



NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT (BCA)
AND BCA AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Check the appropriate box below based on the nature of the amendment modification requested:

☐ Amendment to [check one or more boxes below]

- ☐ Add
- ☐ Substitute
- ☐ Remove
- ☐ Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site? ☐ Yes ☒ No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

☐ Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

☒ Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

☒ Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

This amendment is submitted to reduce the size of the property subject to the BCA. The survey and description included with the original BCA signed by the Commissioner on September 20, 2011 included the entire parcel of 3.08 acres. It has since been determined, with NYSDEC concurrence that the entire parcel does not need to be included in the BCA; therefore, The Chazen Companies has prepared a revised survey and metes and bounds description. The revised site includes 1.53 acres of the site, as shown on the attached survey.

In addition, this amendment is submitted to change the cleanup goal from commercial to Restricted-Residential Use.

Please refer to the attached instructions for guidance on filling out this application

04/2014

Section I: Existing Application Information			
BCP SITE NAME: Former Package Lighting Systems, Inc		BCP SITE NUMBER: C336079	
NAME OF CURRENT APPLICANT(S): Estate of Hy Hilzen and GRANT STREET FACTORY, INC.			
INDEX NUMBER OF EXISTING AGREEMENT: C336079-08-11		DATE OF EXISTING AGREEMENT: Sept. 20, 2011	
Section II: New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? ☐ Yes ☐ No			
-If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
THE NEW REQUESTOR MUST CERTIFY THAT IT 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 contamination 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 contamination.		☐ 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 contamination. NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination.	

Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)

Requestor's Relationship to Property (check one):

☐ Prior Owner ☐ Current Owner ☐ Potential /Future Purchaser Other _____ ☐ Yes ☐ No
If requestor is not the site owner, requestor will have access to the property throughout the BCP project.
(Note: proof of site access must be submitted for non-owners)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)

OWNER'S NAME (if different from requestor) GRANT STREET FACTORY, INC.

ADDRESS 121 SHIRLEY AVENUE

CITY/TOWN FISHKILL ZIP CODE 12524

PHONE 845-591-1642 FAX 845-838-1701 E-MAIL CITROMOG@YAHOO.COM

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

ADDRESS

CITY/TOWN ZIP CODE

PHONE FAX E-MAIL

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

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 27-1407.9(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 |

ADDRESS 29 Grant Street					
CITY/TOWN Walden			ZIP CODE 12586		
TAX BLOCK AND LOT (TBL) (in existing agreement)					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
29 Grant Street		309	14	4	3.08

Check appropriate boxes below:

☐ Changes to metes and bounds description or TBL correction

☐ Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)

Approximate acreage added: _____

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage

☒ Reduction of property

Approximate acreage removed: 1.55ac

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
29 Grant Street		309	14	4 (portion)	1.55

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

PART II. BROWNFIELD CLEANUP AGREEMENT AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Former Package Lighting Systems, Inc.	BCP SITE NUMBER: C336079
NAME OF CURRENT APPLICANT(S): Estate of Hy Hilzen and Grant Street Factory, Inc.	
INDEX NUMBER OF EXISTING AGREEMENT: C336079-08-11	
EFFECTIVE DATE OF EXISTING AGREEMENT: Sept. 20, 2011	

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
(Individual) I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. Date: _____ Signature: _____ Print Name: _____
(Entity) I hereby affirm 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 acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department. Date: _____ Signature: _____ Print Name: _____

Statement of Certification and Signatures Existing Applicant(s) (an authorized representative of each applicant must sign)

(Individual) THE EXECUTOR OF THE ESTATE OF LY HILZEN WHICH IS

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 5/12/15 Signature: [Signature] Print Name: Michael Daniels
executor

(Entity)

I hereby affirm that I am President (title) of Grant Street Factory, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Samuel Cichon signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 6-29-15 Signature: [Signature] Print Name: Samuel Cichon

REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT

Status of Agreement:

☐ PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	☒ 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 contamination.
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Effective Date of the Original Agreement: DECEMBER 4, 2005

Effective Date of the Amendment:

Signature by the Department:

DATED: AUG 11 2015

NEW YORK STATE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

By:

[Signature]
Robert W. Schick, P.E., Director
Division of Environmental Remediation

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- **Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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 DEC's website for information on our regional offices.**

FOR DEPARTMENT USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

PROJECT MANAGER: _____



Hudson Valley Office

21 Fox St., Poughkeepsie, NY 12601
P: (845) 454-3980 F: (845) 454-4026
www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

**SURVEY DESCRIPTION
ENVIRONMENTAL EASEMENT, SITE #C336079**

ALL that plot, piece or parcel of land situate and being in the Village of Walden, Town of Montgomery, County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point marked by an iron pipe found at the intersection of the southerly line of Grant Street with the westerly side of Elm Street, said point being the northeasterly corner of the herein described Environmental Easement and being located N28°07'28"E 2.44 feet from another iron pipe found, and running; thence southerly along the westerly side of Elm Street S 11°27'33" W 118.03 feet to an iron pipe found; thence along the northerly line of lands now or formerly of Diana Pacheco as described in liber 12759 of deeds at page 1125, N 78°20'03" W 93.46 feet to a point being S79°05'09"E 1.28 feet from an iron pipe found; thence along the westerly line of said lands of Pacheco and also along the westerly line of lands now or formerly of Kevin Hemberg as described in liber 12514 of deeds at page 714, S 12°10'00" W 159.88 feet to an iron rod found; thence through the lands of Grant Street Factory, Inc. as described in Book 13714 of deeds at page 0186, N 79°05'00" W 200.05 feet to the southwesterly corner of the herein described Environmental Easement; thence along the westerly line of Grant Street Factory, Inc. and the herein described Environmental Easement, N 12°10'00" E 280.54 feet to a point on the southerly side of Grant Street; thence along the southerly side of Grant Street, S 78°20'03" E 292.01 feet, passing through an iron pipe found at 201.48 feet, to the point or place of beginning;

CONTAINING AN AREA OF 1.53 AC. OF LAND MORE OR LESS
November 10, 2014



