Center  
Poughkeepsie, New York 12603

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Feng Buffet 2000  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Hit or Miss  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Payless Shoes  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

K Mart  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Raphael's and Company  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

The Laundry Basket  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Walgreen's  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Burger King  
Route 44, Dutchess Center  
Poughkeepsie, New York 126

Goodyear Tire  
44 Plaza Shopping Center  
Poughkeepsie, New York 126

Big Lots  
71 Dutchess Turnpike  
Poughkeepsie, New York 126

Super Stop & Shop  
59 Burnett Boulevard  
Poughkeepsie, New York 126

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Radio Shack  
51 Burnett Boulevard  
Poughkeepsie, New York 12601

Ulster Savings Bank  
44 Plaza  
Poughkeepsie, New York 12601

DOT Federal Credit Union  
21 Burnett Boulevard  
Poughkeepsie, New York 12601

Subway  
21 Burnett Boulevard  
Poughkeepsie, New York 12601

Bank of New York  
44 Plaza  
Poughkeepsie, New York 12601

Vinny's Brick Oven Restaurant  
51 Burnett Boulevard  
Poughkeepsie, New York 12603

H & R Block  
44 Plaza  
Poughkeepsie, New York 12603

44 Plaza Liquors  
44 Plaza  
Poughkeepsie, New York 12603

Quiktex 1 Hour Photo  
44 Plaza  
Poughkeepsie, New York 12603

LB's Taste Sensation  
44 Plaza  
Poughkeepsie, New York 12603

Gold N Gift Jewelers  
44 Plaza  
Poughkeepsie, New York 12603

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3. Poughkeepsie Beat  
1 Garden Street  
Poughkeepsie, New York 12601
4. Town of Poughkeepsie Water Department  
168 Cedar Avenue  
Poughkeepsie, New York 12603
5. n/a
6. Mr. Frank Pepe  
Arlington Central Schools Superintendent  
696 Dutchess Turnpike  
Poughkeepsie, New York 12603
7. Adriance Library  
Arlington Branch  
32-34 Haight Avenue  
Poughkeepsie, New York 12603



## **H. Local Document Repository**

All pertinent work plans and reports can be stored at:

Poughkeepsie Town Hall  
1 Overocker Road  
Poughkeepsie, New York 12603  
(845) 485-3600

Adriance Memorial Library  
93 Market Street  
Poughkeepsie, New York 12601  
(845) 485-3445

## **I. Adjacent Land Use**

The proposed BCP site is surrounded primarily by Commercial Real Estate (see the attached site plan). The nearest houses are located in a residential development to the east of the site along Catskill and Longview Avenue (Site Location Map). The property is abutted immediately to the south by NYS Rt. 44, commonly known as Dutchess Turnpike and to the east by an old railroad bed. Further to the east of the site along Rt. 44, there are several small commercial establishments; however, a little further east and north of the property exists a residential development. These houses are located upgradient to the property and are provided with municipal water and sewer services by the Poughkeepsie Water and Sewer District. Commercial establishments occupy the southern side of Rt. 44 directly across from the site.

The property is surrounded to the north and west by a commercial plaza commonly referred to as either Dutchess Center Plaza or Route 44 Plaza. This plaza was constructed on lands that previously contained the Poughkeepsie Municipal Landfill. This parcel was subject to numerous investigations historically and removed from the NYSDEC's list of potential inactive hazardous waste sites. The landfill mass was moved and consolidated into a mound that currently exists on the northern boundary of the shopping plaza.

## **J. Geography and Geology**

The property is located near the base of a slight hill that rises to the east. The property itself is terraced on two levels. The terraces are probably manmade but not enough information is available to verify landforms at this point in time. The land surface slopes towards the northwest.

The Surficial Geologic Map of New York, Lower Hudson Sheet, (1989) indicates that the soils in the vicinity of the site are likely to be fill material. If not fill, the soils are listed as either lacustrine deposits or glacial till. The Dutchess County Soil Conservation Survey depicts the soils as being Urban Lands, which typically consist reworked native material or fill covered extensively by impervious surface.

The Bedrock Geologic Map of New York suggests that the bedrock underlying the site consists mainly of silt stone, shales and graywackes of the Normanskill Formation.

## **K. Groundwater Conditions**

Groundwater probably exists in the shallow sediments and bedrock formation underlying the site; however, groundwater is not used as a potable resource in the area according to available information. There is a potable well on the property that is no longer usable. Efforts will be made to sample the well as part of the investigation to determine if groundwater has been impacted.

The soils encountered in the test pits were primarily silty clay and fine sand with trace to some fine to medium gravel. The test pits were not excavated any deeper than three feet below ground surface and no water was encountered during excavation. The test pits were left open to

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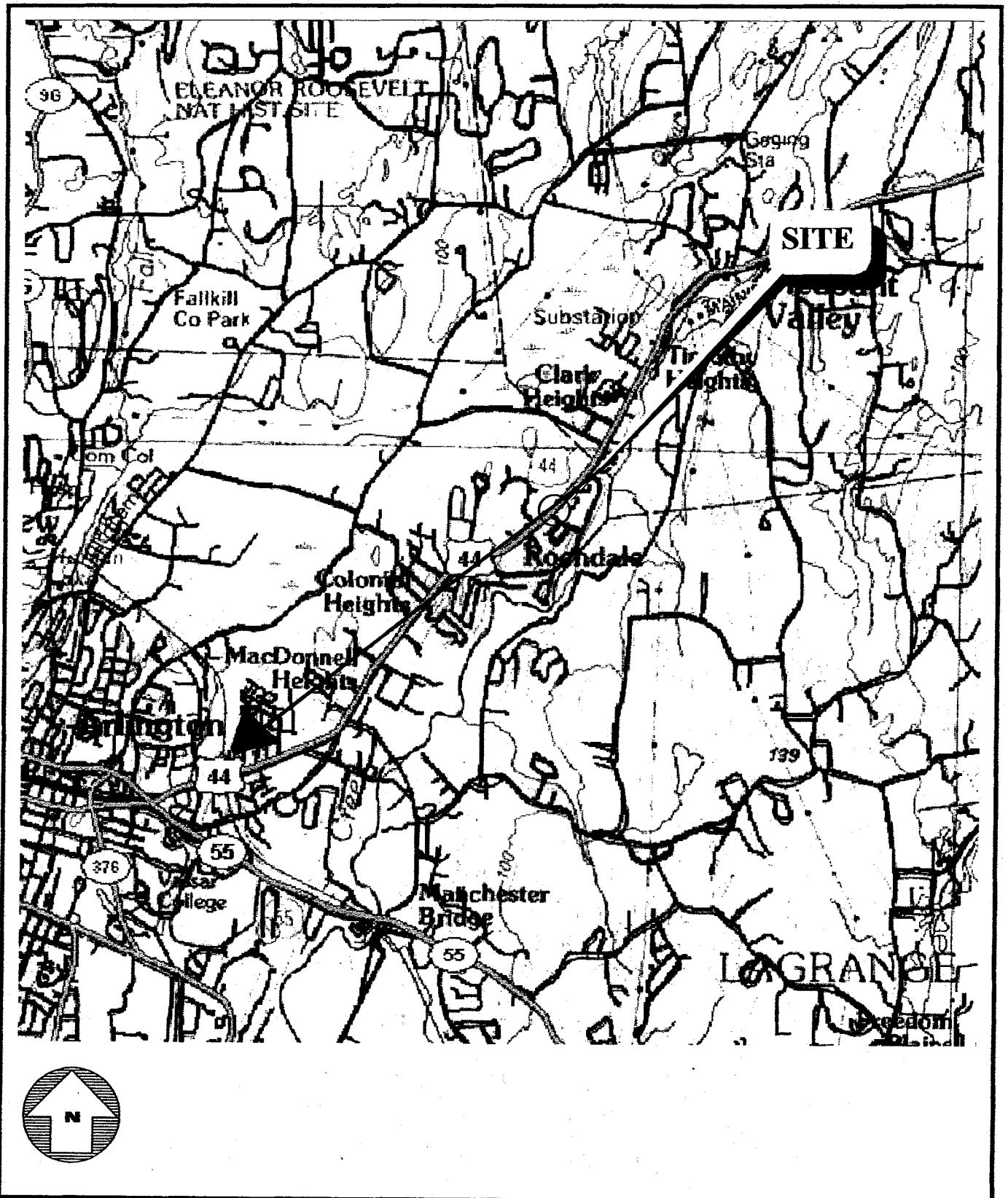
facilitate later inspection. However, upon returning to the site during the Pre-Application Inspection with the NYSDEC representatives, the test pits were filled with water that was apparently slow draining. Numerous frogs had taken up residence in the "mini-ponds" that formed in the test pit excavations.

Groundwater probably flows towards the west but may have a northwesterly component. There is a generalized depression to the west of the site that suggests a localized groundwater discharge point. Information obtained during investigations on the adjacent mall property, it is likely that this area was formerly a wetlands area that was filled. There is a manmade drainage course that runs under and along Burnett Boulevard Extension. This may be the local discharge point if it has a permeable base.

There is a small detention in the northern portion of the site that was probably installed as part of the PBS storm water management requirement. This "pond" may also be a localized discharge point, although, if the detention pond was installed as part of the containment cell for the PBS facility, it may be clay lined and the water observed in the pond may not be groundwater controlled.

If groundwater were impacted by the potential release, it is not likely to have a significant environmental impact. There are no substantive sensitive receptors in the vicinity of the site. The only potential issue of concern would be the potential off-gassing from impacted groundwater into adjacent structures. Vapor intrusion potential will be assessed as part of the investigation; however, the nearest structure is more than 200 feet from the suspected source region.

## **Figures**



SCALE:	
HORZ.: N/A	
VERT.: N/A	
DATUM:	
HORZ.: N/A	
VERT.: N/A	
0 1000 2000	
GRAPHIC SCALE	



FUSS & O'NEILL OF NEW YORK, P.C.  
*Consulting Engineers*  
 2600 SOUTH ROAD, SUITE 44-246, POUGHKEEPSIE, NY 12601  
 800.304.8081

www.FordO.com

POUGHKEEPSIE

97 DUTCHESS TURNPIKE  
 SITE LOCATION MAP

NEW YORK

PROJ. No.:  
 DATE: AUG. 2004

FIG. 1

USE: WILD  
 MS VIEW: 2000  
 LAMIN: PLOT  
 CTRY: PLO STANDARD