



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: 336094

## PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME 201 Charles Street LLC

ADDRESS 33 South Plank Road

CITY/TOWN Newburgh, NY

ZIP CODE 12550

PHONE (845) 569-0377

FAX (845) 569-0372

E-MAIL Lipstein1@gmail.com

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 Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

Do all individuals that will be certifying documents meet the requirements detailed below?  Yes  No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

### Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law

(ECL) Article 27-1415(2):  Yes  No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

**2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents		x above Class GA gw standards	x above DOH PCE guidance
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: Tetrachloroethylene (PCE, Perc) is the primary contaminant with some breakdown products.

**3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

Yes  No

**4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- |   |   |   |  |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant               | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery                  | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Vehicle Showroom, Vehicle Maintenance and Repairs, Wood Finishing, Pet Food Distribution

*Revised Application Page*

<b>Section IV. Property Information - See Instructions for Further Guidance</b>				
PROPOSED SITE NAME 201 Charles Street				
ADDRESS/LOCATION 201 Charles Street				
CITY/TOWN Maybrook, NY		ZIP CODE 12543		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village Maybrook, Towns Hamptonburgh & Montgomery				
COUNTY Orange		SITE SIZE (ACRES) 2.944		
LATITUDE (degrees/minutes/seconds)		LONGITUDE (degrees/minutes/seconds)		
41 ° 28 ' 51.54 "		74 ° 13 ' 06.12 "		
<p><b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b></p>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
201 Charles Street, Maybrook, NY 12543	P/O 112	5	5.22	approx 1.9
"east of abandoned Old Creamery Road	P/O 114	1	1.2	approx 1.0
<p>1. Do the proposed site boundaries correspond to tax map metes and bounds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, please attach an accurate map of the proposed site.</p>				
<p>2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)</p>				
<p>3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p style="text-align: center;">If yes, identify census tract : _____</p> <p>Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%</p>				
<p>4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, identify name of properties (and site numbers if available) in related BCP applications: _____</p>				
<p>5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>				
<p>6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach relevant supporting documentation.</p>				
<p>7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.</p>				

*Revised Acreage of Site and Parcels*

*KJR*

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME 201 Charles Street

ADDRESS/LOCATION 201 Charles Street

CITY/TOWN Maybrook, NY

ZIP CODE 12543

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village Maybrook, Towns Hamptonburgh & Montgomery  
Town of Montgomery

COUNTY Orange

SITE SIZE (ACRES) 1.9-2

LATITUDE (degrees/minutes/seconds)

41 ° 28 ' 51.54 "

LONGITUDE (degrees/minutes/seconds)

74 ° 13 ' 06.12 "

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section No.	Block No.	Lot No.	Acreage
201 Charles Street, Maybrook, NY 12543	P/O 112	5	5.22	1.9
" east of abandoned Old Creamery Road	P/O 114	1	1.2	<<1

1. Do the proposed site boundaries correspond to tax map metes and bounds?  Yes  No  
 If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application?  Yes  No  
 (application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?  
 (See [DEC's website](#) for more information) Yes  No

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one):  0-49%  50-99%  100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?  Yes  No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?  Yes  No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law?  Yes  No  
 If yes, attach relevant supporting documentation.

7. Are there any lands under water?  Yes  No  
 If yes, these lands should be clearly delineated on the site map.

**Section IV. Property Information (continued)**

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information.  Yes  No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?  Yes  No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits?  Yes  No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?  Yes  No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?  Yes  No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Harry Lipstein		
ADDRESS 201 Charles Street LLC, 33 South Plank Road		
CITY/TOWN Newburgh, NY		ZIP CODE 12550
PHONE (845) 569-0377	FAX (845) 569-0372	E-MAIL Lipstein1@gmail.com
NAME OF REQUESTOR'S CONSULTANT Dr. Katherine Beinkafner, P.G.		
ADDRESS Mid-Hudson Geosciences, 1003 Route 44/55, PO Box 32		
CITY/TOWN Clintondale, NY		ZIP CODE 12515-0032
PHONE 845 883 5726	FAX	E-MAIL rockdoctor@optonline.net
NAME OF REQUESTOR'S ATTORNEY Mr. Thomas P. Clarke, Jr.		
ADDRESS MacVean, Lewis, Sherwin, & McDermott, PC, 34 Grove Street, PO Box 310		
CITY/TOWN Middletown, NY		ZIP CODE 10940
PHONE (845) 343-3000	FAX (845) 343-3866	E-MAIL tclarke@mlsmlaw.com

**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME		OWNERSHIP START DATE:
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
CURRENT OPERATOR'S NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**

**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.**

**Section VII. 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 for the investigation, removal or remediation of contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.  Yes  No

**Section VII. Requestor Eligibility Information (continued)**

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment.  Yes  No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information.  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state?  Yes  No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC?  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
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?  Yes  No
11. Are there any unregistered bulk storage tanks on-site which require registration?  Yes  No

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, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one):

Previous Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes  No

**Note: a purchase contract does not suffice as proof of access.**

**Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  Yes  No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  Yes  No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  Yes  No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.  Yes  No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  Yes  No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  Yes  No  
If yes, please provide explanation as an attachment.

**Section IX. Contact List Information**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [\*DER-23 / Citizen Participation Handbook for Remedial Programs\*](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson 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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.



**Section X. Land Use Factors**

1. What is the current municipal zoning designation for the site? Village Industry

What uses are allowed by the current zoning? (Check boxes, below)

Residential  Commercial  Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

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

**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation:  Residential  Commercial  Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?  Yes  No

4. Do current historical and/or recent development patterns support the proposed use?

Yes  No

Prior & current uses include manufacturing, repair, & storage of products & equipment



5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes  No

Maybrook Zoning Code defines industry as a use engaged in the basic processing and manufacture of materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes  No

Maybrook Zoning Code defines industry as a use engaged in the basic processing and manufacture of materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products

**XI. Statement of Certification and Signatures**

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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 a requestor other than an individual)

I hereby affirm that I am Authorized Representative (title) of 201 Charles Street LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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: 04/09/2020 Signature:  \_\_\_\_\_

Print Name: Harry Lipstein \_\_\_\_\_

**SUBMITTAL INFORMATION:**

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), 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

**FOR DEC USE ONLY**  
**BCP SITE T&A CODE:** \_\_\_\_\_

**LEAD OFFICE:** \_\_\_\_\_

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 10**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)**

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available\* (\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

**From 6 NYCRR 375- 3.2(a) as of August 12, 2016:**

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)**

**Site Name:** 201 Charles Street  
**City:** Maybrook, NY

**Site Address:** 201 Charles Street  
**County:** Orange **Zip:** 12543

**Tax Block & Lot**  
**Section (if applicable):** P/O 112 **Block:** 5 **Lot:** 5.22

**Requestor Name:** 201 Charles Street LLC  
**City:** Newburgh, NY

**Requestor Address:** 33 South Plank Road  
**Zip:** 12550 **Email:** Lipstein1@gmail.com

**Requestor's Representative (for billing purposes)**

**Name:** Mr. Harry Lipstein  
**City:** Newburgh, NY

**Address:** 201 Charles Street LLC, 33 South Plank Road  
**Zip:** 12550 **Email:** Lipstein1@gmail.com

**Requestor's Attorney**

**Name:** Mr. Thomas P. Clarke, Jr.  
**City:** Middletown, NY

**Address:** MacVean, Lewis, Sherwin, & McDermott, PC, 34 Grove Street, PO Box 310  
**Zip:** 10940 **Email:** tclarke@mlsmlaw.com

**Requestor's Consultant**

**Name:** Dr. Katherine Beinkafner, P.G.  
**City:** Clintondale, NY

**Address:** Mid-Hudson Geosciences, 1003 Route 44/55, PO Box 32  
**Zip:** 12515-0004 **Email:** rockdoctor@optonline.net

**Percentage claimed within an En-Zone:**  0%  <50%  50-99%  100%

**DER Determination:**  Agree  Disagree

**Requestor's Requested Status:**  Volunteer  Participant

**DER/OGC Determination:**  Agree  Disagree  
Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**  Yes  No

**Does Requestor Claim Property is Upside Down:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:**  Yes  No

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:**  Yes  No  Planned, No Contract

**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 1

The following statements apply to the requests for additional information and will be provided in the order they appear in the application identified by

Part A or Part B

Page number of application.pdf

Section Roman Numeral

Sub-Section Arabic Number

Topic

**NOTE:** Additional Pages which are required for each section of the Brownfield Application  
Are placed behind the Attachment Page where the relevant section number is listed.

### Part A, Page 1, Section I, Requestor Information

- NYS Department of State Corporation & Business Entry (next page)
- Requestor is an LLC, owner is Harry Lipstein at same address
- All certified documents will be signed by our Professional Engineer Jolanda G. Jansen, State of New York Licensed Professional Engineer 068972-1 or when appropriate by Qualified Environmental Professional Katherine J. Beinkafner, Ph.D., State of New York Licensed Professional Geologist 1176.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through March 31, 2020.

---

Selected Entity Name: 201 CHARLES STREET LLC

Selected Entity Status Information

**Current Entity Name:** 201 CHARLES STREET LLC

**DOS ID #:** 5607820

**Initial DOS Filing Date:** AUGUST 21, 2019

**County:** ORANGE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

THE LIMITED LIABILITY COMPANY

33 SOUTH PLANK ROAD

NEWBURGH, NEW YORK, 12550

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information# of Shares      Type of Stock      \$ Value per Share**

No Information Available

\*Stock information is applicable to domestic business corporations.**Name History**

**Filing Date   Name Type      Entity Name**

AUG 21, 2019   Actual      201 CHARLES STREET LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 2

### Part A, Page 1, Section II Project Description.

2. Copies of the following documents are provided in pdf on CD-ROM  
Remedial Investigation Report, Certified by Jolanda G. Jansen, P.E.
  - Report with Tables and Figures
  - Separate Appendices A, B, C, D and E
  - Full Report (594 pages)
  
3. Attach a short description of overall development project including
  - Remedial Oxidation of groundwater started with  
Injection of Regenesis Persulfox® in 18 injection wells
  - Revised Remedial Action Work Plan  
Removal of Oxidation products from injection wells  
Injection of Sodium Lactate  
to change aerobic to anaerobic conditions in groundwater  
Injection of Bio Innoculum
  - Additional Soil Borings and monitoring well installation to trace groundwater contamination to the northeast will be included in forthcoming Remedial Action Work Plan
  - Installation and startup of Sub-Slab Depressurization System
  - The date the Certificate of Completion is anticipated: June 2022

The project is not an overall development project. Phase I (January 6, 2015) and Phase II (February 5, 2016) studies were conducted for property transfer and PCE was found in the soil, groundwater and sub-slab soil vapor. There is no plan to change the operations and maintenance of the buildings or parking lots on the property. The property is located in the Village of Maybrook “Village Industry” zone. Tetrachloroethylene (PCE) has been found on the property and sampling of media has continued for Volatile Organic Compounds. Since the contaminant is travelling downgradient from west to east, it could possibly come from offsite where a laundry is located a short distance to the west or a dry cleaner less than 2 blocks to the southwest.

Based on historical research and a title search, the likely source of PCE has been identified. The use of PCE was a degreasing agent when surgical instruments were forged from 1957 through 1984 by Balke Products, Inc, and J. Sklar Manufacturing Co.. One spill location of PCE was identified under a patch in the blacktop and coincides with the upgradient source of PCE identified and previously sampled and mapped in soil and groundwater (2016) on the southeastern side of the building within 10 feet of the loading dock. Additional research described below and in the RIR indicate the PCE was stored in drums on a concrete platform outside adjacent to the building north of the loading dock. The PCE was used indoors in the vapor degreasing room north of the loading dock. The vapor degreasing room is a long room with fire doors on the north and south ends. Also there are ventilation windows high up on the southeastern wall of the room.

In 1984 Osram purchased the building and began production of light bulbs. In 1999, Osram merged with Sylvania and continued light bulb manufacturing. As a result of the light bulb manufacturing, additional samples of soil and groundwater will be analyzed for mercury,



## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 3

cadmium, and lead. No other groups of analytes are anticipated for sampling and laboratory testing at this site.

Westport Management, a predecessor of 201 Charles Street LLC purchased the property from Osram Sylvania in 2005.

Part A, Page 2, Section III Properties Environmental History, 1. Reports.in pdf on CD-ROM include

- Phase I Study entitled: **ASTM E1527-13 All Appropriate Inquiries Phase I Environmental Site Assessment Report For The Property Identified As: Commercial Property: 201 Charles Street, 116 Wallace Avenue, and Two Unaddressed Parcels on Old Creamery Road (Parcel Nos. 112-5-5.2, 112-5-1, 114-1-1, and 114-1-2) Maybrook, New York 12543**  
PREPARED BY: LCS, INC. 40 LA RIVIERE DRIVE, SUITE 120, BUFFALO, NEW YORK 14202  
(716) 845-6145, (800) 474-6802  
January 6, 2015
- Phase II Study entitled: **Supplemental Limited and Focused Subsurface Soil and Groundwater Investigation and Vapor Intrusion Assessment 201 Charles Street, 116 Wallace Avenue, and Two Unaddressed Parcels on Old Creamery Road (Parcel Nos. 112-5-5.2, 112-5-1, 114-1-1, and 114-1-2) Maybrook, New York**  
PREPARED BY: LCS, INC. 40 LA RIVIERE DRIVE, SUITE 120, BUFFALO, NEW YORK 14202  
(716) 845-6145, (800) 474-6802  
February 5, 2016
- William L. Going and Associates **Report submitted to Region 3 entitled: Site Investigation Report And Proposed Remediation Plan Spill No. 1601483... 201 Charles Street, Maybrook, New York, May 12, 2016**
- William L. Going and Associates **Report submitted to Region 3 entitled: Status Report ...Remediation Of PCE Contamination Plume Spill No. 1601483... 201 Charles Street, Maybrook, New York, March 3, 2017**

**Note:** A revised Remedial Action Work Plan will be submitted within 30 days of acceptance of this Brownfield Application describing the completion of Groundwater Remediation with Enhanced Bioremediation.

Part A, Page 2. Section III Properties Environmental History, 3. For Impacted Media:  
Include Site Drawings and Other Information to make a case for necessity of remediation.

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 4

Matrix Impact Summary  
 201 Charles Street Maybrook, NY  
 Brownfield Cleanup Program Application for NYS DEC Spill No. 1601483  
 Table Showing Maximum PCE Concentrations for Impacted Media  
 and Identifying Relevant Figures on Following Pages

Sample Matrix	Sample Date	Maximum PCE Concentration	Standard or GuidANCE Value	WLG Source	Table No.	Figure No
Soil	11/15/2015 1/14/2016	9.4 mg/kg	150 mg/kg*	Phase I+II	521	521
Soil	3/2/2016	77 mg/kg	150 mg/kg*	May 12,2016	522	522
Sub-Slab Soil Vapor	1/14/2016	2360 µg/m <sup>3</sup>	req mitigation	Phase I+II	541	542
Indoor Air	1/14/2016	42.6 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>	Phase II	541	542
Sub-Slab Soil Vapor	3/3/2016	39,500 µg/m <sup>3</sup>	req mitigation	May 12, 2016	542	542
Sub-Slab Soil Vapor	11/23/2019	10,400 µg/m <sup>3</sup>	req mitigation	new data	545	545
Indoor Air	11/23/2019	67.5 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>	new data	545	545
Groundwater	11/14-17/2015 1/14/2016	2240 µg/L	5 µg/L	Phase I+II	531	531
	3/3.11.31/16	24,000 µg/L	5 µg/L	May 12,2016	532	532
	9/19/2016	350 µg/L	5 µg/L	March 3, 2017	534	534
	1/26/2017	1600 µg/L	5 µg/L	March 3, 2017	535	535
	8/30/2019	750 µg/L	5 µg/L	new data	536	536

WLG - reports by William L Going & Associates, Inc: May 12, 2016 and March 3, 2017

Phase I and II Reports by LCS, no concentrations maps were provided

sample locations are shown on William L Going maps

Table and Figure Numbers correspond to those in Remedial Investigation Report (by section)

\* Part 375 Commercial Soil Cleanup Objective

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 5

For the chlorinated solvent impact on media at the site; soil, sub-slab soil vapor, and groundwater are described in three separate sections on the following pages with tables and figures. The table is provided first immediately followed by the figure on a separate page. A table and figure numbers are 3 digits referring to sections of the RIR (November 2020). By using the same numbering system, it is easier to identify that the same figure or table is referred to in this application and the RIR. Brief descriptions of the impacts are provided below.

### SOIL: (4 pages)

Phase I and Phase II were completed in January 2015 and February 2016. Soil sampling indicated the presence of tetrachloroethylene aka tetrachloroethene, or commonly known as “PCE.” Concentrations of PCE shown on the Table 521 for Phase II Soil Sampling are plotted and contoured on Figure 521. The PCE is mainly around the front of the building beneath the parking lot. In March of 2016, additional sampling conducted by William L. Going & Associates, Inc. encountered concentrations of PCE (Table 522) approximately one order of magnitude higher, but with the same spatial distribution in shallow soils (Figure 522). Comparison of PCE concentrations with Part 375 indicate that the observed PCE is below commercial soil cleanup standards.

### SUB-SLAB SOIL VAPOR and AMBIENT AIR (7 pages)

As part of the Phase II Study, indoor air, outdoor air, and sub-slab soil vapors were sampled (Table 541) on January 14, 2016. No map was provided, however, the sampling locations are shown on the map prepared to show the spatial distribution of the PCE concentrations in the sub-slab soil vapors (Table 542 and Figure 542) from sampling conducted by William L. Going on March 3, 2016. After sampling a vacuum pump and a vacuum gauge were used to measure the permeability of sub-slab materials with respect to the movement of vapors. Because air flow was very low through the material which appears to be “item 4,” a passive vapor extraction system was designed and built to remove PCE from beneath the slab by changes in air pressure and use of a 4-inch diameter wind turbine on the roof connected to the slotted PVC vents placed in the soil beneath the slab (Figure 543). The system has only two turbines on the roof. A comparison of the March 3, 2016 (Table 542 and Figure 542) and November 23, 2019 (Table 545 and Figure 545) does show a substantial reduction in sub-slab PCE concentrations. The greatest decrease has occurred in the center of the old building where concentrations have diminished from more than 30,000 to 3300  $\mu\text{g}/\text{m}^3$ . However, two bull’s eyes remain one in the northeast front corner of the old building and another in the southwest back corner of the old building. The attached newer building does not show any influence of sub-slab chlorinated solvent vapors. In the forthcoming work plan, a new system will be proposed and specified to depressurize the sub-slab vapors, improve the air flow and draw vapors from specific areas under the slab. A variable speed controller will allow adjustment of air flow with appropriate sized regenerative blower(s) to achieve effective cleanup.

### GROUNDWATER and Conceptual Groundwater Model (14 pages)

During the Phase II investigation, PCE was detected in 4 of the 5 groundwater sampling points with two common breakdown products (Table 531 and Figure 531) detected in November 2015. In March 2016, William L. Going conducted groundwater sampling in 13 locations, some soil borings and some monitoring wells (Table 532 and Figure 532). The spatial distribution of the PCE plume is more or less

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 6

the same area; however, the highest concentration of PCE was found to be 24,000 compared to the earlier maximum of 2240 µg/L.

A conceptual model of the hydrogeology of the area was developed. Based on water level measurements, a water table and direction of groundwater flow map was prepared based on elevation of the water table on April 5, 2016 (Figure 421). The groundwater flows from the northwest under the building and tends to change direction and flow more to the east near the edge of the parking lot by the southeast side of the building. The lithologic logs from soil borings and monitoring wells were studied and correlated and a fence diagram (Figure 422) was constructed to display the near surface silt beds, the underlying and sometimes interbedded shale fragments, solid bedrock, and saturated zones. A contour map was drawn to show the depth to top of bedrock measured from the essentially flat parking lot surface (Figure 423). The top of bedrock forms a trough subparallel to the edge of the building and the railroad tracks. The depth to water is about 10 feet below grade and the yellow color shows where the water fills the trough. The arrows show the direction of groundwater flow where it is intercepted by the trough.

Based on the high concentrations of PCE, injection of the Regenesis product named “Persulfox®”. Was selected to clean up the contamination with a chemical oxidation remedy. Two rows of 2-inch diameter PVC injections wells (a total of 18) were installed within the area of contamination and the groundwater trough under the parking lot. The wells were installed through the unconsolidated sediments, the fragmented and fractured shale bedrock and seated in the top of the solid bedrock (Figure 533). After two rounds of injection of the PersulfOx® material, groundwater was sampled in a series of monitoring wells and also some of the injection wells (Table 534 and Figure 534) in September 2016. The PCE plume is generally in the same area, but the concentrations have declined by two orders of magnitude compared to prior to the oxidation treatment.

Groundwater sampling by William L. Going on January 26, 2017 (Table 535 and Figure 535) showed a rebound in PCE concentrations compared to the September 2016 sampling event (Table 534 and Figure 534). Also TCE and cis-1,2DCE concentrations increased somewhat. A rebound in chlorinated solvent concentrations within the plume can be attributed to the release of some material bound to sediments, especially if the water table rises as could be the case in winter from infiltration of snow melt. Also the highest concentration of PCE at 1600 µg/L was detected in Injection Well 17 at the far end of the plume. The most recent groundwater sampling was conducted by William L. Going on August 30, 2019 (Table 536 and Figure 536) and is characterized by three high PCE concentrations within the plume at INJ8 by 760, INJ13 by 750 and INJ16 by 420 µg/L.

At that time, Dr. Katherine Beinkafner and Eric Hince became involved in the project and enhanced bioremediation was selected as a better remedy than chemical oxidation because PCE is not flammable and nonflammable (Webster’s Unabridged Dictionary). Dr. Beinkafner is managing two Brownfield sites, one in Kingston and one in Middletown with Jolanda G. Jansen, P.E. with enhanced bioremediation. Eric Hince has been helping with formulating the dosing of sodium lactate to create anaerobic conditions required for the work of the bacteria strains which degrade the chlorinated solvents at the other sites and 201 Charles Street.

Table 521

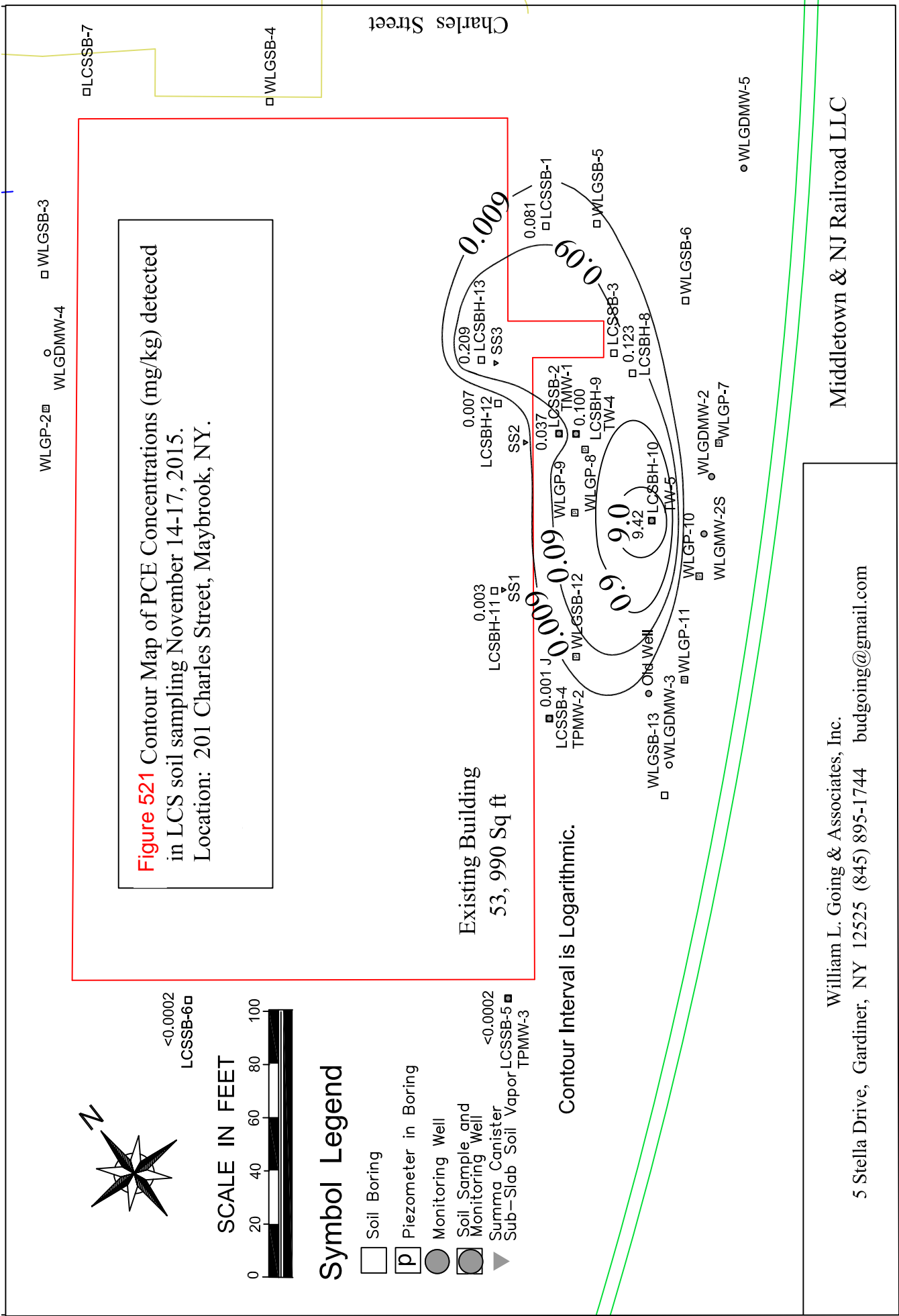
Phase I and: Phase II Soil Sampling  
 Date of Sampling: November 14-17, 2015 and January 14, 2016  
 Site: 201 Charles Street, Maybrook, NY  
 Laboratory Analyses by US EPA SW-846 Method 8260  
 All Volatile Organic Compound Concentrations are reported in pg/kg  
 ESC Lab Sciences 12065 Lebanon Road, Mount Juliet, TN 37122  
 Sampling Reported in Phase II Study Prepared by  
 LCS, Inc. 40 La Riviere Drive, Suite 120, Buffalo, NY 14202

Sample ID Date Sampled	SB1 11/17/15 2-4 ft. bgs	SB2 11/17/15 2-4 ft. bgs	SB4 11/17/15 4-6 ft. bgs	SB5 11/17/15 6-8 ft. bgs	SB6 11/17/15 6-8 ft. bgs	BH8 1/14/16 4-6 ft. bgs	BH9 1/14/16 4-6 ft. bgs	BH10 1/14/16 4-6 ft. bgs	BH10 1/14/16 9.5-11.5 ft. bgs	BH11 1/14/16 6-8 ft. bgs	BH12 1/14/16 1-3 ft. bgs	BH13 1/14/16 6-8 ft. bgs	Part 375 (Unrestricted) Soil Cleanup Objectives		Part 375 (Residential) Soil Cleanup Objectives		Part 375 (Residential Restricted) Soil Cleanup Objectives		Part 375 (Commercial) Soil Cleanup Objectives		Part 375 (Industrial) Soil Cleanup Objectives	
													pg/kg	ft. bgs	pg/kg	ft. bgs	pg/kg	ft. bgs	pg/kg	ft. bgs	pg/kg	ft. bgs
Acetone	87.0	60.7	36.2 J	19.5 J	<10	28.7 J	<10	<10	14.5 J	<10	20.3 J	<142	100,000	100,000	100,000	500,000	1,000,000					
Carbon Disulfide	0.512 J	<0.221	<0.221	<0.221	<0.221	<0.221	<0.221	<0.221	<0.221	0.278 J	0.414 J	<3.15	100,000	100,000	100,000	500,000	1,000,000					
2- Butanone	8.40 J	9.44 J	<4.68	<4.68	<4.68	<4.68	0.357 J	11.0	10.1	<0.235	2.30	<3.315	59,000	100,000	100,000	500,000	1,000,000					
Cis-1,2- Dichloroethene	<0.235	3.74	<0.235	<0.235	<0.235	0.358 J	1.17	4.92	4.34	<0.279	1.24	<3.98	21,000	10,000	21,000	200,000	400,000					
Trichloroethene	<0.279	0.940 J	<0.279	<0.279	<0.279	1.29	1.17	4.92	4.34	<0.279	1.24	<3.98	19,000	10,000	19,000	150,000	300,000					
Tetrachloroethene	81.4	37.5	1.12 J	<0.276	<0.276	123	100	6,270	9,420	3.32	7.23	209	1,300	5,500	19,000	150,000	300,000					
Trans-1,2- Dichloroethene	<0.264	<0.264	<0.264	<0.264	<0.264	<0.264	<0.264	0.305 J	<0.264	<0.264	<0.264	<3.76	190	100,000	100,000	500,000	1,000,000					

pg/kg = micrograms per kilogram  
 ft. bgs = feet below ground surface  
 J = Indicates an estimated value  
 NL = Not Listed

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.6, Soil Cleanup Objective Tables)  
 = Analyte detected above the Part 375 (Unrestricted) Soil Cleanup Objectives and Part 375 (Unrestricted) Soil Cleanup Objectives.

SOIL IMPACTS



**Figure 521** Contour Map of PCE Concentrations (mg/kg) detected in LCS soil sampling November 14-17, 2015.  
 Location: 201 Charles Street, Maybrook, NY.

Existing Building  
 53, 990 Sq ft

Contour Interval is Logarithmic.

Middletown & NJ Railroad LLC

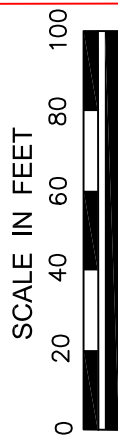
William L. Going & Associates, Inc.  
 5 Stella Drive, Gardiner, NY 12525 (845) 895-1744 budgoing@gmail.com

Table 522  
 PCE (Tetrachloroethylene) Concentrations Detected in Soil Borings  
 All other volatile organic compounds were not detected (ND)  
 Date of Sampling: March 2, 2016  
 Site: 201 Charles Sreet, Maybrook, NY NYSDEC Spill No. 1601483  
 Laboratory Analyses by US EPA Method 8260  
 EnviroTest Laboratories, Inc., 315 Fullerton Avenue, Newburgh, NY 12550  
 Sampling Conducted by William L. Going & Associates, Inc.

Soil Boring Location	Depth (feet)	End of Boring	Concentration (mg/kg)
SB1	3-4	Refusal	ND
SB2	10-11	Refusal	0.0003
SB3	5-6	Refusal	0.0009
SB4	6-7	Refusal	0.001
SB5	3-4	Refusal	0.12
SB6	7-8	Refusal	4.00
SB7	10-11	Refusal	6.00
SB8	9-10	Refusal	0.11
SB9	9-10	Refusal	0.67
SB10	9-10	Refusal	77.00
SB11	6-7	Refusal	0.24
SB12	11-12	Refusal	0.16
SB13	7-8	Refusal	0.59



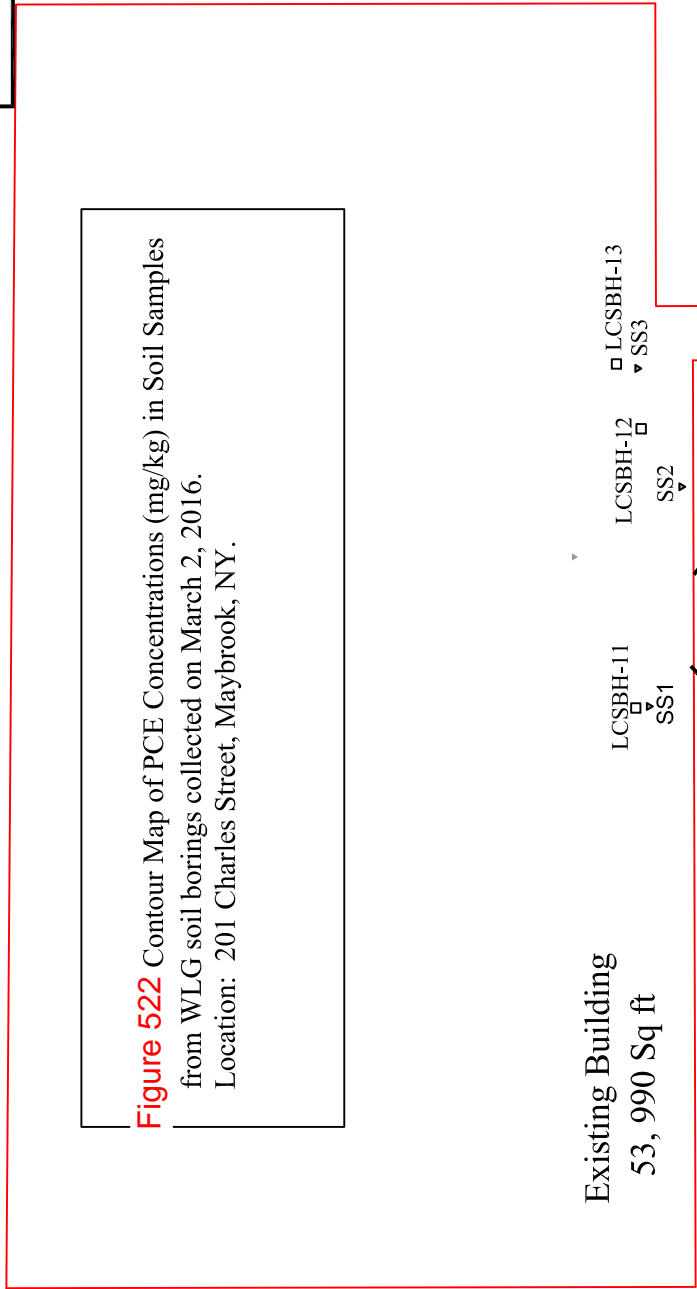
LCSSB-6



**Symbol Legend**

- Soil Boring
- Ⓟ Piezometer in Boring
- Monitoring Well
- Ⓞ Soil Sample, and Monitoring Well
- ▲ Summa Canister
- ◻ TPMW-3 Sub-Slab Soil Vapor

**Figure 522** Contour Map of PCE Concentrations (mg/kg) in Soil Samples from WLG soil borings collected on March 2, 2016.  
Location: 201 Charles Street, Maybrook, NY.



Existing Building  
53,990 Sq ft

Contour Interval is Logarithmic.

Middletown & NJ Railroad LLC

William L. Going & Associates, Inc.  
5 Stella Drive, Gardiner, NY 12525 (845) 895-1744 budgoing@gmail.com



Table 541

## Phase II Ambient Air and Sub-Slab Soil Vapor Sampling Laboratory Results

Date of Sampling: March 3, 2016 Site: 201 Charles Street, Maybrook, NY

NYSDEC Spill No. 1601483 Laboratory Analysis by US EPA Method TO15 Full

List, 6 Liter Summa Canisters All Concentrations of Volatile Organic

Compounds are measured in  $\mu\text{g}/\text{m}^3$ 

EnviroTest Laboratories, 315 Fullerton Avenue, Newburgh, NY 12550

"-" indicates compound not detected (ND)

Sampling conducted by Willim L. Going &amp; Associates, Inc.

Sampling Location	Carbon Tetrachloride	1,1,1-TCA	TCE	PCE	Two Parts of Building
Summa 1	-	-	-	35.9	New Building
Summa 2	-	-	-	13.5	New Building
Summa 3	-	-	-	4.83	New Building
Summa 4	-	-	-	64.2	New Building
Summa 5	-	-	-	22	New Building
Summa 6	-	4.29	-	86.1	New Building
Summa 7	-	63.8	-	-	New Building
Summa 8	-	29.7	-	41.5	New Building
Summa 9	-	-	-	119	New Building
Summa 10	-	-	-	9.97	Old Building
Summa 11	-	-	-	3,040	Old Building
Summa 12	-	-	48.3	13,100	Old Building
Summa 13	-	-	35.4	9,490	Old Building
Summa 14	-	-	92.4	30,700	Old Building
Summa 15	-	-	-	39,500	Old Building
Summa 16	-	-	23.5	10,500	Old Building
Summa 17	-	-	-	1,510	Old Building
Summa 18	-	-	160	37,400	Old Building
Ambient 1	0.484	-	-	16.300	Old Building
Ambient 2	0.491	-	0.113	30.400	Old Building
Ambient 3	0.516	-	-	7.260	Old Building
Ambient Outdoor	0.503	-	-	0.502	Outdoors

Table 542

## Ambient Air and Sub-Soil Vapor Sampling

Date of Sampling: November 23, 2019

Site: 201 Charles Street, Maybrook, NY; NYSDEC Spill No. 1601483

Laboratory Analyses by US EPA Method TO15 Full List, 6 Liter Canisters

All Concentrations of Volatile Organic Compounds are measured in  $\text{pg}/\text{m}^3$ 

EnviroTest Laboratories, 315 Fullerton Avenue, Newburgh, NY 12550

“-“ indicates compound not detected (ND)

Sampling conducted by William L. Going &amp; Associates, Inc.

	VOE*	VOC*	VOE*	VOC*	
Sampling Location	Carbon Tetrachloride	1,1,1 TCA	TCE	PCE	
Summa I 1	-	-	-	40.3	
Summa I 2	-	-	-	36.1	
Summa I 3	-	-	-	14.4	
Summa I 4	-	-	-	43.7	
Summa I 5	-	-	-	48.4	
Summa I 6	-	-	-	33.8	
Summa I 7	-	-	-	41.8	
Summa I 8	-	-	-	49.2	
Summa I 9	-	-	-	67.5	
Summa SSI	-	8.18	97.8	10200	
Summa SS 3	0.465	0.306	13.3	225	
Summa SS 7	0.390	0.327	0.134	29.0	
Summa SS 9	-	<b>1.98</b>	-	3360	
Summa SS 13	0.395	0.600	0.683	269	
Summa SS 14	0.377	-	0.709	608	
Summa SS 15	-	-	112	10400	
Summa SS 16	0.415	0.382	6.29	412	
Summa SS 18	0.550	0.557	1.14	530	
Ambient Out	0.409	-	0.145	0.387	
<b>Action Required</b>	<b>NFA</b>	<b>Monitor</b>	<b>Monitor</b>	<b>Mitigate</b>	
*=Volatile Organics TO-15 (ug/cu.m.)					
- = Not Detected					

**Figure 542**

Map of Sub-Slab PCE Concentrations ( $\mu\text{g}/\text{m}^3$ ) in soil vapor sampled on March 3, 2016. Concentrations are contoured on right (old building). On the left side (new building) concentrations are two orders of magnitude lower. Basemap from Survey by T.M. Depuy (April 5, 2016). Location: 201 Charles Street, Maybrook, NY.

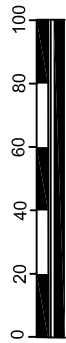
William L. Going & Associates, Inc.

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LCSSB-6

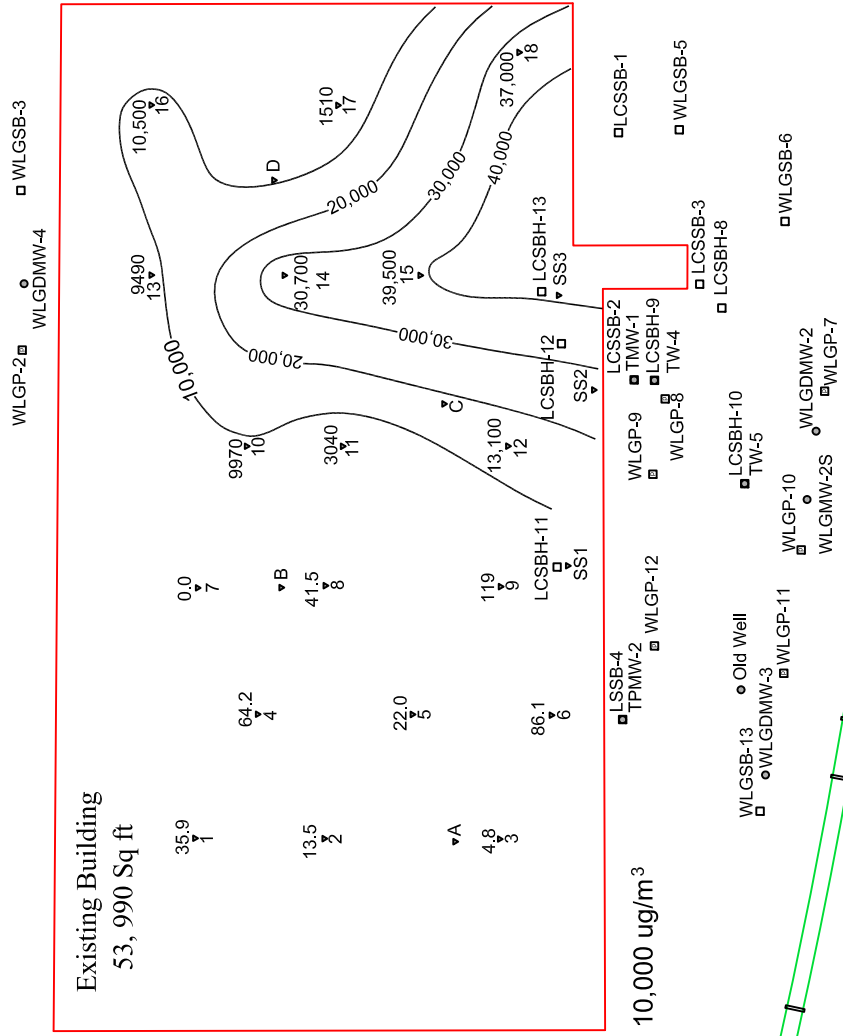
SCALE IN FEET



**Symbol Legend**

- Soil Boring
- ▣ Piezometer in Boring
- Monitoring Well
- ◐ Soil Sample and Monitoring Well
- ◑ Summa Canister
- ◒ Sub-Slab Soil Vapor

Existing Building  
53,990 Sq ft



Middletown & NJ Railroad LLC

**Figure 543** Proposed Locations for Passive Vents for Sub-Slab Soil Vapor Remediation. 11 vertical vents are planned to vent the vapor from beneath the slab to above the roof on the northeastern side of the building where sampling results are shown. Location: 201 Charles Street, Maybrook, NY. May 2016.

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### Symbol Legend

3040    Summa Canister Sub-Slab  
▼11    Soil Vapor Sample Location  
      Identification & Concentration

□    Steel Support Columns

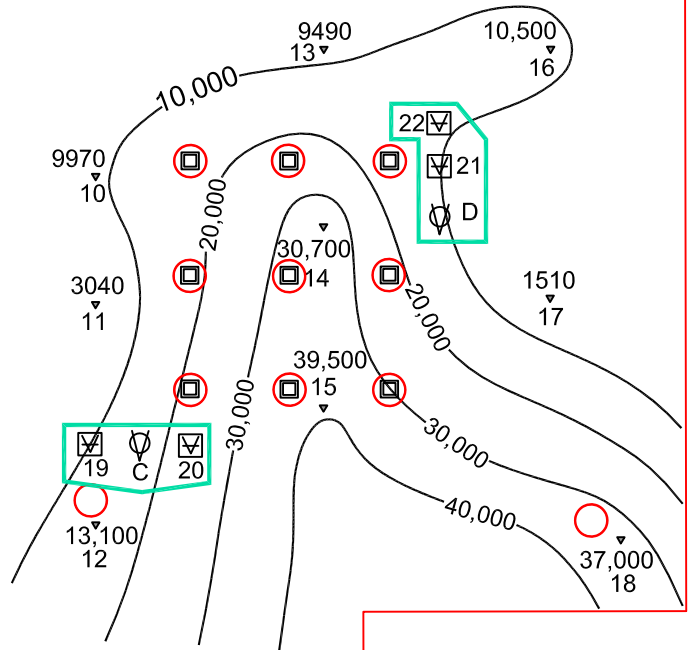
#### Vacuum Extraction Testing Locations

⊕    Vacuum Pump

⊞    Vacuum Gauge

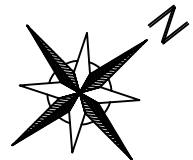
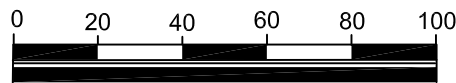
⊞    Passive Sub-Slab Vent

Existing Building  
53,990 Sq ft



Contour Interval = 10,000 ug/m<sup>3</sup>

SCALE IN FEET



Middletown & NJ Railroad LLC

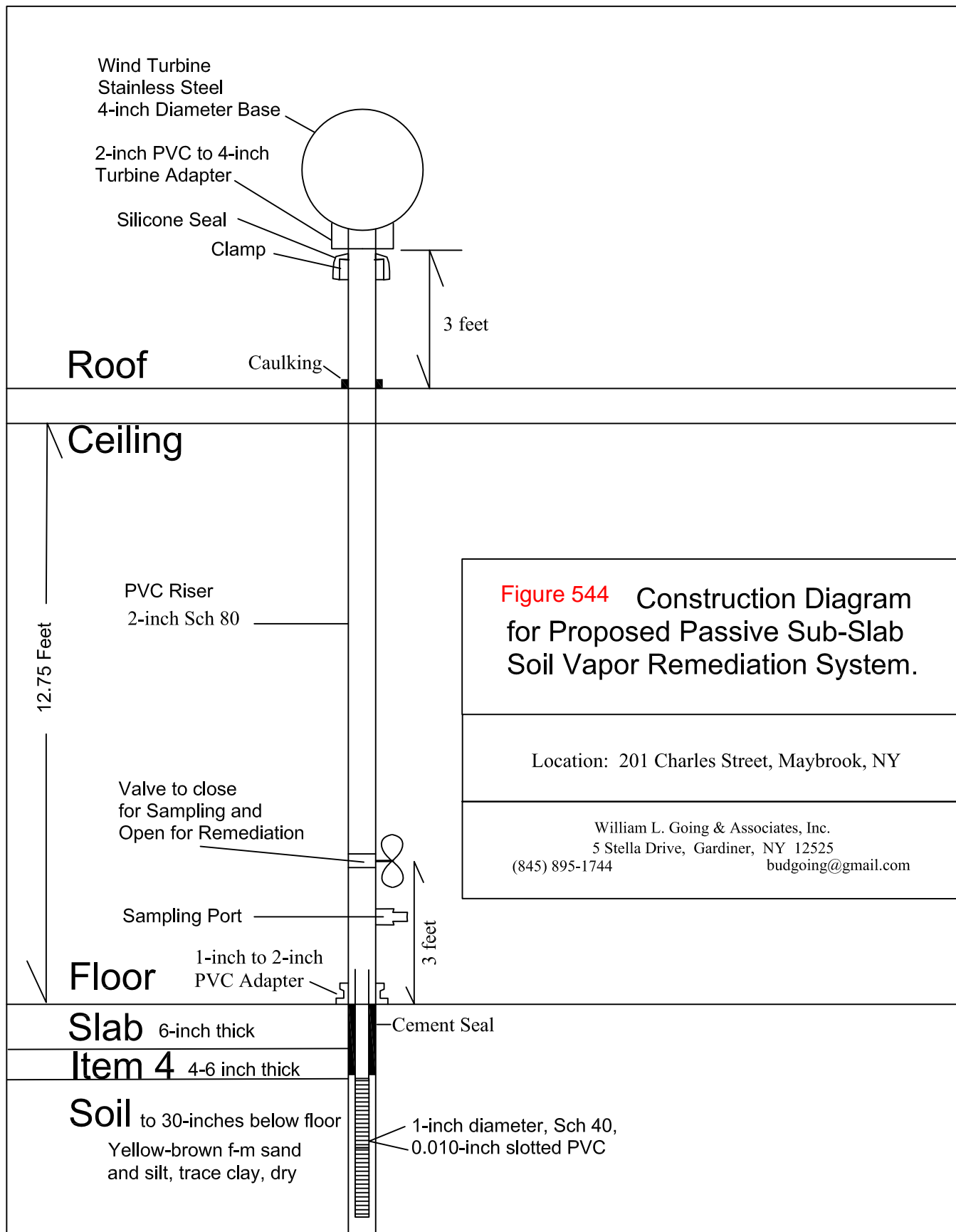


Table 545  
Ambient Air and Sub-Soil Vapor Sampling  
Date of Sampling: November 23, 2019

Site: 201 Charles Street, Maybrook, NY; NYSDEC Spill No. 1601483  
Laboratory Analyses by US EPA Method TO15 Full List, 6 Liter Canisters  
All Concentrations of Volatile Organic Compounds are measured in  $\text{pg}/\text{m}^3$   
EnviroTest Laboratories, 315 Fullerton Avenue, Newburgh, NY 12550

“-“ indicates compound not detected (ND)

Sampling conducted by William L. Going & Associates, Inc.

	VOE*	VOC*	VOE*	VOC*	
Sampling Location	Carbon Tetrachloride	1,1,1 TCA	TCE	PCE	
Summa I 1	-	-	-	40.3	
Summa I 2	-	-	-	36.1	
Summa I 3	-	-	-	14.4	
Summa I 4	-	-	-	43.7	
Summa I 5	-	-	-	48.4	
Summa I 6	-	-	-	33.8	
Summa I 7	-	-	-	41.8	
Summa I 8	-	-	-	49.2	
Summa I 9	-	-	-	67.5	
Summa SSI	-	8.18	97.8	10200	
Summa SS 3	0.465	0.306	13.3	225	
Summa SS 7	0.390	0.327	0.134	29.0	
Summa SS 9	-	<b>1.98</b>	-	3360	
Summa SS 13	0.395	0.600	0.683	269	
Summa SS 14	0.377	-	0.709	608	
Summa SS 15	-	-	112	10400	
Summa SS 16	0.415	0.382	6.29	412	
Summa SS 18	0.550	0.557	1.14	530	
Ambient Out	0.409	-	0.145	0.387	
<b>Action Required</b>	<b>NFA</b>	<b>Monitor</b>	<b>Monitor</b>	<b>Mitigate</b>	
*=Volatile Organics TO-15 (ug/cu.m.)					
- = Not Detected					

**Figure 545** Concentrations of Tetrachloroethylene (PCE) in sub-slab vents. Summa Canister samples collected for US EPA Method TO-15 November 23, 2019. Measurement units are  $\mu\text{g}/\text{m}^3$ .  
 Basemap from Survey by T. M. Depuy (April 5, 2016).  
 Location: 201 Charles Street, Maybrook, NY.

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 21 Willow Lane, Glen Spey, NY 12735 (845) 978-0115 budgoing@gmail.com

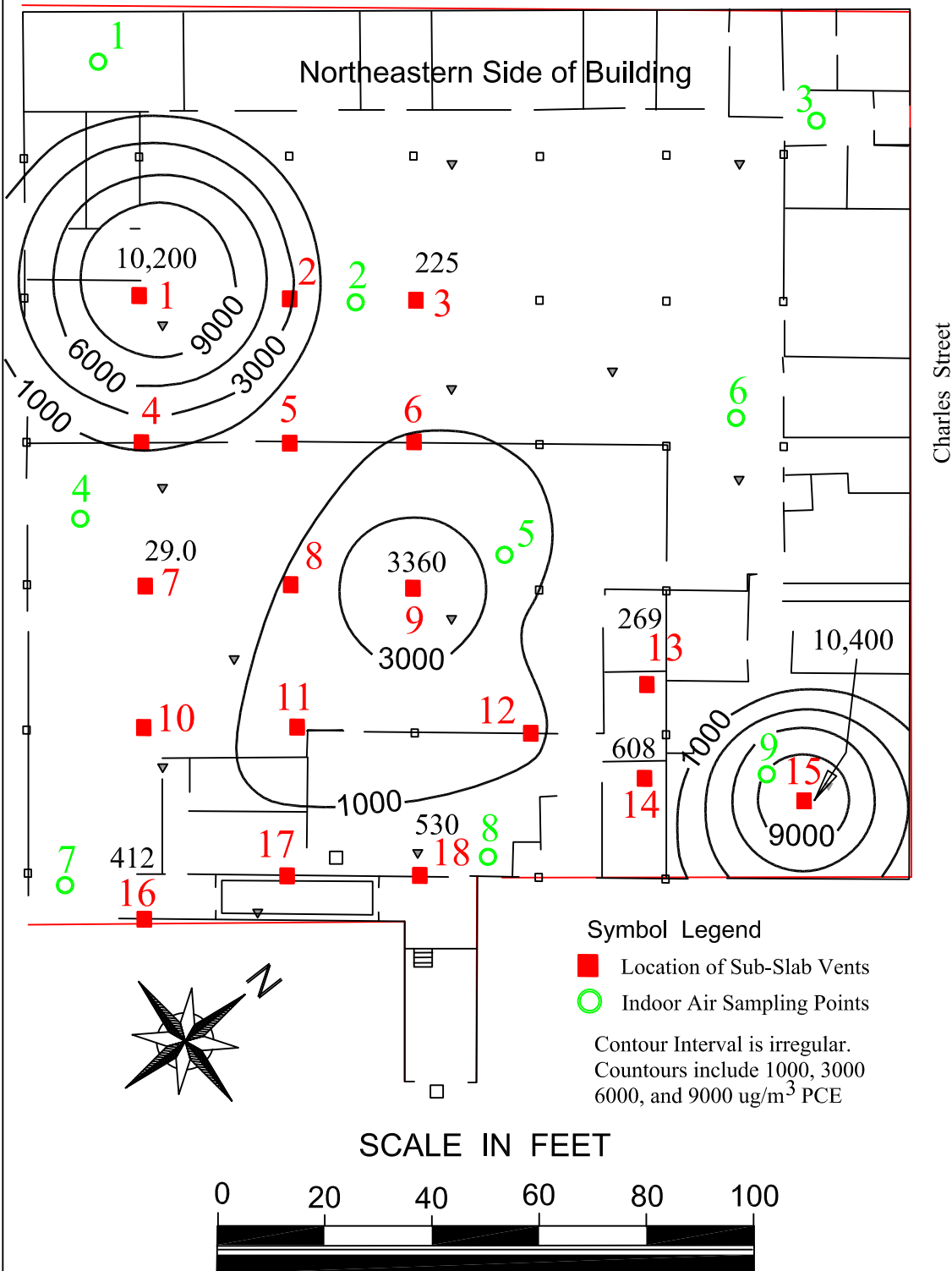
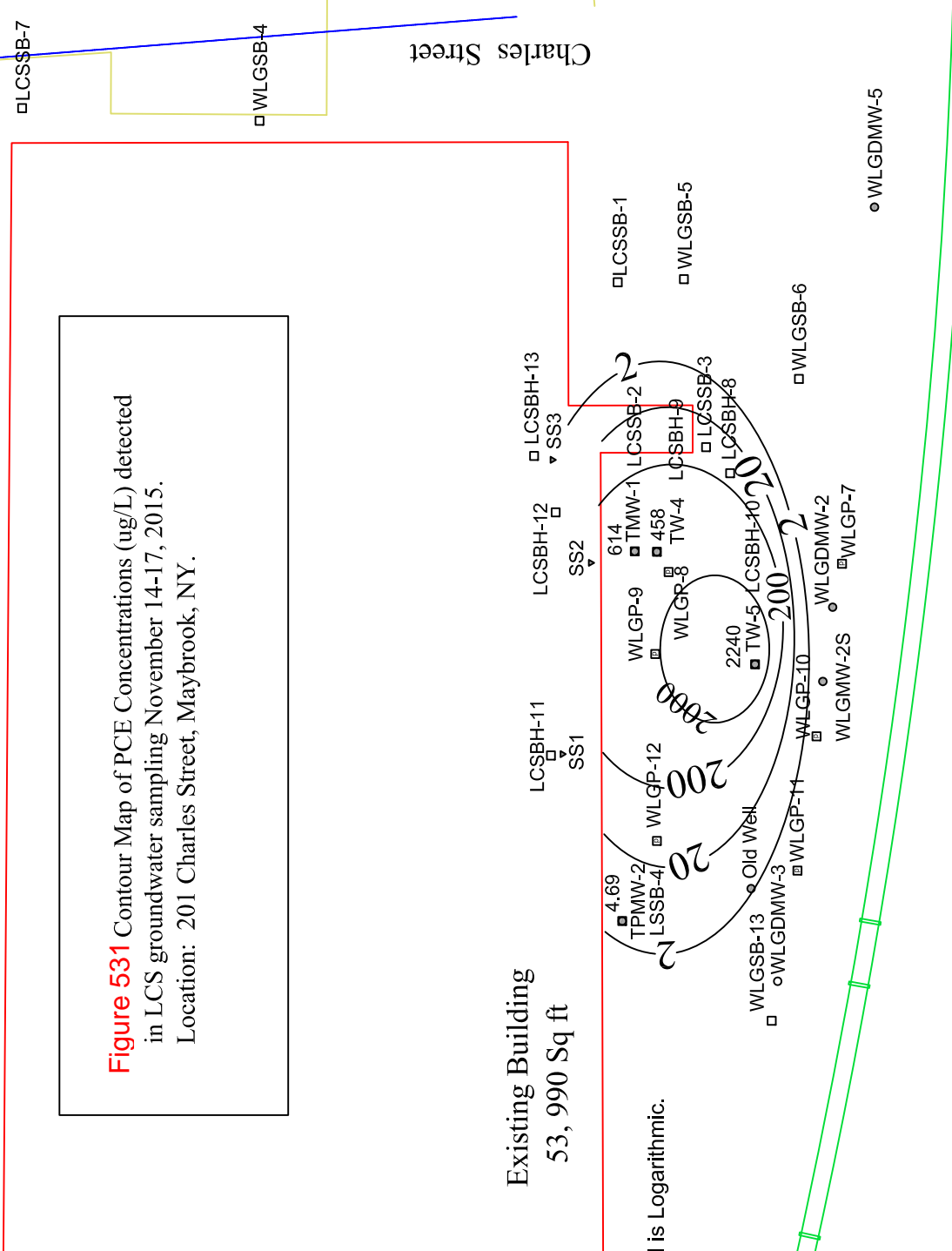


Table 531

Phase I and II Groundwater Sampling  
 Dates of Sampling January 14, 2016 and November 17, 2016  
 Site: 201 Charles Street, Maybrook, NY  
 Laboratory Analyses by-US EPA Method 8260  
 All Volatile Organic Compounds are reported in pg/L  
 ESC Lab Sciences 12065 Lebanon Road, Mount Juliet, TN 37122  
 Sampling Reported in Phase II Study Prepared by  
 LCS, Inc. 40 La Riviere Drive, Suite 120, Buffalo, NY 14202

Sample ID Date Sampled Units	TPMW1 11/17/15 Mk	TPMW2 11/17/15 pg/L	TPMW3 11/17/15 pg/L	TW4 1/14/16 pg/L	TW5 1/14/16 pg/L	NYSDEC Groundwater Criteria (Class GA) MO/i	
Cis-1,2-Dichloroethene	3.16	<0.260	0.394 J	1.16	24.1	5	
Trichloroethene	4.81	<0.398	<0.398	3.73	12.6	5	
Tetrachloroethene	614	4.69	<0.372	458	2,240	5	
Naphthalene	<10	<1	<1	<1	3.82 J	10	
Trans-1,2-Dichloroethene	<0.396	<0.396	<0.396	<0.396	0.444 J	5	
n-Propylbenzene	<0.349	<0.349	<0.349	<0.349	0.54 J	5	
1,2,4-Trimethylbenzene	<0.373	<0.373	<0.373	<0.373	2.23	5	
1,3,5-Trimethylbenzene	<0.387	<0.387	<0.387	<0.387	0.534 J	5	
Ethylbenzene	<0.384	<0.384	<0.384	<0.384	0.793 J	5	
m,p- Xylene	<0.719	<0.719	<0.719	<0.719	0.88 J	5	
		pg/L = micrograms per liter J = Indicates an estimated value.					
		NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 708 (June 1998 and April 2000 Addendum)					
		= Analyte detected above the NYSDEC Groundwater Criteria.					





**Figure 531** Contour Map of PCE Concentrations (ug/L) detected in LCS groundwater sampling November 14-17, 2015. Location: 201 Charles Street, Maybrook, NY.

Existing Building  
53,990 Sq ft

**Symbol Legend**

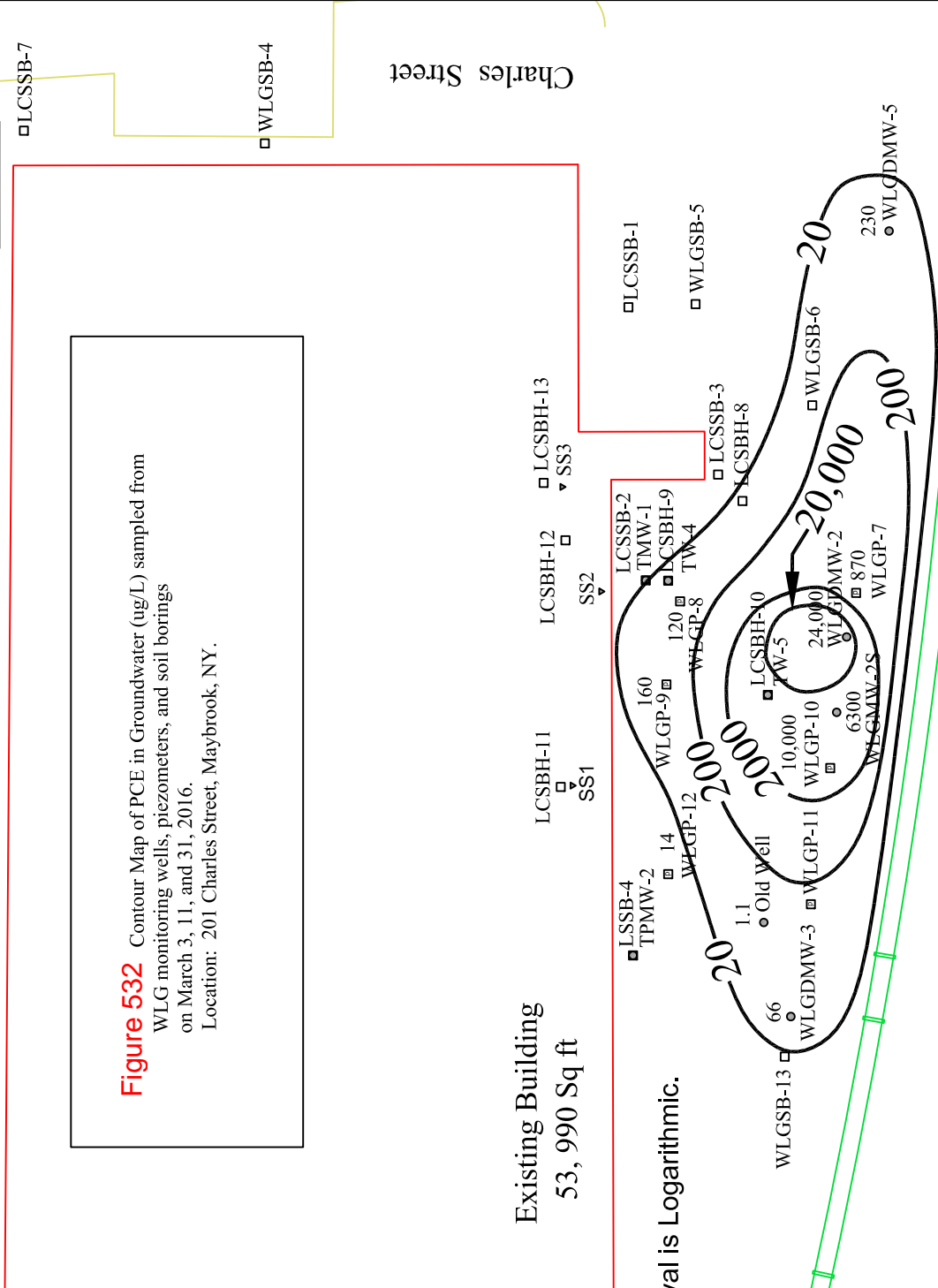
- Soil Boring
- Ⓟ Piezometer in Boring
- Monitoring Well
- ◐ Soil Sample and Monitoring Well
- ◑ Summa Canister
- ◒ Old Well
- ◓ Sub-Slab Soil Vapor

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5 Stella Drive, Gardiner, NY 12525 (845) 895-1744 budgoing@gmail.com

Table 532  
 Chlorinated Solvent Concentrations Detected in Groundwater  
 Dates of Sampling March 3, 11, & 31, 2016  
 Site: 201 Charles Street, Maybrook, NY NYSDEC Spill No. 1601483  
 Laboratory Analyses by US EPA Method 8260  
 EnviroTest Laboratories, Inc., 315 Fullerton Avenue, Newburgh, NY 12550  
 "-" indicates analyte was not detected (ND)  
 "J" indicates concentration is estimated  
 Sampling by William L. Going & Associates, Inc.

Well or Piezometer	PCE µg/L	TCE µg/L	1,2DCE µg/L	1,1,1TCA µg/L
SB2	2.8	-	-	-
SB7	<b>870</b>	<b>9.4</b>	0.78J	0.76J
SB8	<b>120</b>	3.4	2.5	-
SB9	<b>160</b>	2.1	0.37J	-
SB10	<b>10,000</b>	<b>36</b>	2	0.54J
SB12	<b>14</b>	-	-	-
DMW1	-	-	-	-
DMW2	<b>24,000</b>	<b>3,100</b>	<b>710</b>	<b>7.9</b>
DMW2S	<b>6,300</b>	<b>200</b>	<b>12</b>	1.7
DMW3	<b>66</b>	1.4	-	0.31J
DMW4	-	-	-	-
DMW5	<b>230</b>	1.6	1.1	1.1
ORM	1.1	-	-	-



**Figure 532** Contour Map of PCE in Groundwater (ug/L) sampled from WLG monitoring wells, piezometers, and soil borings on March 3, 11, and 31, 2016.  
Location: 201 Charles Street, Maybrook, NY.

LCSSB-6 □

**SCALE IN FEET**

0 20 40 60 80 100

**Symbol Legend**

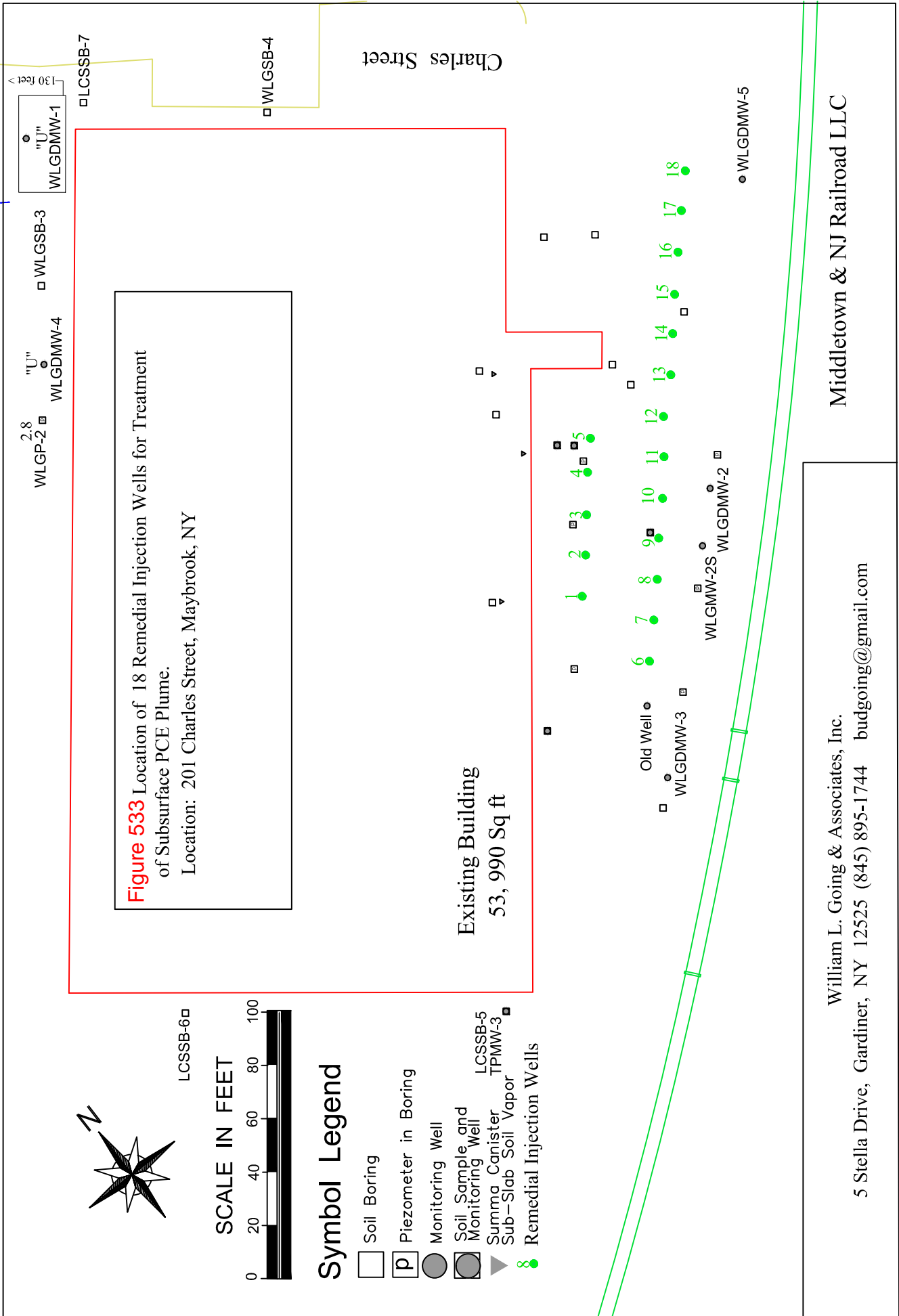
- Soil Boring
- p Piezometer in Boring
- Monitoring Well
- Soil Sample and Monitoring Well
- ▲ LCSB-5 Summa Canister TPMW-3
- ▲ Sub-Slab Soil Vapor

Existing Building  
53,990 Sq ft

Contour Interval is Logarithmic.

Middletown & NJ Railroad LLC

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**Figure 533** Location of 18 Remedial Injection Wells for Treatment of Subsurface PCE Plume.  
Location: 201 Charles Street, Maybrook, NY

Existing Building  
53,990 Sq ft

Middletown & NJ Railroad LLC

William L. Going & Associates, Inc.

5 Stella Drive, Gardiner, NY 12525 (845) 895-1744 budgoing@gmail.com

**Figure 421**

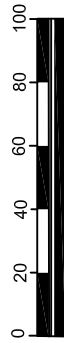
Contour Map of Water Table Elevations showing Hydraulic Gradient and Direction of Groundwater Flow. Measurements taken April 5, 2016 adjusted to elevations relative to sea level based on Survey by T.M. Deputy April 5, 2016. Location: 201 Charles Street, Maybrook, NY.

William L. Going & Associates, Inc.  
5 Stella Drive, Gardiner, NY 12525 (845) 895-1744 budgoing@gmail.com



LCSSB-6

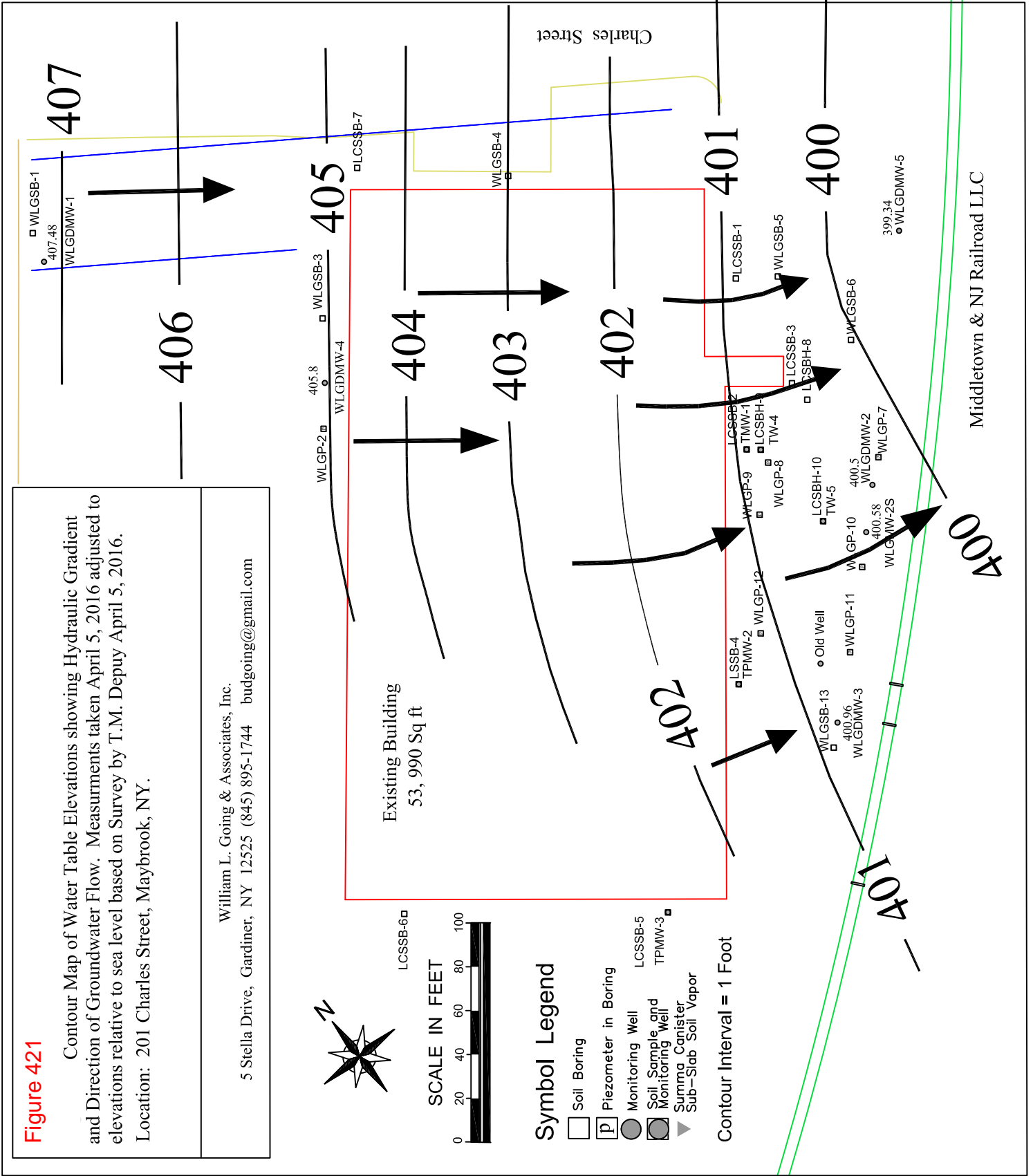
SCALE IN FEET



**Symbol Legend**

- Soil Boring
- ▣ Piezometer in Boring
- Monitoring Well
- ◐ Soil Sample and Monitoring Well
- ▲ Summa Canister
- ▣ Sub-Slab Soil Vapor
- LCSSB-5
- TPMW-3

Contour Interval = 1 Foot



**Figure 422**

Fence Diagram showing 3D distribution of overburden and bedrock within and forming undergound Bedrock trough. Zones of firmly packed silt and porous gray shale rock fragments are shown above the gray shale bedrock trough on the southeast side of the 201 Charles Street Building, Maybrook, NY.

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 5 Stella Drive, Gardiner, NY 12525  
 (845) 895-1744 budgoing@gmail.com

Existing Building  
 53,990 Sq ft

Charles Street

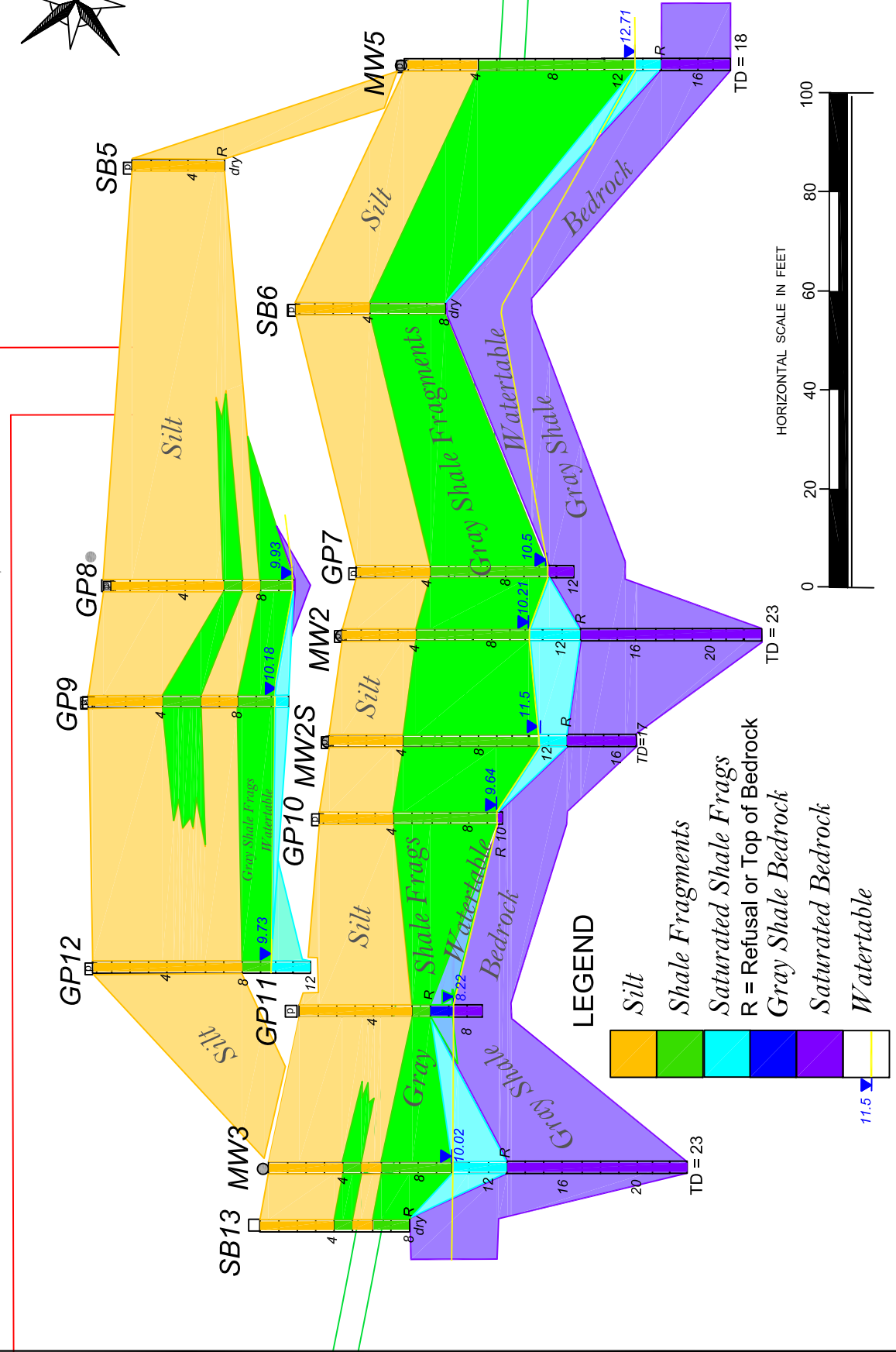


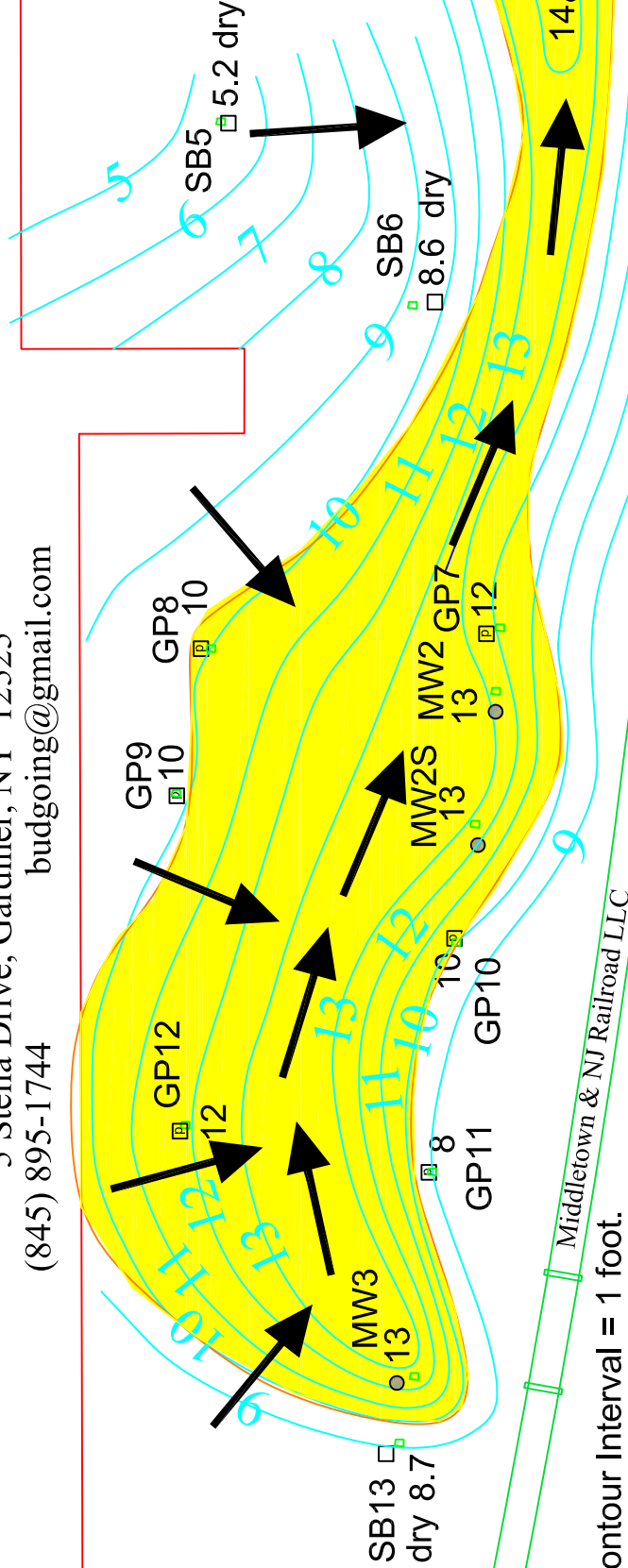
Figure 423

Contour Map of Top of Gray Shale Bedrock Surface measured down from ground surface showing underground trough on southeast side of 201 Charles Street Building, Maybrook, NY. In the yellow area, soil materials (silt and shale fragments) are saturated within the trough.

Prepared by William L. Going & Associates, Inc.  
5 Stella Drive, Gardiner, NY 12525  
(845) 895-1744 budgoing@gmail.com

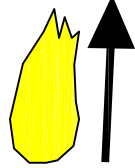
Existing Building  
53, 990 Sq ft

Charles Street



Contour Interval = 1 foot.

Numbers at datapoints are depth to Bedrock in Feet.  
Datapoints are soil borings, monitoring wells, and Geoprobe borings with Piezometers installed..



Area of Water Table within Trough

Direction of Groundwater Flow

HORIZONTAL SCALE IN FEET

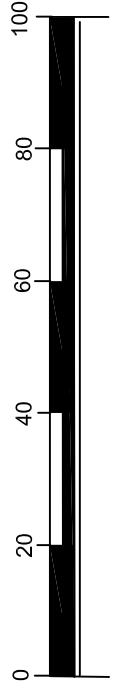


Table 534  
 Chlorinated Solvent Concentrations Detected in Groundwater  
 Dates of Sampling September 19, 2016  
 Site: 201 Charles Street, Maybrook, NY NYSDEC Spill No. 1601483  
 Laboratory Analyses by US EPA Method 8260  
 EnviroTest Laboratories, Inc., 315 Fullerton Avenue, Newburgh, NY 12550  
 "-" indicates analyte was not detected (ND)  
 Sampling by William L. Going & Associates, Inc.

Well or Piezometer	PCE µg/L	TCE µg/L	1,2DCE µg/L	1,1,1TCA µg/L
DMW1				
DMW2	<b>35</b>	<b>2</b>	<b>0.83</b>	<b>ND</b>
DMW2S	<b>28</b>	<b>0.78</b>	<b>ND</b>	ND
DMW3	<b>22</b>	0.26	ND	ND
DMW4				
DMW5	<b>140</b>	932	ND	1.1
ORM				
INJ 2	<b>150</b>	0.26	ND	0.53
INJ 4	<b>85</b>	0.53	ND	0.79
INJ 7	<b>8.2</b>	ND	ND	1.1
INJ 11	<b>350</b>	1.2	1.3	1.3
INJ15	<b>99</b>	ND	ND	0.49





<p style="text-align: center;">Table 535            Chlorinated Solvent Concentrations Detected in Groundwater            Dates of Sampling January 26, 2017            Site: 201 Charles Street, Maybrook, NY NYSDEC Spill No. 1601483            Laboratory Analyses by US EPA Method 8260            EnviroTest Laboratories, Inc., 315 Fullerton Avenue, Newburgh, NY 12550            "-" indicates analyte was not detected (ND)            "J" indicates concentration is estimated            Sampling by William L. Going &amp; Associates, Inc.</p>				
Well or Piezometer	PCE µg/L	TCE µg/L	1,2DCE µg/L	1,1,1TCA µg/L
DMW1				
DMW2	<b>9.1</b>	<b>0.22 J</b>	<b>ND</b>	<b>ND</b>
DMW2S	<b>2.8</b>	<b>ND</b>	<b>ND</b>	ND
DMW3	<b>5.1</b>	ND	ND	ND
DMW4				
DMW5	<b>160</b>	2.3	0.71	ND
ORM				
INJ 2	330	1.9	ND	0.38
INJ 4	580	5.2	0.96	0.8
INJ 7	390	4	3.7	ND
INJ 11	890	6.2	3.4	0.96
INJ15	740	4.1	2.9	0.62
INJ 17	1600	9.3	3.7	1.2

Charles Street

LCSSB-7

WLGSB-4

130 feet  
WLGDMW-1

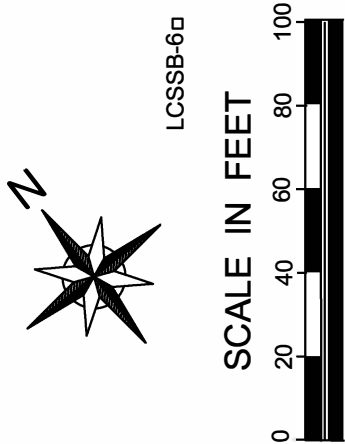
WLGSP-2 WLGDMW-4

WLGDMW-4

WLGSP-3

Figure 535.  
Contour Map of PCE Concentrations in Groundwater (ug/L) sampled  
January 26, 2017.  
Location: 201 Charles Street, Maybrook, NY

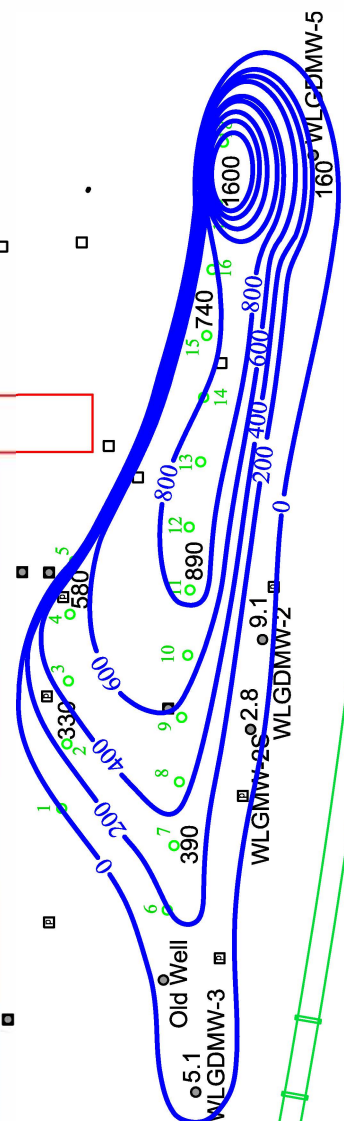
Existing Building  
53, 990 Sq ft



### Symbol Legend

- Soil Boring
- p Piezometer in Boring
- Monitoring Well
- ⊙ Soil Sample and Monitoring Well
- ▲ Summa Canister
- 7 Sub-Slab Soil Vapor Remedial Injection Wells

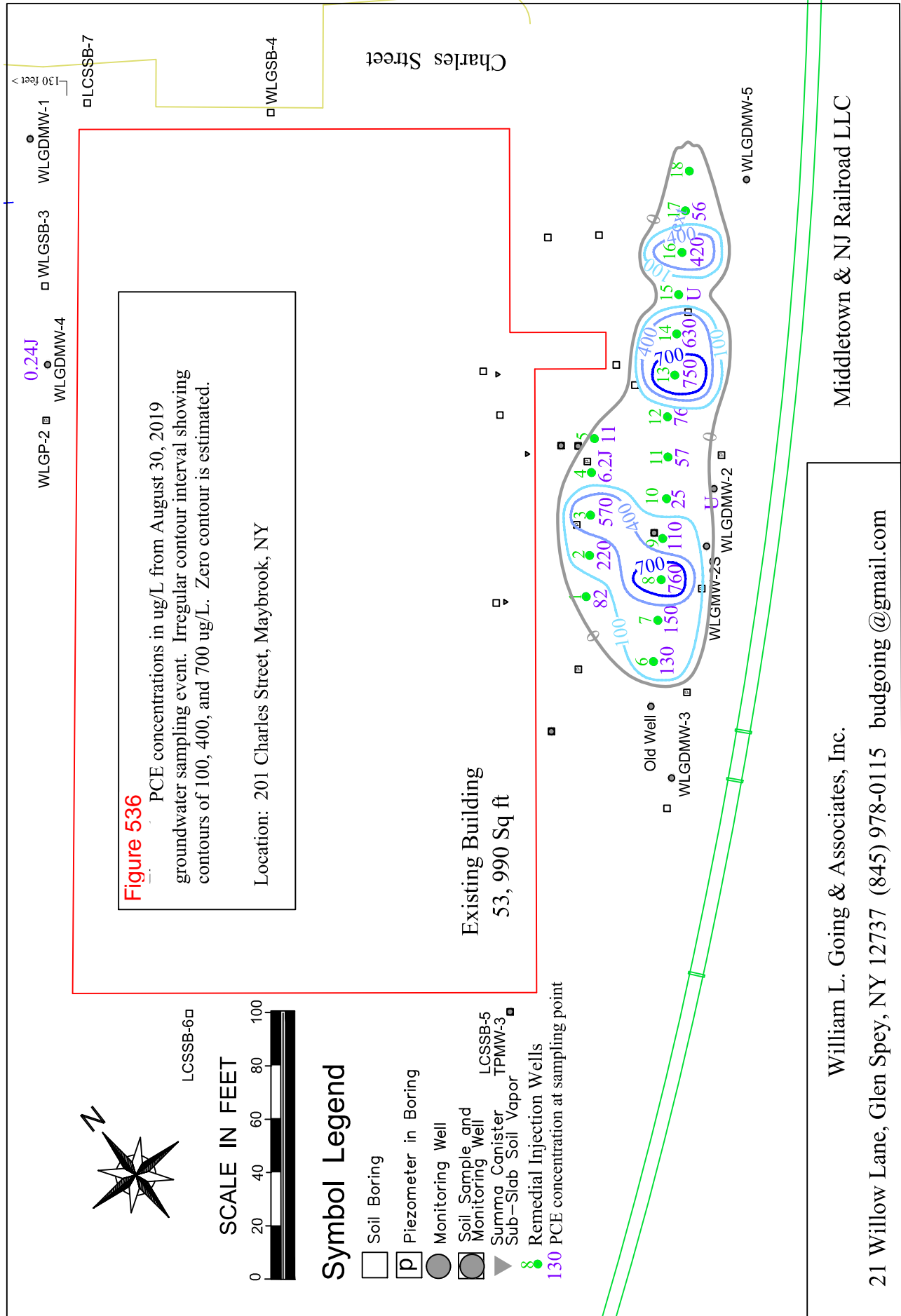
Contour Interval = 200 ug/L



Middletown & NJ Railroad LLC

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<p style="text-align: center;">Table 536            Chlorinated Solvent Concentrations Detected in Groundwater            Dates of Sampling August 30, 2019            Site: 201 Charles Street, Maybrook, NY NYSDEC Spill No. 1601483            Laboratory Analyses by US EPA Method 8260            EnviroTest Laboratories, Inc., 315 Fullerton Avenue, Newburgh, NY 12550            "-" indicates analyte was not detected (ND)            "J" indicates estimated concentration            Sampling by William L. Going &amp; Associates, Inc.</p>				
Well or Piezometer	PCE µg/L	TCE µg/L	1,2DCE µg/L	1,1,1TCA µg/L
DMW1				
DMW2	ND	ND	ND	ND
DMW2S				
DMW3				
DMW4	0.24 J	ND	ND	ND
DMW5				
ORM				
INJ1	82	ND	ND	ND
INJ2	220	ND	ND	ND
INJ3	570	ND	ND	ND
INJ4	6.2	ND	ND	ND
INJ5	11	ND	ND	ND
INJ6	130	ND	12	ND
INJ7	150	ND	6.2	ND
INJ8	780	0.2	42	ND
INJ9	110	ND	ND	ND
INJ10	25	ND	ND	ND
INJ11	57	ND	ND	ND
INJ12	76	16	24	ND
INJ13	50	16	24	ND
INJ14	630	ND	ND	ND
INJ15	ND	ND	ND	ND
INJ16	420	ND	ND	ND
INJ17	56	ND	ND	ND



## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 7

### Page 3, Section IV. Property Information

Page 3, Section IV, 1. Proposed boundaries of “The Site” are shown clearly on Figure 131a and sketched on Figures 135 and 137 included in the section below. The note below the following list of figures also defines “The Site” boundary more clearly.

#### **Tax Parcel Information (10 pages)**

- Figure 101 USGS 7.5 Minute Quadrangle Map
- Figure 133 Orange County, New York Tax Map, Village of Maybrook Section 114
- Figure 134 Orange County, New York Tax Map, Village of Maybrook Section 112
- Figure 135 Orange County, New York Tax Map, Village of Maybrook Section 112 Enlarged
- Figure 137 Orange County, New York Tax Map, Village of Maybrook Section 114 Enlarged
- Figure 138 Merged Figures 135 & 137. The 201 Charles Street Site (outlined in red) is located on Two Tax Maps(Sections 114 and 112) fitted together along the Green line.
- Figure 131 Survey by **TM DEPUY** April 14, 2018, Scale: 1 inch = 40 feet  
Three parcels (I, III, and IV)  
TM DEPUY is now part of Lanc & Tully Engineering and Land Surveying, PC
- Figure 131a Location of Site Boundary and Building at Brownfield Site
- Metes and Bounds of Parcel III shown on Figures 131 and 131a
- Figure 136 Village of Maybrook, New York Zoning Map, August 31, 2010

Note: On a copy of the Site Survey (Figure 131), the “Site Boundary” is shown in red on Figure 131a. “The Site” is made up of parcels on two separate Tax Map, Sections 112 (north) and 114 (south). The building is outlined in blue on Figure 131a, although it is often outlined in red on the site maps of PCE concentrations in soil, groundwater, and sub-slab vapors. There is a portion of the northern parcel (SBL: 114-5-5.22) which is not included within the site boundary, it is the most northwesterly portion of the site a 50-foot strip of land along 150-feet of Charles Street to the corner of Wallace Avenue. The southern parcel (SBL: 114-1-1,2) is limited only to the area to the north of the abandoned Old Creamery Road, generally a parking area immediately south of the building as shown on the survey (Figure 131). The large parking areas farther south are not included within the site boundary because there is no evidence of contamination in that area. That area was primarily used for school bus parking from 2005 until 2020.

Page 3, Section IV, 6. Supporting documentation of previous remedial measures are described above in Part A, page 2, Section III Environmental History describing media: soils, sub-slab soil vapor and ambient air, and groundwater.

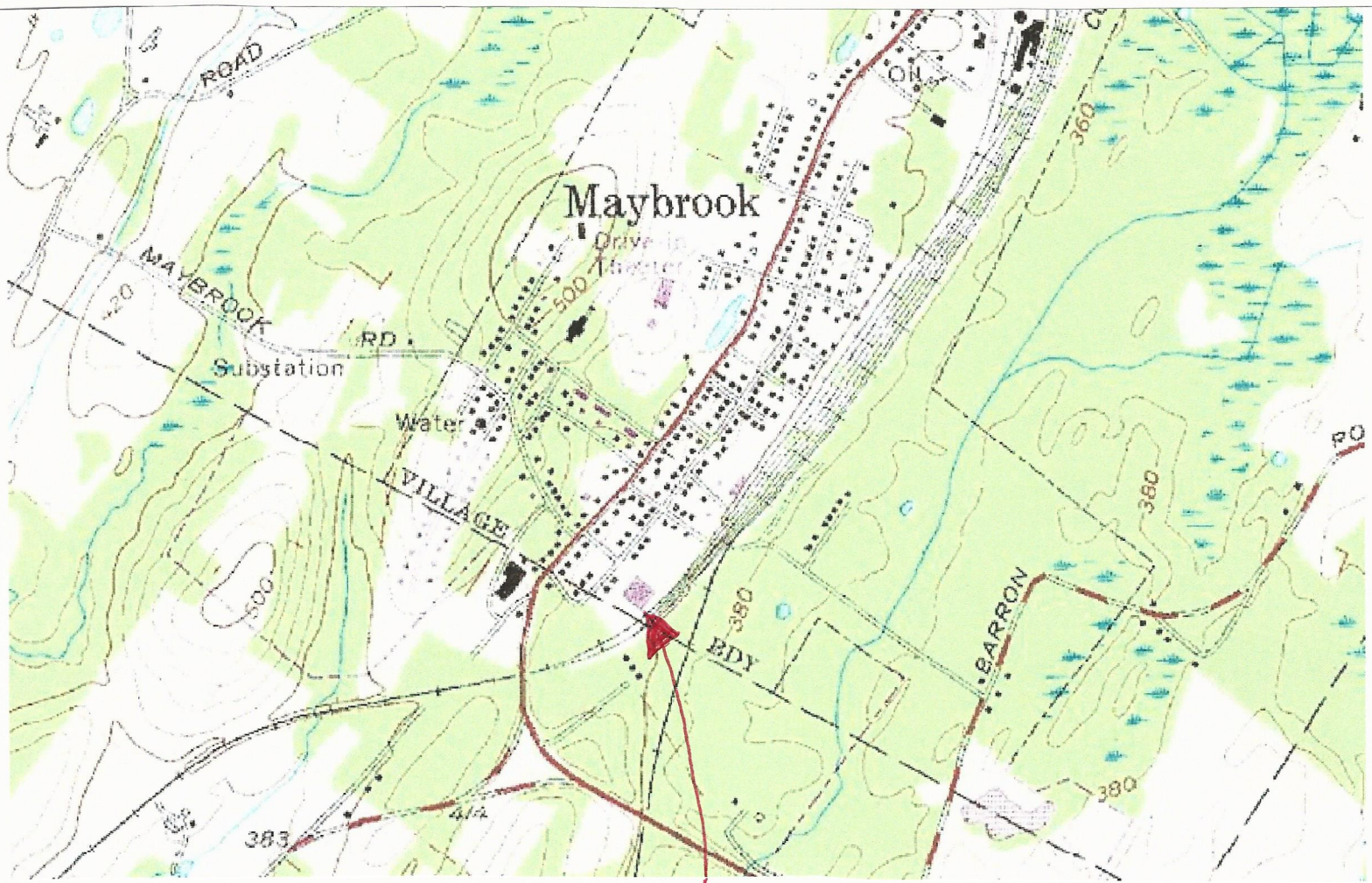
USGS 7.5 Minute Quadrangle: Maybrook, NY

Scale: 1:6000

Brownfield Site: 201 Charles Street LLC

Village of Maybrook

NYS DEC Spill No: 1601483



201 Charles Street LLC  
Old Building Location  
Building now enlarged to the south  
About twice the size

REV 03/07 11/07 10/07

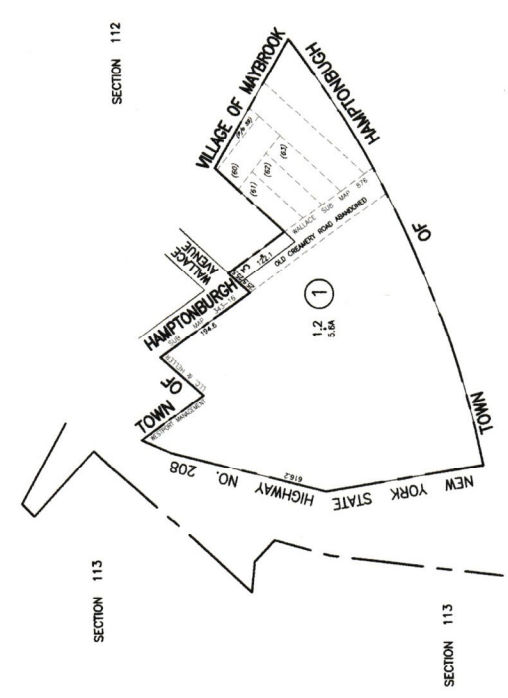


Figure 133 Orange County, New York Tax Map,  
Village of Maybrook Section 114

**LEGEND**

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	4	FILED PLAN BLOCK NO.	4	1
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	32	FILED PLAN LOT NO.	(3) or (7) or (2)	
SUBDIVISION	PROPERTY LINE	STATE PARCELS	180	STATE PARCELS	N 7 SIBS (REV. 10 17)	
SUBDIVISION	PROPERTY LINE	ADJACENT PARCELS	181	ADJACENT PARCELS	181	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	182	ADJACENT PARCELS	182	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	183	ADJACENT PARCELS	183	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	184	ADJACENT PARCELS	184	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	185	ADJACENT PARCELS	185	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	186	ADJACENT PARCELS	186	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	187	ADJACENT PARCELS	187	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	188	ADJACENT PARCELS	188	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	189	ADJACENT PARCELS	189	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	190	ADJACENT PARCELS	190	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	191	ADJACENT PARCELS	191	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	192	ADJACENT PARCELS	192	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	193	ADJACENT PARCELS	193	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	194	ADJACENT PARCELS	194	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	195	ADJACENT PARCELS	195	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	196	ADJACENT PARCELS	196	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	197	ADJACENT PARCELS	197	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	198	ADJACENT PARCELS	198	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	199	ADJACENT PARCELS	199	
PROPERTY LINE	PROPERTY LINE	ADJACENT PARCELS	200	ADJACENT PARCELS	200	

333401  
VILLAGE OF MAYBROOK  
IN THE TOWN OF HAMPTONBURGH  
Section No. 114  
Scale 1" = 100'



ORANGE COUNTY—NEW YORK  
MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF THIS MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION OF THE O.C. REAL PROPERTY TAX SERVICE AGENCY  
Prepared by: Department of Planning and Economic Development  
174 Main Street, Boreas, NY 13028  
Phone: 518-337-1234 Fax: 518-337-1234

ADJOINING REFERENCE

TAX MAP



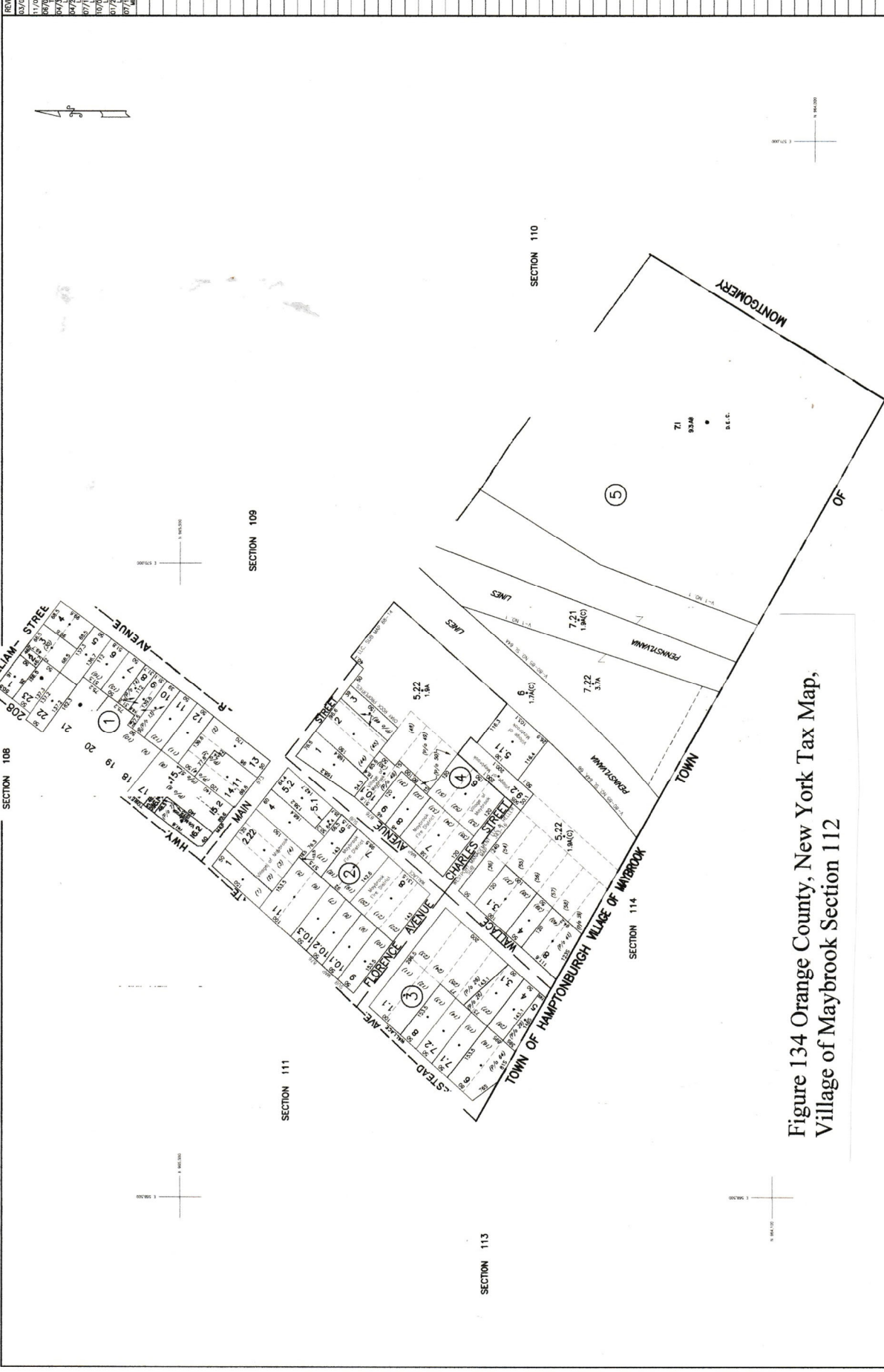


Figure 134 Orange County, New York Tax Map,  
Village of Maybrook Section 112

**LEGEND**

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	④
CITY, TOWN OR VILLAGE	FILED PLAN BLOCK NO.	TAX MAP BLOCK NO.	⑤
BACK OF SECTION LINE	FILED PLAN LOT NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	⑥
PROPERTY LINE	FILED PLAN BLOCK NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	⑦
	FILED PLAN LOT NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	⑧
	FILED PLAN BLOCK NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	⑨
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	FILED PLAN BLOCK NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	㊾
	FILED PLAN LOT NO.	STATE, COUNTY, CITY, TOWN OR VILLAGE	㊿

**ORANGE COUNTY - NEW YORK**

MAINTENANCE, ALTERATION, SALE OF DISTRIBUTION NOT TO BE REPRODUCED FOR COMMERCIAL PURPOSES WITHOUT WRITTEN PERMISSION OF THE C.C. REAL PROPERTY TAX SERVICE AGENCY

Prepared by: [Name]  
175 Main Street, Boreham, N.Y. 10824  
Phone: [Number]

**ORANGE COUNTY - NEW YORK**

334201  
VILLAGE OF MAYBROOK  
Section No. 112  
Scale 1" = 100'

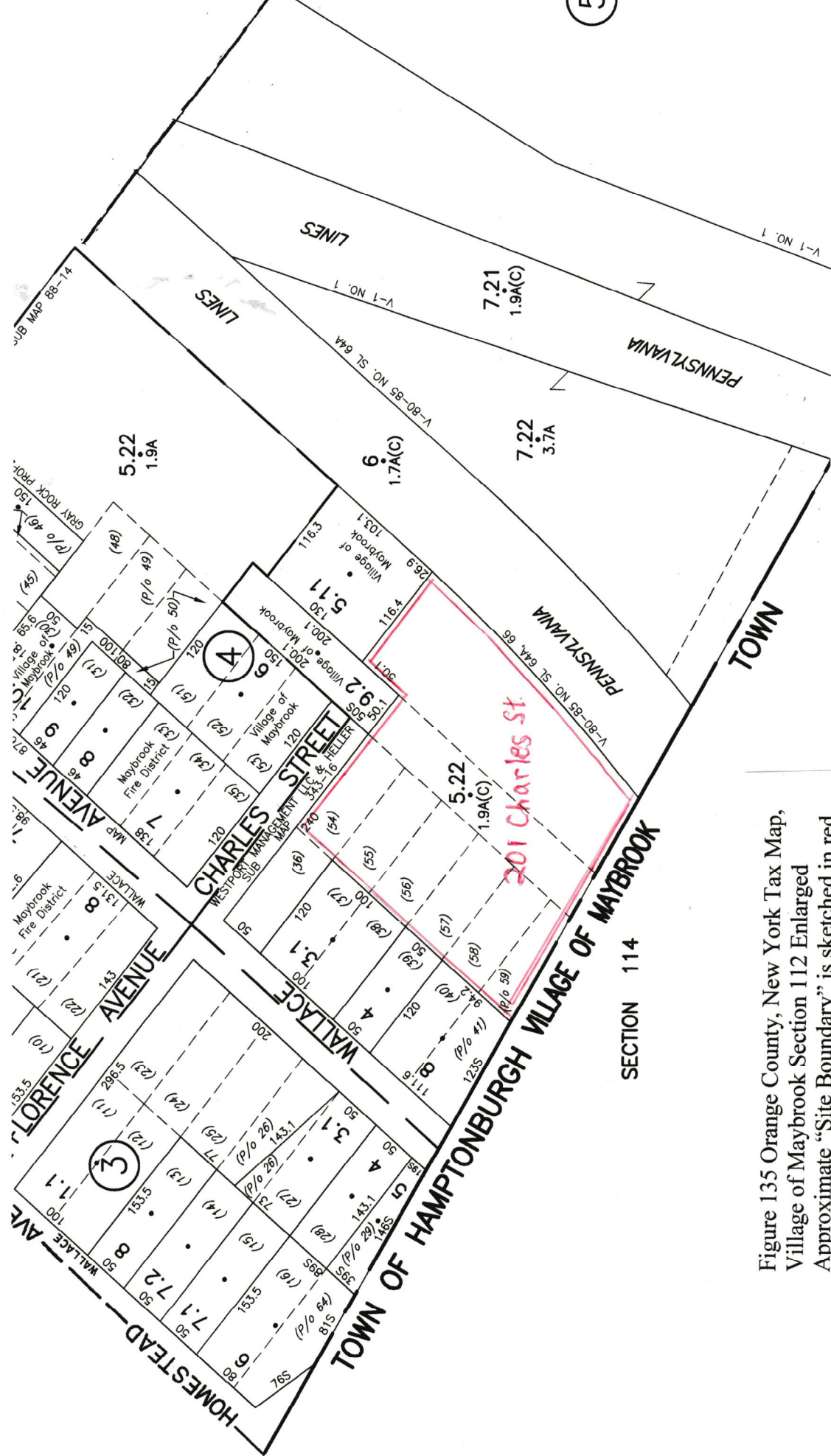


Figure 135 Orange County, New York Tax Map, Village of Maybrook Section 112 Enlarged. Approximate "Site Boundary" is sketched in red.

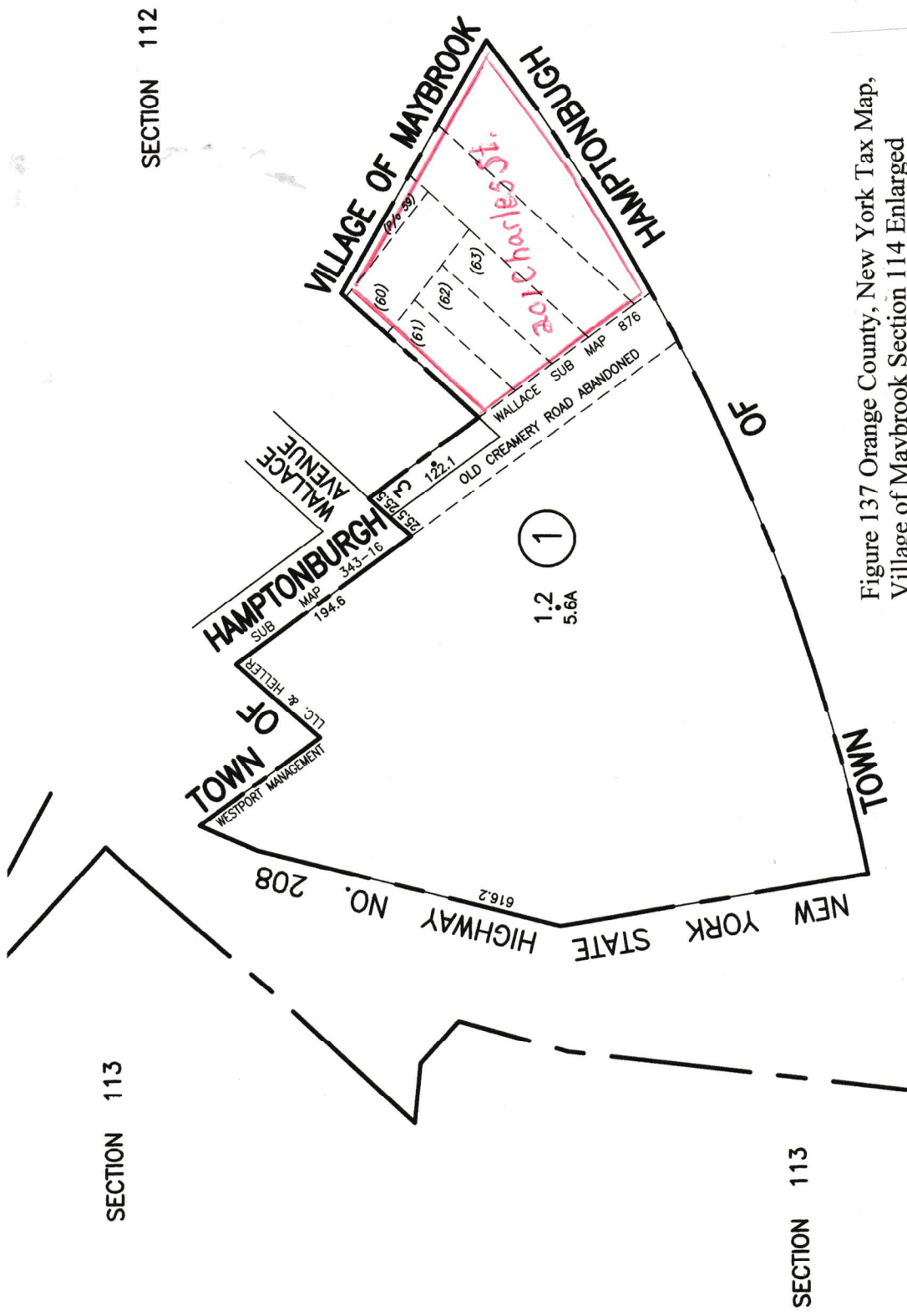


Figure 137 Orange County, New York Tax Map, Village of Maybrook Section 114 Enlarged. Approximate "Site Boundary" is sketched in red.





201 Charles Street LLC

Metes and Bounds for SBL: 112-5-5.22

Parcel III

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Maybrook, Town of Montgomery and the Town of Hamptonburgh, in the County of Orange, State of New York, bounded and described as follows:

BEGINNING at a point on the southerly line of Charles Street with the easterly line of Wallace Avenue; running thence from said point of beginning South 50° 56' West 50.00 feet along the easterly line of said Wallace Avenue to a monument found at the most northerly corner of lands now or formerly of Sparks, South 43° 30' East 120.00 feet to the most easterly corner of said Sparks; thence South 50° 56' West 410.75 feet, along the rear line of the lots facing on Wallace Avenue and an extension thereof to a point on the northerly line of Old Creamery Road; thence South 27° 34' East 191.60 feet, along the northerly line of said Creamery Road, to a point on the westerly line of lands now or formerly of Consolidated Rail Corp.; thence on a curve to the left, having a radius of 1860.08 feet, a distance of 581.96 feet; thence North 43° 30' West 116.42 feet to a point on the easterly line of Murray Avenue; thence South 50° 56' West 50.15 feet, along the easterly line of Murray Avenue to a point in the southerly line of said Charles Street; thence North 43° 30' West 290.15 feet, along the southerly line of said Charles Street, to the point or place of beginning.

SUBJECT to any right-of-way, easement, covenant, or restriction of record.



# Village of Maybrook, New York Zoning Map

Last Amended :



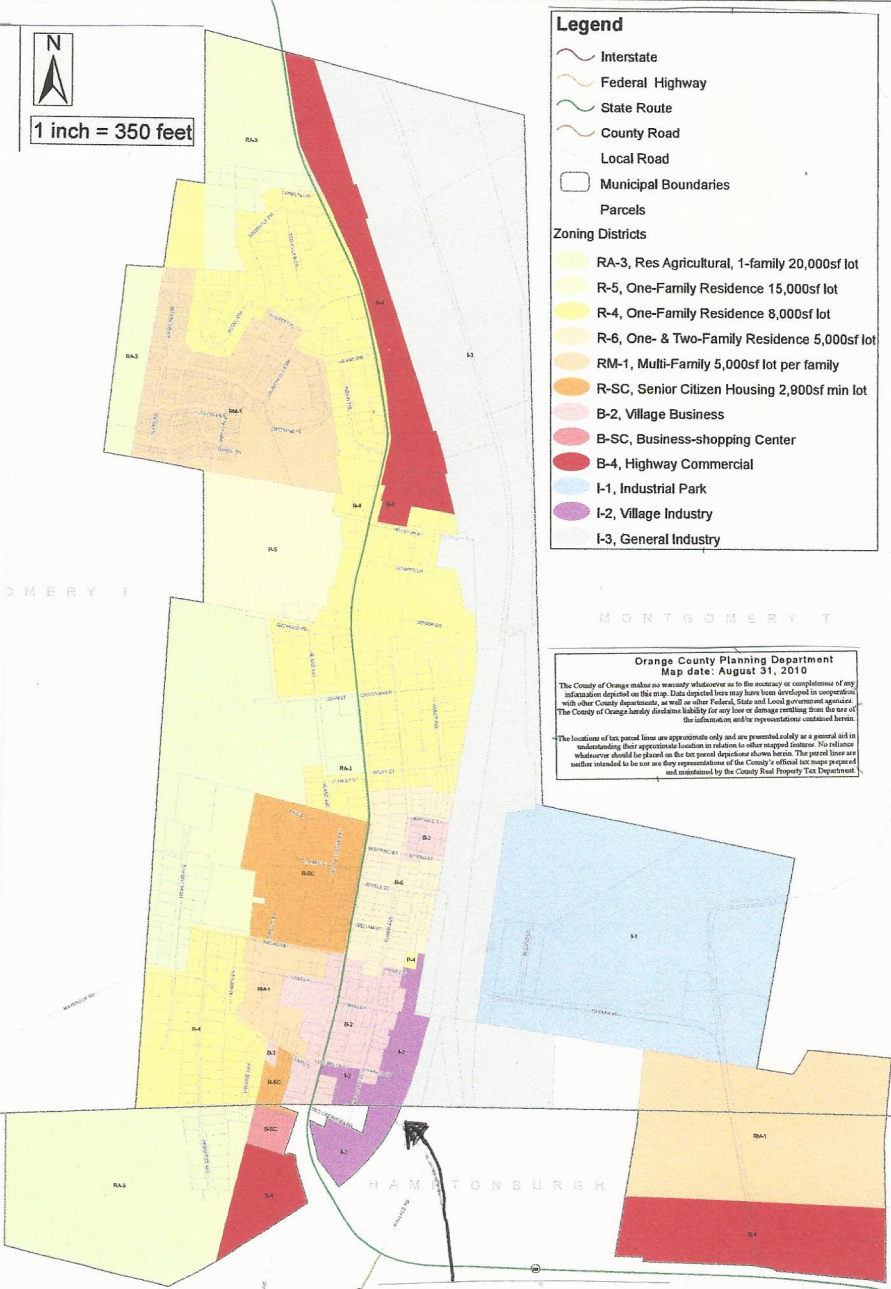
1 inch = 350 feet

## Legend

- Interstate
- Federal Highway
- State Route
- County Road
- Local Road
- Municipal Boundaries
- Parcels

## Zoning Districts

- RA-3, Res Agricultural, 1-family 20,000sf lot
- R-5, One-Family Residence 15,000sf lot
- R-4, One-Family Residence 8,000sf lot
- R-6, One- & Two-Family Residence 5,000sf lot
- RM-1, Multi-Family 5,000sf lot per family
- R-SC, Senior Citizen Housing 2,900sf min lot
- B-2, Village Business
- B-SC, Business-shopping Center
- B-4, Highway Commercial
- I-1, Industrial Park
- I-2, Village Industry
- I-3, General Industry



### Orange County Planning Department Map date: August 31, 2010

The County of Orange makes no warranty whatsoever as to the accuracy or completeness of any information depicted on this map. Data depicted here may have been developed in cooperation with other County departments, as well as other Federal, State and Local government agencies. The County of Orange hereby disclaims liability for any loss or damage resulting from the use of the information and its representations contained herein.

The locations of tax parcel lines are approximate only and are presented solely as a general aid in understanding their approximate location in relation to other mapped features. No reliance whatsoever should be placed on the tax parcel depictions shown herein. The parcel lines are neither intended to be nor are they representations of the County's official tax maps papered and maintained by the County Real Property Tax Department.

201 Charles Street LLC



## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 8

### Part A, Page 4, Section IV, 10. PROPERTY DESCRIPTION NARRATIVE

Location The 201 Charles Street LLC is located on the Village of Maybrook two blocks east the main north-south NYS Route 208 within a mile of the interchange of Interstate-84 to the north. The Middletown & New Jersey Railroad tracks are immediately to the east of the site. Maybrook was a historical railroad hub for many years as shown by the network of railroad sidings and tracks east and north of the site on the USGS 7.5 Minute Maybrook NY Quadrangle. One block of single and multiple family residential housing is located between Route 208 and the site and also to the north. The Village of Maybrook Fire Department and Public Works Department are located within a block northwest and north of the site, respectively.

Site Features 201 Charles Street LLC owns three lots as shown on the survey prepared by TM Depuy April 14, 2018 at a scale of 1 inch equals 40 feet. The property includes three parcels

I	Section Block Lot: 114-1-1.2	5.6 acres
III	Section Block Lot 112-5-5.22	3.093 acres
IV	Abandoned section of Creamery Road	0.28 acres

Parcel II is the Decker historical home located on the southeast corner of Route 208 (Homestead Avenue) and the remaining one block segment of Creamery Road. Apparently Creamery Road ran east from NY Route 208 crossing the railroad tracks to a location east of the tracks. Three parcels (I, III, and IV) are owned by 210 Charles Street LLC. The majority of the property lies in the part of the Village of Maybrook, which is within the Town of Hamptonburgh except for a 50 by 120 foot lot along Charles Street, which is actually in the Town of Montgomery and immediately northwest of the 53,000 square foot building on the property. The property gently slopes down to the east from Route 208 toward the railroad tracks with a slope of about 40 feet drop over a horizontal distance of 1000 feet.

Land Use and Zoning The property with the tetrachloroethylene aka tetrachloroethene or PCE contamination is in soil vapor and groundwater in the subsurface of the lot with the large building on it. The remainder of the property to the south is paved and used for school bus parking on the south side of the former Creamery Road. All of the land is within the Village of Maybrook and the zoning district is "Village Industry."

### Past Use of Site - SUMMARY OF HISTORIC USES ( Figures 143, 144, and 145 from RIR, November 2020)

The presence of high voltage power supply (480 volts) and the separation of the northeastern of the northeastern part of the building from the rest of the structure (which the high voltage feeds) left us with questions about the history of the building. A title search was ordered for the property parcels. That 54 page document provided us with information about property transfers and ownership from early to mid 1900s to the present. The following table summarizes that documentation as well as research on the nature of manufacture of surgical instruments that took place on site (likely source of PCE contamination)

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 9

<b>Dates</b>	<b>Owner/Title Transfer</b>	<b>Notes</b>
Prior to 7 November 1956	Frederick L. Hackenburg, Jr.	Owner of current industrial property prior to development.
7 November 1956	3460 Jerome Ave. Realty Corp.	Real estate company owned by John Sklar of J. Sklar Mfg. Co., Inc. Historical aerial photographs indicate “old” section of industrial building was built between 1953-1957.
Date?	Balke Products, Inc. <i>(from 3460 Jerome Ave Realty Corp.)</i>	Both Balke Products and J. Sklar Mfg. produced surgical steel tools by the drop-forging process. Finishing operations were known or suspected to include vapor degreasing (using PCE) and possibly plating
31 October 1962	3460 Jerome Ave Realty Corp. <i>(from Balke Products, Inc.)</i>	
15 July 1976	Balke Products, Inc. <i>(from 3460 Jerome Ave Realty Corp.)</i>	
11 December 1981	J. Sklar Mfg. Co., Inc. <i>(from Balke Products, Inc.)</i>	
August 1984	Osram Corp. <i>(from J. Sklar Mfg. Co., Inc.)</i>	Osram and its successor—Osram Sylvania— manufactured light bulbs in the north (“old”) portion of the building; they were/are one of the largest U.S. producers of light bulbs The southern half of the building was Constructed in 1990 by Osram.
31 January 1999	Osram Sylvania, Inc. / Osram Sylvania Products, Inc.	Transaction consistent with merger of Osram with Sylvania
12 September 2005	Westport Management LLC <i>(from Osram Sylvania Products, Inc.)</i>	Cessation of manufacturing operations in north “old” section of building. Ownership transitioned property management to leasing. Commercial bus companies have occupied office, training and maintenance space in the north (“old”) portion of the building. A wood product finishing and distribution company leases the south (“new”) section of the building. No PCE-related impacts have been found in and around the “new” (south) building section.
17 October 2019	210 Charles Street, LLC <i>(from Westport Management LLC)</i> 201 Charles Street, LLC <i>(from Nonexistent corporation)</i> 210 Charles Street LLC	

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 10

### **1984 – 2005: Osram Corporation / Osram Sylvania**

Osram purchased the property from J. Sklar Mfg. Co., Inc. in 1984. Osram, and later Osram-Sylvania (following the merger of these companies) was a leading U.S. manufacturer of light bulbs. According to interviews with local (Maybrook) authorities, Osram-Sylvania manufactured, warehoused and distributed light bulbs from the Site. Osram-Sylvania's operations reportedly involved soldering / welding of light-bulb components. Reportedly, Osram-Sylvania did not conduct vapor degreasing or otherwise use large quantities of solvents such as PCE. Based on all available information, it is unlikely that Osram-Sylvania's operations were responsible for the documented PCE contamination. However, fluorescent bulbs typically contained mercury during the time period of their historical operations at the Site. Accordingly, mercury, cadmium and lead will be added as analytical parameters for future sampling activities.

### **1956 – 1984: J. Sklar Mfg. Co., Inc. / Balke Products, Inc. / 3460 Jerome Ave. Realty Corp.**

From 1956 to 1984, the property was owned interchangeably by three corporate entities: 3460 Jerome Ave. Realty Corp., Balke Products Inc. and J. Sklar Mfg. Co., Inc. 3460 Jerome Ave. Realty Corp. appears to have been a real-estate holding company owned by John Sklar. The operating "entity" at the site dating to the 1950s appears to have been Balke Products, Inc. The nature of the relationship between J. Sklar Mfg. and Balke Products is unclear; however it is likely that they were formally connected, e.g., either via joint ownership or a joint venture.

Historical records document that J. Sklar Mfg. Co., Inc. and Balke Products, Inc. both manufactured surgical-steel tools and instruments. Historical operations included hammerboard drop-forging of steel tools and metal-finishing operations. Excerpts from historical records obtained on-line concerning these companies are included in Appendix E (RIR, August 2020). J. Sklar Mfg. was originally based in Brooklyn, NY dating to the late 1800s and later re-located to Long Island City, NY. J. Sklar Mfg. operations were self-reported as including "...a plating and polishing department, a brass machine shop and a spinning and stamping department..." (Appendix E).

Limited historical information was found on-line concerning Balke Products, Inc. Nonetheless, a joint-military-service report produced by officers on the subject of the domestic production of medical/surgical supplies (COL. John J. Cuddy, USA et al.; 1987), lists Balke Products as a major producer of "*forged surgical/dental instrument(s)*" (Appendix E). (Noteworthy is that J. Sklar Mfg. is also listed in this report). Apparently unknown to the officers at the time their report (1987), both Balke and J. Sklar Mfg. had ceased business operations and no longer manufactured surgical/dental tools in the United States. In addition, a job announcement placed in Chester, PA newspaper by Balke in 1960 states "*FORGER — Must have experience In drop hammerboard forging — good working conditions...*".

Our research concerning historical drop-forging of steel tools indicates that vapor degreasing was a standard procedure following the forging process. PCE would have been the ideal solvent for vapor degreasing of forged surgical-steel instruments, given that (i) PCE is inflammable, (ii) PCE has no known

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 11

auto-ignition temperature and (iii) PCE has the highest boiling point of the common (historical) solvents used in vapor degreasing. According to the industry reference “ASTM Manual on Vapor Degreasing, Third Edition,” published in 1989, the above-referenced properties of PCE enable the deposition of a higher amount of vaporized solvent on forged steel instruments at higher temperatures, enhancing the removal of cutting / stamping oils from the forging process.

### **Discussion: Historical Site Operations and Associated Environmental Concerns**

Based on all available information collected to date, the PCE contamination of soil and groundwater documented at the subject Site almost certainly resulted from historical operations of Balke Products, Inc. / J. Sklar Mfg. Co. prior to 1980, when Balke Products ceased operations. Figure 143 illustrates the identified areas of concern (AOCs) associated with the historical Site operations associated with Balke Products, Inc. / J. Sklar Mfg. Co.

The northeast section of the overall building complex is itself a discrete structure built with an exceptionally thick concrete foundation (Figure 143). According to local officials (e.g., Matt Thorpe, DPW Supervisor), this building was the ‘*forging / stamping building*’ and these operations ‘*could be heard throughout the village (of Maybrook).*’ The forging building was clearly built to withstand and isolate the vibration stresses from metal forging/stamping consistent with “industry” publications indicating that a separate / distinct manufacturing area was common for drop-forging operations.

Interviews with local residents and Maybrook officials indicate that the raised concrete platform illustrated in Figure 143 was used for solvent storage. The face of the “old” (Balke) building adjacent to the former solvent-storage area has a long row of cantilevered windows, ostensibly for ventilation of the vapor-degreasing operations area. An asphalt patch indicative of a former excavation (date unknown) was discovered this past year and appears to be the source-area of the PCE release as inferred from PCE isopleth maps prepared by Mid-Hudson Geosciences (Appendix E). A recent GPR survey confirmed the presence of an old excavation beneath the asphalt patch with an estimated depth of 7-8 feet below grade. No indications of piping leading to the excavation were identified. It is unclear as to whether the excavation area formerly contained a waste-solvent tank or dry well. It is possible that there was piping and that it was removed; alternatively, waste solvents may have been transferred to such a structure manually.

The deeds and property transfer history indicate that there was a continuous relationship between these two companies. The records do indicate that Balke Products, Inc. was dissolved on December 11, 1981 with all assets going to J. Sklar Manufacturing Co., Inc. Sklar Surgical Instruments still exists at 1333 Lenape Road, West Chester, PA 19382 with telephone (610) 430-3200. Their website states the company was founded in 1969. That company purchases instruments from all over the world and sells them all over the world.

**Site Geology and Hydrogeology** A conceptual model of the hydrogeology of the area was developed. Based on water level measurements, a water table and direction of groundwater flow map was prepared based on elevation of the water table on April 5, 2016 (Figure 421). The groundwater flows from the

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 12

northwest under the building and tends to change direction and flow more to the east near the edge of the parking lot by the southeast side of the building. The lithologic logs from soil borings and monitoring wells were studied and correlated and a fence diagram (Figure 422) was constructed to display the near surface silt beds, the underlying and sometimes interbedded shale fragments, solid bedrock, and saturated zones. A contour map was drawn to show the depth to top of bedrock measured from the essentially flat parking lot surface (Figure 423). The top of bedrock forms a trough subparallel to the edge of the building and the railroad tracks. The depth to water is about 10 feet below grade and the yellow color shows where the water fills the trough. The arrows show the direction of groundwater flow where it is intercepted by the trough.

### **Environmental Assessment**

Based upon investigations to date, the primary contaminants of concern for the site include the chlorinated solvent tetrachloroethylene aka tetrachloroethene or PCE. Other chlorinated solvents are detected but at much lower levels in soil, groundwater, and sub-slab soil vapor.

**Soil** - PCE in the soil was discovered as part of the phase II investigation (January 2016) and confirmed with additional soil borings (March 2016). Maps of both soil sampling events show a similar spatial distribution in near circular plumes under the pavement between the southeast side of the building and the railroad track (Figure 521 and Figure 522). However, the concentrations reported for the March sampling event are at least one order of magnitude higher than the previous event. Also some low detections of PCE were reported on the northwestern (upgradient) side of the building. In any event, PCE in soil is not of great concern at this site because the concentrations measured are all below the Part 375 Soil Cleanup Objective for Industrial sites.

**Groundwater** – PCE and minor amounts of its associated breakdown products are observed in the groundwater where groundwater is found at about 10 feet below the pavement surface in a trough subparallel to the southeast side of the building and the railroad track. The groundwater plume is similar in shape to the area PCE contamination in soil, except that the groundwater flows northeast under the pavement. After chemical oxidation treatment there are very few degradation products, such as TCE, cis-1,2DCE, 1,1,-TCA, and vinyl chloride. In fact no vinyl chloride was detected in groundwater sampling for VOCs. It is possible the volume of liquid oxidation treatment has driven the plume farther to the northeast. Currently (May 2020), the water quality parameters of the groundwater in the plume area have been changed to anaerobic conditions with the introduction of Sodium Lactate. Dissolved oxygen, pH, and redox conditions are within optimal ranges for the introduction of the bacterial inoculum.

**Soil Vapor and Indoor Air** - The maximum Phase II indoor air measurements  $42.6 \mu\text{g}/\text{m}^3$  (January 2016) and the most recent indoor air measurements  $67.5 \mu\text{g}/\text{m}^3$  (November 2019) are of the same order of magnitude. The sub-slab soil vapor concentration PCE was  $39,000 \mu\text{g}/\text{m}^3$  (March 2016) and has diminished to  $10,900 \mu\text{g}/\text{m}^3$  (November 2019) by treatment with a poorly designed passive soil vapor extraction system.

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 13

### Part B, Page 5, Section VI, Current Property Ownership/Operator Info

- List of Previous Property Owners

Westport Management, LLC purchased the property in September 2005 from Osram Sylvania and it was transferred to 201 Charles Street in 2019, under same owner. Therefore, Westport Management, LLC and 201 Charles Street LLC were essentially the same ownership.

Osram Sylvania Products, Inc. owned property from 1984 to 2005

Relationship to current owner: None.

Current contact info:

200 Ballardsville ST  
Wilmington , MA 01887

Balke Products and J Sklar Manufacturing owned the property through several transfers, 1956 to 1984

Relationship to current owner: None.

Current contact info;

Michael Malinowski, COO  
Sklar Purchasing Corporation (Successor to J. Sklar Manufacturing )  
889 South Mattlock Street  
West Chester, PA 10382

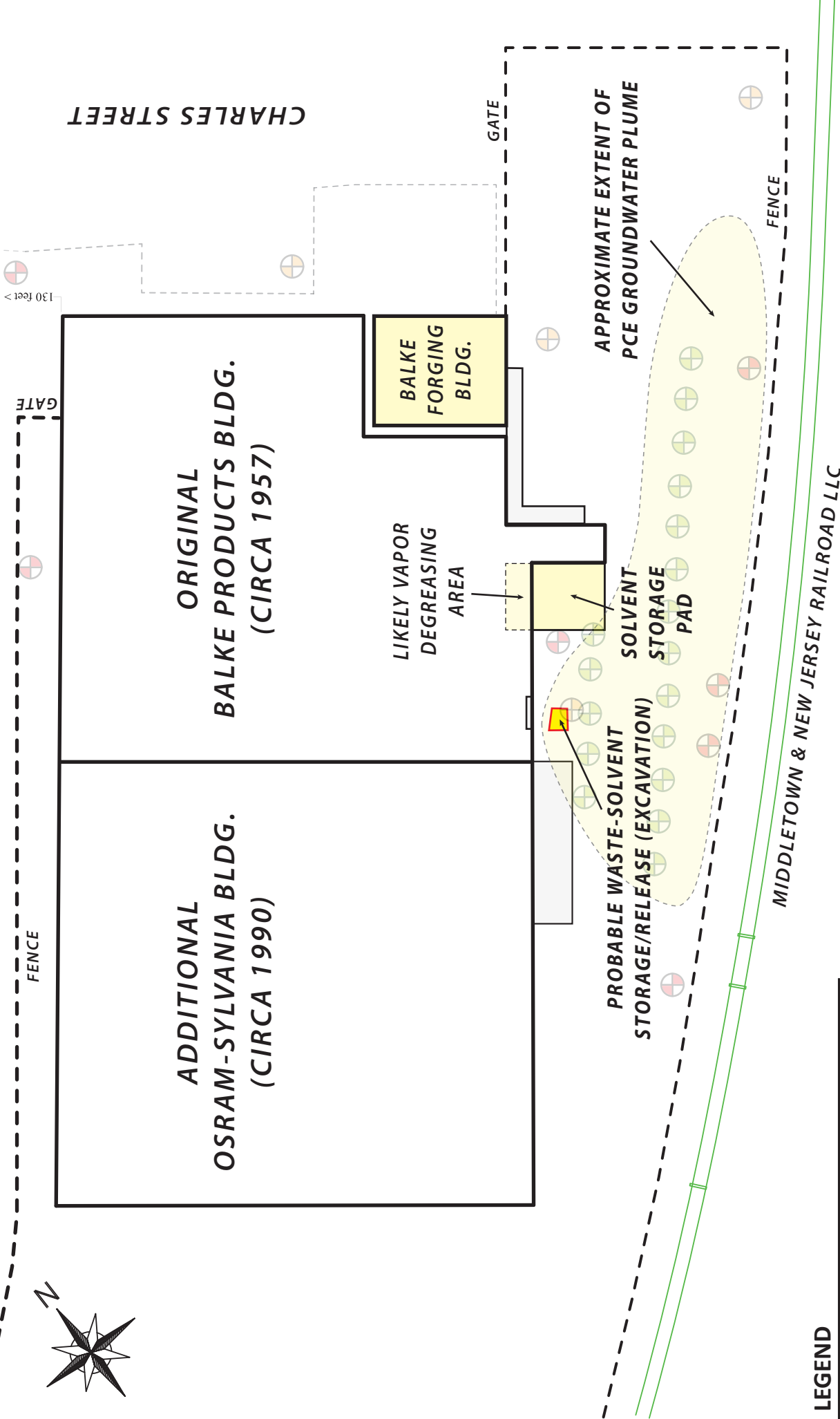
- Requestor is 201 Charles Street LLC and owner is identified in Part A, page 1, Section I.

### Part B, Page 6, Section VII ✓ Volunteer






Westport, LLC purchased the 53,000 square foot building and associated parking lots at 201 Charles Street, Maybrook, NY from Osram-Sylvania with no knowledge of the presence of Chlorinated solvents in soil, groundwater, sub-slab soil vapor, and ambient air associated with the northern half of the building and the parking lot between southeast side of the building and the railroad track to the east.. Based on recent investigation the PCE was very likely associated with the vapor degreasing of drop forged surgical instruments by the Balke and Sklar manufacturing at the facility from 1957 through 1984.

As a warehouse and bus facility under Westport and 201 Charles Street ownership, no PCE was ever brought to or used at the site. There is no evidence that Osram-Sylvania ever used PCE.

The presence of PCE was discovered during Phase I and Phase II studies for a potential property transfer. With that information, William L. Going and Associates, Inc. was hired to report the spill to DEC and Region 3 requested sampling, remediation, and status reporting. In retrospect, the use of the Regenisix product Persulfox® should have been an Interim Remedial Measure or not a remedy at all because PCE is a noninflammable or a non-oxidizable substance. After treatment, PCE and other chlorinated solvents are still present in the groundwater. Enhanced Bioremediation will be a much more effective treatment and drinking water standards are likely attainable. The groundwater environment has been treated with sodium lactate to change groundwater condition from aerobic to anaerobic.

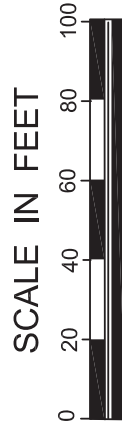


**LEGEND**

-  Areas of Concern (AOCs) Based on Historical Manufacturing Operations
-  Probable Solvent Release Area (Excavation)
-  Groundwater Remediation Well (2")
-  Overburden Monitoring Well (MW; 2")
-  Proposed Add. Boring / Overburden MW (2")

**MAP REFERENCES (See Appendix 1):**

1. Sample location, isopleth and remediation figures prepared by Mid-Hudson Geosciences (Katherine J. Beinkafner, Ph.D)
2. Site surveys / CAD maps prepared by T.M. Dupuy Engineering & Land Surveying P.C.



**Figure 143**

PROJECT #	AE-20-006C
DATE:	8/24/20

DRAWN BY:	ECH
CHECKED BY:	KJB

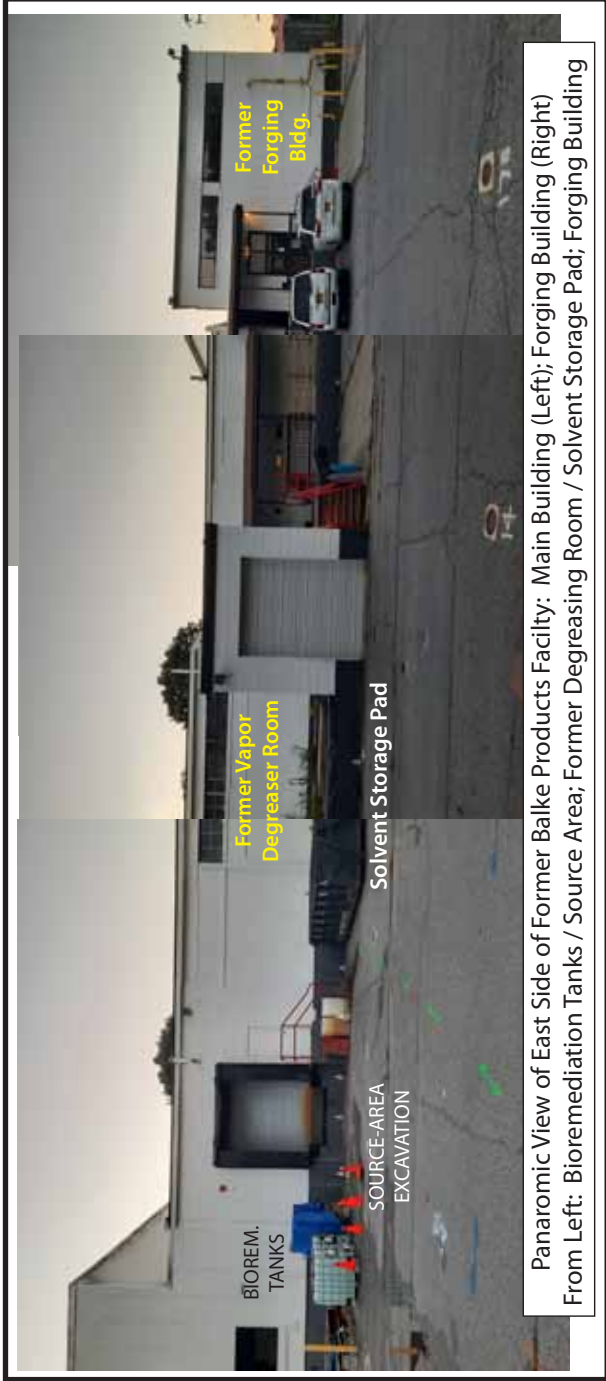
ANAEROBIX ENVIRONMENTAL LLC  
P.O. BOX 13  
WASHINGTONVILLE, NY 10992

**HISTORICAL AREA OF CONCERN (AOC) PLAN**

Former Manufacturing Site  
201 Charles Street  
Maybrook, NY 12543

**FIGURE #**  
**AOC**

Figure 144





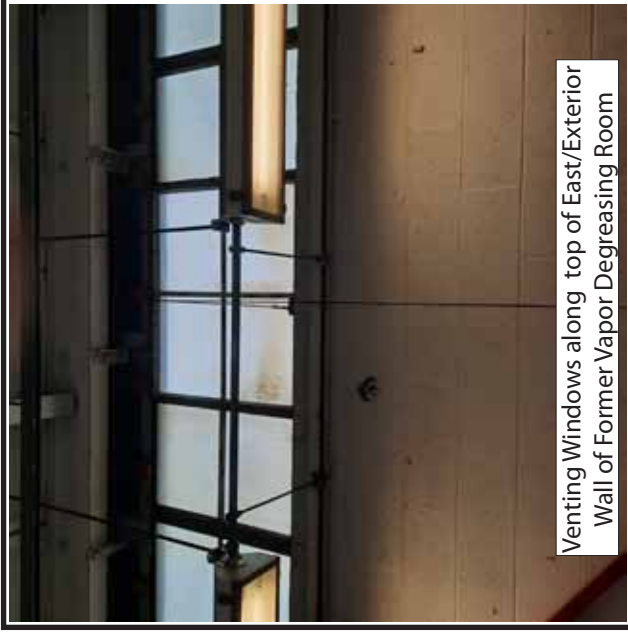


Former Vapor-Degreasing Room Looking N



Figure 145

Former Vapor Degreasing Room Looking South



Venting Windows along top of East/Exterior Wall of Former Vapor Degreasing Room



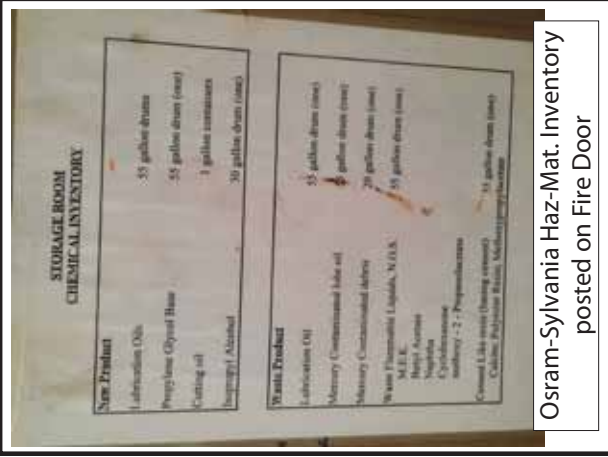
Fire-Safety Switch  
Former Degreaser Room



Fire-Safety Door to Former Vapor-Degreaser Room;  
SSVE Port (Left Foreground)



Fire Door to Vapor Degreaser Room



Osram-Sylvania Haz-Mat. Inventory  
posted on Fire Door

## ATTACHMENTS

Brownfields Application for Site: 201 Charles Street LLC, March 22, 2021, page 14

The pH, Oxidation Reduction Potential, and dissolved oxygen parameters are already very close to optimum treatment conditions for injection of the *dehalocoides* bacteria inoculum.

Part B, Page 7, Section VII, Requestor Eligibility Information, Proof of Site Access sufficient to complete remediation:

Part B, Page 7, Section IX, Contact List Information

Part B, Page 7, Section IX, Document Repository email from Thrall Library Middletown, NY during COVID.

Part B, Page 8, Section X, Land Use Factors, 2 Current Use

- Attach a summary of current business operations or uses, with emphasis on identifying possible contamination source areas. If operations have ceased, provide the date.

Since purchased from Osram Sylvania in 2005, Westport, LLC and its successor 201 Charles Street LLC site usage has included vehicle (bus) showroom, storage, renovations, preparation for sales, and minor repairs. Also carpentry construction is occurring in the southern part of the building. These uses have not involved PCE or any other chlorinated solvents. As stated above, the consultant team believes that Balke Products and J Sklar Manufacturing used PCE as a vapor degreasing agent for their surgical instrument manufacturing from 1957 to 1984.

Part B, Page 8, Section X, Land Use Factors, 3. Reasonable anticipated use Post Remediation

- Attach a statement detailing the specific proposed use.

Current usage includes carpentry construction in the south half of the building and pet food distribution in the north half. The school buses are gone. A change in use of the 53,000 square foot building is not anticipated beyond the wide range of warehouse and production uses that would be envisioned for the large open space of the building interior. The extensive large, well-drained parking areas are attractive to potential renters in need of flat outdoor, gated “parking space.”

Part B, Page 9, Section XI, Statement of Certification and Signatures

- Submittal Information, the original signature page was included in the original submission in January 2021. The signature page in the printed and pdf copies of the application in this submittal are copies.

Note: Original page has “original” hand-printed on the back of the page.

Harry Lipstein, Authorized Representative  
201 Charles Street LLC  
33 South Plank Road  
Newburgh, NY 12550  
Telephone: (845) 569-0377  
Fax: (845) 569-0372  
Email: Lipstein1@gmail.com

Katherine J Beinkafner, Ph.D.  
NYS Professional Geologist #1176  
Mid-Hudson Geosciences  
1003 Route 44/55, PO Box 32  
Clintondale, NY 12515-0032

**RE: Site access sufficient to complete the remediation and plan an environmental easement on the area to complete the brownfield application, in section VII request your eligibility information, page 7**

As Authorized Representative of 201 Charles Street LLC, for the Brownfields program application to NYS DEC, I Harry Lipstein provide the following.

This letter shall grant Mid-Hudson Geosciences, contractors, consultants, and DEC personnel access to the site Section-Block-Lot 112-5-5.22 for conducting remedial and environmental operations from now until remedial actions are completed. It is understood that as a requirement for the certificate of completion, an environmental easement will be required and review for approval at that time period I agree that the easement will be on the parcel identified by Section-Block-Lot 112-5-5.22

Yours truly,



Harry Lipstein

201 Charles Street LLC

Revised Attachment 4 - Excel Mailing List Template (Site Contact List)

Spill #: 336094  
 Site Name: 201 Charles Street LLC, Maybrook, NY  
 List Last Updated: 05/11/20

Current Occupant	Name, Title	Address 1	Address 2	Address 3	Street Address	City	State	Zip	Site Name (County)
	Karl F & Irma Heller				105 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Clifford Blackburn				6 King Rd	Red Hook	NY	12571-	201 Charles Street LLC, Maybrook (Orange)
	Middletown & NJ Railroad LLC				505 South Broad St	Kennett Square	PA	19348-	201 Charles Street LLC, Maybrook (Orange)
	Village of Maybrook				111 Schipps Ln	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Heien Sparks				124 N Montgomery St	Walden	NY	12586-	201 Charles Street LLC, Maybrook (Orange)
	Federal National Mfrtg Assoc				112 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Gray Rock Properties LLC				8950 Cynosurus Waters Blvd	Coppell	TX	75019-	201 Charles Street LLC, Maybrook (Orange)
	Maybrook Fire District				110 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Joann F & Richard G Golden				14150 Route 31	Savannah	NY	13146-	201 Charles Street LLC, Maybrook (Orange)
	Susan F & Ronald Lepski				204 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Deborah & Mariusz Engelsman				208 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Rosalia G & Sabato Vivenzio				210 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Michael Mia				3438 Route 298	Campbell Hall	NY	10916-	201 Charles Street LLC, Maybrook (Orange)
	Arnold & Edward Zwart				204 Main St	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Bedrock Excavating Corp				6 Americanan Blvd	Hopewell Jct	NY	12533-	201 Charles Street LLC, Maybrook (Orange)
	Patrick J McMeel				206-208 Main St	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	William J Schomiers				208 Main St Apt A	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Nellai's Nest North Corp				210 Main St	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Walter C Decker, Jr				110-112 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	William Hennessy				102 Homestead Avw	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Frontier Communications				104 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Solo Lobo Ent. Inc				106 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Frontier Communications				1430 Route 300	Newburgh	NY	12550-	201 Charles Street LLC, Maybrook (Orange)
	Frontier Communications				108 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Maybrook Fire District				127 Seven Springs Rd	Highland Mills	NY	10930-	201 Charles Street LLC, Maybrook (Orange)
	Kathleen & Frank T Giannico				214 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	204 Homestead Ave LLC				8 Barley Hill Rd	Montgomery	NY	12549-	201 Charles Street LLC, Maybrook (Orange)
	James D Turner, Jr				110 Main St	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Mayor, Dennis K. Leahy				P.O. Box 2829	Addison	TX	75001-	201 Charles Street LLC, Maybrook (Orange)
	Deputy Mayor, Robert Pritchard				110 Covey Ct	New Bern	NC	28560-	201 Charles Street LLC, Maybrook (Orange)
	DPW Supt. Matthew Thorp				114 Main St	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Bldg Inspector Tim Ippolito				P.O. Box 2629	Addison	TX	75001-	201 Charles Street LLC, Maybrook (Orange)
	George C Bullis Memorial Library				4 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Middletown Thrall Library				204 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Emergency Services Center				303 Wallace Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	County Executive Stephen M. Neuhaus				202 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Town Supervisor				99 Clinton st 2nd Flr	Montgomery	NY	12549-	201 Charles Street LLC, Maybrook (Orange)
	Planning Board Chair				204 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Highway Superintendent				28 Noelle Dr	Walden	NY	12586-	201 Charles Street LLC, Maybrook (Orange)
	Times Herald Record				212 Homestead Ave	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Katherine J. Beinafner, Ph.D.				111 Schipps Lane	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	201 Charles Street LLC				111 Schipps Lane	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
	Iolanda G Jansen, P.E.				101 Main Street	Maybrook	NY	12543-	201 Charles Street LLC, Maybrook (Orange)
					11-19 Depot St	Middletown	NY	10940-	201 Charles Street LLC, Maybrook (Orange)
					22 Wells Farm road	Goshen	NY	10924-	201 Charles Street LLC, Maybrook (Orange)
					255 Main Street	Goshen	NY	10924-	201 Charles Street LLC, Maybrook (Orange)
					110 Bracken Rd	Montgomery	NY	12549-	201 Charles Street LLC, Maybrook (Orange)
					110 Bracken Rd	Montgomery	NY	12549-	201 Charles Street LLC, Maybrook (Orange)
					110 Bracken Rd	Montgomery	NY	12549-	201 Charles Street LLC, Maybrook (Orange)
					PO Box 2046	Middletown	NY	10940-	201 Charles Street LLC, Maybrook (Orange)
					1003 Rt 44/55	Clintondale	NY	12515-	201 Charles Street LLC, Maybrook (Orange)
					72 Colburn Drive	Newburgh	NY	12550-	201 Charles Street LLC, Maybrook (Orange)
						Poughkeepsie	NY	12603-	201 Charles Street LLC, Maybrook (Orange)

**rockdoctor@optonline.net**

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**From:** Mary Flannery Climes - MID <mclimes@rcls.org>  
**Sent:** Thursday, October 1, 2020 5:28 PM  
**To:** rockdoctor@optonline.net  
**Subject:** Middletown Thrall Library as a Depository

To whom it may concern:

Middletown Thrall Library in Middletown, NY is willing to be the depository for the public participation and comments on documents for cleanup of contaminated sites including but not restricted to Brownfield ID 336094, namely 201 Charles St, LLC.

If you have any concerns, please feel free to contact me.

Mary Flannery Climes  
Middletown Thrall Library  
11-19 Depot Street  
Middletown, NY 10940  
[www.thrall.org](http://www.thrall.org)