

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

07/05

Section I. Requestor Information					
NAME Foot of Main, LLC					
ADDRESS c/o William F. Helmer - 27 Route 210					
CITY/TOWN Stony Point, NY		ZIP CODE 10980			
PHONE (845) 942-1330	FAX (845) 942-1165	E-MAIL footofmain@att.net			
NAME OF REQUESTOR'S REPRESENTATIVE William F. Helmer					
ADDRESS 27 Route 210					
CITY/TOWN Stony Point, NY		ZIP CODE 10980			
PHONE (845) 942-1330	FAX (845) 942-1165	E-MAIL footofmain@att.net			
NAME OF REQUESTOR'S CONSULTANT Stuart E. Bassell, P.E.					
ADDRESS HDR/LMS Engineering - One Blue Plaza - PO Box 1509					
CITY/TOWN Pearl River, NY		ZIP CODE 10965			
PHONE (845) 735-8300	FAX (845) 735-7466	E-MAIL Stuart.Bassell@hdrinc.com			
NAME OF REQUESTOR'S ATTORNEY Philip S. Bousquet, Esq. Green & Seifter Attorneys, PLLC					
ADDRESS 110 West Fayette Street					
CITY/TOWN Syracuse, NY		ZIP CODE 13202			
PHONE (315) 422-1391	FAX (315) 422-3549	E-MAIL pbousquet@GSLaw.com			
<p>THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><input type="checkbox"/> PARTICIPANT</p> <p>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.</p> </td> <td style="width: 50%; vertical-align: top;"> <p><input checked="" type="checkbox"/> VOLUNTEER</p> <p>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.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p> </td> </tr> </table>				<p><input type="checkbox"/> PARTICIPANT</p> <p>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.</p>	<p><input checked="" type="checkbox"/> VOLUNTEER</p> <p>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.</p> <p>NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</p>
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Requestor Relationship to Property (check one):					
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____					
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input type="checkbox"/> Yes <input type="checkbox"/> No					
(Note: proof of site access must be submitted for non-owners)					

Section II. Site Information Summary Sheet

SITE /PROPERTY NAME: Former Tidewater Terminal

ADDRESS/LOCATION Gedney and Main Streets CITY/TOWN Nyack ZIP CODE 10960

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

Village of Nyack; Town of Orangetown

COUNTY Rockland SITE SIZE (ACRES) 2.6

LATITUDE (degrees/minutes/seconds) 41 ° 05 ' 79 " LONGITUDE (degrees/minutes/seconds) 73 ° 54 ' 22 "

HORIZONTAL COLLECTION METHOD:

HORIZONTAL REFERENCE DATUM:

FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)

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

41 Gedney Street		66.39	1	2	2.6

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. See attached site description.

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

3. Is the site part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No

For more information go to:

http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp

If yes, identify area (name) _____

50% 100% of the site is in the En-zone (check one)

SITE DESCRIPTION NARRATIVE: Site is the location of the former Tidewater Oil Co., which stored petroleum products. Contamination of the soil and groundwater by gasoline and oil (primarily with BTEX compounds) is present. A former coal gasification facility was to the north and has resulted in contamination to the Site. The responsible party (NYSDEC Site 3-44-046) has completed the remediation of the Site with regard to coal tar, only, not BTEX.

List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
Village of Nyack	waterfront access (Note: this easement, though on the property, is not part of the site.)

List of Permits Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
site plan approval	Village of Nyack	(site plan)
building permit	Village of Nyack	(building)
special use permit	Village of Nyack	(zoning)

Initials of each Requestor: _____

Section III. Current Site Owner/Operator Information

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Section IV. 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 site subject to an existing order for the contamination? Yes No See attached explanation.
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
4. Has the requestor violated any provision of ECL Article 27? Yes No
5. Has the requestor been previously denied entry to the BCP? Yes No
6. Has the requestor committed a negligent or intentionally tortuous act regarding hazardous waste or petroleum? Yes No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in a matter related to the Department? Yes No
9. Has the requestor, 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

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

1. Is the site listed on the National Priorities List? Yes No
2. Is the site listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? Yes No
If yes, please provide: Site # _____ Class # _____
3. Is the site 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. Is the site subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
5. Is the site 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 VI. Project Description

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

Section VII. Site's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

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

*Please describe: coal tar

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

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

*Please describe: coal tar

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|---|--|--|---|
| <input checked="" type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input checked="" type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input checked="" type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input checked="" type="checkbox"/> Drums or Storage Containers |
| <input checked="" type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input checked="" type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |

Other: _____

5. INDICATE PAST LAND USES:

- | | | | | | |
|---|---|---|--------------------------------------|---|--|
| <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 checked="" 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: boat building, machine shop, woodworking, dwellings, marine off-loading for petroleum

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. 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). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site.

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

Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply) ^{and parking}

Intended Use: Unrestricted Residential Commercial Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

	Yes	No
1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the proposed use consistent with applicable zoning laws/maps?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input type="checkbox"/>	<input type="checkbox"/>
4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/>	<input type="checkbox"/>
5. Are there any federal or State land use designations relating to this site?	<input type="checkbox"/>	<input type="checkbox"/>
6. Do the population growth patterns and projections support the proposed use?	<input type="checkbox"/>	<input type="checkbox"/>
7. Is the site accessible to existing infrastructure?	<input type="checkbox"/>	<input type="checkbox"/>
8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?	<input type="checkbox"/>	<input type="checkbox"/>
9. 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? proximate to Hudson River	<input type="checkbox"/>	<input type="checkbox"/>
10. Are there floodplains proximate to the site? proximate to Hudson River	<input type="checkbox"/>	<input type="checkbox"/>
11. Are there any institutional controls currently applicable to the site?	<input type="checkbox"/>	<input type="checkbox"/>
12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.		
13. 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.		
14. Describe on attachment the geography and geology of the site.		

Statement of Certification and Signatures

(By requestor 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 requestor other than an individual)

I certify that I am President (title) of Foot of Main, 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: 5/22/2006 Signature: William F. Helmer Print Name: William F. Helmer

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 T&A CODE: _____ LEAD OFFICE: _____

ATTACHMENTS TO BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

Section II.1 Do the site boundaries correspond to tax map metes and bounds? No.

The site includes the upland portion of the property that will be developed for residential use and does not include the underwater or village public access portions. Note that the public access portion along the public access portion along the water front was investigated and remediated by Orange & Rockland Utilities (ORU) as part of that company's work on the adjacent, former coal gasification facility to the north. The other public access portion of the property excluded from the site (southeast of the site) is the easterly extension of Main Street and has already been improved for the adjoining Clermont Condominiums and has been thoroughly excavated for the placement of public water supply, sanitary sewer, stormwater sewer, natural gas, telephone, and electric underground utilities. The attached Figure 2 depicts the boundaries of the site and the property. The metes and bounds description of the site is as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Village of Nyack, Town of Orangetown, County of Rockland and State of New York, being a part of Lot 2 on a certain map entitled "Subdivision - GRAND HUDSON, Nyack, Town of Orangetown Rockland County, New York" and filed in the Rockland County Clerk's Office on March 28th, 1985 in Map Book 103 at Page 32 as Map No. 5725 and being more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the easterly side of Gedney Street with the northerly side of Main Street, being the southwesterly corner of the premises hereinafter to be described and running thence;

1. North $11^{\circ} 13' 25''$ East along the easterly side of Gedney Street the distance of 174.00 feet to the southwesterly corner of the lands now or formerly of Presidential Life Insurance Company (Tax Lot 66.39-1-1) and being the northwesterly corner of the premises, thence;
2. Along the common boundary line between the premises herein being described and said lands now or formerly of Presidential Life Insurance Company, as said common boundary line was fixed, established and agreed upon pursuant to that certain Boundary Line Agreement in Liber 59 of Land Records, Page 2211, the following four (4) courses and distances:
 - a) South $71^{\circ} 40' 00''$ East 188.79 feet to a point, thence;
 - b) North $14^{\circ} 59' 39''$ West 34.34 feet to a point, thence;
 - c) South $71^{\circ} 40' 00''$ East 2.05 feet to a point, thence;
 - d) South $81^{\circ} 23' 10''$ East the distance of 65.07 feet to the Westerly line of the proposed relocation of Easement "E" and being the northeasterly corner of the premises, thence;

3. South 1° 23' 39" West along the Westerly line of the proposed relocation of Easement "E", a distance of 172.44 feet to the Southeasterly corner of the premises; running thence
4. South 85° 53' 43" West along the Southerly line of the premises, a distance of 76.08 feet to a point; thence
5. North 69° 40' 35" West, still along the same, a distance of 38.92 feet to a point; thence
6. South 20° 19' 24" West, a distance of 28.00 feet to a point; thence
7. North 69° 40' 35" West the distance of 19.00 feet to a point in the northerly line of Main Street and said point being the northwesterly corner of the Clermont II Condominium as described in, established and created by the Declaration under Instrument ID#: 1997-34259, thence;
8. North 69° 40' 35" West along the northerly side of Main Street the distance of 143.70 feet to the corner formed by the intersection of the easterly side of Gedney Street with the northerly side of Main Street, being the southwesterly corner of the premises hereinabove described and the point or place of BEGINNING.

Section II.2 Site Map Site map, taken from the USGS quadrangle map, is attached. An existing features map with county tax ID numbers, derived from an aerial photograph, is also attached.

Section IV Requestor Eligibility Information (If answering "yes" to any of the following questions, please provide an explanation as an attachment.)

2 Is the site subject to an existing order for the contamination?

Yes. The NYSDEC ordered Orange & Rockland Utilities (ORU) to investigate and remediate the portion of the site impacted by the former coal gasification facility to the north (Site No. 3-44-046). ORU has completed the site's remediation (in the lower terrace) with regard to the coal gasification contamination, to the satisfaction of the NYSDEC.

Section VI Project Description

- **Purpose and scope of the project** The project entails the environmental cleanup, removal of remaining foundations and other substructures associated with the former Tidewater Terminal, and development of the property for waterfront residential use. Coal gasification contamination in the eastern, lower tier of the property was recently remediated by Orange & Rockland Utilities (ORU) to the satisfaction of the NYSDEC per the requirements of the ROD for NYSDEC Site No. 3-44-046. The project will not include additional remediation of the area remediated by ORU.
- **Estimated Project Schedule** Acceptance into the Brownfields program (mid 2006) and submittal of Investigation Work Plan within 40 days thereafter. Completion of investigations and submittal and approval of Final Work Plan by early summer 2007. Preliminary site plan approval by the end of 2007.

Section VII. Site's Environmental History

1 Environmental Reports Attached is *Phase I Environmental Site Assessment – Clermont Condominium Association* (February 1996), prepared by Lawler, Matusky & Skelly Engineers LLP (LMS), certified by LMS as being prepared in conformance with ASTM Method E1527-94. This report was prepared for a three-phase of the condominium project, the subject site being Phase III. However, the site is no longer part of the condominium development, although the site is used for parking for that condominium. The LMS report includes information on previous environmental sampling efforts conducted in 1992 by Dames & Moore (D&M), in 1994 by LMS, and in 1995 by Clough, Harbour & Associates (CHA). Subsequent to the 1996 LMS report ORU completed additional sampling at the site as part of that company's efforts for its neighboring, former coal gasification site (NYSDEC Site No. 3-44-046). The NYSDEC and public repositories have already been provided copies of the ORU reports.

6 Owners The list of previous owners with names, last known addresses and telephone numbers, and relationship to the requestor, if any, is given below:

NAME	ADDRESS	TELEPHONE	RELATIONSHIP TO REQUESTOR
Tide Water Oil Company	unknown: out of business		none
Tide Water Associated Oil Company	unknown: out of business		none
Henry & Albert Shotmeyer Brothers Company	unknown: out of business		none
Grand Development Corporation	unknown: out of business		none
Robert N. Lee, Jr.	unknown		none
Orange & Rockland Utilities, Inc.	390 West Route 59 Spring Valley, NY 10977	(845) 352-6000	none (ORU owned a northern section of the site until 1964)
Presidential Life Insurance Company	69 Lydecker Street Nyack, NY 10960	(845) 358-2300	none
People of the State of New York	(deed of underwater land)		none
Nyack Waterfront Associates	unknown		none
Hudson Vista Assoc.	27 Route 210 Stony Point, NY 10980	(845) 942-1330	The Requestor and HVA are owned by William Helmer

7 Operators The list of previous owners with names, last known addresses and telephone numbers, and relationship to the requestor, if any, is given below:

NAME	ADDRESS	TELEPHONE	RELATIONSHIP TO REQUESTOR
Charles L. Seabury,	unknown: out of business (operated circa		none

NAME	ADDRESS	TELEPHONE	RELATIONSHIP TO REQUESTOR
Co. Pattern Storage	1892-1896) unknown: out of business (operated circa 1919)		none
Tidewater Oil Sales Corp.	unknown: out of business (operated circa 1926-1966)		none
Orange & Rockland Utilities, Inc.	390 West Route 59 Spring Valley, NY 10977	(845) 352-6000	none (ORU owned a northern section of the site until 1964)

Section VIII. Contact List Information

1 Names and addresses of chief executive officer and zoning board chairperson of each county, city, town and village

POSITION	NAME AND ADDRESS
Rockland County Executive	C. Scott Vanderhoff Office of the County Executive 11 New Hempstead Rd. New City, NY 10956
Rockland County Department of Planning Commissioner	Salvatore Corallo Rockland County Department of Planning Dr. Robert Yeager Health Center, Building T 50 Sanatorium Road Pomona, NY 10970
Town of Orangetown Supervisor	Thom Kleiner Town Hall 26 Orangeburg Road Orangeburg, NY 10962
Town of Orangetown Zoning Board of Appeals Chairperson	John Duffy 20 Greenbush Road Orangeburg, NY 10962
Village of Nyack Mayor	John Shields Nyack Village Hall 9 North Broadway Nyack NY 10960
Village of Nyack Zoning Board of Appeals Chairman	Steven P. Knowlton Nyack Village Hall 9 North Broadway Nyack, NY 10960

2 Residents, owners, and occupants of the site and properties adjacent to the site

Residents, owners, and occupants of the site and properties adjacent to the site		
Diane Mitchell 2 Burd St.-1101 Nyack, NY 10960	Barry Adams 2 Burd St.-1103 Nyack, NY 10960	Kenneth Ortiz 2 Burd St.-2101 Nyack, NY 10960
Thomas & Maureen Kennedy 2 Burd St.-2103 Nyack, NY 10960	Marc Verebey 2 Burd St.-1205 Nyack, NY 10960	Erik & Dana Volging 2 Burd St.-3101 Nyack, NY 10960
Jarl Jensen 4 Burd St.-1201 Nyack, NY 10960	Rita Chernin 4 Burd St.-1203 Nyack, NY 10960	David Umberto 4 Burd St.-2201 Nyack, NY 10960
Harvey Lenchner 4 Burd St.-2203 Nyack, NY 10960	Barbara & Rich Rein Soldick Fabrics Inc. 2 Burd St.-1102 Nyack, NY 10960	Ellen Jane Smith Joseph Smith 2 Burd St.-1104 Nyack, NY 10960
Stanley Acker P.O. Box 811 Nyack, NY 10960	Judith Siegelbaum 2 Burd St.-2104 Nyack, NY 10960	Peter J. Fitzpatrick 401 E 88th St. - Apt. 7G New York, NY 10128
Laurence Mullen Zophin & Keith, PC 960 Turnpike St. 1C Canton, MA 02021	Julian Mostel 4 Burd St.-1202 Nyack, NY 10960	Stanley & Barbara Taylor 4 Burd St.-1204 Nyack, NY 10960
Michael Chang 4 Burd St.-2202 Nyack, NY 10960	Judith Pine 4 Burd St.-2204 Nyack, NY 10960	Rose Hyman Howard Hindin 4 Burd St.-2205 Nyack, NY 10960
Arthur/Constance Weisenseel 4 Burd St.-3201 Nyack, NY 10960	Gerald & Eva Kramer 1 Main Street-1301 Nyack, NY 10960	Frank Celli 1 Main Street-2302 Nyack, NY 10960
Adrienne Vas 1056 Ramapo Valley Rd. Mahwah, NJ 07430	Marion Zinn 1 Main St.-2306 Nyack, NY 10960	Angela Badami 2 Ethel Drive New City, NY 10956
Norman & Bernice Thompson 1 Main St.-3304 Nyack, NY 10960	Robert & Nora Olson 1 Main St.-3306 Nyack, NY 10960	Leslie Herzog 3 Rosewood Lane Denville, NJ 07834

Residents, owners, and occupants of the site and properties adjacent to the site		
John Cleary III Troy Galloway 4 Burd St.-2206 Nyack, NY 10960	Michael Marangi 4 Burd St.-3202 Nyack, NY 10960	Harvey & Barbara Erdsneker 4 Burd St.-3201 Nyack, NY 10960
Lula Jones 1 Main St.-2303 Nyack, NY 10960	Laura Greenburg Maurice Abutel 1 Main St.-2305 Nyack, NY 10960	Donnie Maglione Dominic Maglione 1 Main St.-3301 Nyack, NY 10960
Carolyn L. Malis Arthur W. Levine 304 E. 65th St. Apt. D12 New York, NY 10021	Michelle Esile 1 Main St.-3305 Nyack, NY 10960	Jill Garnette 1 Main St.-3307 Nyack, NY 10960
Barnard & Karyn Cohen 1 Main St.-4302 Nyack, NY 10960	Rita Badami 1 Main St.-4303 Nyack, NY 10960	Insul Sash CKH Industries 520 Temple Hill Road New Windsor, NY 12553
HVA-Hudson Vista Assoc. 27 Route 210 Stony Point, NY 10980	Gabriel Rosenfield 301 Roaring Brook Rd. Chappaqua, NY 10514	Clermont Condo Phase II c/o Westchester Prop. Management Group 280 N Central Ave - Suite 100 Hartsdale, NY 10530
91-201 Peter Sherry 3 Main St., Unit 201 Nyack, NY 10960	91-203 Herbert & Beverly Atkin 3 Main St., Unit 203 Nyack, NY 10960	91-301 Michel J. Longchamp 3 Main St., Unit 301 Nyack, NY 10960
91-303 Rosalie Rosenberg 3 Main St., Unit 303 Nyack, NY 10960	91-401 Marc Comito 3 Main St., Unit 401 Nyack, NY 10960	91-403 William Sternheim 3 Main St., Unit 403 Nyack, NY 10960
91-501 Howard Matus Muriel Warren 3 Main St., Unit 501 Nyack, NY 10960	91-503 Robert Fixell 3 Main St., Unit 503 Nyack, NY 10960	91-601 Lynne Schloesser 3 Main St., Unit 601 Nyack, NY 10960
91-603 Robert Feder 3 Main St., Unit 603 Nyack, NY 10960	91-202 Valerie Weiss 3 Main St., Unit 202 Nyack, NY 10960	91-204 Edwin & Ruth Rabiner 3 Main St., Unit 204 Nyack, NY 10960

Residents, owners, and occupants of the site and properties adjacent to the site		
91-302 John E. Hutchinson III 3 Main St., Unit 302 Nyack, NY 10960	91-304 Michel J. Longchamp 3 Main St., Unit 304 Nyack, NY 10960	91-402 Donald McNelis 3 Main St., Unit 402 Nyack, NY 10960
91-404 Michael/Beth/Adam Klingher 3 Main St., Unit 404 Nyack, NY 10960	91-502 Robert Fixell 3 Main St., Unit 502 Nyack, NY 10960	91-504 Ted Neuhoff 3 Main St., Unit 504 Nyack, NY 10960
91-602 Terrence McCabe Roger Cohen 3 Main St., Unit 602 Nyack, NY 10960	91-604 Ronald & Gail Walerstein 3 Main St., Unit 604 Nyack, NY 10960	91-701 Denise Portale 3 Main St., Unit 701 Nyack, NY 10960
91-702 Barry Debany 3 Main St., Unit 702 Nyack, NY 10960	91-703 Arthur & Cynthia Wohlers 3 Main St., Unit 703 Nyack, NY 10960	91-704 Gokhan Ozuner 3 Main St., Unit 704 Nyack, NY 10960
91-801 David Langerman 3 Main St., Unit 801 Nyack, NY 10960	91-802 David Langerman 3 Main St., Unit 802 Nyack, NY 10960	91-1401 Judith Thomas 6 Burd St., Unit 1401 Nyack, NY 10960
92-1402 Mary Patricia Cuccia 6 Burd St., Unit 1402 Nyack, NY 10960	91-1403 Henry Bohlke 6 Burd St., Unit 1403 Nyack, NY 10960	91-1404 Arnold & Arlene Roufa 6 Burd St., Unit 1404 Nyack, NY 10960
91-1405 Cornelius O'Sullivan Kathleen McGrath 6 Burd St., Unit 1405 Nyack, NY 10960	91-1406 Adele Resdnc Garber Trust 6 Burd St., Unit 1406 Nyack, NY 10960	91-1407 R. Adika 6 Burd St., Unit 1407 Nyack, NY 10960
91-1408 Carmel Rosenthal 6 Burd St., Unit 1408 Nyack, NY 10960	91-2401 William Helmer 6 Burd St., Unit 2401 Nyack, NY 10960	91-2402 Laurence Mullen 6 Burd St., Unit 2402 Nyack, NY 10960

Residents, owners, and occupants of the site and properties adjacent to the site		
91-2403 Melissa & Brant Goldsmith 6 Burd St., Unit 2403 Nyack, NY 10960	91-2404 Victor Gregory 6 Burd St., Unit 2404 Nyack, NY 10960	91-2405 Courtney Wunderlich 6 Burd St., Unit 2405 Nyack, NY 10960
91-2406 Lois Farber 6 Burd St., Unit 2406 Nyack, NY 10960	91-COMM1 Maybe I'm Amazed 3 Main St., Unit COMM1 Nyack, NY 10960	91-COMM2 Barry Debany 3 Main St., Unit COMM2 Nyack, NY 10960
91-COMM4 Maybe I'm Amazed 3 Main St., Unit COMM4 Nyack, NY 10960	91-Condol Clermont Condo Assoc.I P.O. Box 524 Nyack, NY 10960	

3 Local news media from which the community typically obtains information

The Journal News (Rockland Edition)
 1 Crossfield Road
 P.O. Box 300
 West Nyack, NY 10994

4 Public water supplier

Village of Nyack Water Department
 30 South Franklin Street
 Nyack, NY 10960

5 Any person who has requested to be placed on the site contact list. Not applicable. No person has requested to be placed on this list.

6 Administrator of any school or day care facility located on or near the site. There are no such facilities at the site. There is one such facility approximately one block away from the site:

Ms. Lise Petricone
 Small Steps
 21 Burd Street
 Nyack, NY 10960

7 Document repository. A copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the site is attached.

The Nyack Library
 59 South Broadway
 Nyack, NY 10960

Section IX. Land Use Factors

12 Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas. The subject site borders the western shore of the Hudson River in an urbanized area of the Village of Nyack. The Clermont Condominium development borders the southern property line of the site. To the north is vacant land, part of a former coal gasification facility (NYSDEC Site No. 3-44-046) being remediated by Orange & Rockland Utilities. Across Gedney Street to the west and beyond to the west and south is a mix of residential and commercial development. There are no industrial or agricultural areas proximate to the site. There is an easement to the Village of Nyack for public access to the site's waterfront, and there are nearby public and private marinas/boat launches to the north and south along the Hudson River.

13 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. The groundwater at the site has been impacted by contamination, apparently from historic petroleum spills on the site, as documented in the attached Phase I report and from migration onto the site from sources at the former coal gasification facility to the north. There are no proximate wellhead protection areas. There are no groundwater recharge areas proximate to the site. The site borders a saline reach of the Hudson River and there are no groundwater users on or downgradient of the site. There are no private or public water supply wells on or downgradient of the site. There are no known supply wells proximate to the site.

14 Describe on attachment the geography and geology of the site. The site slopes from its highest elevation along Gedney Street down toward the Hudson River. There has been filling of the original pre-development topography such that there are three distinct leveled areas separated by slopes: an upper terrace, a middle terrace, and a lower terrace, the latter bordering the Hudson River, as indicated by the attached USGS quadrangle map.

There are three distinct, unconsolidated stratigraphic units at the site: fill, silty sand, and river sediments. The fill covers the entire site and varies in thickness, with depths of about 5 feet along Gedney Street; areas of deeper fill are present. The content of the fill varies and consists of boulders, demolition debris, and other debris. Beneath the fill is glacial till consisting of silty sand, up to 15 feet thick. Along the shoreline of the Hudson River, there are lenses of clayey silt. Underlying the overburden is sandstone of the Triassic Age Brunswick Formation. Depth to bedrock varies across the site. Drilling for a well install by ORU in the upper terrace encountered bedrock at 8.8 ft BGS, but the drill log for a D&M well in the northwest corner of that terrace indicates bedrock at 11 ft BGS, and a CHA log for a near by well shows bedrock at 16 feet in the upper terrace. In the middle terrace, bedrock was found as shallow as about 3 ft BGS, and along the Hudson River, bedrock was found at about 19 ft BGS.

ATTACHMENTS

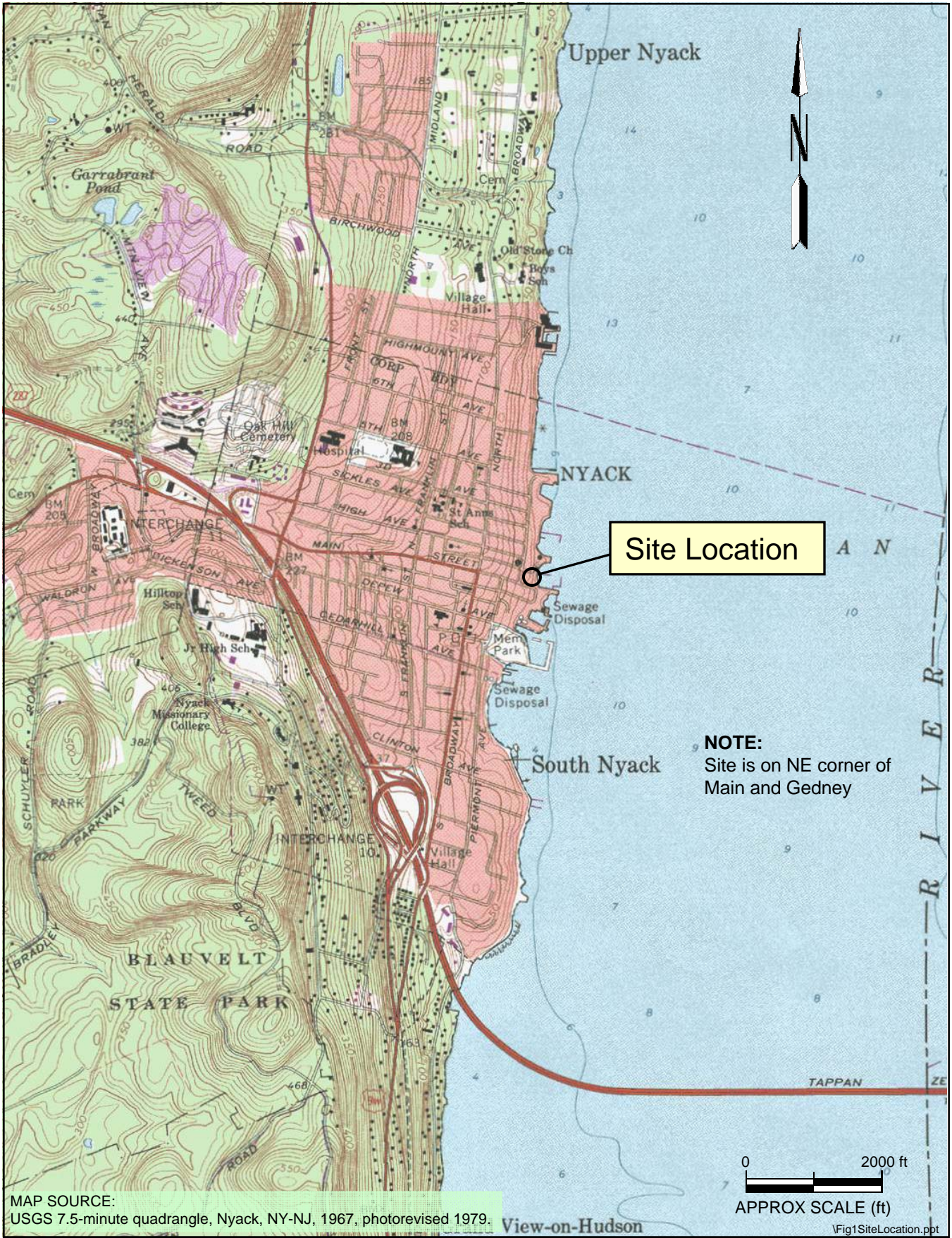
Figure 1. Site Plan Location (USGS 7.5 minute quad map)

Figure 2. Existing Site Features (county tax map with identifier numbers)

Letter to document repository

Site Eligibility Worksheet (Region 3)

Phase I Environmental Site Assessment – Clermont Condominium Association



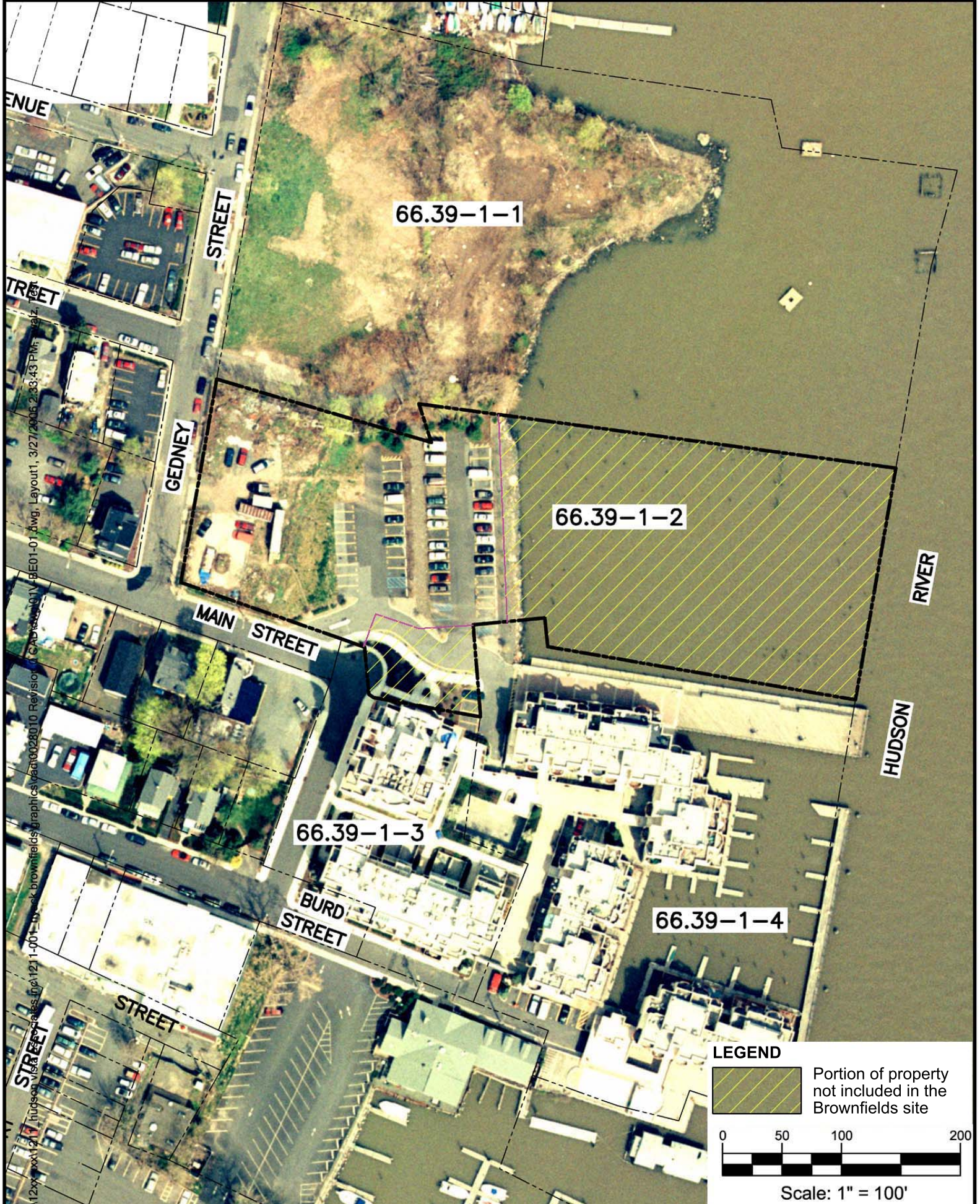
Henningson, Durham & Richardson
Architecture and Engineering, P.C.
in association with HDR Engineering, Inc.

One Blue Hill Plaza
Pearl River, NY 10965

Site Plan Location

FOOT OF MAIN, LLC

**Figure
1**



12xxx...1211-001...hudson...graphics...028010...Revision...3/27/2006...2:33:43 PM...

March 29, 2006

Belinda Cash
Reference Desk
The Nyack Library
59 South Broadway
Nyack, NY 10960

**Re: New York State Brownfields Program
Former Tidewater Terminal - Nyack**

Dear Ms. Cash:

This letter confirms our telephone call today and is being sent to you to acknowledge that the Reference Desk at The Nyack Library agrees to act as the repository for documents associated with contemplated Brownfields work at the above-referenced site.

A copy of this letter will be provided to the New York State Department of Conservation to document our communications.

If there are any questions or comments, please do not hesitate to call me.

Very truly yours,
HENNINGSON, DURHAM & RICHARDSON ARCHITECTURE AND ENGINEERING, P.C.



Stuart E. Bassell, P.E.
Project Manager