
S&W Redevelopment

of North America, LLC

FAX TRANSMITTAL

430 East Genesee Street, Suite 401
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Date: October 21, 2003 No. of Pages (Including Cover): 13
From: Bob Petrovich Job No.: B3002
Re: BCP Application - 10 East Chester Street Site, City of Kingston, NY

Please deliver the following page(s) to:

| NAME | COMPANY | FAX NUMBER |
|----------------|---------|--------------|
| Dale Desnoyers | NYSDEC | 518-402-9020 |

Message:

Dale-

Here is the BCP Application for the 10 East Chester Street Site in Kingston. We are submitting this in advance of our press conference scheduled for Thursday 10/23 at 1:30pm. If you can expedite approval between now and then, that would be great. Please call me and let me know where things stand.

Thank you.

Bob Petrovich

CONFIDENTIALITY NOTICE

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If you do not receive all pages, please call us at (315) 422-4949 as soon as possible.



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION

ECL ARTICLE 27 / TITLE 14

10/9/03

| | | | | | |
|---|--------------|-------------------|--|----------|------------------------|
| NAME | | | 10 East Chester Street, LLC | | |
| ADDRESS | | | 430 East Genesee Street, Suite 401 | | |
| CITY/TOWN | | Syracuse New York | | ZIP CODE | 13202 |
| PHONE | 315-422-4949 | FAX | 315-422-2124 | E-MAIL | |
| NAME OF APPLICANT'S REPRESENTATIVE Robert M. Petrovich | | | | | |
| ADDRESS 430 East Genesee Street | | | | | |
| CITY/TOWN | | Syracuse New York | | ZIP CODE | 13202 |
| PHONE | 315-422-4949 | FAX | 315-422-2124 | E-MAIL | rpetrovich@swredex.com |
| THE APPLICANT MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: | | | | | |
| <input type="checkbox"/> PARTICIPANT An applicant who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. | | | <input checked="" type="checkbox"/> VOLUNTEER An applicant other than a participant, including an applicant whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By checking this box, the applicant certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste. | | |
| Applicant Relationship to Property (check one): | | | | | |
| <input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input checked="" type="checkbox"/> Potential /Future Purchaser <input type="checkbox"/> Other _____ | | | | | |
| OWNER'S NAME (if different from applicant) Kingston Consolidated School District | | | | | |
| ADDRESS 61 Crown Street | | | | | |
| CITY/TOWN | | Kingston New York | | ZIP CODE | 12401 |
| PHONE | 845-339-3000 | FAX | NA | E-MAIL | NA |
| OPERATOR'S NAME (if different from applicant) NA | | | | | |
| ADDRESS | | | | | |
| CITY/TOWN | | ZIP CODE | | | |
| PHONE | | FAX | | E-MAIL | |

| | | | |
|---|-----------------------------------|---------------------------|-----------------------|
| SITE NAME <u>10 East Chester Street</u> | | | |
| SITE ADDRESS <u>326-318 Broadway</u> <u>14 East Chester Street</u> | | CITY/TOWN <u>Kingston</u> | ZIP CODE <u>12401</u> |
| COUNTY <u>Ulster</u> | SITE SIZE (ACRES) <u>1 - Acre</u> | | |
| LATITUDE <u>Unknown</u> | LONGITUDE <u>Unknown</u> | | |

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

1. DO THE SITE BOUNDARIES CORRESPOND TO TAX MAP METES AND BOUNDS?
IF NO, PLEASE ATTACH A METES AND BOUNDS DESCRIPTION OF THE SITE. ☒ YES ☐ NO
2. IS THE SITE PART OF A DESIGNATED BROWNFIELD OPPORTUNITY AREA PURSUANT TO GML970-R? IF YES, IDENTIFY AREA (NAME) _____ ☐ YES ☒ NO
3. IS THE SITE PART OF A DESIGNATED EN-Zone PURSUANT TO TL § 21(b)(6).
IF YES, IDENTIFY AREA (NAME) Unknown ☐ YES ☐ NO

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

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

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

- PURPOSE AND SCOPE OF THE PROJECT Attached
- ESTIMATED PROJECT SCHEDULE

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

1. ENVIRONMENTAL DATA

A PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT PREPARED IN ACCORDANCE WITH ASTM E 1527 (American Society for Testing and Materials; Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), AND ALL ENVIRONMENTAL REPORTS RELATED TO CONTAMINANTS ON OR EMANATING FROM THE SITE.

IF A FINAL INVESTIGATION REPORT IS INCLUDED, INDICATE WHETHER IT MEETS THE REQUIREMENTS OF ECL ARTICLE 27-14(5)(2):

☐ YES ☐ NO ☒ UNKNOWN

2. OWNERS

A LIST OF PREVIOUS OWNERS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER LISTED. IF NO RELATIONSHIP, PUT "NONE"). Attached

3. OPERATORS

A LIST OF PREVIOUS OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBER (DESCRIBE APPLICANT'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OPERATOR LISTED. IF NO RELATIONSHIP, PUT "NONE"). Attached

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

1. THE CHIEF EXECUTIVE OFFICER AND ZONING BOARD CHAIRPERSON OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE SITE IS LOCATED. Attached
2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE SITE AND PROPERTIES ADJACENT TO THE SITE. Attached
3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION. Attached
4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE SITE IS LOCATED. Attached
5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE SITE CONTACT LIST. None
6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE SITE. None
7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY) Attached

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

| Contaminant Category | Soil | Groundwater | Surface Water | Sediment | Soil Gas |
|----------------------|-------------------------------------|-------------------------------------|---------------|----------|----------|
| Petroleum | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| Chlorinated Solvents | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| Other VOCs | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | | | |
| SVOCs | <input checked="" type="checkbox"/> | | | | |
| Metals | <input checked="" type="checkbox"/> | | | | |
| Pesticides | | | | | |
| PCBs | | | | | |
| Other* | | | | | |

*Please describe: _____

Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☐ Other _____

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

Please check the appropriate boxes and provide an explanation as an attachment if appropriate.

| | Yes | No | Unknown |
|---|-------------------------------------|--------------------------|--------------------------|
| 1. Do current historical and/or recent development patterns support the proposed use? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Is the proposed use consistent with applicable zoning laws/maps? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

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

(By an applicant other than an individual)
 I certify that I am _____ (title) of _____ (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I 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: *10/21/03* Signature: *[Signature]* Print Name: *Robert M. Petrovich*

SUBMITTAL INFORMATION:

Four (4) complete copies, one with original signatures, are required.

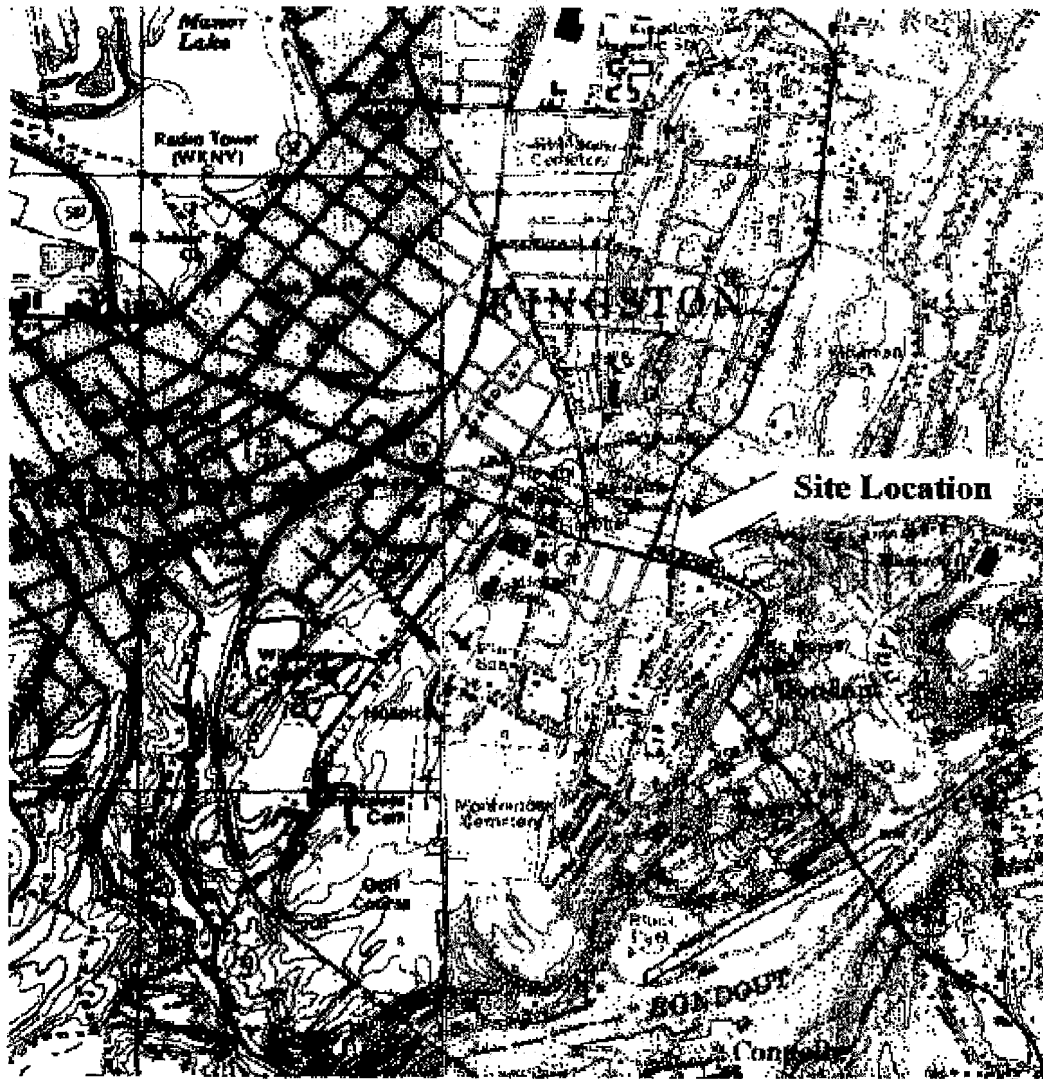
- Three (3) of the copies, one with original signatures, must be sent to:



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

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

FOR DEPARTMENT USE ONLY

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



| | | | |
|---|---|---|---|
|  N | Site Information - USGS 7.5 Minute Map | |  Stearns & Wheeler Companies |
| | October 2003 Job #B3002 | 10 East Chester Street, LLC Kingston, NY 14201 | |
| | Not to Scale | | |

SITE'S ENVIRONMENTAL HISTORY

2. OWNERS and 3. OPERATORS

Applicant/Future Owner: 10 East Chester Street, LLC, 430 East Genesee Street, Suite 401, Syracuse, NY 13202

Previous Owners and Operators - No Relationship with Applicant

Parcel #56.-26-11-14 (318 Broadway)
Angelo Belmonte (Dry Cleaner Operator)
318 Broadway
Kingston, NY 12401

Purchased from Jeffry and Linda Habor, Rhinebeck, NY, 1990

Parcel #56.-26-11-15 (306-316 Broadway)
Kingston Consolidated School District
61 Crown Street
Kingston, NY 12401

Purchased from Dake Bros., Inc., Saratoga Springs, NY, 1984
Dake Bros. Purchased from Atlantic Richfield Company, Inc., Los Angeles, CA, 1984
Atlantic Richfield purchased from FeeGas Corp, (Delaware Corporation) New York, NY 1979

Parcel #56.-26-11-43 (14 East Chester Street)
Kingston Consolidated School District
61 Crown Street
Kingston, NY 12401

CONTACT LIST INFORMATION

1. Mayor, City of Kingston – James M. Sottile
Zoning Board Chairperson, City of Kingston – Scott Johnson
2. Adjacent Properties and Current Owners
 - Subject Site currently owned by 10 East Chester Street, LLC, 430 East Genesee Street, Suite 401, Syracuse, NY 13202

Adjacent Properties

22-28 East Chester Street (56.-26-11.42)

Rondout Savings Bank
300 Broadway
Kingston, NY 12401

323 Hasbrouck Avenue (56.-26-11.41)

Janet Greer
323 Hasbrouck Avenue
Kingston, NY 12401

321 Hasbrouck Avenue (56.-26-11.40)

Dennis and Ute Delaney
321 Hasbrouck Avenue
Kingston, NY 12401

315-317 Hasbrouck Avenue (56.-26-11.39)

Thracis Ralis
33Ridge Road
Shokan, NY 12481

311 Hasbrouck Avenue (56.-26-11.38)

Timothy and Cynthia Harkins
311 Hasbrouck Avenue
Kingston, NY 12401

303 Hasbrouck Avenue (56.-26-11.37)

Carrie Kraus
303 Hasbrouck Avenue
Kingston, NY 12401

300 Broadway (56.-26-11.16)

Rondout Savings Bank

300 Broadway
Kingston, NY 12401

18-20 R East Chester Street (56.-26-11.17)
Rondout Savings Bank
300 Broadway
Kingston, NY 12401

322 Broadway - Burger King (56.-26-11.13)
FFCA Acquisition Corp
17207 North Perimeter Drive
Scottsdale, AZ 85255-5402

3. Local News Media

Daily Freedom
79 Hurley Avenue
Kingston, NY 12401
(845) 331-5000

Poughkeepsie Journal
85 Civic Center Plaza
P.O. Box 1231
Poughkeepsie, NY 12602
(845) 454-2000

Regional News Network (RNN) - *Television*
721 Broadway
Kingston, NY 12401
(845) 339-6397

AM

WGHQ (920 AM)

WBNR (1260 AM) Talk Radio

WEOK (1390 AM)

WKIP (1450 AM) Talk Radio

WKNY (1490 AM) Talk Radio

FM

WRHV 88.7 Public Radio

WAMK (90.9 FM) Public Radio

WVKR (91.3 FM) Vassar College Radio

4. **Public Water Supplier – City of Kingston Water**
5. **No additional person has requested to be put on the contact list**
6. **No School or Day Care Center Near the Site**
7. **Kingston City Hall, Department of Economic Development, 420 Broadway,
Kingston, NY 14201**

PROJECT DESCRIPTION

Purpose and Scope of Project

Redevelopment/Reuse plan for the property is as a full service drug store/retail establishment. Project will involve demolition of existing site structures, environmental site investigation and remediation and ultimately new construction with a total investment in excess of \$2,000,000.

Estimated completion, 2005.

LAND USE FACTORS

Item(s) 13 & 14:

The site and the surrounding properties are on public water supplies. One water supply source was identified within 1/2-mile of the site, to the west and upgradient. Previous investigations at the site have identified contaminants in groundwater samples taken from wells within the site boundary. The potential vulnerability of local groundwater to site contamination is reduced by the underlying clay lenses which can impede contaminant migration.

Item 15:

Site Geology: The surficial geology of the SITE consists primarily of a stratified glacial outwash sequence overlying lacustrine varved silt and clay deposits. Test boring data confirms the presence of granular outwash sand and varved deposits.