New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting
Commissioner

RECEIVED
MAR - 3 2005
Remedial Bureau C
Division of Environmental Remediation

MEMORANDUM

TO: See Distribution List

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

SUBJECT: Brownfield Cleanup Program Application
Former Empire State Chair Factory, C344062

DATE: MAR - 2 2005

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

The Time and Activity Code for the subject site is: N788 (On-Site); N789 (Off-Site)

Attachment(s)

Distribution
Original (with all attachments) to:
Michael Ryan, NYSDEC - DER Remedial Bureau C
Copy (with all attachments) to:
Gary Litwin, NYSDOH - DEHI Bureau of Environmental Exposure Investigation
Robert Schick, NYSDEC - DER Remedial Bureau C
Denise D'Ambrosio, NYSDEC - DEE Region 3
Anne Hohenstein, NYSOSC
Copy (without attachments) to:
Anthony Quartararo, NYSDEC - DEE Superfund and Voluntary Cleanup Bureau
Christina Dowd, NYSDEC - DFWMR Bureau of Habitat
Ram Pergadia, NYSDEC Region 3

New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us

Denise M. Sheehan
Acting
Commissioner

MAR - 1 2005

Mr. Andrew Maniglia
Ginsburg Development, LLC
245 Saw Mill River Road
Hawthorne, NY 10532

Re: Brownfield Cleanup Application
Former Empire State Chair Factory
BCP #: C344062

Dear Mr. Maniglia:

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

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

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the applicant you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide a legal notice for the newspaper of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than March 9, 2005. Additionally, all of the above-mentioned mailings should be completed no later than March 8, 2005. To the extent that the mailings and publications are not

completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty-day notice requirement running from the latest of the mailings or publication.

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

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

The Department will make every effort to determine your eligibility and status under the BCP by April 15, 2005. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,



Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

ec: w/enc.:
M. Ryan
M. Rivara, NYSDOH
R. Pergadia
A. Quartararo
B. Kanner

w/o enc.:
S. Bolesky

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

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

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

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

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

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

Instructions to Newspapers Regarding Printing the Public Notice

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

Instructions to Individuals Receiving the Public Notice

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

New York State Brownfield Cleanup Program
Notice of Application to Participate

Applicant: Harbors Haverstraw, LLC
Site Name: Former Empire State Chair Factory
Site Number: C344062
Site Address: 30 Liberty Street, Haverstraw, NY 10927
Site County: Rockland

The New York State Department of Environmental Conservation (Department) administers the Brownfield Cleanup Program. The Brownfield Cleanup Program is designed to encourage the remediation of contaminated properties known as brownfields for reuse and redevelopment. The Applicant identified above has submitted an application to participate in the Brownfield Cleanup Program. The application was determined to be complete by the Department and is currently under review for eligibility. The property described in the application is identified by the Site Name and Site Number identified above and is located at the address above. The application proposes that the Applicant will conduct investigation and/or remedial activities at the site, to allow for residential and commercial use of the site.

The Department will accept public comments concerning the application, as well as, the Phase I Environmental Assessment Report for thirty days from March 9, 2005 through April 8, 2005. After review of the application and any public comments received, the Department will determine whether to accept the Applicant's request to participate in the Brownfield Cleanup Program. If the Department accepts the Applicant's request to participate, it will execute a Brownfield Cleanup Agreement (BCA) with the Applicant. By executing a BCA, the Applicant would commit to undertake the project under the Department's oversight. The Department will require the Applicant to inform and involve the public during this process. A copy of the application and other relevant documents are available in the document repository for this site located at King's Daughter Village Library, 85 Main Street, Haverstraw, NY 10927.

The documents in the repository have not been reviewed by Department staff prior to their release for public comment. The Department, in conjunction with the New York State Department of Health, will review these documents during the public comment period.

The public is encouraged to offer comments in writing and refer questions to the Department representative identified below.

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

The Department's web site provides additional information about the Brownfield Cleanup Program at: www.dec.state.ny.us/website/der/bcp.

Former Empire State Chair Factory
BCP ID C344062

CERTIFICATION OF MAILING

I certify that I mailed on _____ a copy of the attached _____ by first class mail upon the person(s) on the attached mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in the Post Office box at

_____ in the City of _____, New York, which box is under the exclusive care and custody of the United States Post Office Department:

_____ _____

Signature Date

C 344062

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27, TITLE 14

9/3/04

Applicant Information

NAME Harbors Haverstraw, LLC		
ADDRESS 245 Saw Mill River Road		
CITY/TOWN Hawthorne	ZIP CODE 10532	
PHONE 914-747-3600 ext. 3070	FAX 914-742-5006	E-MAIL amaniglia@ginsburg.nu
NAME OF APPLICANT'S REPRESENTATIVE Andrew Maniglia		
ADDRESS 245 Saw Mill River Road		
CITY/TOWN Hawthorne	ZIP CODE 10532	
PHONE 914-747-3600 ext. 3070	FAX 914-742-5006	E-MAIL amaniglia@ginsburg.nu

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

☐ PARTICIPANT

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

☑ VOLUNTEER

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

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

Applicant Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☑ Potential /Future Purchaser ☐ Other_____

Current Owner/Operator Information

OWNER'S NAME (if different from applicant) Ray River Co., Inc. and the Estate of Andrew Kanner (contact Bruce Kanner)		
ADDRESS [for Mr. Kanner] 1940 Commerce Street, Apt 304A		
CITY/TOWN Yorktown Heights	ZIP CODE 10598	
PHONE	FAX	E-MAIL
OPERATOR'S NAME (if different from applicant) Not applicable (Site is abandoned property)		
ADDRESS		
CITY/TOWN	ZIP CODE	
PHONE	FAX	E-MAIL

Site Information

SITE NAME Former Empire State Chair Factory

SITE ADDRESS 30 Liberty Street CITY/TOWN Haverstraw ZIP CODE 10927

COUNTY Rockland | SITE SIZE (ACRES) 9.7 acres (7.0 acres on land, 2.7 acres water)

LATITUDE (degrees/minutes/seconds) 41 ° 11 ' 48.1" | LONGITUDE (degrees/minutes/seconds) 73 ° 57 ' 38.9 "

PLEASE ATTACH A COUNTY TAX MAP WITH IDENTIFIER NUMBERS, ALONG WITH ANY FIGURES NEEDED TO SHOW THE LOCATION AND BOUNDARIES OF THE SITE. ALSO INCLUDE A USGS 7.5 MINUTE QUAD MAP IN WHICH THE SITE IS LOCATED.

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS? ☑ YES ☐ NO
   IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE.
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____ ☐ YES ☑ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6)? FOR MORE INFORMATION GO TO: http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp ☑ YES ☐ NO

   IF YES, IDENTIFY AREA (NAME) Haverstraw Village (010703)

Applicant Eligibility Information (Please refer to ECL § 27-1407)

1. ARE ANY ENFORCEMENT ACTIONS PENDING AGAINST THE APPLICANT REGARDING THIS SITE? ☐ YES ☑ NO
2. IS THE APPLICANT SUBJECT TO AN OUTSTANDING CLAIM BY THE SPILL FUND FOR THIS SITE? ☐ YES ☑ NO
3. HAS THE APPLICANT VIOLATED ANY PROVISION OF ECL ARTICLE 27? ☐ YES ☑ NO
4. HAS THE APPLICANT BEEN PREVIOUSLY DENIED ENTRY TO THE BCP? ☐ YES ☑ NO
5. HAS THE APPLICANT COMMITTED A NEGLIGENT OR INTENTIONALLY TORTIOUS ACT REGARDING HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☑ NO
6. HAS THE APPLICANT BEEN CONVICTED OF A CRIMINAL OFFENSE THAT INVOLVES A VIOLENT FELONY, FRAUD, BRIBERY, PERJURY, THEFT, OR OFFENSE AGAINST PUBLIC ADMINISTRATION? ☐ YES ☑ NO
7. HAS THE APPLICANT KNOWINGLY FALSIFIED STATEMENTS OR CONCEALED MATERIAL FACTS IN A MATTER RELATED TO THE DEPARTMENT? ☐ YES ☑ NO
8. HAS THE APPLICANT, BASED ON THE PROVISIONS OF ECL ARTICLE 27-1407 (OR A SIMILAR PROVISION OF FEDERAL OR STATE LAW), COMMITTED AN ACT OR FAILED TO ACT, AND SUCH ACT OR FAILURE TO ACT COULD BE THE BASIS FOR DENIAL OF A BCP APPLICATION? ☐ YES ☑ NO

Site Eligibility Information (Please refer to ECL § 27-1405)

1. DOES THE SITE MEET THE DEFINITION OF A BROWNFIELD SITE (REAL PROPERTY, THE REDEVELOPMENT OR REUSE OF WHICH MAY BE COMPLICATED BY THE PRESENCE OR POTENTIAL PRESENCE OF A HAZARDOUS WASTE, PETROLEUM, POLLUTANT, OR CONTAMINANT)? ☑ YES ☐ NO
2. IS THE SITE LISTED ON THE NATIONAL PRIORITIES LIST? ☐ YES ☑ NO
3. IS THE SITE LISTED ON THE NYS REGISTRY OF INACTIVE HAZARDOUS WASTE DISPOSAL SITES? ☐ YES ☑ NO
   IF YES, PLEASE PROVIDE: SITE #_____ CLASS # _____
4. IS THE SITE SUBJECT TO A PERMIT UNDER ECL ARTICLE 27, TITLE 9, OTHER THAN AN INTERIM STATUS FACILITY? ☐ YES ☑ NO
5. IS THE SITE SUBJECT TO A CLEANUP ORDER UNDER NAVIGATION LAW ARTICLE 12 OR ECL ARTICLE 17 TITLE 10? ☐ YES ☑ NO
6. IS THE SITE SUBJECT TO A STATE OR FEDERAL ENFORCEMENT ACTION RELATED TO HAZARDOUS WASTE OR PETROLEUM? ☐ YES ☑ NO

Project Description

PLEASE ATTACH A DESCRIPTION OF THE PROJECT WHICH INCLUDES THE FOLLOWING COMPONENTS:

- PURPOSE AND SCOPE OF THE PROJECT
- ESTIMATED PROJECT SCHEDULE

Site's Environmental History

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

1. **ENVIRONMENTAL DATA**
   A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.
   IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-1415(2):
   ☐YES ☐NO
2. **OWNERS**
   A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE").
3. **OPERATORS**
   A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE").

Contact List Information

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

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

Contaminant Information

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

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

*Please describe: _____

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

Current Use: ☐ Residential ☐ Commercial ☑ Industrial ☐ Other Site is an abandoned industrial property

Future Use: ☑ Residential ☑ Commercial ☐ Industrial ☐ Other _____

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.	Yes	No	Unknown
1.Do current historical and/or recent development patterns support the proposed use?	☑	☐	☐
2. Is the proposed use consistent with applicable zoning laws/maps?	☑	☐	☐

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

Statement of Certification

(By applicant who is an individual)
I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.
Date: _____ Signature: _____ Print Name: _____

(By an applicant other than an individual)
I certify that I am DIRECTOR (title) of HARBORS LLC (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 2/7/05 Signature: _____ Print Name: Andrew Maniglia

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

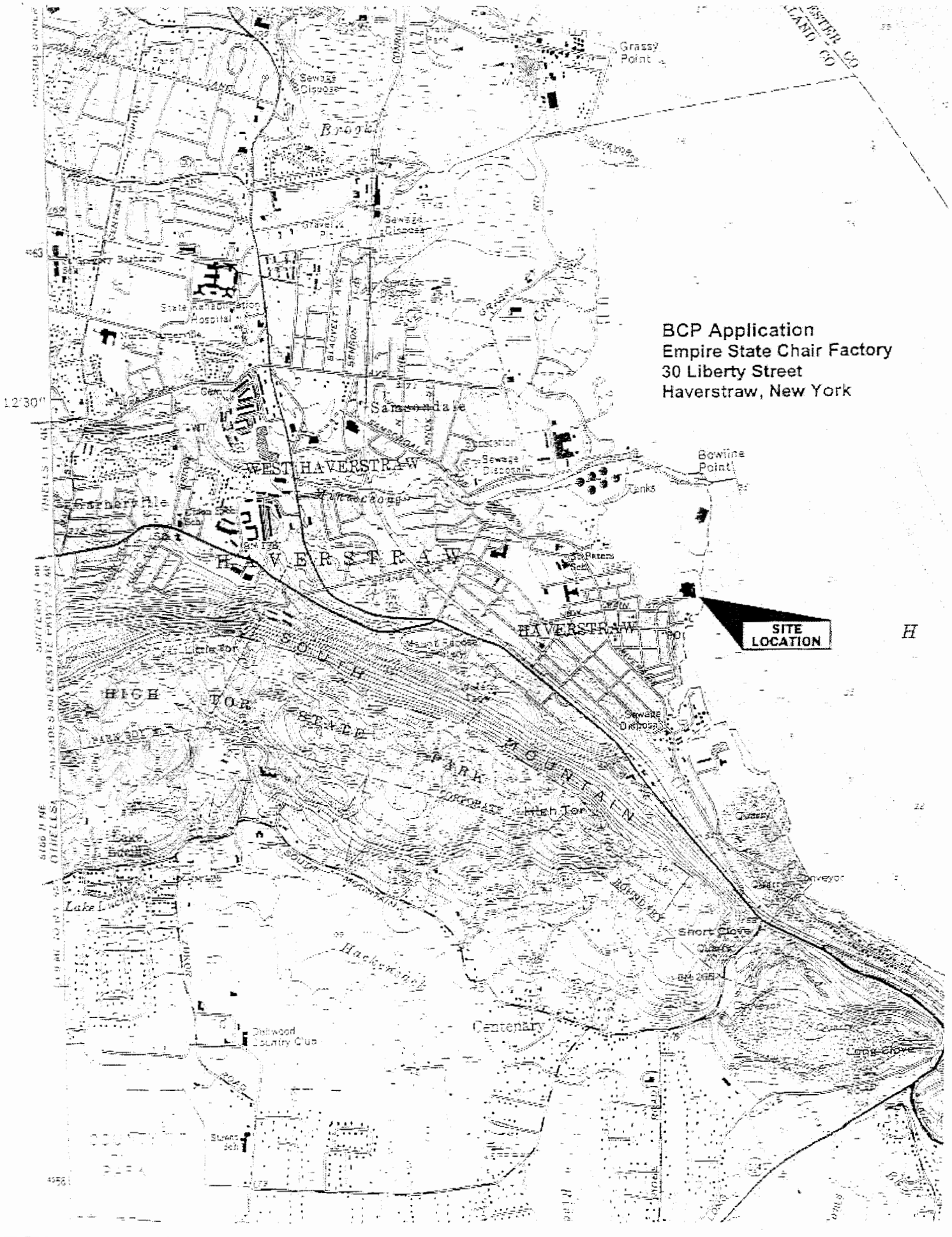
- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, must be sent to:

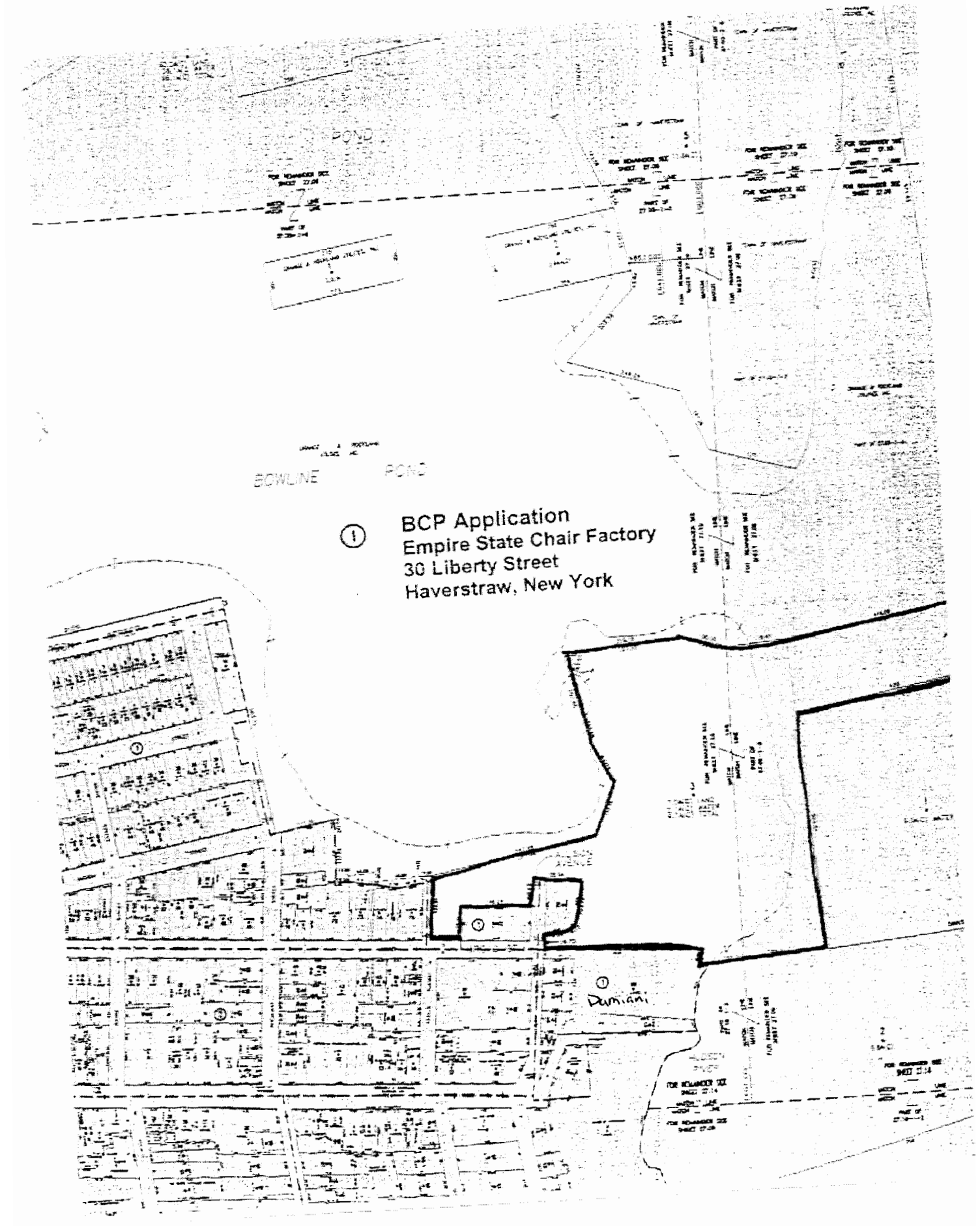
  Chief, Site Control Section
  New York State Department of Environmental Conservation
  Division of Environmental Remediation
  625 Broadway
  Albany, NY 12233-7020

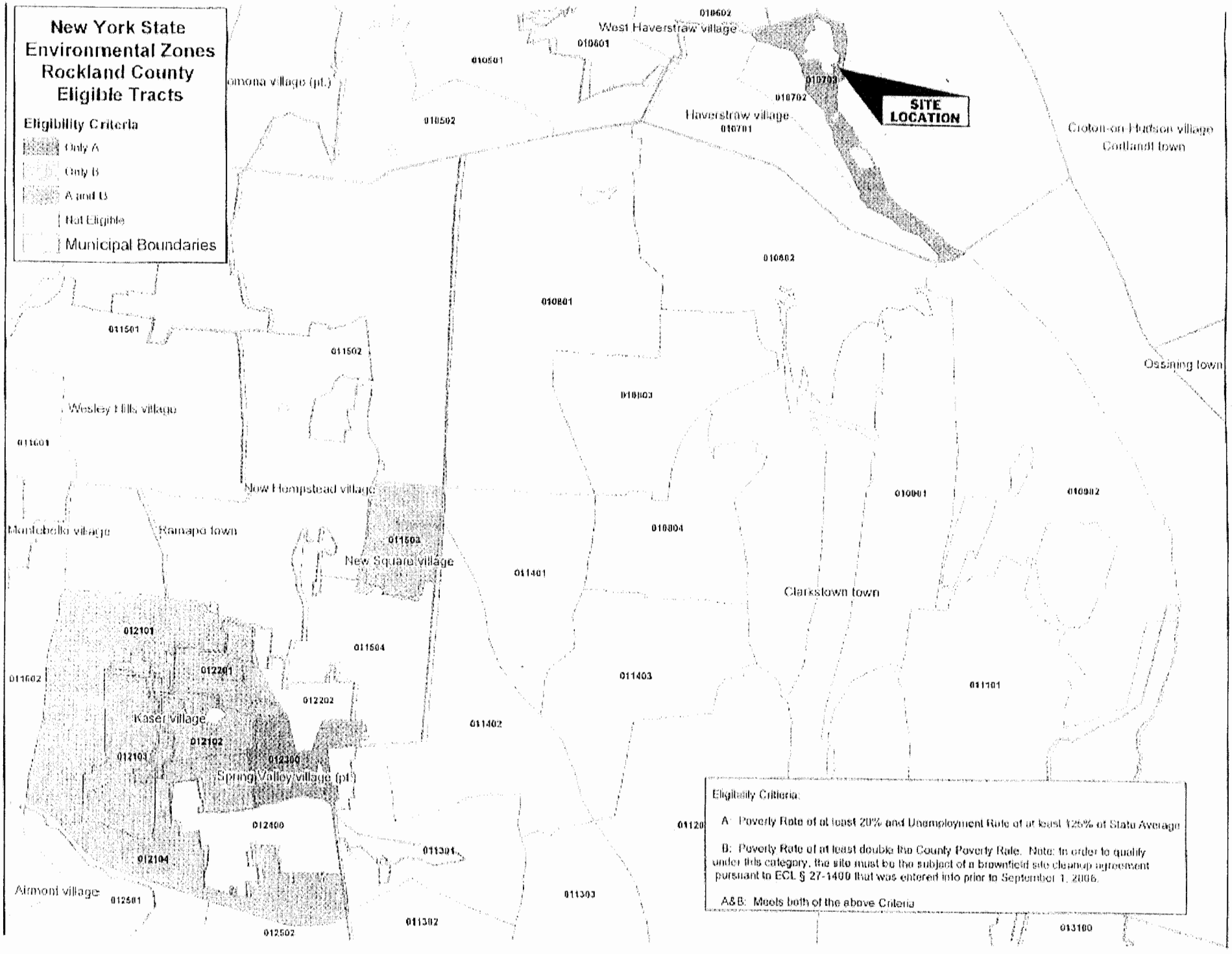
- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: http://www.dec.state.ny.us/website/der/index.html

FOR DEPARTMENT USE ONLY

BCP SITE NO:_____ **BCP SITE T&A CODE:**_____ **PROJECT MANAGER:**_____


BCP Application
Empire State Chair Factory
30 Liberty Street
Haverstraw, New York
SITE LOCATION
WEST HAVERSTRAW
HAVERSTRAW
Bowline Point
Grassy Point
Samsondale
Centenary
Sewage Disposal
Tanks
Gravel Pit
Short Clove
Long Clove
Oldwood Country Club
12'30"


POND
BOWLINE
POND
BCP Application
Empire State Chair Factory
30 Liberty Street
Haverstraw, New York
Dumiani


New York State
Environmental Zones
Rockland County
Eligible Tracts
Eligibility Criteria
Only A
Only B
A and B
Not Eligible
Municipal Boundaries
SITE LOCATION
West Haverstraw village
Haverstraw village
Ramapo village (pt.)
Croton-on-Hudson village
Cortlandt town
Wesley Hills village
New Hempstead village
Montebello village
Ramapo town
New Square village
Clarkstown town
Ossining town
Kaser village
Spring Valley village (pt.)
Airmont village
010602
010601
010501
010703
010702
010701
010502
010603
010801
011501
011502
010803
011601
010901
010902
010804
011503
011401
012101
011504
012201
011602
011403
011101
012202
011402
012102
012103
012300
012400
012104
011301
011303
012501
011302
012502
011200
013100
Eligibility Criteria:
A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average
B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2008.
A&B: Meets both of the above Criteria

Site Information

See attached USGS Topographic Map and Municipal Tax Map

Project Description

The Site is a portion of a large scale redevelopment of the Haverstraw waterfront, which involves both new construction (primarily for residential purposes) on abandoned industrial land and modification of existing facilities. The redevelopment of the waterfront will occur in three phases over a ten-year period.

Site's Environmental History: Environmental Data

The Site has been used as a brick manufacturing facility from the mid-1800s until the first half of the 1900s. Historic maps indicate that coal and other fuels were stored at the site and were used to heat large scale kilns. The Site was most recently used for the assembly and finishing of furniture until the 1990s. Lacquers and non-chlorinated solvents (e.g., toluene) are known to have been used on-site. Fires in the mid-1990s partially destroyed the structure and are believed to have involved combustion of on-site finishing materials. The Site contains a 2,000-gallon underground storage tank, which is not known to have been properly closed, and electrical transformers, which may contain PCBs.

Suspect contaminants include: *VOCs* from furniture finishing operations and PBS tanks; *SVOCs* from on-site industrial combustion sources and fuel storage; m*etals* from on-site painting, combustion sources, and other industrial activities; and *PCBs* potentially present in on-site transformers.

Please see the accompanying bound document, *Phase I Environmental Site Assessment, Damiani Property and Empire State Chair Factory Property, Village of Haverstraw, New York.* Note: this report includes an analysis of environmental conditions on the adjoining Damani property to the south, which is not part of the project site as described in this BCP Application.

Site's Environmental History: Owners/Operators

The last known operator of the Site was the Empire State Chair Company, which ceased operations in the mid 1990s, and whose principal, Andrew Kanner, is deceased. Prior use of the Site was for the manufacture of bricks; historic Site ownership is documented in the Phase I Environmental Site Assessment.

Contact List Information

1. Chief Executive Officer and Zoning Board Chairperson

Village of Haverstraw	Mayor Francis J. Wassmer, Jr. Village Hall 40 New Main Street Haverstraw, NY 10927	Ellen Horan, Zoning Board Chairperson Village Hall 40 New Main Street Haverstraw, NY 10927
Town of Haverstraw	Supervisor Howard T. Phillips, Jr. Town Hall One Rossman Road Garnerville, NY 10923	William Marcalisi, Zoning Board Chairperson Town Hall One Rossman Road Garnerville, NY 10923
Rockland County	C. Scott Vanderhoef, County Executive Office of the County Executive 11 New Hempstead Road New City, NY 10956	Jeffery Heny Planning Board Chairperson Office of the County Executive 11 New Hempstead Road New City, NY 10956

Contact List Information (continued)

2. Residents, Owners, and Occupants of the Site and Properties Adjacent to the Site

Site Owner	Estate of Andrew Kanner, c/o Bruce Kanner
Owner's Address	1940 Commerce Street, apartment 304A, Yorktown Heights, NY 10598
Site Occupants	None, the site is abandoned industrial land
Adjoining Property Address	8 Allison Avenue
Owner / Occupants	Owner: The Hughes Family Occupant(s): unknown
Owner's Address	88 Cairn Muir Lane, New City, NY 10956
Adjoining Property Address	9 Allison Avenue
Owner / Occupants	Owner: Eck-Lk LLC Occupant(s): unknown
Owner's Address	9 Pearlman Drive, Sping Valley, NY 10977
Adjoining Property Address	27A Broad Street
Owner / Occupants	Owner: Vargas Enterprises, Inc. Occupant(s): unknown
Owner's Address	27A Broad Street, Haverstraw, NY 10927
Adjoining Property Address	31 Broad Street
Owner / Occupants	Owner: Marcos Munoz Occupant(s): unknown
Owner's Address	31 Broad Street, Haverstraw, NY 10927
Adjoining Property Address	51 Broad Street
Owner / Occupants	Owner: Gary Tarzetta Smith Occupant(s): unknown
Owner's Address	51 Broad Street, Haverstraw, NY 10927
Adjoining Property Address	23-25 Liberty Street
Owner / Occupants	Owner: Dorothy White Occupant(s): unknown
Owner's Address	23-25 Liberty Street, Haverstraw, NY 10927
Adjoining Property Address	87 Main Street
Owner / Occupants	Owner: Thomas Damiani Occupant(s): None, vacant land
Owner's Address	1 Lisa Court, New City, NY 10956

3. Local News Media Serving the Site's Area

Newspaper: The Journal News, 200 N. Route 303, West Nyack, NY 10994
Radio Stations: WRKL, WRCR, WNYK
Television: KNTY Channel 78, Direct Broadcasting Inc.

4. Public Water Supplier Serving the Site's Area

United Water, 360 West Nyack Road, West Nyack, NY 10994, Phone: 845 620 3320

5. Persons Who Have Requested to be Placed on the Site Contact List

None, as of the date of this application.

6. Administrator(s) of Schools or Day Care Facilities Located on or Near the Site

No schools or daycare facilities are known to be located on or near the Site.

7. Document Repository Location

King's Daughter Village Library
85 Main Street, Haverstraw, NY 10927

Land Use Factors

13. Proximity to Real Property

The Site is located on a peninsula, at the foot of Liberty Street, and is bordered to the east by the Hudson River and to the north by Bowline Pond and a man-made channel connecting the pond to the Hudson River. The Damiani property (vacant industrial parcel) adjoins the Site to the south at the Hudson River. The remaining adjoining properties (located to the south and west along Broad and Liberty Streets and Allison Avenue) contain residential structures. Given the shape of the Chair Factory property, only the Damiani property is located adjacent to areas likely to subject to remedial activities.

The surrounding area to the west and south is generally residential with minimal commercial and institutional uses (e.g., library and park). Bowline Point Park and an electrical generating facility are located to the north of Bowline Pond.

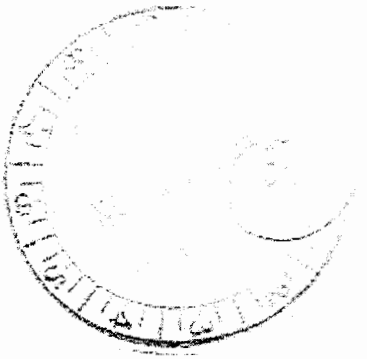
14. Potential Vulnerability of Groundwater to Contaminant Migration

The Site is located on a peninsula extending into the Hudson River. Groundwater is expected to be encountered at depths at or above the mean high-water elevation of the river, and to be directly influenced by river hydrology. No active water supply wells or groundwater recharge areas are believed to be located on or in the immediate vicinity of the Site. The location and topography of the Site indicate that impacts from the migration of contaminated groundwater (if any exists) would be limited to the Hudson River.

15. Site Geography and Geology

The Site is located on a peninsula extending into the Hudson River, and is surrounded by water to the east, north, and west. On-site soils are expected to consist of coarse grained soils (gravely and sandy loam to gravels and sands) overlying deeper clay layers. Bedrock depth is expected to be greater than 60" below surface grade.

PHASE I ENVIRONMENTAL SITE ASSESSMENT
DAMIANI PROPERTY & EMPIRE STATE CHAIR FACTORY PROPERTY
VILLAGE OF HAVERSTRAW, NEW YORK



Prepared for:

Village of Haverstraw, New York

Prepared by:

Malcolm Pirnie Inc.
104 Corporate Park Drive
White Plains, New York 10602

October 2004

4879-001

PHASE I ENVIRONMENTAL SITE ASSESSMENT
DAMIANI PROPERTY & EMPIRE STATE CHAIR FACTORY PROPERTY
VILLAGE OF HAVERSTRAW, NEW YORK

TABLE OF CONTENTS

		Page
1.0	INTRODUCTION	1-1
	1.1 Limitation on Use of Report	1-1
	1.2 Scope of Services	1-2
	1.3 Relationship to ASTM Standard Practice E1527	1-2
2.0	SITE DESCRIPTION	2-1
	2.1 Site Reconnaissance	2-1
	2.2 Information Obtained from Interviews	2-1
	2.3 General Site Information	2-2
	2.4 Observations of Current Site Conditions – Exterior	2-3
	2.4.1 Damiani Property	2-3
	2.4.2 Empire State Chair Factory Property	2-3
	2.5 Observations of Current Site Conditions – Interior	2-5
	2.6 Description of Adjacent Lands and Vicinity Land Uses	2-7
	2.7 Historical Uses of Site and Adjacent Properties	2-8
	2.7.1 Aerial Photographs	2-8
	2.7.2 Fire Insurance Maps	2-9
	2.7.2.1 Damiani Property	2-9
	2.7.2.2 Empire State Chair Factory Property	2-9
	2.8 Physical Environmental Setting	2-10
	2.9 Site and Vicinity Photographs	2-11
3.0	OPERATION AND MANAGEMENT	3-1
	3.1 Client and Site Owner/Occupant Information	3-1
	3.1.1 Information From the Village of Haverstraw	3-1
	3.1.2 Information From Site Owner/Occupant	3-1
	3.2 Government Records	3-1
	3.3 Government Environmental Databases	3-2
	3.4 Publicly Available Maps	3-4
	3.4.1 United States Geological Survey Maps	3-4
	3.4.2 Village of Haverstraw Maps	3-4
4.0	SUPPLEMENTAL ENVIRONMENTAL CONSIDERATIONS	4-1
	4.1 Presence of Asbestos – Containing Materials	4-1
	4.2 Presence of Lead – Based Paint	4-1
5.0	CONCLUSIONS	5-1
	5.1 Conclusions – Environmental Site Assessment	5-1
	5.2 Conclusions – Supplemental Environmental Considerations	5-2

PHASE I ENVIRONMENTAL SITE ASSESSMENT
DAMIANI PROPERTY & EMPIRE STATE CHAIR FACTORY PROPERTY
VILLAGE OF HAVERSTRAW, NEW YORK

APPENDICES

Appendix A – Proposal
Appendix B – Site Maps and Figures
Appendix C – Site Visit Photographs, Vicinity and Aerial Photographs
Appendix D – Records Obtained for Site
Appendix E – Letters of Government Records
Appendix F – Electronic Database Report

1.1. LIMITATIONS ON USE OF REPORT

This Environmental Site Assessment Report [**Report**] has been prepared for the sole use of Malcolm Pirnie, Inc.'s Client, the Village of Haverstraw. The purpose of this Report is to provide information to the Client on the environmental conditions of the subject properties, Damiani Property (4 Allison Avenue, Haverstraw, NY 10927) and the Empire State Chair Factory Property (30 Liberty Street, Haverstraw, NY 10927).

The use of and reliance on this Report by any person or entity other than the Client is not authorized without an agreement between the user and Malcolm Pirnie. Authorized users are listed below. Without an agreement with Malcolm Pirnie, Inc., the use of this report by an unauthorized user is for their information only and *shall be solely at the unauthorized user's risk.*

The scope of work was described in Malcolm Pirnie's proposal to the Client, dated September 19, 2003. Any modifications, deviations or exceptions to the services proposed or limitations in the scope of the Environmental Site Assessment arising out of site access issues and the actual availability of data and information related to the Site(s) are as described in Section 1.2 of this Report.

The conclusions in this Report have been based, in part, on information obtained from third parties including historical aerial photographs, environmental agency records, well logs, and other public geologic records regarding the Sites obtained from various sources. Unless noted, Malcolm Pirnie, Inc. has not independently evaluated or verified the accuracy or completeness of such third party information. Visual observations of the Site only represent conditions at the time of the site visit. Malcolm Pirnie, Inc. makes no warranties that the on-site observations made during the Environmental Site Assessment are representative of historical or future conditions at the Site. Malcolm Pirnie, Inc. performed its services and prepared this Report at the level customary for other prudent and competent professional engineers performing such services at the time and place where the services are provided. *Malcolm Pirnie, Inc. makes no other warranty, expressed or implied.*

The following authorized users have entered into an agreement with Malcolm Pirnie for the use of and reliance on this Report:

No authorized users identified other than the Village of Haverstraw.

1.2 SCOPE OF SERVICES

An Environmental Site Assessment (ESA) is a due diligence process to identify *recognized environmental conditions* on a property.[1] This ESA Report is one aspect of the Client's "all appropriate inquiry" into the previous ownership and uses of property consistent with good commercial or customary practices. The Report may not address all requirements to qualify for an innocent landowner defense commonly associated with the Comprehensive Environmental Response Compensation and Liability Act (see 42 USC § 9601(35) (B), the "Superfund" law). The Client's knowledge and experience may also be factors in determining the extent of an "all appropriate inquiry."

The scope of services provided by Malcolm Pirnie, Inc. in this ESA are described in Appendix A. Generally, an ESA is limited to assisting a Client in due diligence related to identifying environmental conditions associated with CERCLA liabilities. However at request of the Client, Malcolm Pirnie, Inc., in addition to the ESA inquiries, evaluated supplemental environmental considerations that may affect the Client's use of this Site. The scope of these supplemental environmental considerations is based in part on Malcolm Pirnie's understanding of the Client's intended use of the Site. The scope of services related to these supplemental environmental considerations are as follows: description of visual observations only of building surfaces potentially covered with lead paint and potential asbestos-containing building materials.

1.3 RELATIONSHIP TO ASTM STANDARD PRACTICE E 1527

The current ASTM Standard E 1527 *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, provides guidelines for conducting an ESA. However, in the performance of this Assessment, as with any professional service, modifications or exceptions to, or deviations from such guidelines

1 The definition of "recognized environmental conditions" is provided in the conclusion section of this Report.

may occur because of factors including but not limited to instructions from the client, site conditions, the availability of records, or scheduling and timing issues. The scope of services Malcolm Pirnie developed for this ESA and accepted by Client is controlling. For information purposes only, Malcolm Pirnie, in preparing this Report, identified modifications or exceptions to, or deviations from the ASTM E 1527 guidelines as described below:

- Access to the second floor of the Chair Factory property was not possible do to the structural instability caused by a fire in the past.

This Report presents the findings of the Environmental Site Assessment (ESA) for two properties in the Village of Haverstraw in Haverstraw, New York. The properties are referred to as the Damiani Property and the Empire State Chair Factory Property (**Sites**). The ESA was commissioned by the Village of Haverstraw and was conducted by Malcolm Pirnie, Inc. based on the scope of services first described in Malcolm Pirnie's proposal letter to Ms. Emma Velez, Village Clerk, dated September 19, 2003.

2.1 SITE RECONNAISSANCE

Malcolm Pirnie visited the Sites to perform a site reconnaissance for the purpose of obtaining visual and physical information indicating the presence of recognized environmental conditions in connection with the Site. Observations made during the site reconnaissance are presented below. Malcolm Pirnie also performed a windshield survey of properties adjacent to the Site and the immediate vicinity. Observations made during the windshield survey are incorporated into the descriptions provided below.

The site reconnaissance and windshield survey took place on April 22, 2004 for the Damiani Property. Malcolm Pirnie's Jason Rivera and Len Warner were the personnel who completed the site reconnaissance.

The site reconnaissance and windshield survey took place on August 25, 2004 for the Empire State Chair Factory Property. The Village of Haverstraw Fire Inspector, accompanied Malcolm Pirnie's Jason Rivera and Len Warner during the Site Reconnaissance.

2.2 INFORMATION OBTAINED FROM INTERVIEWS

Malcolm Pirnie contacted persons thought to have knowledge about each of the Sites to request an interview about the Sites' recognized environmental conditions. Information resulting from these interviews is presented below or incorporated into the descriptions that follow.

We were informed a local museum, called the Brick Museum, existed in the village and it contains records on the different companies that once occupied the Village. At the Brick Museum on August 25, 2004, through museum documents, the names of the prior brick manufactures for each site were identified. The previous tenants of the Damiani property were John Ferndon from 1854-1887, then John Derbyshire from 1887-1896 and the last brick company being the Excelisor Brick Co. from 1896-1935. The previous tenants of the Chair Factory property were J.P. Hunter from 1854-1887, next Gillies & Frederick from 1887-1896, next A. Donnelly & Son 1896-1903, next Nicholson & Reilly 1903-1910, and the recorded owner was the Estate of William Bennett starting in 1910.

We also visited the local library's records of the Rockland County Times, however found no relevant data to our properties. We understand that the former uses of the Damiani site as being a lumber yard, an oil storage facility, and later a public storage facility. We understand through information provided by the local volunteer fire department that the onsite garages of the Damiani properties were destroyed due to a fire. Regarding on-site utilities, no gas, electric, and sewer/water services seem available onsite.

The Fire Inspector for the Village of Haverstraw indicated that the Chair Factory Site after the brick industry faded was primarily used to finish pre-assembled chairs prior to their shipment to be sold. Reportedly the area which is now paved was an open area where the factory would burn the card board boxes used to ship the material to the factory. We understand that the lacquer storage facility on the Chair Factory site caught fire approximately 10-15 years ago and the lacquer storage building was destroyed. Also, 5-gallon cans of furniture finishing chemicals were igniting and exploding during the fire. The Fire Marshal gave statements of the most recent fire which destroyed the southern section of the newer western portion of the Factory.

2.3 GENERAL SITE INFORMATION

The two sites combined, as shown in Figure 1 in Appendix B, consist of 8.45 acres of land and 2.7 acres of property underwater. The Damiani site fronts Allison Avenue with its eastern boundary being the Hudson River. The nearest intersection is

Broad Street and Allison Avenue. The Empire State Chair Factory property fronts Liberty Street with its northern border being the bay. The nearest intersection is Broad Street and Liberty Street. The current land use of the Sites can be described as abandoned industrial. There are no known residents on the Sites.

2.4 OBSERVATIONS OF CURRENT SITE CONDITIONS – EXTERIOR

2.4.1 Damiani Property

During the site reconnaissance, the only exterior observation of significance made by Malcolm Pirnie on the Damiani Property was a retaining wall along its Western property line that appears damaged.

The site currently has no standing structures on it except for a retaining wall which is part of the western boundary of the property. The eastern boundary is the Hudson River which includes significant brick debris along the shoreline. The southern boundary is a newly paved road with the adjacent property being a park. The northern boundary is a wooded forest area which contains random debris. The land is barren with little to no vegetation growing and has evidence of dumping. The dumping consists of construction debris as well as stockpiles of yard waste and some miscellaneous items such as corrugated drainage pipe, tires, machine parts, oil containers, car battery, plastic, and various glass bottles. Two circular concrete pads also exist on the property along the eastern portion (adjacent to the Hudson River) and their relevance appears to correspond with two aboveground storage tanks (AST) operated by the Sinclair Refining Company. These tanks can be observed on the Sanborn map dated 1946.

2.4.2 Empire State Chair Factory Property

The site reconnaissance and windshield survey took place on August 25, 2004, for the Empire State Chair Factory Property. The site currently contains one main structure, previously used as a factory. There were several other structures observed during the walk through including a lacquer and chemical storage building, a transformer area, a dust collection system, and a utility pit.

The former Chair Factory is approximately 80,000 square feet in size. The western half of the facility was originally a brick manufacturing facility according to Sanborn records available in Appendix B. The western portion of the facility is constructed of a concrete floor slab, brick walls, steel roof beams, and a sheet metal roof. Except for a two-story portion of the building (approximately 50 feet by 50 feet), the western portion of the building is a single story. The eastern portion of the building is of more recent construction and consists of a concrete floor slab, concrete block walls, steel roof trusses, and a concrete panel roof covered by an asphalt and gravel membrane. The eastern portion of the building is a single story; however, the ceilings are approximately 20 feet high.

The additional structures observed during the site walk, and are described below:

1. *Lacquer Storage Building.* We understand that the 20 by 30 foot structure with a concrete slab on grade and concrete block walls was the former lacquer storage facility for the former Chair Factory. The former storage building is located approximately 33 feet south of the southwest corner of the main building.
2. *Transformer Area.* A fenced-in transformer area containing three transformers is located outside the northwest corner of the main building. The fenced area was not accessed and no manufacturer's information could be recorded regarding the transformers.
3. *Dust Collection System.* A hopper or bag house for dust collection is installed on the exterior of the west side of the building. It was brought to our attention that this was part of a system to collect sawdust and particulates from the Chair Factory work areas.
4. *Utility Pit.* A utility pit was observed on the north side of the building, and was partially full of water, preventing observation of its total depth and contents. The pit contained piping and what appeared to be two tanks, and it is possible that it was connected to an industrial well for facility water.

The property surrounding the site can be described as follows:

- The eastern boundary of the Chair Factory property is the Hudson River which consists of a shoreline with significant brick debris and large concrete blocks, also a row of pilings in the water which runs adjacent to the building.
- The property to the north of the building includes densely overgrown brush. Some discarded timbers and a pile of waste asphalt were observed approximately midway along the length of the north wall of the building. Portions of the northern side of the property are paved with asphalt and were part of the former factory parking lot. Further north, there is a rocky, brick-covered shoreline adjoining the Hudson River. The extremely dense brush prevented observation of the entire property north of the former factory building, and the property was observed from the shore and a footpath. Based on photographs available this area was used for parking vehicles.
- The property to the west of the building consists of a paved parking area/driveway, a wooded area adjoining the shore of the small bay connected to the Hudson River, and a narrow rocky and brick-laden beach. Litter and bottles were observed in the wooded area, which was less overgrown and traversed by a number of footpaths. On the southwest side of the property, an asphalt driveway leads up a steep grade to the west to a locked entrance gate adjoining the residential neighborhood to Liberty Street.
- The property to the south of the building consists of a wooded area. The adjacent property to the south is the Damiani Property, a former bulk oil storage terminal. Some trash and litter were observed in the woods. An asphalt driveway is located adjacent to the building along its south side and turns into a dirt road leading to the Damiani Property.

2.5 OBSERVATIONS OF CURRENT SITE CONDITIONS – INTERIOR

There are no interior descriptions available for the Damiani Property since no enclosed structures exist on the property.

The interior description for the Chair Factory Property is divided into several warehouse type rooms, an office space, and various equipment rooms. Prior to entering the main portion of the building, the mechanical equipment room (MER) located at the

building's northwest corner was entered (entrance from exterior of building only). A dual fuel oil/gas furnace was located in this room along with a compressor. Two pipes that may have been fuel oil supply and return lines were connected to the furnace and exited through the wall adjacent to the entrance door. The pipes were cut off just outside the wall of the MER. The surrounding grounds were examined for the presence of a fill and vent pipe, however, they were not found. We understand through records that the facility maintained a 2,000 gallon fuel oil storage tank, but could not determine from the paper trail if it had been properly closed and/or removed. What appeared to be cementitious asbestos pipe cladding was observed on the piping above the furnace in the MER.

The building was entered on the southeastern side, where a recent fire had damaged the concrete block wall and collapsed a portion of the roof behind the large awning (assumed to be a loading dock). The eastern portion of the building consists primarily of three large rooms divided by concrete block interior walls. The rooms are approximately 40 to 60 feet wide (east to west) and approximately 250 feet long (north to south). The rooms were empty except for debris from the partial roof and wall collapse and a small quantity of what appeared to be furniture product left over from the factory. Gas-fired heaters and fluorescent lights were observed in the facility.

A single floor drain was observed roughly in the center of the room where the fire damage had occurred (the western-most room in the eastern half of the facility). In the same room, a small area (approximately 30 feet by 20 feet) was partitioned off by a concrete block wall and accessed by an internal door. The interior of the room was divided into two levels by a timber structure and appeared to have been used as a squatter's residence. A wooden workbench was observed on the second level. The room contained clothing, bedding, trash and debris.

The central room of the eastern portion was generally empty except for some trash and debris. The easternmost room was strewn with food containers, pots and pans, waste, remains of cooking fires, trash, discarded furniture, and a small plywood shack (about 10 feet by 20 feet) in the southwestern corner that contained clothes and bedding.

The western portion of the building contained six roughly identically sized rooms at its eastern end and primarily office space at its westernmost end (primarily on the first and second floors of the two-story portion of the building). The six rooms were each

approximately 40 feet wide and 80-100 feet long. The rooms contained gas-fired heaters and a dust collection system mounted near the roof. One of the adjoining rooms appeared to have been a spray booth for furniture finishing, as it contained explosion-proof lighting and a painted sign on the wall reading "No Smoking." Approximately three empty 55-gallon drums were observed in two of the rooms. The labels were partially obscured, but read "Flammable Liquid" and "Paint-related Product."

The office area consisted of a number of rooms separated by internal lumber and sheetrock partitions with a suspended drop ceiling, including wash rooms, lavatories, and a kitchen with a refrigerator. The rooms contained some office furniture and the ceiling tiles had crumbled and fallen onto the floor. Discarded clothes, sleeping bags, and a large quantity of trash and empty bottles were observed, especially in the wash rooms. The staircase to the second floor was traversed, but the second story portion of the building was not entered due to fire damage and a heavily damaged floor (holes present in the floor). Desks, a lavatory, and an old safe were observed in the remains of the second story offices. An HVAC unit was mounted above the first floor ceiling, adjacent to the stairs to the second floor offices. The main electrical breaker boxes were observed in the northwestern corner of the building, on the wall adjacent to the fenced, exterior transformer area.

2.6 DESCRIPTION OF ADJACENT LANDS AND VICINITY LAND USES

The Damiani Property is located in a residential area of the Village of Haverstraw. The following are descriptions of current lands and land uses immediately adjacent to the Damiani Site:

North: Abandoned Industrial site "Chair Factory Property"

South: Recently renovated Public Park

East: The Hudson River

West: Residential Homes, Post Office, Library

The land uses within the vicinity of the Site are generally residential. The surrounding area to the north is described in greater detail in section 2.4 and 2.5 of this report for the Chair Factory Property site.

The Chair Factory Property is located in a residential area of the Village of Haverstraw, however all historical uses of that land point towards a zoning for industrial use. The following are descriptions of current lands and land uses immediately adjacent to the Chair Factory Site:

North: Open channel which flows into a bay that services a power plant located inland. On the other side of the channel is the public park for the Town of Haverstraw.

South: Damiani Property

East: The Hudson River

West: The bay wraps around the Chair Factory Property.

The land uses within the vicinity of the Site are residential and recreational passive use.

2.7 HISTORICAL USES OF SITE AND ADJACENT PROPERTIES

Malcolm Pirnie reviewed the following reasonably ascertainable historical sources to obtain information on Site's history. This information provides historical information from 1887 to the present and was obtained from historic aerial photographs and Sanborn Fire Insurance Maps.

2.7.1. Aerial Photographs

Malcolm Pirnie obtained aerial photographs from the Rockland County Department of Planning. These aerial photographs were obtained dated 1954, 1974, and 1994 and both properties in question are covered in these photographs. The historical information observed on these photographs is as follows:

1954 (1 inch = 750 feet): Performed on April 13, 1954 the Damiani property shows two ASTs on site, as well as the storage sheds, and AST on racks. The Chair Factory site shows a large building structure and an enclosed bay from the Hudson River.

1974 (1 inch = 750 feet): Performed on October 24, 1974 the Damiani property shows a growth in vegetation, the ASTs on racks are no longer present, the sheds are still standing, and the ASTs are still on site. The Chair Factory site also shows an increase in

vegetation, the same buildings as in 1954 and the Northern boundary of the property is open to where the bay meets the Hudson River.

1994 (1 inch = 833 feet): Performed on April 4, 1994 the Damiani Property shows wild vegetation growth making it difficult to determine what remains on the property boundary, it appears the AST's are no longer there as well as the storage sheds. The Chair Factory also shows a wild growth in vegetation, the original foot print of the building still exists but it is unclear if any additions or changes occurred.

2.7.2. Fire Insurance Maps

Malcolm Pirnie obtained fire insurance maps of the Site and adjacent properties from Environmental Data Resources, Inc. The historical information derived from these fire insurance maps is as follows:

2.7.2.1 Damiani Property

1887: The current Damiani Property was owned and operated by I.M. Hedges and Brother Coal and Lumber Company. Coal Storage areas separated by brick walls as well as large storage areas for lumber and a shingle shack existed on site.

1896: Same layout and storage as in 1887.

1903: Same layout and storage as in 1903.

1910: Ownership of the property changes in 1909 to the Allison and Ver Valen Coal and Lumber Co Inc. Operations expanded to include lime and cement storage.

1921: Same layout and storage as 1910.

1931: Sometime between 1921 and 1931 the Damiani Property on-site operations changes over to the Sinclair Refining Co. who uses the property as a storage facility.

1946: Sometime between 1931 and 1946 two ASTs are installed on the property along the eastern boundary.

2.7.2.2 Empire State Chair Factory Property

1887: The current Empire State Chair Factory Property was completely land at this point in history and appears based on information discovered from the Sanborn Map of 1887 and information obtained from the Brick Museum of Haverstraw, NY contained

parts of at least three different brick manufactures. The current layout in acreage of the Empire State Chair Factory has apparently changed over time. The site contained a brick drying building and various storage areas.

1896: The three yards which are identified on the property are yard 6 owned by J.E. Eckerson, yard 7 owned by Theodore Frederick Donnelly & Son, and yard 8 owned by Excelsior Brick Company. Existing onsite was a covered Yard with adjustable roof, kilns, kilm sheds, storage sheds, tenements, barns, and boilers. The largest structure being the covered yard it is undeterminable the size of any structure.

1903: The only addition listed on the Sanborn map in this year was a repair shop.

1910: The owner of the yard 7 became the Estate of William Bennett. The remaining structures remain the same except it appears there was an addition done to the covered yard and associated kilm sheds with an expansion of at least one third the original size of the structure.

1921: It appears in 1921 some consolidation occurred with only the excelsior Brick Company and Yard 6 being in operations. The site still contained the covered yard with retractable roof and kilm sheds, however the site also stored fuel, coal, and an attached drying yard

1931: The current building layout for the east wing that still exists today first appears on this Sanborn Map. The section which now contains the west wing was four enclosed kilns. Several sheds existed in what is now a bay.

1946: The same layout and buildings exist as did in 1931.

2.8 PHYSICAL ENVIRONMENTAL SETTING

In general, the physical setting of the region in which the Sites are located is along the water front of the Hudson River. In the vicinity of the Sites the following natural characteristics were observed:

- The Hudson River now flows through a man made channel into what was once the clay pits which provided the raw material for the brick makers in that area. The man made bay now serves as a source of water for a power plant located in the northwest corner of the bay.

- According to the USGS 7.5-minute quadrangle map (Haverstraw New York) and the maps provided by Village of Haverstraw, the Site elevation is approximately 10-20 feet above mean sea level and the topography at the Site slopes downward to the southeast.

2.9 SITE AND VICINITY PHOTOGRAPHS

Photographs taken during the site reconnaissance are provided in Appendix E. The photographs show features observed during the site reconnaissance.

3.0 RECORDS REVIEW

Malcolm Pirnie reviewed records from reasonably ascertainable sources, which were publicly available and obtained within the time and budget constraints of this ESA, but did not require an extraordinary review of irrelevant data in the process. This record review was conducted to obtain information regarding the Site's recognized environmental conditions. Records obtained during this ESA are provided in Appendices D through G.

3.1 CLIENT AND SITE OWNER/OCCUPANT INFORMATION

The Damiani Property is owned by Thomas Damiani and Eric Applebaum and the Empire State Chair Factory Property is owned by the Ray River Co. Inc. and Estate of Andrew Hanner. (Documentation acquired is available in Appendix E)

3.1.1 INFORMATION FROM THE VILLAGE OF HAVERSTRAW

Malcolm Pirnie reviewed the following information obtained from the Village of Haverstraw (provided in Appendix D except where otherwise noted):

- Tax map of the Site

3.1.2 INFORMATION FROM SITE OWNER/OCCUPANT

- No records were recovered from either facility

3.2 GOVERNMENT RECORDS

For the purpose of obtaining information on the Sites' recognized environmental conditions, the Village of Haverstraw office was contacted to review publicly available records.

Records found indicate that on January 6, 1998 a second notice was sent to The Ray River Comp. Inc in regards to the Empire State Factory Property, 30 Liberty Street, to remedy the violation of "Local Law # 6 of 1996 Property Maintenance Violation 1154

Sec. 1154.1 Vacant building Local law 30-6 (E)." A request for an extension of the deadline to remedy the violation, removal of garbage and debris that has been placed on the property, was requested on January 16, 1998 by Bruce Kanner. Mr. Kanner explains in his letter, "the owners are taking steps to remedy the violation by arranging for a temporary Dumpster to be placed on the property to remove the garbage and debris that have placed on the property." There is no written documentation found that states the extension was granted or the Ray River Corp. was cleared or resolved of the violation.

Another record found was sent from the Rockland County Department of Health to the Ray River Co., Inc on September 1, 1998 in regards to the former Empire State Chair Factory Property of 30 Liberty Street. The letter states a 2000-gallon underground fuel oil storage tank exists on the site and is not registered, as required by law. A request to fill out a PBS registration form and pay the fee is requested in the letter. In a second letter from Donald H. Boycott CCI, building inspector code enforcement officer, NYS Uniform Fire Prevention and Building Code 1164.5 which was in violation has been cleared or resolved as of the 6 day of April, 1999. It is not clear from the resolution letter whether the tank was filled or removed. Based on the visual inspection conducted on August 25, 2004 at the Chair Factory Property the location of the tank was not discovered.

3.3 GOVERNMENT ENVIRONMENTAL DATABASES

Malcolm Pirnie obtained a listing of federal and state environmental enforcement sites in the area, of the Sites from a private database management firm, Environmental Data Resources, Inc. This firm organizes government agency lists sources in a consolidated format. Malcolm Pirnie makes no representation about the reliability and accuracy of the information contained within the lists. The complete database report is provided in Appendix F.

The lists and the geographic area included in the search are as follows. **Please note, the list names for which the search returned positive findings are noted in bold letters.**

Government Database Lists Searched	*Distance from Site*
Federal NPL Sites	1.0 mile
Proposed Federal NPL Sites	1.0 mile
Federal CERCLIS	0.5 mile
Federal CERCLIS NFRAP Sites	0.25 mile
Federal RCRA CORRACTS Facilities	1.0 mile
Federal RCRA non-CORRACTS TSD Facilities	0.5 mile
Federal RCRA Generators	**0.25 mile**
Federal ERNS	Site only
NY State Hazardous Waste Sites	1.0 mile
NY State Landfill/Solid Waste` Sites	0.5 mile
NY State Leaking Storage Tank Incident Reports	**0.5 mile**
NY State Petroleum Bulk Storage Database (UST)	0.25 mile
NY State Chemical Bulk Storage Database (UST)	0.25 mile
NY State Major Oil Storage Facilities (UST)	0.5 mile
Federal Superfund Consent Decrees	1.0 mile
Federal Superfund Records of Decision	1.0 mile
Federal NPL Deletions	1.0 mile
Federal Facility Index System	Site only
Hazardous Materials Information Reporting System	Site only
Material Licensing Tracking System	Site only
Mines Master Index File	0.25 mile
Federal NPL Liens	Site only
PCB Activity Database System	Site only
RCRA Administrative Action Tracking System	Site only
Toxic Chemical Release Inventory System	Site only
Toxic Substances Control Act	Site only
FIFRA/TSCA Tracking System	Site only
NY State Hazardous Substance Waste Disposal	0.5 mile

Site Inventory	
NY State Petroleum Bulk Storage Database (AST)	Site only
NY State Chemical Bulk Storage Database (AST)	0.25 mile
NY State Major Oil Storage Facilities (AST)	0.5 mile
NY State Spills Database	**Site only**
NY State Voluntary Cleanup Agreements	0.5 mile
Former Manufactured Gas Sites (Coal Gas Sites)	1.0 mile

Of the positive database findings, the following findings may represent an environmental condition as related to the Sites: leaking AST hydraulically above site, NY State Leaking Storage Tanks Incident Report Database and also in the NY State Spills Database

3.4 PUBLICLY AVAILABLE MAPS

The following government published maps of the Sites and the surrounding areas were reviewed for information related to the Sites' recognized environmental conditions.

3.4.1 United States Geological Survey Maps

Malcolm Pirnie reviewed the USGS 7.5 minute quadrangle map [Haverstraw, N.Y.] for the Sites and regional topographic characteristics that may influence the Sites' recognized environmental conditions. These characteristics are described, as appropriate, elsewhere in this Report.

3.4.2. Village of Haverstraw Maps

Malcolm Pirnie reviewed Tax Parcel Maps provided by the Village of Haverstraw for Sites and regional topographic characteristics that may influence the Sites' recognized environmental conditions. These characteristics are described, as appropriate, elsewhere in this Report.

4.0 SUPPLEMENTAL ENVIRONMENTAL CONSIDERATIONS

At the request of the Client, Malcolm Pirnie conducted assessments of supplemental environmental considerations associated with the Sites, but which are considered outside the scope of the typical due diligence-related environmental site assessment. The findings of the assessment of the supplemental environmental considerations are described below

4.1. PRESENCE OF ASBESTOS-CONTAINING MATERIALS

This section is not applicable to the Damiani site since no structures exist on site. In the northwest corner of the Chair Factory building was a small room, approximately 10'x 20' in size, it could only be accessed from outside there is no connection between the main building and this mechanical equipment room. Inside this room was a dual fuel oil/gas furnace along with a compressor. What appears to be cementitious asbestos pipe cladding was observed on the piping above the furnace in the mechanical equipment room.

4.2 PRESENCE OF LEAD-BASED PAINT

This section is not applicable to the Damiani site since no structures exist on site. However, Malcolm Pirnie compiled a general listing of reasonably accessible areas at the Chair Factory Property for materials suspected of being coated with lead-based paints, based on visual observation only. This limited investigation for lead-based paint resulted in the following observations:

- The majority of the structures on the Chair Factory Property were constructed prior to 1960, and some as early as 1919, based on a review of historic aerial photographs and Sanborn Fire Insurance Maps. According to USEPA, more than 80% of homes built before 1978 contain lead-based paint

- Painted structures were observed on the Chair Factory Property

Based on the age of the structures, each of the painted materials listed above could contain lead-based paint. Based on the photographs documenting the existence of this building prior to 1960, we suspect the paint used on the interior and exterior of building contains lead.

5.1. CONCLUSIONS - ENVIRONMENTAL SITE ASSESSMENT

Malcolm Pirnie performed an Environmental Site Assessment for the Sites (Damiani Property and Chair Factory Property) and its findings are provided in Sections 2 and 3 of this Report. As a result of the findings in Sections 2 and 3, the following conclusions are offered:

Recognized Environmental Conditions

A recognized environmental condition means "...the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater or surface water of the property." Recognized environmental conditions do not "...include de minimis conditions that generally do not present a material risk of harm to public health or the environment, and that generally would not be subject of an enforcement action if brought to the attention of appropriate government agencies. Conditions determined to be de minimis are not recognized environmental conditions." (ASTM E1527 3.3.31)

This Environmental Site Assessment has revealed no evidence of recognized environmental conditions in connection with the Sites, except for the following:

- Debris stockpiles on the Damiani and Chair Factory Property
- Unlabeled 55 gallon drums on Chair Factory Property
- Asbestos observed in the Chair Factory building

Historical Recognized Environmental Condition

A historical recognized environmental condition means an "... environmental condition which in the past would have been considered a recognized environmental condition, but which may or may not be considered a recognized environmental condition currently." (ASTM E 1527 3.3.16) The use of this term largely depends on the current impact of the condition on the Site. For example, if a site remediation had occurred and the overseeing

government agency accepted the remediation, the condition may be considered a 'historical recognized condition'.

This Environmental Site Assessment has revealed no evidence of historical recognized environmental conditions in connection with the Sites, except for the following:

- Former fuel filling area on Damiani Site
- Transformers located on the Chair Factory Site
- Outdoor lacquer storage area on Chair Factory Site

5.2 CONCLUSIONS - SUPPLEMENTAL ENVIRONMENTAL CONSIDERATIONS

Malcolm Pirnie has performed assessments of supplemental environmental considerations associated with this Site and its findings are provided in Sections 4 of this Report. As a result of the findings in Section 4, the following conclusions are offered:

- Potential cementitious asbestos pipe cladding was at the Chair Factory Site in the Mechanical equipment room, as described in Section 4.1.
- Lead-based paint may be present in each of the structures on the Chair Factory Site based on the age of the structures. A general listing of painted building components is provided in Section 4.2.