

Orangeburg Commerce Center Brownfield Cleanup Program Application and Supplemental Information

5 Greenbush Road
Orangeburg, New York 11211
Section 74.15, Block 1, Lot 2

BCP Site # C344078

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

Prepared for:
FB Orangetown LLC
810 Seventh Avenue, 28th Floor
New York, New York 10019

Prepared by:



121 West 27th Street, Suite 303
New York, NY 10001

April 2016

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐ Yes

☐ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 5**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME BF Orangetown LLC

ADDRESS c/o RD Management LLC, 810 Seventh Avenue

CITY/TOWN New York

ZIP CODE 10019

PHONE 212-265-6600

FAX 212-492-8458

E-MAIL ARossi@rdmanagement.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

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

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

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

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

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

Section III. Property's Environmental History

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

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

1. Reports: an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). See attached addendum.

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	
Chlorinated Solvents		X	
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides			
PCBs			
Other*			

*Please describe: _____

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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

☐ Coal Gas Manufacturing ☒ Manufacturing ☐ Agricultural Co-op ☐ Dry Cleaner
☐ Salvage Yard ☐ Bulk Plant ☐ Pipeline ☐ Service Station
☐ Landfill ☐ Tannery ☐ Electroplating ☐ Unknown

Other: Manufacture of Orangeburg Pipe

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Orangetown Commerce Center				
ADDRESS/LOCATION 5 Greenbush Road				
CITY/TOWN Orangeburg		ZIP CODE 10962		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Orangetown				
COUNTY Rockland		SITE SIZE (ACRES) 5.84		
LATITUDE (degrees/minutes/seconds) 41 ° 02 ' 33.84 "		LONGITUDE (degrees/minutes/seconds) 73 ° 56 ' 55.21 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address		Section No.	Block No.	Lot No.
5 Greenbush Road		74.15	1	2
				5.84
1. Do the proposed site boundaries correspond to tax map metes and bounds? ☐ Yes ☒ No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? ☒ Yes ☐ No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes ☐ No ☒ If yes, identify census tract : _____ Percentage of property in En-zone (check one): ☒ 0-49% ☐ 50-99% ☐ 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? ☐ Yes ☒ No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? ☐ Yes ☒ No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? ☐ Yes ☒ No If yes, attach relevant supporting documentation. See attached addendum.				
7. Are there any lands under water? ☐ Yes ☒ No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☐ No

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

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

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Alfred Rossi, P.E.			
ADDRESS c/o RD Management LLC, 810 Seventh Avenue			
CITY/TOWN New York		ZIP CODE 10019	
PHONE 212-265-6600	FAX 212-459-9133	E-MAIL arossi@rdmanagement.com	
NAME OF REQUESTOR'S CONSULTANT Matthew Carroll, PE / Tenen Environmental, LLC			
ADDRESS 121 West 27th Street, Suite 303			
CITY/TOWN New York		ZIP CODE 10001	
PHONE 646-606-2332	FAX 646-606-2379	E-MAIL mcarroll@tenen-env.com	
NAME OF REQUESTOR'S ATTORNEY Scott Furman / Sive, Paget & Riesel, P.C.			
ADDRESS 460 Park Avenue, 10th Floor			
CITY/TOWN New York		ZIP CODE 10022	
PHONE 212-421-2150	FAX 212-421-1891	E-MAIL sfurman@sprlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME BF Orangetown LLC		OWNERSHIP START DATE: 1-1-2013	
ADDRESS c/o RD Management LLC, 810 Seventh Avenue			
CITY/TOWN New York		ZIP CODE 10019	
PHONE 212-265-6600	FAX 212-459-9133	E-MAIL arossi@rdmanagement.com	
CURRENT OPERATOR'S NAME BF Orangetown LLC			
ADDRESS c/o RD Management LLC, 810 Seventh Avenue			
CITY/TOWN New York		ZIP CODE 10019	
PHONE 212-265-6600	FAX 212-459-9133	E-MAIL arossi@rdmanagement.com	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		☐ Yes ☒ No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		☐ Yes ☒ No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		☐ Yes ☒ No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT

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

☒ VOLUNTEER

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

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other _____

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

☐ Yes ☐ No

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

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

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

Section IX. Contact List Information

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☐ Residential ☒ Commercial ☒ Industrial

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

2. Current Use: ☐ Residential ☐ Commercial ☒ Industrial ☒ Vacant ☐ Recreational (check all that apply) See attached addendum.

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

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

If residential, does it qualify as single family housing?

☐ Yes ☐ No

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

☒ Yes ☐ No

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

See attached addendum.

☒ Yes ☐ No

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

See attached addendum.

☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____

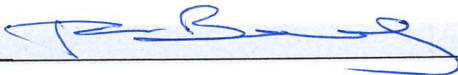
Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of BF Orangetown LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: 2/12/16

Signature: 

Print Name: Richard Birdoff

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

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

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Property is in Bronx, Kings, New York, Queens, or Richmond counties.	☐ Yes ☐ No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	☐ Yes ☐ No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
☐ Yes ☐ No	
2. Is the property upside down or underutilized as defined below?	Upside Down? ☐ Yes ☐ No
	Underutilized? ☐ Yes ☐ No
From ECL 27-1405(31): "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated. From 6 NYCRR 375-3.2(I) as of July 1, 2015: (Please note: Eligibility determination for the underutilized category can only be made at the time of application) (I) "Underutilized" means, as of the date of application, real property: (1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years; (2) at which the proposed development is solely for a use other than residential or restricted residential; (3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and (4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located: (i) property tax payments have been in arrears for at least five years immediately prior to the application; (ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (iii) the proposed use is in whole or in substantial part for industrial uses. "Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.	

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

3. Is the project an affordable housing project as defined below?

☐ Yes ☐ No

From 6 NYCRR 375- 3.2(a) as of July 1, 2015:

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: Orangetown Commerce Center
City: Orangeburg

Site Address: 5 Greenbush Road
County: Rockland **Zip:** 10962

Tax Block & Lot

Section (if applicable): 74.15 **Block:** 1 **Lot:** 2

Requestor Name: BF Orangetown LLC
City: New York

Requestor Address: c/o RD Management LLC, 810 Seventh Avenue
Zip: 10019 **Email:** ARossi@rdmanagement.com

Requestor's Representative (for billing purposes)

Name: Alfred Rossi, P.E.
City: New York

Address: c/o RD Management LLC, 810 Seventh Avenue
Zip: 10019

Email: arossi@rdmanagement.com

Requestor's Attorney

Name: Scott Furman / Sive, Paget & Riesel, P.C. **Address:** 460 Park Avenue, 10th Floor
City: New York

Zip: 10022

Email: sfurman@sprlaw.com

Requestor's Consultant

Name: Matthew Carroll, PE / Tenen Environmental, LLC **Address:** 121 West 27th Street, Suite 303
City: New York

Zip: 10001

Email: mcarroll@tenen-env.com

Percentage of site within an En-Zone: ☒ 0% ☒ <50% ☐ 50-99% ☐ 100%

Requestor's Requested Status: ☒ Volunteer ☐ Participant

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM (BCP)
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

SECTION I REQUESTOR INFORMATION

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear exactly as given in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

SECTION II PROJECT DESCRIPTION

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

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SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

Please follow instructions on application form.

SECTION IV

PROPERTY INFORMATION

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

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SECTION IV (continued)

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

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SECTION IV (continued)

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

A typical Environmental Assessment would look like the following:

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

Soil - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

Groundwater - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

Soil Vapor & Indoor Air - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

SECTION V

ADDITIONAL REQUESTOR INFORMATION

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

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**SECTION VI CURRENT PROPERTY OWNER/OPERATOR INFORMATION
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

SECTION VII REQUESTOR ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

SECTION VIII PROPERTY ELIGIBILITY INFORMATION

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

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SECTION VIII (continued)

5. Existing Order

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

6. Enforcement Action Pending

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

SECTION IX CONTACT LIST INFORMATION

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

SECTION X LAND USE FACTORS

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

SECTION XI SIGNATURE PAGE

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.

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DETERMINATION OF A COMPLETE APPLICATION

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
 - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
 - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
 - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
 - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
 - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
 - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

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DETERMINATION OF A COMPLETE APPLICATION (continued)

4. If the application is found to be incomplete:
 - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
 - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
 - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
 - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
 - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
 - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
 - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
 - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
 - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

Brownfield Cleanup Program Application Addendum

**BROWNFIELD CLEANUP PROGRAM APPLICATION
ADDENDUM**

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Section I. Requestor Information

The requestor is BF Orangetown LLC, a New York limited liability company.

Attached as Exhibit I is the New York State Department of State entity information for the requestor. Attached as Exhibit II is a organization chart of the members of BF Orangetown LLC.

Pursuant to ECL § 27-1405(1), requestor is properly designated as a Volunteer because its liability will arise solely from its ownership acquired after the disposal/discharge of contamination and because it has taken and will take reasonable steps to (i) stop any continuing release, (ii) prevent any threatened future release, and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Section II. Project Description

The proposed redevelopment of the subject property consists of the construction of an approximately 68,500 square foot single story multi-tenanted flex warehouse building and related site improvements to support this commercial use.

See attached Estimated Project Schedule as Exhibit III.

BROWNFIELD CLEANUP PROGRAM APPLICATION ADDENDUM

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Section III. Property's Environmental History

1. Reports. All referenced environmental reports are provided in Exhibit IV, except where noted, and include:

- a. *Progress Report: Remedial Investigation Study at Flintkote Site, Orangeburg, NY, Lawler, Matusky & Skelly Engineers, 1986. **
- b. *Well Redevelopment and Ground and Surface Water Sampling Report, Flintkote Property, Dames & Moore, March 11, 1988.*
- c. *Summary Report, Soil and Groundwater Investigations Conducted on Block 754 of the Former Orangeburg Pipe Manufacturing Site, Lawler, Matusky & Skelly Engineers, April 1991.*
- d. *Results of Methane Investigation, Hydrosience, Inc., December 4, 2000.*
- e. *Subsurface Investigation and Delineation Report, Hydrosience, Inc., February 10, 2000.*
- f. *Closure Workplan, Portions of the Orangeburg Pipe Manufacturing Facility, Hydrosience, Inc., November 17, 2001.*
- g. *Site Investigation Report, Triangle Parcel, VCP Site No. V00342-3, AKRF Engineering, P.C., June 2009.*
- h. *Groundwater Results Memorandum, Tenen Environmental, January 18, 2016.*

A copy of the LMS 1986 report is not available; however, the results were summarized in later reports.

3. Drawings. Six drawings, three for soil and three for groundwater, are included in Exhibit V. The data for these drawings are the documents referenced above.

Section IV. Property Information

2. Map: A Property Map, Land Use Map, Tax Map, Zoning Map and Survey Map are attached hereto as Exhibit V.

6. As indicated in Environmental History (Section III), investigations were completed to investigate whether it was appropriate to list the subject property as an Inactive Hazardous Waste Landfill (IHWLF). A five-acre portion of the overall Orangeburg Pipe complex was listed as an IHWLF; however, it was likely not the subject property and the five-acre portion was later de-listed. No remediation has been completed at the subject property.

10. Property Description Narrative

Location

The subject property, located at 5 Greenbush Road, Orangetown, New York, is an approximately triangular-shaped parcel consisting of 254,230 square feet (5.84 acres) bounded to the east by Greenbush Road, to the west by Western Highway and to the north by Highview

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5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Avenue. The tax map for the subject property is Parcel 74.15-1-2; however, the subject property is not the entire Tax Parcel. A metes and bounds description is included as Exhibit VI.

Site Features

The property is currently undeveloped.

Current Zoning and Land Use

The subject property use is currently zoned as Light Industrial (LI) and the land use is listed as vacant. As indicated in Section III, a portion of the subject property is used as a contractor's storage yard. The LI zoning allows for manufacturing, wholesale, warehouse and storage uses, offices, commercial recreation and theaters as-of-right; several other uses may be allowed with Town Board approval.

The surrounding parcels are currently used for a combination of commercial, light industrial and residential use and utility and railroad rights-of-way.

Past Use of the subject property

The subject property was part of a larger facility used for the manufacturing of Orangeburg Pipe beginning in or about the 1890s. Prior to 1946, the Orangeburg Pipe was manufactured by impregnating paper fiber cylinders with coal tar pitch. From 1946 to 1970, a paper and asbestos mixture was used to make the pipe cylinders. After 1970, wollastonite (a fibrous, magnesium oxide mineral) was used in place of asbestos. The original manufacturing was reported to take place on the subject property, also known as the "Triangle Parcel." As operations expanded, manufacturing expanded to the east and south from the subject property and many of the manufacturing operations were located on the adjacent current Lowe's property. The subject property was reportedly used mainly for storage during this time. In 1953, manufacturing operations were acquired by Flintkote. Pipe manufacturing was reported to have discontinued in 1973. After ceasing operations, most of the facility was destroyed by fire. The remaining structures were reportedly demolished and deposited on the subject property.

Site Geology and Hydrogeology

The subject property consists of existing concrete pads from the former buildings, small trees, brush and natural growth. The top 2 to 12 feet consists of a mixture of fill containing topsoil, sand, and gravel. The underlying sediments are reported to consist of glacial till containing a low permeability mixture of reddish grey sand, gravel, silt and clay. The deeper native overburden above the bedrock was reported to contain some stratified drift deposits. The depth to the bedrock surface ranges from 35 to 45 feet below grade and the bedrock formation is identified as the Brunswick formation, which is a sandstone conglomerate.

Previous groundwater studies show that groundwater exists beneath the Orangeburg Pipe complex in three distinct units. The shallow water table exists at depths ranging from

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5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

approximately 9 to 15 feet below grade and exists within fill material and the shallow till sediments. The second distinct unit exists in the deep till and stratified drift deposits. The third unit consists of a bedrock aquifer. Water table elevation maps show that groundwater flow in the shallow aquifer was to the southeast. Potentiometric surface maps showed that groundwater flow in the deep aquifer and the bedrock aquifer was to the east.

Environmental Assessment

The prior investigations of the subject property have confirmed the presence of on-site contamination that is complicating the development of the subject property as a commercial building. The subject property was formerly used for the manufacture of Orangeburg Pipe, which is a tar-impregnated pipe, between 1893 and 1972; from 1946 to 1970, asbestos fibers were added to the pipe material. The project site was enrolled in the Voluntary Cleanup Program (VCP) by a prior owner (NYSDEC Site #V00342) and was investigated in accordance with that program. Prior to the VCP, some characterization sampling was completed to determine if the conditions on the subject property and surrounding properties that were formerly part of the same historic operations were appropriate for listing as an Inactive Hazardous Waste Landfill (IHWLF). A five-acre portion of the overall Orangeburg Pipe complex was listed as an IHWLF. The subject property was reportedly not used for the disposal of Orangeburg Pipe, so it was likely not part of the five acres that were listed, and those five acre were later de-listed. The subject property was later voluntarily withdrawn from the VCP. The following spill records, all closed, were also associated with the subject property: 9008717, 9806678 and 0102771; Spill records 9008717 and 0102771 were related to petroleum impacts observed in the area of several underground storage tanks (USTs) used to hold fuel oil and gasoline.

Site investigations conducted between 1986 and 2015 have identified petroleum-related compounds and metals at concentrations above regulatory levels in environmental media. Specific contaminants and maximum concentrations are detailed below.

Based upon the investigations conducted between 1986 and 2015, the primary contaminants of concern for the Site are chlorinated solvents [1,1,1-trichloroethane (1,1,1-TCA) and 1,1-dichloroethane (1,1-DCA)], semi-volatile organic contaminants (SVOCs) and metals in groundwater and SVOCs and metals in soil. Non-aqueous phase liquid (NAPL) has also been observed during the multiple field investigations performed at the Site. Specific contaminants and maximum concentrations are detailed below, as summarized in the following reports:

- Sampling Results, NYSDEC, 1974, 1980 and 1981.*
- Assessment of the Environmental Impact of On-site Waste Disposal, Orangeburg Manufacturing Company, 1893-1972, EWK Consultants, Inc. (EWK), 1980. *
- Progress Report: Remedial Investigation Study at Flintkote Site, Orangeburg, NY. Lawler, Matusky & Skelly Engineers (LMS), 1986. *
- Well Redevelopment and Ground and Surface Water Sampling Report, Flintkote Property. Dames & Moore, March 11, 1988. *

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- Soil and Groundwater Investigations Conducted on the Former Orangeburg Pipe Manufacturing Site, Orangeburg, New York, Volume 1. LMS, 1990.
- Summary Report, Soil and Groundwater Investigations Conducted on Block 754 of the Former Orangeburg Pipe Manufacturing Site. LMS, April 1991.
- Results of Subsurface Methane Survey, HydroScience, Inc. (HydroScience), December 4, 2000.
- Subsurface Investigation and Delineation Report, HydroScience, February 10, 2000.
- Remediation Workplan, Portions of the Orangeburg Pipe Manufacturing Facility, HydroScience, November 17, 2001.
- Site Investigation Report, Triangle Parcel, VCP Site No. V00342-3, AKRF Engineering, P.C. (AKRF), June 2009.
- Groundwater Results Memorandum, Tenen Environmental, January 18, 2016.

* Original report not available. Discussion of findings based upon summaries provided in Site Investigation Report, Triangle Parcel, VCP Site No. V00342-3, AKRF Engineering, P.C., June 2009.

Pertinent findings of these investigations, focusing on contaminants identified above the applicable standards and guidance values, are discussed below.

The earliest studies summarized in the AKRF 2009 report (NYSDEC 1974; NYSDEC 1980 and 1981; EWK, 1980) focused primarily on the 1974 closure of a wastewater settling lagoon on the Lowe's property east of the Site and analysis of surface water and seepage samples around the former manufacturing facility. The 1974 sampling indicated leaching of iron, chlorides, magnesium, total organic carbon (TOC) and possibly phenols from the manufacturing facility. Based on the 1981 sampling of surface water from the drain culvert and stream on the Site and the east adjacent lot (Lowe's property), the phenol level appeared to be associated with leachate. EWK's 1980 study included research into historic operations and soil and groundwater sampling. No additional information, including analytical results and sample locations, were provided.

As part of a 1986 investigation, LMS installed and sampled two overburden and one bedrock well at the Site. The acetone level in groundwater at one locations was 56 (micrograms per liter) ug/L, slightly above the NYSDEC Technical and Operation Guidance Series for Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations (Class GA standard) of 50 ug/L. Sampling of the LMS wells in 1988 yielded results similar to the 1986 investigation, also with iron and manganese detected at levels above the drinking water standards.

Subsequent to the 1989 discovery of elevated levels of VOCs in groundwater in the northwest corner of the Lowe's property, LMS sampled Site groundwater in 1990 and 1991. Groundwater downgradient of the former fuel oil tanks contained 1,1-DCA at 24 ug/L (12/11/90)

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and 19 ug/L (2/12/91) and 1,1,1-TCA at 65 ug/L (12/11/90) and 52 ug/L (2/12/91), all above the Class GA standard of 5.0 ug/L. Analysis of water within a subsurface pipe at the eastern Site boundary identified 1,1,1-TCA (12,000 ug/L), 1,1-DCA (720 ug/L), toluene (1,000 ug/L), ethylbenzene (650 ug/L) and xylenes (3,500 ug/L). Oil-saturated soil was encountered through the entire depth of B-11 [0-14 feet below grade (ft-bg)], also located downgradient of the former tank area and in the area between B-11 and MW-22 during test pitting operations.

The 1990/1991 LMS investigation identified SVOCs at concentrations above the New York State Part 375-6.8 soil cleanup objectives for commercial use (Commercial Use SCO) at several locations, with the highest levels detected at TP-5 SOIL. Elevated levels were also identified in TP-2 SOIL and TP-6 SOIL. The SVOCs identified at concentrations above the Commercial Use SCO include: chrysene [max: 122 milligrams per kilogram (mg/kg)] and benzo(k)fluoranthene (max: 169 mg/kg), above the Commercial Use SCO of 56 mg/kg; benzo(a)anthracene (max: 133 mg/kg) and benzo(b)fluoranthene (max: 41 mg/kg), above the Commercial Use SCO of 5.6 mg/kg; benzo(a)pyrene (max: 38 mg/kg), above the Commercial Use SCO of 1 mg/kg; and, dibenz(a,h)anthracene (max: 16 mg/kg), above the Commercial Use SCO of 0.56 mg/kg.

In 2000, HydroScience identified an area of petroleum-impacted soil within the former fuel tank area. Sampling of the water from the pipe identified 1,1-dichloroethene (1,1-DCE), 1,2-dichloroethene (1,2-DCE), tetrachloroethene (PCE) and 1,1,1-TCA at 26 ug/L, 2.6 ug/L, 4.6 ug/L and 120 ug/L, respectively. Lead was also detected in this sample at 58 ug/L.

The 2000 HydroScience investigation identified SVOCs at concentrations above the Commercial Use SCO at several locations, with the highest levels detected at Pit 4 (2 ft-bg). Elevated levels were also identified in Pit 4 (8 ft-bg), Pit 5 (10 ft-bg) and BH99-01 (6 ft). The highest SVOC concentrations were identified at the northern portion of the Site, west of the former tank farm. The SVOCs identified at concentrations above the Commercial Use SCO include: phenanthrene (max: 620 mg/kg), above the Commercial Use SCO of 500 mg/kg; chrysene (max: 140 mg/kg), above the Commercial Use SCO of 56 mg/kg; benzo(a)anthracene (max: 110 mg/kg), benzo(b)fluoranthene (max: 73 mg/kg) and indeno(1,2,3-cd)pyrene (max: 28 mg/kg), above the Commercial Use SCO of 5.6 mg/kg; benzo(a)pyrene (max: 76 mg/kg), above the Commercial Use SCO of 1 mg/kg; and, dibenz(a,h)anthracene (max: 18 mg/kg), above the Commercial Use SCO of 0.56 mg/kg.

The 2008 AKRF investigation also identified SVOCs at concentrations above the Commercial Use SCO at several locations, with the highest levels detected at SB-18 (5-6 ft-bg), at the former plastic manufacturing building in the western part of the Site. Elevated levels were also identified in SB-9 (5-6 ft-bg), SB-11 (1-3 ft-bg) and SB-14 (5-6 ft-bg), all in or near the former fuel oil and gas tanks, and at SB-15 (1-2 ft-bg) in the former transformer area. The highest SVOC concentrations were identified at the northern portion of the Site, in the area of the former tank farm, and at locations below historical buildings. The SVOCs identified at concentrations above the Commercial Use SCO include: chrysene (max: 120 mg/kg), above the Commercial Use SCO of 56 mg/kg; benzo(a)anthracene (max: 120 mg/kg),

BROWNFIELD CLEANUP PROGRAM APPLICATION ADDENDUM

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

benzo(b)fluoranthene (max: 130 mg/kg) and indeno(1,2,3-cd)pyrene (max: 75 mg/kg), above the Commercial Use SCO of 5.6 mg/kg; benzo(a)pyrene (max: 100 mg/kg), above the Commercial Use SCO of 1 mg/kg; and, dibenz(a,h)anthracene (max: 18 mg/kg), above the Commercial Use SCO of 0.56 mg/kg.

Metal concentrations above the applicable SCOs included lead at 2,250 mg/kg, above the Commercial Use SCO of 1,000 mg/kg, at SB-1 (4-5 ft-bg), near a former maintenance drain at the downgradient property boundary.

Several chlorinated solvents, including 1,1,1-TCA, 1,1-DCA and PCE were detected in groundwater at MW-6, along the downgradient (eastern) property boundary. The concentration of 1,1,1-TCA at 8.2 ug/L exceeded the Class GA standard of 5.0 ug/L. A fingerprint analysis of the sample from MW-4 identified a hydrocarbon distribution indicative of motor oil.

SVOCs were identified in groundwater at concentrations ranging from 0.6 ug/L to 17 ug/L. Several compounds were identified in MW-2, at the downgradient Site boundary, at levels exceeding their respective Class GA standards, including benzo(a)anthracene (0.93 ug/L, standard of 0.002 ug/L), benzo(a)pyrene (0.66 ug/L, standard of non-detect), and chrysene (0.71 ug/L, standard of 0.002 ug/L). SVOCs at concentrations above the Class GA standards were also detected on the downgradient boundary at MW-6, including benzo(a)anthracene (0.6 ug/L), benzo(b)fluoranthene (0.6 ug/L) and chrysene (0.71 ug/L).

Metals were detected in samples from all wells, with sodium, iron and manganese detected in multiple locations at levels above the Class GA standards. The concentration of magnesium in MW-3 (38,600 ug/L), and arsenic (59 ug/L) and barium (2,400 ug/L) in MW-4 also exceeded their respective Class GA standards of 35,000 ug/L, 25 ug/L and 1,000 ug/L.

In November 2015, Tenen Environmental (Tenen) performed groundwater sampling of six existing wells (MW-2, MW-3, MW-5, MW-6, TMW-1 and TMW-2). TMW-1 and TMW-2 appear to have been installed by AKRF, but are not referenced in the 2009 investigation report.

SVOCs, predominantly polycyclic aromatic hydrocarbons (PAHs), were identified at concentrations above the Class GA standards in MW-2, MW-3 and MW-6 (all located at the downgradient eastern Site boundary), with the highest levels in MW-3. Benzo(a)anthracene was detected at levels between 0.38 ug/L (MW-6) and 2.4 ug/L (MW-3), above the Class GA standard of 0.002 ug/L. Benzo(a)pyrene was detected at levels ranging from 0.51 ug/L (MW-2) to 1.8 ug/L (MW-3); the Class GA standard for this compound is non-detect. Concentrations of benzo(f)fluoranthene ranged from 0.63 ug/L in MW-2 to 2.4 ug/L in MW-3 and benzo(k)fluoranthene was detected at levels of 0.22 ug/L (MW-2) to 0.88 ug/L (MW-3), with levels of both compounds above their Class GA standards of 0.002 ug/L. Chrysene levels above the Class GA standard of 0.002 ug/L ranged from 0.27 ug/L (MW-6) to 2.4 (MW-3) and indeno(1,2,3-cd)pyrene was detected at concentrations between 0.27 ug/L and 0.86 ug/L, exceeding the Class GA standard of 0.002 ug/L.

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Total and dissolved metals, including iron, manganese and sodium were detected at concentrations above the Class GA standards in samples MW-2 and MW-6. The dissolved concentrations above the Class GA standard include iron (2,090 ug/L in MW-2, standard of 300 ug/L), manganese (5,018 ug/L in MW-2 and 2,984 ug/L in MW-6, standard of 300 ug/L), and sodium (175,000 ug/L in MW-2 and 94,500 ug/L in MW-6, standard of 20,000 ug/L).

The fingerprint analysis of the NAPL sample collected at well MW-4, upgradient of the former tank area, is consistent with a hydraulic lubricating oil or motor oil.

Summary

Based upon the investigations conducted between 1986 and 2015, groundwater at the Site has been impacted by VOCs (including chlorinated solvents and petroleum-related compounds), SVOCs (primarily PAHs) and metals that appear to be associated with prior manufacturing activities at the Site. These contaminants have been documented at concentrations above the Class GA standard in one or more investigations. The soil sampling conducted by AKRF in 2008 identified metals (including chromium, lead and manganese) and SVOCs (primarily PAHs) at concentrations above the Commercial Use SCOs in Site soils. NAPL in soil was observed in two locations downgradient of the former tank area in the 1990 LMS study and within the former tank area by HydroScience in 2000. NAPL was also observed in one well upgradient of the tank area, and, identified via fingerprint analyses performed in 2008 and 2015, as a lubricating or motor oil.

Section VI. Previous Property Owner and Operator Information

Previous Owners	
Dates	Owner
1890s – 1953	Fiber Conduit Company l/k/a Oranburg Manufacturing Company Address Unknown Relationship to Requestor: None
1953 - 2001	The Flintkote Company 2 Embarcadero Center San Francisco, CA 94111-4003 Relationship to Requestor: None
2001 - Jan. 1, 2013	FB Orangetown LLC 810 Seventh Avenue New York, New York 10019 Relationship to Requestor: Affiliate

**BROWNFIELD CLEANUP PROGRAM APPLICATION
ADDENDUM**

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Previous Operators

Dates

1890s – 1953

Operator

Fiber Conduit Company l/k/a Orangeburg
Manufacturing Company
Address Unknown
Relationship to Requestor: None

1953 - 2001

The Flintkote Company
2 Embarcadero Center
San Francisco, CA 94111 4003
Relationship to Requestor: None

Section VII. Requestor Eligibility

Pursuant to ECL § 27-1405(1), requestor is properly designated as a Volunteer because its liability will arise solely from its ownership acquired after the disposal/discharge of contamination and because it has taken and will take reasonable steps to (i) stop any continuing release, (ii) prevent any threatened future release, and (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

During the performance of due diligence in connection with the acquisition of the subject property by the requestor's affiliate and predecessor in title, FB Orangetown LLC, in 2001, a soil and groundwater investigation was performed at the subject property, which included the installation of groundwater monitoring wells. That investigation, as well as prior investigations dating back to 1986, identified previously released petroleum-related compounds and metals at concentrations above regulatory levels in soil and groundwater beneath the subject property. Following acquisition of the subject property, a cover consisting of recycled concrete aggregate and asphalt has been maintained on the subject property to prevent exposure to previously released contaminants and the monitoring wells, as well as additional wells installed after acquisition, have been periodically resampled and gauged to confirm that there is no continuing release.

Groundwater monitoring performed as part of the remediation of the southeast adjacent property by FB Orangetown LLC (Orangeburg Commons, BCP Site No: C344073) found no evidence of migration of contamination from the subject property.

**BROWNFIELD CLEANUP PROGRAM APPLICATION
ADDENDUM**

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Section IX. Contact List Information

1. The Chief Executive Officer And Planning Board Chairperson Of Each County, City, Town And Village In Which The Property Is Located.

Supervisor Andy Stewart
Town Hall
26 Orangeburg Rd
Orangeburg, NY 10962
845-359-2623

Kevin Garvey
Chairman
Town of Orangetown
Planning Board
20 South Greenbush Road
Orangeburg, New York 10962

John Giardiello
Director
Office of Building, Zoning, Planning,
Administration & Enforcement
20 South Greenbush Road
Orangeburg, New York 10962

Ed Day
County Executive
County of Rockland
11 New Hempstead Road
New City, New York 10956
Douglas J. Schuetz
Acting Commissioner
Rockland County Planning Department
50 Sanatorium Road, Building T
Pomona, NY 10970

2. Residents, Owners, And Occupants Of The Property And Properties Adjacent To The Property.

Highview Avenue Holding Corp.
17 Highview Avenue
Orangeburg, NY 10962
Mellifont LLC
5 Camelot Way
Orangeburg, NY 10962

Orangeburg Holdings LLC
c/o Lowe' Home Center
1000 Lowes Boulevard
 Mooresville, NC 28117

FB Orangetown Retail LLC
c/o Rd Management
810 Seventh Avenue
New York, NY 10019

FB Orangetown Retail Two LLC
c/o Rd Management
810 Seventh Avenue
New York, NY 10019

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5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

FB Orangetown Retail Three LLC
c/o Rd Management
810 Seventh Avenue
New York, NY 10019

FB Orangetown Hotel LLC
c/o Rd Management
810 Seventh Avenue
New York, NY 10019

FB Orangetown Hotel Two LLC
c/o Rd Management
810 Seventh Avenue
New York, NY 10019

Thomas B Graff
10 Grand Street
Tappan, NY 10983

Consolidated Rail Corp.
Valley Ave
Central Valley, NY 10917

Cesar and Rosita Clemente
2 Maple Avenue
Orangeburg NY 10962

Nicholas and Frances Spadaccini
1A Blue Hill Commons
Orangeburg NY 10962

Patricia Ryan-Gurda
PO Box 574
Pine Island NY 10969

Edward Villa-Real
1C Blue Hill Commons
Orangeburg NY 10962

Raymond and Maria Potocki
1D Blue Hill Commons
Orangeburg NY 10962

Dipti and Manesh Patel
19 Newport Drive
Nanuet NY 10954

Snowflake LLP
PO Box 1774
New City NY 10956

Frank Greco
PO Box 291
Orangeburg NY 10962

Ru Ying Cai
1H Blue Hill Commons
Orangeburg NY 10962

Edwina Pinnock
PO Box 587
Orangeburg NY 10962

Michael Pagliocca
2A Blue Hill Commons
Orangeburg NY 10962

Susan Delorenzo
2B Blue Hill Commons
Orangeburg NY 10962

Michael Amendola
2C Blue Hill Commons
Orangeburg NY 10962

Joan McGann, Eileen Taylor, Maureen
McEnroe
332 South Middletown Road
Pearl River NY 10965

Guillermo and Lena Olea
2E Blue Hill Commons
Orangeburg NY 10962

Maureen Stapleton
2F Blue Hill Commons
Orangeburg NY 10962

**BROWNFIELD CLEANUP PROGRAM APPLICATION
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5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Edwin Ruiz
2G Blue Hill Commons
Orangetburg NY 10962

Joan Feeney
605 Mountain Road
West Hartford CT 06117

Libertad Fuentes
2H Blue Hill Commons
Orangetburg NY 10962

Mary Stella
4A Blue Hill Commons
Orangetburg NY 10962

John and Carla Clancy
2I Blue Hill Commons
Orangetburg NY 10962

Robert Cupani
4B Blue Hill Commons
Orangetburg NY 10962

Charlotte and William Hoffman
PO Box 212
Orangetburg NY 10962

Kerri Brown
4C Blue Hill Commons
Orangetburg NY 10962

Anna Balaguer
3B Blue Hill Commons
Orangetburg NY 10962

Madrid House LLC
145 Kings Highway
Tappan NY 10983

Barbara Hughes
3C Blue Hill Commons
Orangetburg NY 10962

Mary McNamara
4E Blue Hill Commons
Orangetburg NY 10962

Helen and John Roxbury
3D Blue Hill Commons
Orangetburg NY 10962

Donna Robinson
4F Blue Hill Commons
Orangetburg NY 10962

Ken and Katrina Arabe
3E Blue Hill Commons
Orangetburg NY 10962

Frederick and Jill Simms
4G Blue Hill Commons
Orangetburg NY 10962

Tan Duc Nguyen
3F Blue Hill Commons
Orangetburg NY 10962

Scott Edler
4H Blue Hill Commons
Orangetburg NY 10962

Tara Nespoli
3G Blue Hill Commons
Orangetburg NY 10962

Robert Anderegg
4I Blue Hill Commons
Orangetburg NY 10962

Property Management LP
PO Box 662
Palisades NY 10964

Boris and Luba Shtutman c/o R&B Realty
200 Winston Drive, Apt 1909
Cliffside Park NJ 07010

**BROWNFIELD CLEANUP PROGRAM APPLICATION
ADDENDUM**

5 GREENBUSH ROAD, ORANGEBURG, NEW YORK 10962

Roger L James
4K Blue Hill Commons
Orangetown NY 10962

D & B Ent Inc
4 Independence Avenue
Tappan NY 10983

Dolores Mittler
4L Blue Hill Commons
Orangetown NY 10962

3. Local News Media From Which The Community Typically Obtains Information.

The Journal News
1133 Westchester Avenue, Suite N110
White Plains, NY 10604

Rockland County Times
119 Main Street
Nanuet, NY 10954

4. The Public Water Supplier Which Services The Area In Which The Property Is Located

United Water New York
360 West Nyack Road
West Nyack, NY 10994

5. Any Person Who Has Requested To Be Placed On The Contact List.

We are unaware of any requests for inclusion on the contact list.

6. The Administrator Of Any School Or Day Care Facility Located On Or Near The Property.

Jennifer L. Amos, Ph.D.
Principal
Tappan Zee High School
15 Dutch Hill Rd
Orangetown, NY 10962

Maxne Leater
President
Parent Support Network, Inc.
PO Box 284
Orangetown, NY 10962

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7. Location of the Document Repository

Orangeburg Library
20 Greenbush Road
Orangeburg, New York 10962

A letter from the repository is included as Exhibit VII.

Section X. Land Use Factors

2. The property is currently vacant.
3. The subject property is currently used as a contractor's storage yard. The majority of the subject property is vacant, with storage limited to the northern portion of the subject property. The proposed development consists of the construction of an approximately 68,500 square foot single story multi-tenanted flex warehouse building and related site improvements to support this commercial use.
4. The proposed development is consistent with the historical demand for commercial uses in Orangeburg and the surrounding Rockland County areas. The Orangeburg Census-Designated Place (CDP) has had a population increase of 35% between the 2000 and 2010 Censuses. The subject property is well served by Route 303 (a major commercial center) and the Palisades Interstate Parkway (PIP). More recently, the New Tappan Zee Bridge will allow for greater access to the subject property, which is approximately six miles from the western side of the bridge.
5. The existing use is consistent with the applicable zoning (LI).
6. There are no applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans or other adopted land use plans specifically for the subject property. The proposed use is consistent with the Town of Orangetown Comprehensive Plan Update Study (Draft December 2011), which lists the subject property as Vacant and Underutilized Land. The subject property adjoins the Route 303 Overlay District.

Exhibit I

NYSDOS Entity Information

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 22, 2016.

Selected Entity Name: BF ORANGETOWN LLC

Selected Entity Status Information

Current Entity Name: BF ORANGETOWN LLC

DOS ID #: 4336130

Initial DOS Filing Date: DECEMBER 21, 2012

County: NEW YORK

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

C/O RD MANAGEMENT LLC

810 SEVENTH AVENUE 10TH FLOOR

NEW YORK, NEW YORK, 10019

Registered Agent

NONE

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

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
DEC 21, 2012	Actual	BF ORANGETOWN LLC

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

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

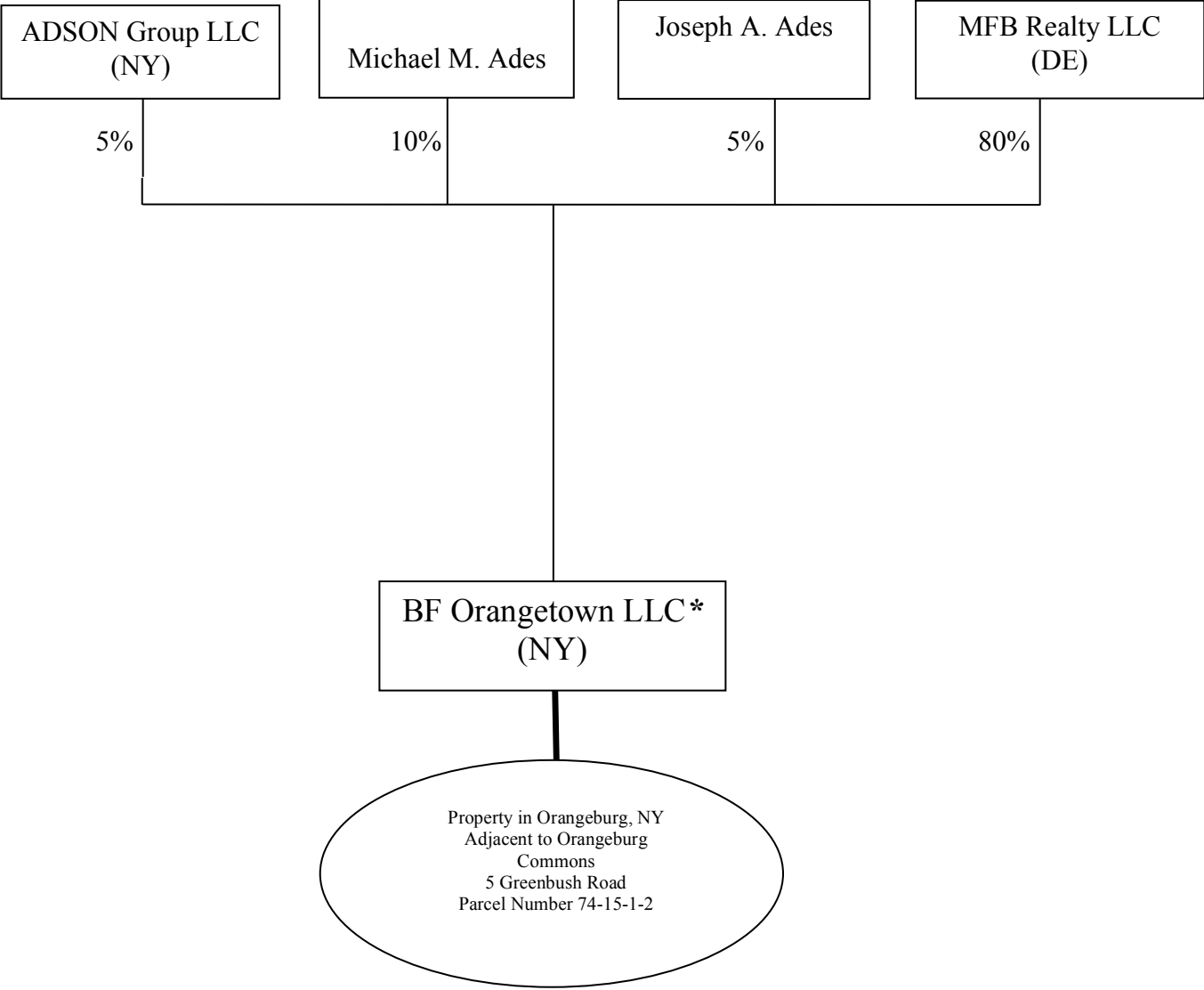
[Search Results](#) [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

Exhibit II

Members of BF Orangetown LLC

Orangeburg, NY
Structure Chart



***Managers:**

- **Richard Birdoff**

Exhibit III

Estimated Project Schedule

Estimated Project Schedule
(Reasonable BCP dates; less time for development construction)

3/1/16	BCP Application submittal to NYSDEC
3/10/16	NYSDEC BCP Application comment letter
4/6/16	Revised BCP Application submittal to NYSDEC
4/13/16	ENB, contact list and local newspaper publication of Applicant's request to participate in BCP
5/2/16	CP Plan and Draft RIWP submittal to NYSDEC
5/13/16	Close of 30 day public comment period on BCP Application
5/11/16	ENB, contact list and local newspaper publication of Draft RIWP
6/11/16	Close of 30 day public comment period on Draft RIWP
6/15 – 7/15/16	Implement RIWP
8/1/16	Draft RIR submittal to NYSDEC
8/10/16	ENB, contact list and local newspaper publication of Draft RIR
8/15/16	Draft RAWP submittal to NYSDEC
10/12/2016	ENB, contact list notification of Draft RAWP
9/9/16	Close of 30 day public notice period on Draft RIR
10/8/2016	Close of 45 day public comment period on Draft RAWP
10/15/2016	Notice of start of remedial action
10/15/2016 – 12/31/2016	Implement RAWP
01/30/2017	Environmental Easement package submittal to NYSDEC
02/01/2017	Draft SMP submittal to NYSDEC
03/15/2017	Draft FER submittal to NYSDEC
5/15/2017	COC Issuance

Exhibit IV

Environmental Reports (on CD only)

Exhibit V

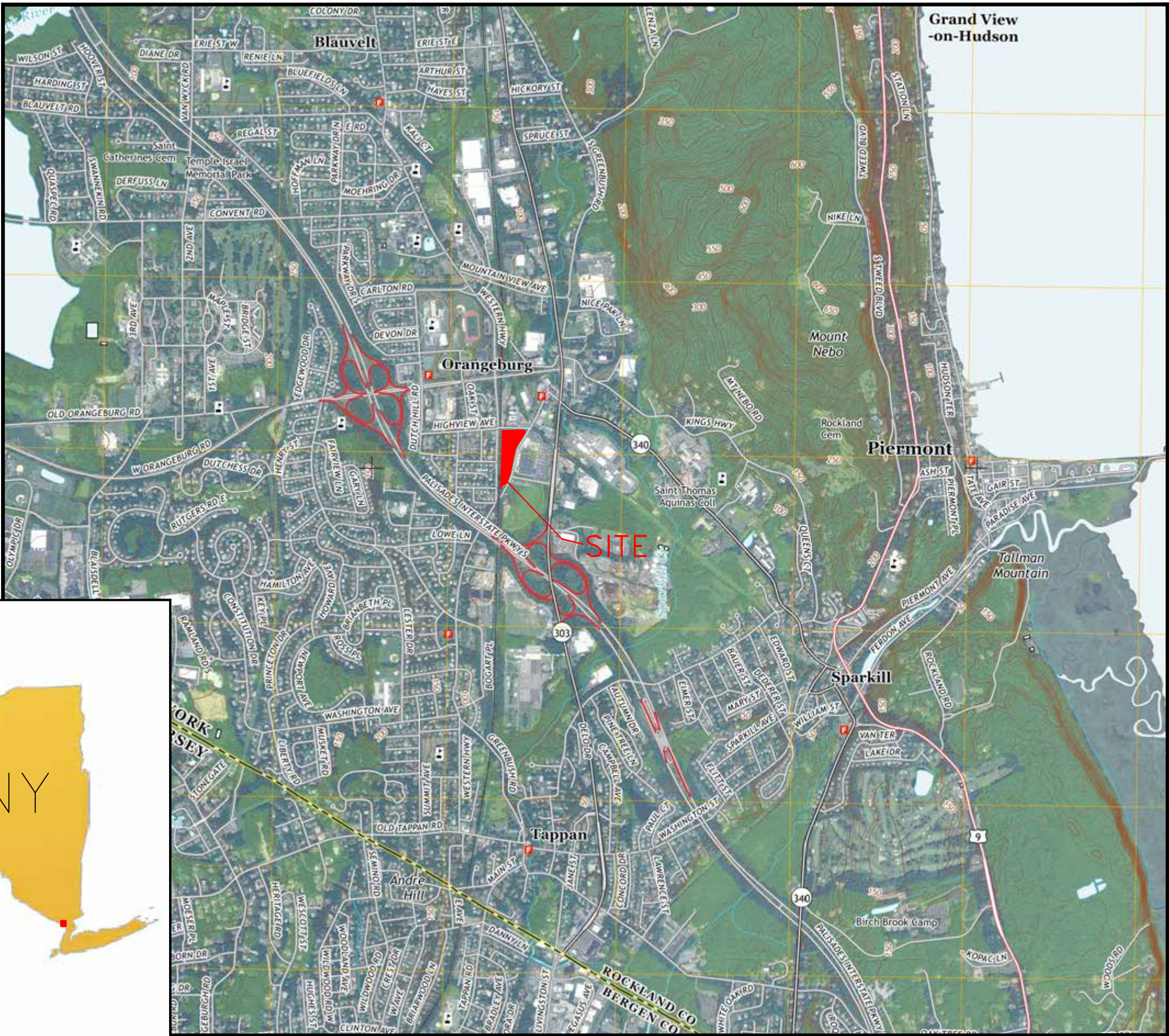
Figures

RE: USGS NYACK-NY QUADRANGLE, 2013

0 2,000
SCALE: 1" = 2,000'



DETAIL
LOCATION



LOCATION
5 GREENBUSH ROAD
ORANGEBURG, NY

TENEN ENVIRONMENTAL

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 303
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

CONSULTANT

DRAWN BY
MC

CHECKED BY
MM

DATE
02/10/16

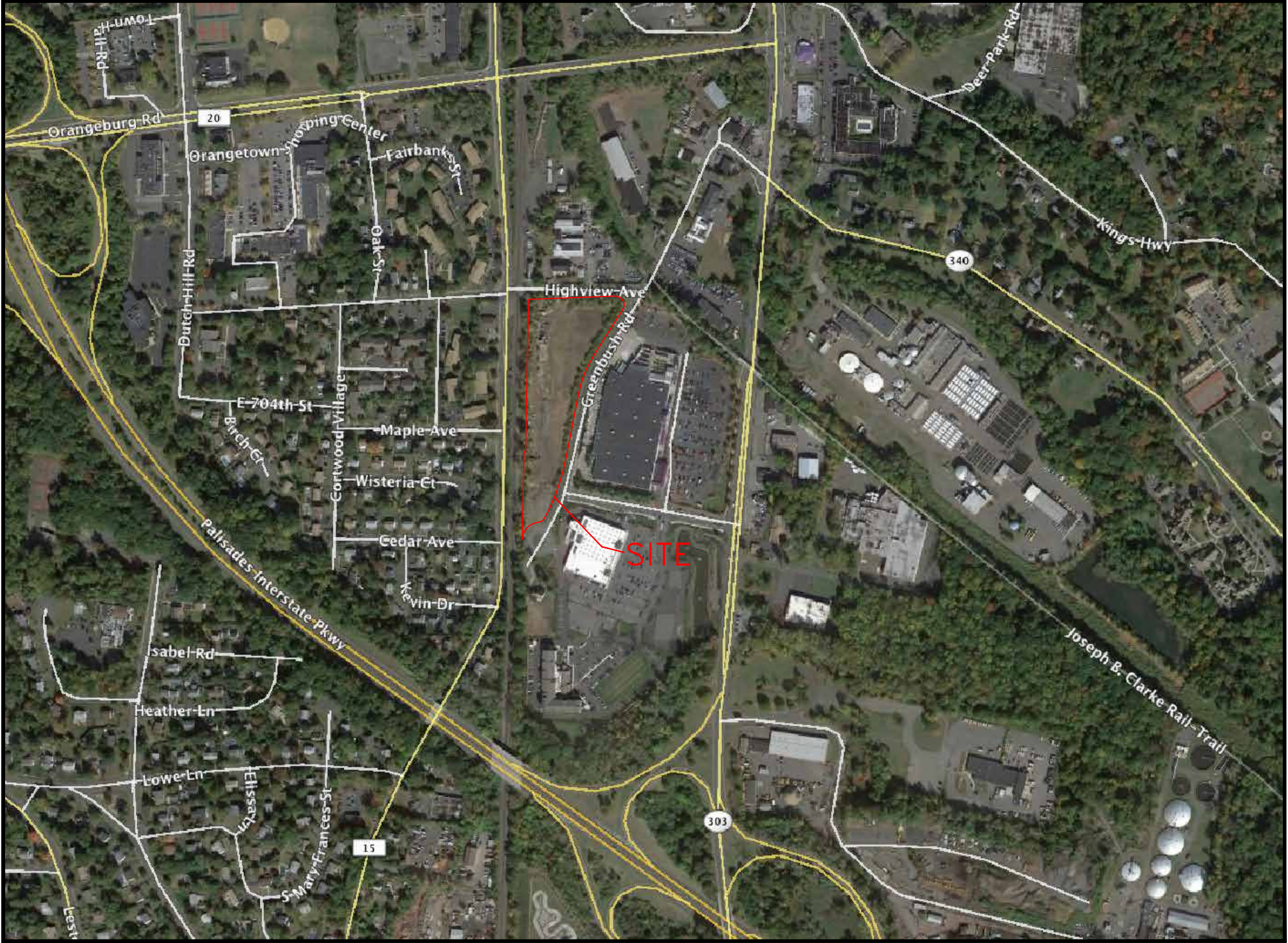
SCALE
AS NOTED

DRAWING TITLE
SITE LOCATION MAP

DRAWING NO.
FIGURE 1

RE: GOOGLE EARTH PRO, 11/2012 PHOTO

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SCALE: 1" = 500'

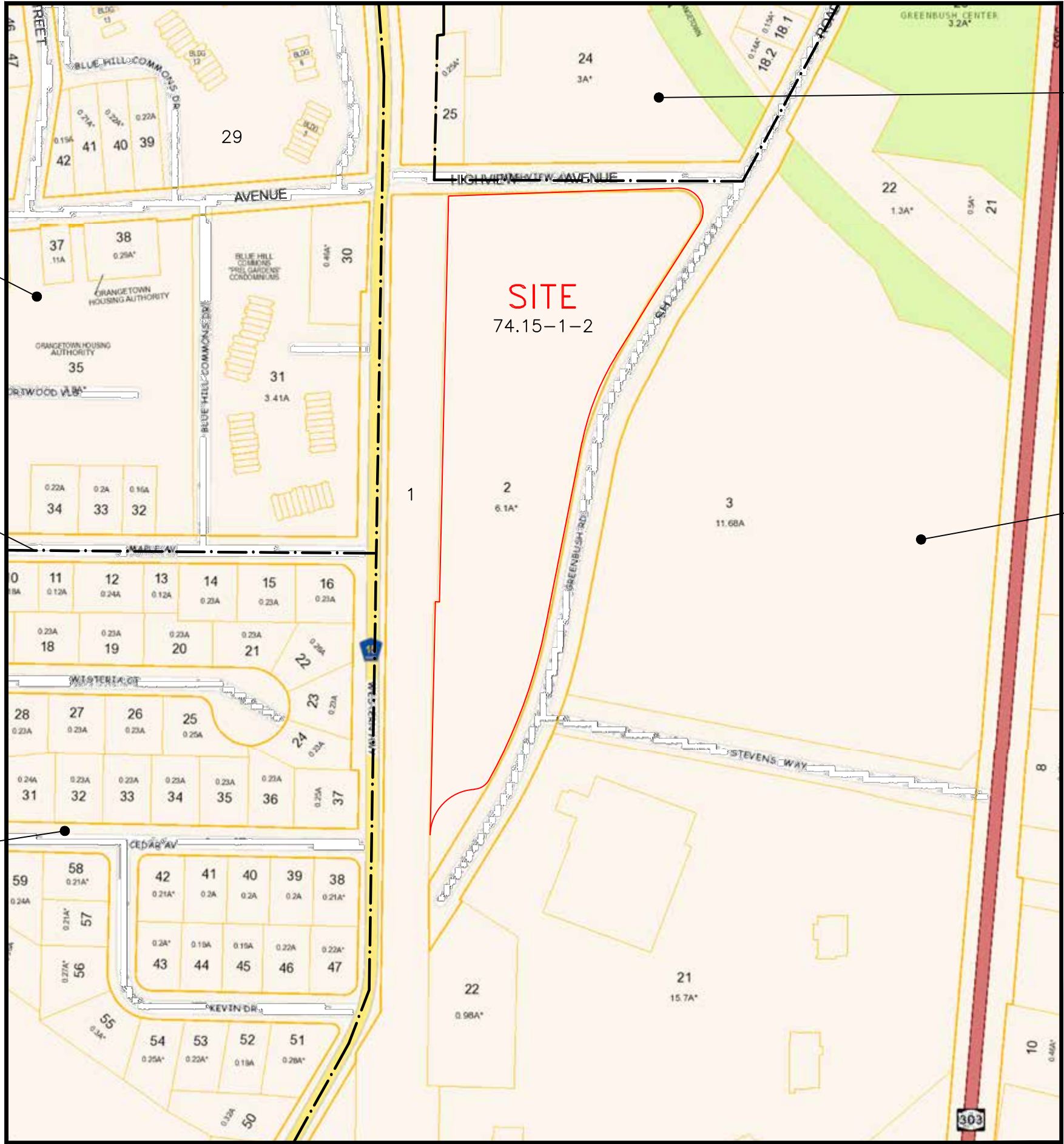


DRAWING TITLE. SITE FIGURE MAP	DRAWN BY MC	CONSULTANT TENEN ENVIRONMENTAL TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
	CHECKED BY MM		
DRAWING NO. FIGURE 2	DATE 2/10/16		
	SCALE AS NOTED		

0 200
SCALE: 1" = 200'

KEY
SECTION-BLOCK-x
where x is the LOT,
as shown on figure.

Section/Block border



LOCATION
5 GREENBUSH ROAD
ORANGEBURG, NY

TENEN ENVIRONMENTAL

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 303
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

CONSULTANT

DRAWN BY

CHECKED BY

DATE

SCALE

DRAWING TITLE

DRAWING NO.

TAX MAP

MC

MM

4/6/16

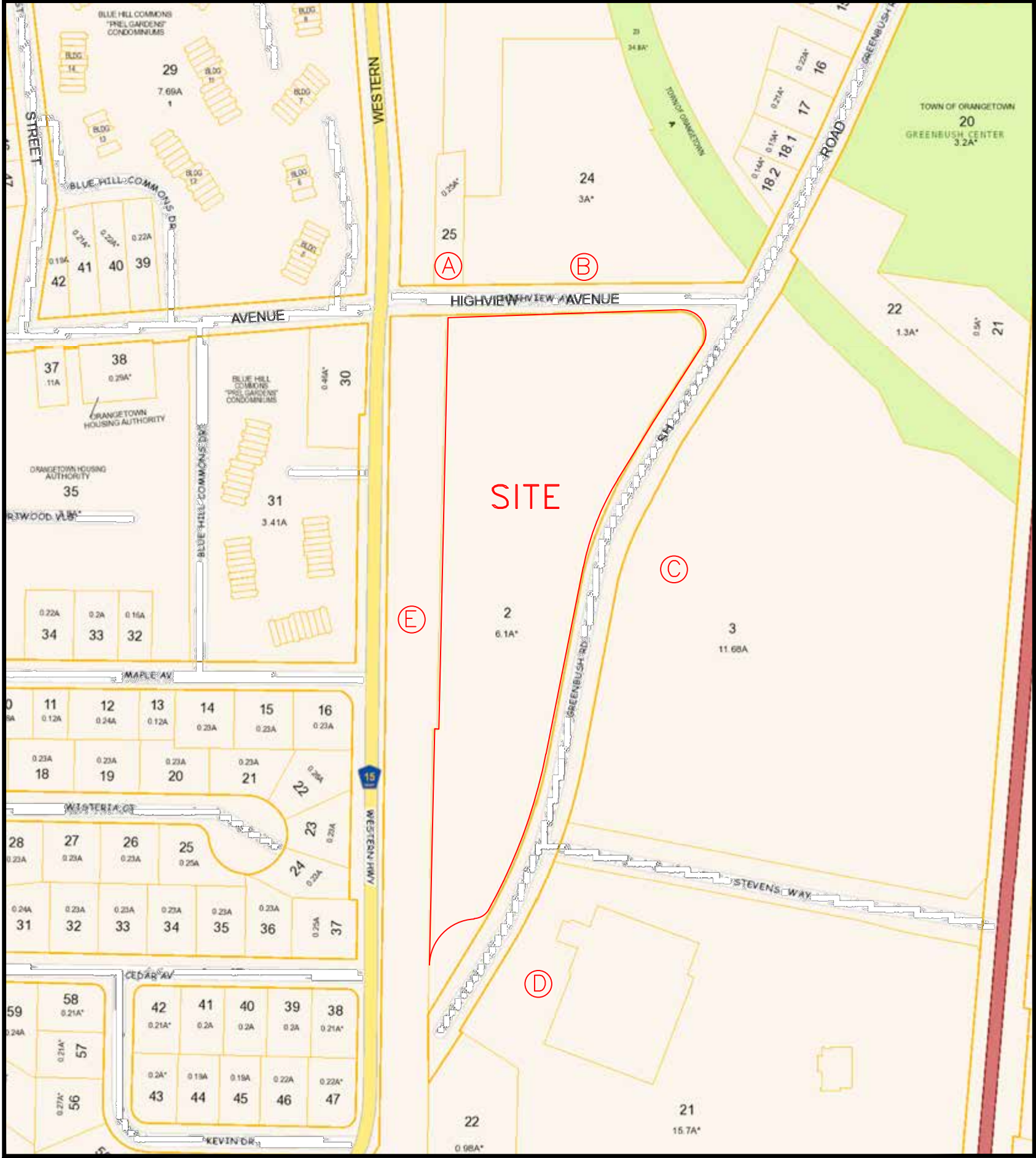
AS NOTED

FIGURE 3

0 200
SCALE: 1" = 200'



ID	Section-Block-Lot	Address	Owner
A	74.11-1-25	17 Highview Avenue	Highview Avenue Holding Corp
B	74.11-1-24	11-15 Highview Avenue	Mellifont LLC
C	74.15-1-3	200 Route 303	Orangeburg Holdings LLC c/o Lowe's Home Center
D	74.15-1-21./1	1 Stevens Way	FB Orangetown Retail LLC c/o RD Management
	74.15-1-21./2	2 Stevens Way	FB Orangetown Retail Two LLC c/o RD Management
	74.15-1-21./3	5 Stevens Way	FB Orangetown Retail Three LLC c/o RD Management
	74.15-1-21./4	4 Stevens Way	FB Orangetown Hotel Two LLC c/o RD Management
E	74.15-1-21./5	3 Stevens Way	FB Orangetown Hotel LLC c/o RD Management
	74.15-1-1	River Subdivision Railroad	CSX Transportation



DRAWING TITLE:
ADJACENT PROPERTY
OWNERS

DRAWING NO.

FIGURE 4

DRAWN BY

MC

CHECKED BY

MM

DATE

4/6/16

SCALE

AS NOTED

CONSULTANT

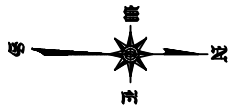
TENEN ENVIRONMENTAL

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 303
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

LOCATION

5 GREENBUSH ROAD
ORANGETOWN, NY

0 50
SCALE: 1" = 50'

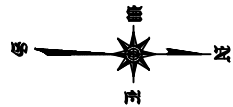


Class GA Standards = NYSDEC Division of Water TOGS 1.1.1 Class GA Water Quality Standards and Guidance Values



RE: Google Earth Pro, 2016

DRAWING TITLE: GROUNDWATER RESULTS 1990-1991, LMS	DRAWN BY	MC	CONSULTANT TENEN ENVIRONMENTAL TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
	CHECKED BY	KM		
	DATE	3/1/16		
	SCALE	AS NOTED		
DRAWING NO. FIGURE 5				



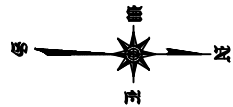
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SCALE: 1" = 50'

Commercial Use SCOs = Part 375 Commercial Use soil cleanup objectives



RE: Google Earth Pro, 2016

DRAWING TITLE: SOIL RESULTS 1990-1991, LMS	DRAWN BY MC	CONSULTANT TENEN ENVIRONMENTAL TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
DRAWING NO. FIGURE 6	CHECKED BY KM		
	DATE 3/1/16		
	SCALE AS NOTED		



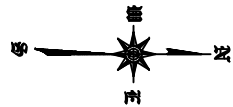
0 50
SCALE: 1" = 50'

Commercial Use SCOs = Part 375 Commercial Use soil cleanup objectives



RE: Google Earth Pro, 2016

DRAWING TITLE: SOIL RESULTS 2008, HYDROSCIENCE	DRAWN BY MC	CONSULTANT TENEN ENVIRONMENTAL	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
DRAWING NO. FIGURE 7	CHECKED BY KM	TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	
	DATE 3/1/16		
	SCALE AS NOTED		



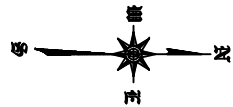
0 50
SCALE: 1" = 50'

Class GA Standards = NYSDEC Division of Water TOGS 1.1.1 Class GA Water Quality Standards and Guidance Values



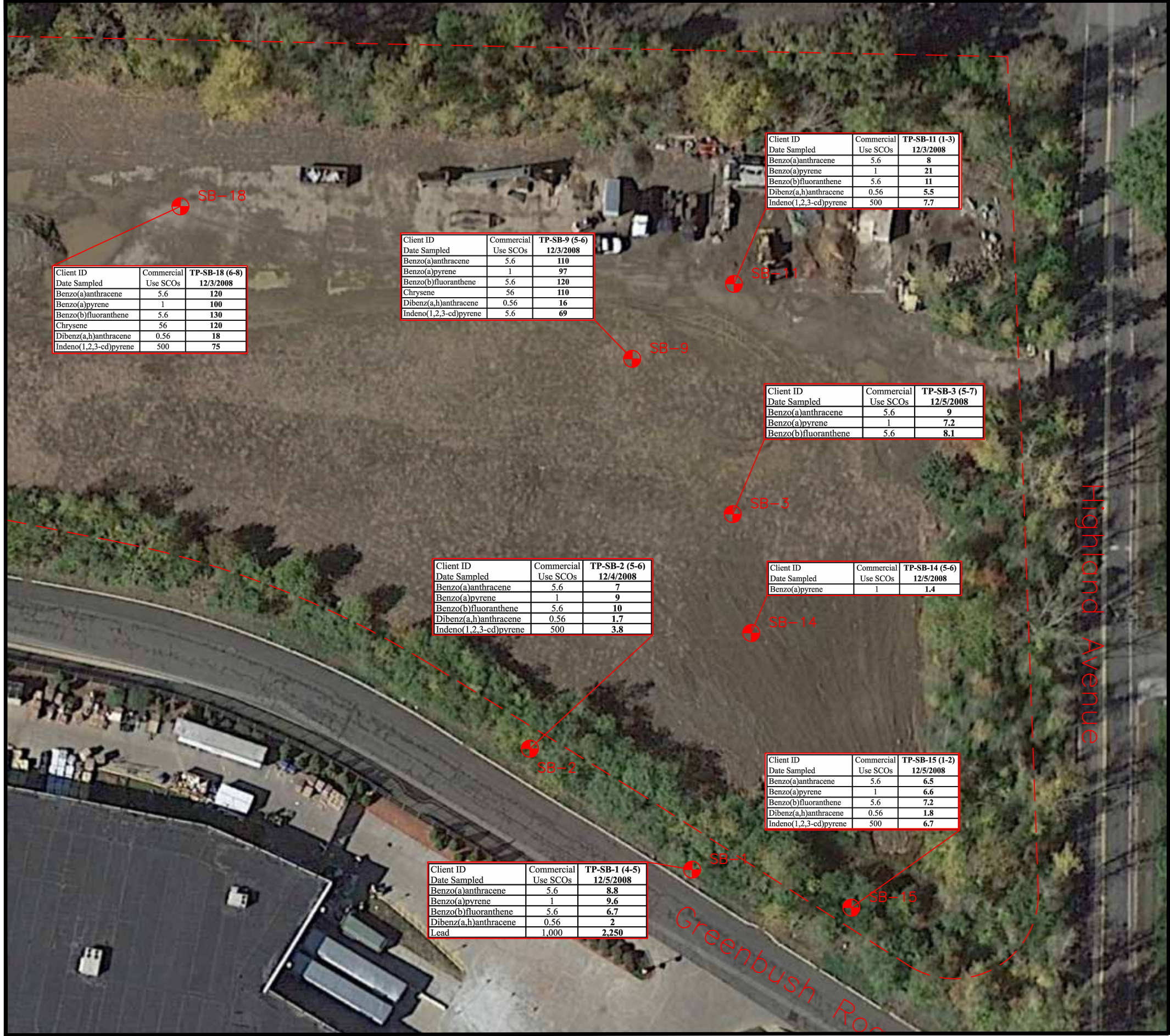
RE: Google Earth Pro, 2016

DRAWING TITLE. GROUNDWATER RESULTS 2008, AKRF	DRAWN BY MC	CONSULTANT TENEN ENVIRONMENTAL	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
DRAWING NO. FIGURE 8	CHECKED BY KM	TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	
	DATE 3/1/16		
	SCALE AS NOTED		



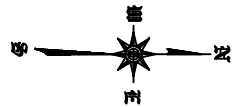
0 50
SCALE: 1" = 50'

Commercial Use SCOs = Part 375 Commercial Use soil cleanup objectives



RE: Google Earth Pro, 2016

DRAWING TITLE: SOIL RESULTS 2008, AKRF	DRAWN BY	MC	CONSULTANT	TENEN ENVIRONMENTAL TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
	CHECKED BY	KM			
DRAWING NO. FIGURE 9	DATE	3/1/16			
	SCALE	AS NOTED			



0 50
SCALE: 1" = 50'

Class GA Standards = NYSDEC Division of Water TOGS 1.1.1 Class GA Water Quality Standards and Guidance Values



RE: Google Earth Pro, 2016

DRAWING TITLE: GROUNDWATER RESULTS 2015, TENEN	DRAWN BY	MC	CONSULTANT TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
	CHECKED BY	KM		
	DATE	3/1/16		
	SCALE	AS NOTED		
DRAWING NO. FIGURE 10				

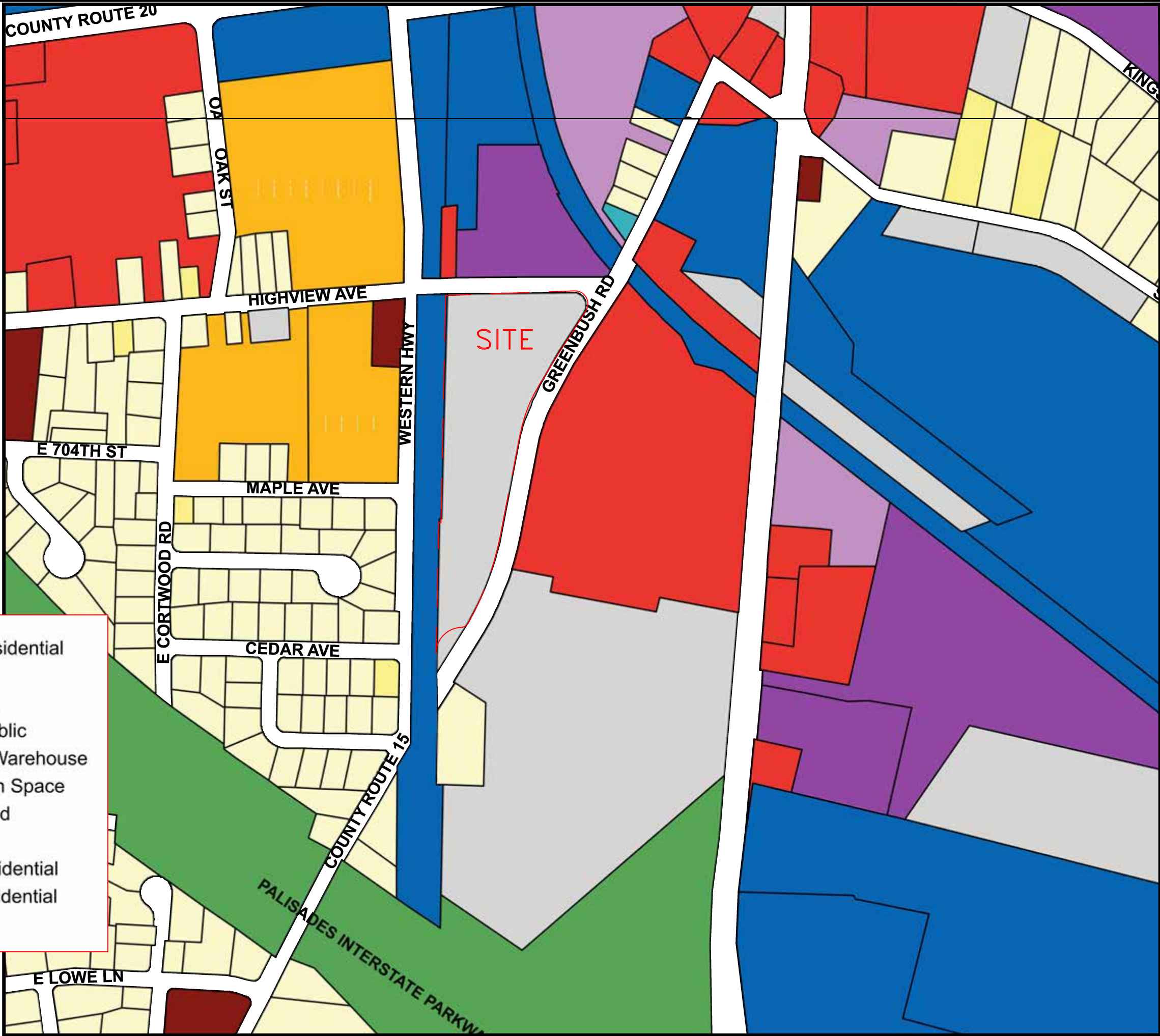
RE: Figures 8 and 9, Orangeburg Comprehensive Plan
Draft, December 2011



0 300
SCALE: 1" = 300'

ZONING KEY

- Multi-Family Residential
- Commercial
- Heavy Industrial
- Public/Quasi-Public
- Light Industrial/Warehouse
- Recreation/Open Space
- Not Yet Classified
- Office
- One Family Residential
- Two Family Residential
- Vacant



LOCATION
5 GREENBUSH ROAD
ORANGEBURG, NY

TENEN ENVIRONMENTAL

TENEN ENVIRONMENTAL, LLC
121 West 27th Street
Suite 303
New York, NY 10001
O: 646-606-2332
F: 646-606-2379

CONSULTANT

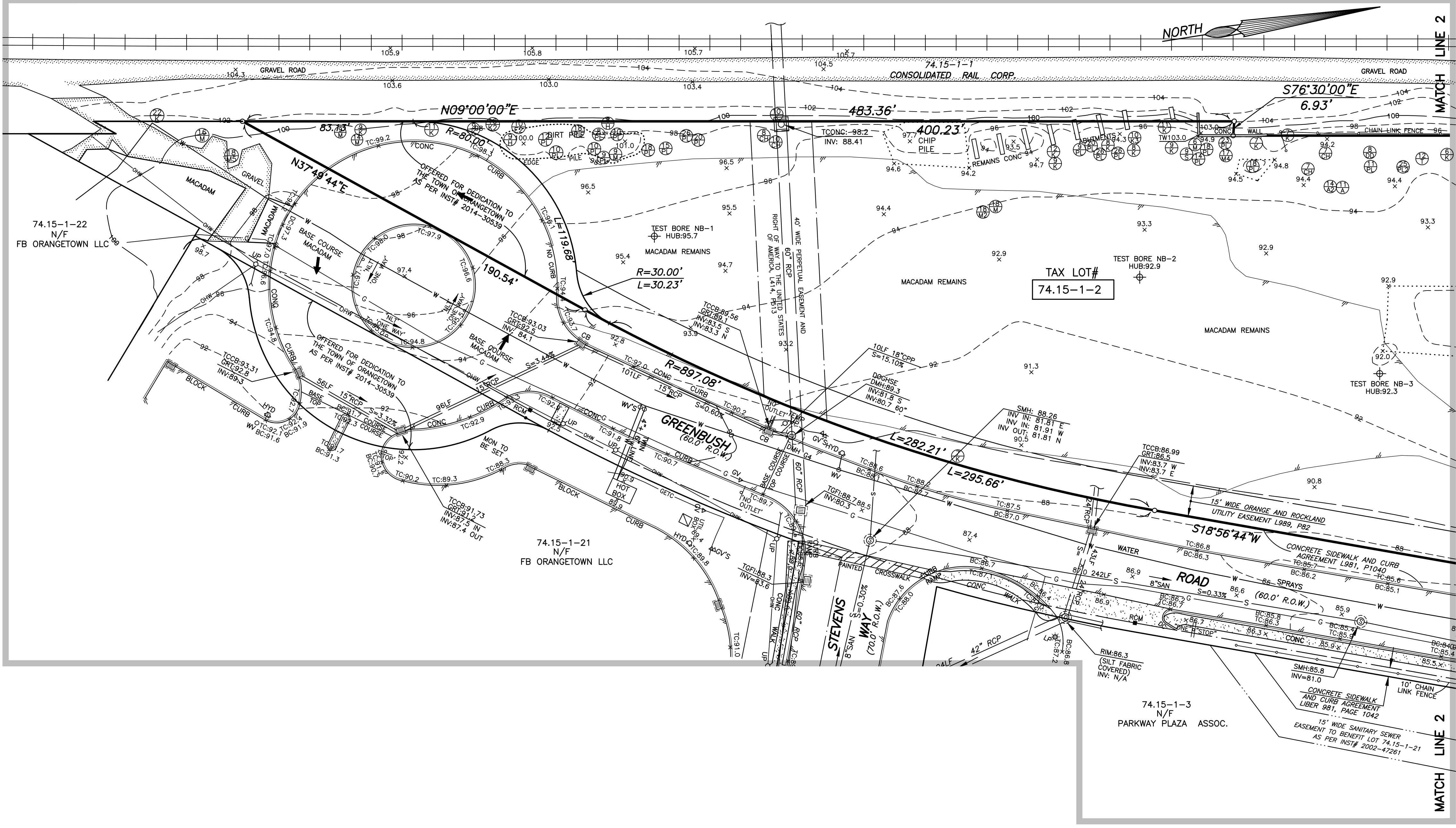
DRAWING TITLE. LAND USE MAP	DRAWN BY	MC
	CHECKED BY	KM
	DATE	3/1/16
	SCALE	AS NOTED
DRAWING NO. FIGURE 11		

RE: FLOOD INSURANCE RATE MAP 36087C0187 G, EFFECTIVE 3/3/2014

0 500
SCALE: 1" = 500'



DRAWING TITLE. FLOOD INSURANCE RATE MAP	DRAWN BY MC		CONSULTANT TENEN ENVIRONMENTAL TENEN ENVIRONMENTAL, LLC 121 West 27th Street Suite 303 New York, NY 10001 O: 646-606-2332 F: 646-606-2379	LOCATION 5 GREENBUSH ROAD ORANGEBURG, NY
	CHECKED BY MM			
DRAWING NO. FIGURE 12	DATE 3/1/16			
	SCALE AS NOTED			



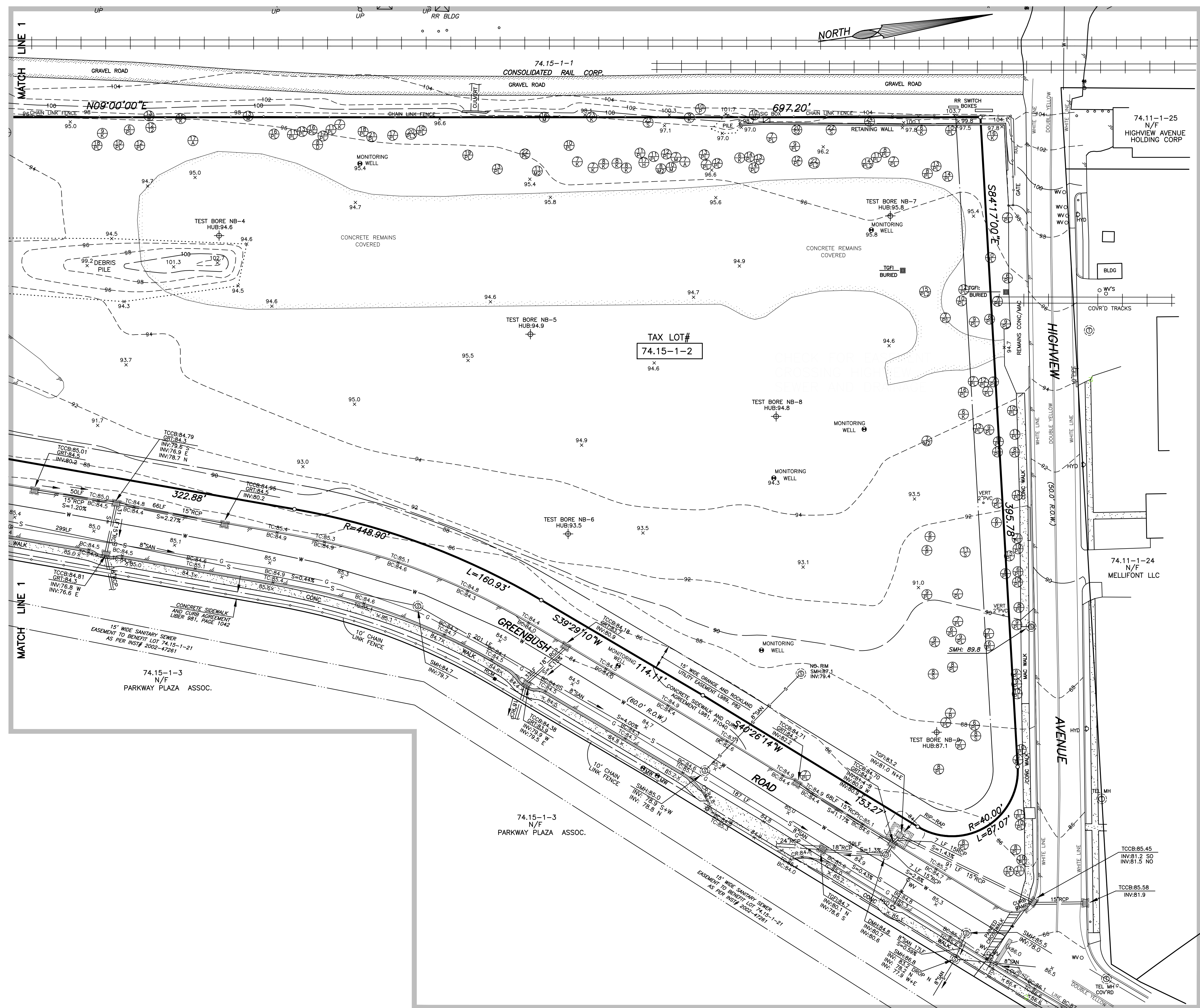
TREE LEGEND					
12 K2	SIZE IN INCHES (LARGEST DIA SHOWN IN TWIN/TRIPLE)				
	LETTER INDICATES TREE TYPE (SEE BELOW)				
	SECOND NUMBER (2), (3) INDICATES TWIN/TRIPLE				
A	ASH	K	OAK	PL	POPULAR
B	BIRCH	H	HICKORY	T	TULIP
C	CATALPA	M	MAPLE	DD	DEAD
CH	CHERRY	P	PINE		
D	DOGWOOD	S	SYCAMORE		
E	ELM				

LEGEND	
SANITARY MANHOLE W/PIPPES	SMH
DRAINAGE INLET W/PIPPES	DMH
DRAIN MANHOLE/ WITH PIPES	DMH
TOP CURB @ CATCH BASIN	TCCB
TOP GRATE FIELD INLET	TGFI
REINFORCED CONCRETE PIPE	RCP
CORRUGATED PLASTIC PIPE	CPP
DROP CURB	DC
CURB RAMP	CR
UTILITY POLE	UP
LIGHT POLE ON CONC BASE	LP
WATER VALVE	WV
HYDRANT	HYD
GAS VALVE	GV
OVERHEAD WIRES	OHW
EDGE OF PAVEMENT	EP
CONTOUR LINE	520
SPOT GRADE	X 90.5
TOP CURB	X TC:90.5
BOTTOM CURB	X BC:90.5
WATER MAIN	W
GAS MAIN	G
ELECTRIC UNDERGROUND CONDUIT	E
TELEPHONE UNDERGROUND	T
UNDERGROUND UTILITIES	UG
ELECTRIC, TELEPHONE, CABLE	ETC
GAS, ELECTRIC, TELEPHONE, CABLE	GETC
SIGN WITH ITEM	'STOP'
MONITORING WELL	MW
TEST BORING LOCATIONS	TBL

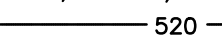
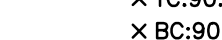
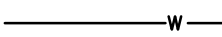
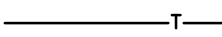
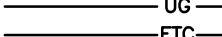
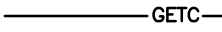
TAX LOT #	AREA
74.15-1-2	254,230.036 SF 5.836 ACRES

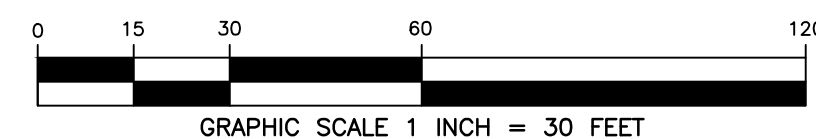
GRAPHIC SCALE 1 INCH = 30 FEET

12/16/15	TREES/TEST BORES	SURVEY OF PROPERTY FOR BF ORANGETOWN LLC TOWN OF ORANGETOWN, ROCKLAND COUNTY STATE OF NEW YORK JAY A. GREENWELL, PLS SURVEYING - LAND PLANNING 85 LAFAYETTE AVENUE, SUFFERN, NEW YORK, 10901 PHONE 845-357-0830 FAX 845-357-0756		TAX LOT # 74.15-1-2
7-22-15	PROP SAN ESMT			AREA AS SHOWN
7-20-15	TOPO REVISIONS			FILE 2013 TL 74.15-1-2
DATE	REVISIONS			SCALE 1"= 30'
JAY A. GREENWELL, PLS NYS LIC. # 49676		DATE 12-18-14		JOB NO. 2013



TREE LEGEND		
	SIZE IN INCHES (LARGEST DIA SHOWN IN TWIN/TRIPLE)	
	LETTER INDICATES TREE TYPE (SEE BELOW)	
	SECOND NUMBER (2), (3) INDICATES TWIN/TRIPLE	
A = ASH	K = OAK	PL = POPULAR
B = BIRCH	H = HICKORY	T = TULIP
C = CATALPA	M = MAPLE	DD = DEAD
CH = CHERRY	P = PINE	
D = DOGWOOD	S = SYCAMORE	
E = ELM		

LEGEND	
SANITARY MANHOLE W/PIPES	 S
DRAINAGE INLET W/PIPES	
DRAIN MANHOLE/ WITH PIPES	 DMH
TOP CURB @ CATCH BASIN	TCOB
TOP GRATE FIELD INLET	TGFI
REINFORCED CONCRETE PIPE	RCP
CORRUGATED PLASTIC PIPE	CPP
DROP CURB	DC
DROP RAMP	DR
UTILITY POLE	UP 
LIGHT POLE ON CONC BASE	
WATER VALVE	WV 
HYDRANT	HYD 
GAS VALVE	GV 
OVERHEAD WIRES	 OHW
EDGE OF PAVEMENT	 7' 7'
CONTOUR LINE	 520
SPOT GRADE	 X 90.5
TOP CURB	 X TC:90.5
BOTTOM CURB	 X BC:90.5
WATER MAIN	 W
GAS MAIN	 G
ELECTRIC UNDERGROUND CONDUIT	 E
TELEPHONE UNDERGROUND	 T
UNDERGROUND UTILITIES	 UG
ELECTRIC, TELEPHONE, CABLE	 ETC
GAS, ELECTRIC, TELEPHONE, CABLE	 GETC
SIGN WITH ITEM	
MONITORING WELL	
TEST BORING LOCATIONS	



12/16/15	TREES/TEST BORES	SURVEY OF PROPERTY FOR BF ORANGETOWN LLC TOWN OF ORANGETOWN, ROCKLAND COUNTY STATE OF NEW YORK JAY A. GREENWELL, PLS SURVEYING - LAND PLANNING 85 LAFAYETTE AVENUE, SUFFERN, NEW YORK, 10901 PHONE 845-357-0830 FAX 845-357-0756		TAX LOT # 74.15-1-2
7-22-15	PROP SAN ESMT			AREA AS SHOWN
7-20-15	TOPO REVISIONS			FILE 2013 TL 74.15-1-2
DATE	REVISIONS			SCALE 1"= 30'
				DATE 12-18-14
				JOB NO. 2013

Exhibit VI

Metes and Bounds Description

Schedule "A"

All that certain plot, piece, or parcel of land lying situate and being in the Town of Orangetown, County of Rockland, and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point formed by the intersection of the southerly right-of-way of Highview Avenue, and the easterly right-of-way of lands n/f Consolidated Rail Corp. (Tax Lot 74.15-1-1), said point being the northwesterly corner of the lands described herein, and running thence:

1. Along said southerly right-of-way of Highview Avenue, S 84°17'00" E distant 395.78 feet to a point of curvature; thence
2. Southeasterly, on a curve to the right having a radius of 40.00 feet and an arc length of 87.07 feet to a point of tangency; thence
3. Along the westerly right-of-way of Greenbush Road, the following seven courses and distances:
 - a. S 40°26'14" W distant 153.27 feet; thence
 - b. S 39°29'10" W distant 114.11 feet a point of curvature; thence
 - c. Southwesterly, on a curve to the left having a radius of 448.90 feet and an arc length of 160.93 feet to a point of tangency; thence
 - d. S 18°56'44" W distant 322.88 feet to a point of curvature; thence
 - e. Southwesterly, on a curve to the right having a radius of 897.08 feet and an arc length of 282.21 feet to a point of compound curvature; thence
 - f. Southwesterly, on a curve to the right having a radius of 30.00 feet and an arc length of 30.23 to a point of reverse curvature, along the cul-de-sac at the proposed terminus of Greenbush Road; thence
 - g. Along the same, southwesterly, on a curve to the left having a radius of 80.00 feet and an arc length of 119.68 feet to a point on the easterly right of way of said lands n/f Consolidated Rail Corp.; thence
4. Along said easterly right of way of said lands n/f Consolidated Rail Corp., the following three courses and distances
 - a. N 9°00'00" E distant 400.23 feet; thence
 - b. S 76°30'00" E distant 6.93 feet; thence
 - c. N 9°00'00" E distant 697.20 feet, back to the point or place of BEGINNING.

The above description is intended to include Tax Lot 74.15-1-2, exclusive of the portion of the proposed cul-de-sac widening offered for dedication to the Town of Orangetown in Inst. ID 2014-30539.

Exhibit VII

Document Repository Letter



Matthew Carroll <mcarroll@tenen-env.com>

5 Greenbush Road, Orangeburg: Brownfield Cleanup Program repository

Cheryl McNeil - ORG <cmcneil@rcls.org>

Tue, Feb 2, 2016 at 12:40 PM

Reply-To: cmcneil@rcls.org

To: Matthew Carroll <mcarroll@tenen-env.com>

Hi Matthew,

Sounds great :-)

Cheryl McNeil
Head of Adult Services
Orangeburg Library
20 S. Greenbush Rd.
Orangeburg, NY 10962

From: "Matthew Carroll" <mcarroll@tenen-env.com>

Sent: Monday, February 01, 2016 12:06 PM

To: cmcneil@rcls.org

Subject: 5 Greenbush Road, Orangeburg: Brownfield Cleanup Program repository

Cheryl,

Thank you for agreeing that the Orangeburg Library (20 Greenbush Rd, Orangeburg, NY 10962) can be the repository for a Brownfield Cleanup Program (BCP) Application for a site located at 5 Greenbush Road in Orangeburg.

Once the application is deemed complete by the NYS Department of Environmental Conservation (DEC), we will send you a hard copy for access by the public. The document will be approximately one-inch thick and bound in a standard binder for 8.5x11 pages.

Please respond to confirm that the above is acceptable or let me know if you need any additional information.

Sincerely,
Matthew Carroll, PE
Tenen Environmental
[646.606.2332](tel:646.606.2332) x103