NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
    a. one file in non-fillable PDF which includes a Table of Contents, the application form, and supplemental information (excluding the previous environmental reports and work plans, if applicable);
    b. one individual file (PDF) of each previous environmental report; and,
    c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.
   Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.
    a. VIA SITE CONTROL DROPBOX:
        - Request an invitation to upload files to the Site Control submittal dropbox.
        - In the "Title" field, please include the following: "New BCP Application - *Proposed Site Name*".
        - After uploading files, an automated email will be sent to the submitter's email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
        - Application packages submitted through third-party file transfer services will not be accepted.
    a. VIA GROUND MAIL:
        - Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
        - Mail the external storage device to the following address:
          Chief, Site Control Section
          Division of Environmental Remediation
          625 Broadway, 12th Floor
          Albany, NY 12233-7015

SITE NAME: 25 Field Court Redevelopment	
Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments. If yes, provide existing site number: _____	○ **Yes** ◉ **No**
Is this a revised submission of an incomplete application? If yes, provide existing site number: C356055	◉ **Yes** ○ **No**

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 17 – October 2025

SECTION I: Property Information

PROPOSED SITE NAME 25 Field Court Redevelopment

ADDRESS/LOCATION 25 Field Court

CITY/TOWN Kingston | ZIP CODE 12401

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Kingston

COUNTY Ulster | SITE SIZE (ACRES) 0.850

LATITUDE			LONGITUDE		
41 °	55 ‘	50.15 “	74 °	0 ‘	15.76 “

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting “p/o” in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
25 Field Court, Kingston, Ulster County, NY	56.25	3	35	0.85

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	◉	○
2. Is the required property map, provided in electronic format, included with the application? (Application will not be processed without a 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) If yes, identify census tract: 9520 Percentage of property in En-zone (check one): ○ 0% ○ 1-49% ○ 50-99% ◉ 100%	◉	○
4. Is the project located within a disadvantaged community? See application instructions for additional information.	◉	○
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	◉	○
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	○	◉

SECTION I: Property Information (continued)	Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	○	◉
8. 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? If yes, attach relevant supporting documentation.	○	◉
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	○	◉
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	○	◉
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: 356055 Class: 2	◉	○
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. Easement/Right-of-Way Holder — Description	○	◉
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): Type — Issuing Agency — Description	○	◉
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	◉	○

Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.

	Y	N
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	○	○
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	○	○
17. If you have answered *YES* to Question 16 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?	○	○

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

If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.
Initials of each Requestor:

_____ _____ _____ _____ _____ _____

SECTION II: Project Description

1. The project will be starting at: (●) Investigation ( ) Remediation

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

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

( ) Yes ( ) No (●) N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

[✓] RIWP [ ] RAWP [ ] IRM [ ] No

4a. Please provide a short description of the overall project development, including a complete project schedule with all key BCP program milestones through issuance of the Certificate of Completion. Include DEC/DOH review times in the schedule (best efforts to review documents within 45 days pursuant to 6 NYCRR Part 375-3.6(b)).
Is this information attached? (●) Yes ( ) No

4b. Please include in the project schedule the dates of any outside public or private funding source deadlines with the associated BCP milestones, e.g., NYC HPD or NYS HCR funding deadlines, or private funding interim milestones from loan documents, that depend on a particular BCP milestone such as a work plan or report approval, decision document issuance, etc.

Is this information clearly identified in the BCP project schedule? (●) Yes ( ) No ( ) N/A

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see *DER-31, Green Remediation*). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.

Is this information attached? (●) Yes ( ) No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?

( ) Yes (●) No

SECTION III: Ecological Concerns

	Y	N
1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?	(●)	( )
2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?	( )	(●)
3. Is/are there a/any Contaminant(s) of Ecological Concern?	( )	(●)

If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.

4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application? N/A ( )	( )	(●)

SECTION IV: Land Use Factors		
1. What is the property's current municipal zoning designation? T5F - Commercial		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential ☑ Commercial ☑ Industrial ☑		
3. Current use (select all that apply): Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☑		
	Y	**N**
4. Please provide 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 by which the site became vacant. Is this summary included with the application?	◉	○
5. Reasonably anticipated post-remediation use (check all that apply): Residential ☑ Commercial ☐ Industrial ☐		
If residential, does it qualify as single-family housing? N/A ○	○	◉
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	◉	○
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	○	◉
8. Do current and/or recent development patterns support the proposed use?	◉	○
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	◉	○
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	◉	○

SECTION V: Current and Historical Property Owner and Operator Information			
CURRENT OWNER City of Kingston			
CONTACT NAME City of Kingston			
ADDRESS 420 Broadway			
CITY Kingston		STATE NY	ZIP CODE 12401
PHONE (845) 334-3915	EMAIL cityclerk@kingston-ny.gov		
OWNERSHIP START DATE 3/20/2024			
CURRENT OPERATOR N/A - Vacant			
CONTACT NAME			
ADDRESS			
CITY		STATE NY	ZIP CODE 12401
PHONE	EMAIL		
OPERATION START DATE			

SECTION VI: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit information requested in this section in electronic format ONLY***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (*ASTM E1903*). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA: Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	☐	☐	☑
Chlorinated Solvents	☑	☑	☑
Other VOCs	☑	☐	☐
SVOCs	☐	☐	☐
Metals	☑	☑	☐
Pesticides	☐	☐	☐
PCBs	☑	☐	☐
PFAS	☐	☑	☐
1,4-dioxane	☐	☐	☐
Other – indicated below	☐	☐	☐

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
   - Sample location
   - Date of sampling event
   - Key contaminants and concentration detected
   - For soil, highlight exceedances of reasonably anticipated use
   - For groundwater, highlight exceedances of 6 NYCRR part 703.5
   - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this 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: Tire and welding facility (1950); welding and lawn mower repair facility (1957); automobile repair facility (1972-1987); and Drapery Manufacturer (post 1987).

SECTION VII: Requestor Information			
NAME 25 Field Court Owner LLC			
ADDRESS 150 Brielle Avenue			
CITY/TOWN Staten Island	STATE NY	ZIP CODE 10314	
PHONE (718) 477-6803	EMAIL mjaneczko@schousingny.org		

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	◉	○
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	◉	○
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A ○	◉	○
4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? **Documents that are not properly certified will not be approved under the BCP.**	◉	○

SECTION VIII: Requestor Contact Information		
REQUESTOR'S REPRESENTATIVE Matthew Janeczko		
ADDRESS 150 Brielle Avenue		
CITY Staten Island	STATE NY	ZIP CODE 10314
PHONE (718) 477-6803	EMAIL mjaneczko@schousingny.org	
REQUESTOR'S CONSULTANT (CONTACT NAME) Conor Tarbell		
COMPANY PVEDI Engineering, Architecture and Geology, DPC		
ADDRESS 48 Springside Avenue		
CITY Poughkeepsie	STATE NY	ZIP CODE 12603
PHONE (845) 454-2544	EMAIL ctarbell@pvedi-ae.com	
REQUESTOR'S ATTORNEY (CONTACT NAME) Michael Bogin		
COMPANY Sive Paget & Riesel PC		
ADDRESS 560 Lexington Avenue		
CITY New York	STATE NY	ZIP CODE 10022
PHONE (646) 378-7210	EMAIL mbogin@sprlaw.com	

SECTION IX: Program Fee		
Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of $50,000. Requestors may apply for a fee waiver with supporting documentation.		
	Y	**N**
1. Is the requestor applying for a fee waiver?	◉	○
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information. Is the appropriate documentation included with this application? N/A ○	◉	○

SECTION X: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	**N**
1. Are any enforcement actions pending against the requestor regarding this site?	○	◉
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	○	◉
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.	○	◉
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 or regulation of the State or Federal government?	○	◉
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	○	◉
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?	○	◉
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	○	◉
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 a false statement in connection with any document or application submitted to DEC?	○	◉
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?	○	◉
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?	○	◉
11. Are there any unregistered bulk storage tanks on-site which require registration?	○	◉

SECTION X: Requestor Eligibility (continued)

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

PARTICIPANT ☐	VOLUNTEER ☑
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.	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 selecting this option, 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; and, (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.**

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

◉ Yes ○ No ○ N/A

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

○ Previous Owner ○ Current Owner ◉ Potential/Future Purchaser ○ Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached? ◉ Yes ○ No ○ N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION XI: Property Eligibility Information		
	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	○	◉
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: 356055 Class: 2	◉	○
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? 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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. N/A ○	◉	○
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	○	◉
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	◉	○

SECTION XII: Site Contact List

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.
- For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am CEO (title) of 25 Field Court Owner LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 7/20/26 Signature: Matthew Janeczko Digitally signed by Matthew Janeczko Date: 2026.07.20 11:36:36 -04'00'

Print Name: Matthew Janeczko

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY
Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.
BCP App Rev 17

Please respond to the questions below and provide additional information and/or documentation as required. *Please refer to the application instructions.*	**Y**	**N**
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	◯	◯
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	◯	◯
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	◯	◯
4. Is the property upside down or underutilized as defined below?		
Upside down	◯	◯
Underutilized	◯	◯

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(l) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application)**:**
375-3.2:

(l) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
- (1) the proposed use is at least 75 percent for industrial uses; or
- (2) at which:
  - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
  - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
  - (iii) one or more of the following conditions exists, as certified by the applicant:
    - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
    - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
    - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

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

   ◯ Project is an Affordable Housing Project – regulatory agreement attached

   ◯ Project is planned as Affordable Housing, but agreement is not yet available

   ◯ This is not an Affordable Housing Project

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

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

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

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners 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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

6. Is the site a planned renewable energy facility site as defined below?

   ◯ Yes – planned renewable energy facility site with documentation

   ◯ Pending – planned renewable energy facility awaiting documentation
   *Selecting this option will result in a "pending" status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

   ◯ No – not a planned renewable energy facility site

   If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

   ◯ Yes - *Selecting this option will result in a "pending" status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

   ◯ No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

NYSDEC BROWNFIELD CLEANUP PROGRAM APPLICATION – SUPPLEMENTAL INFORMATION

25 FIELD COURT REDEVELOPMENT

25 FIELD COURT
CITY OF KINGSTON
ULSTER COUNTY, NEW YORK 12401

PREPARED FOR:

25 Field Court Owner LLC
150 Brielle Avenue
Staten Island, New York 10314

PREPARED BY:

PVEDI Engineering, Architecture and Geology, D.P.C.
48 Springside Avenue
Poughkeepsie, New York 12603
Phone: 845-454-2544 – Fax: 845-454-2655

July 20, 2026
Revised November 6, 2026
PVEDI File #202110228

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SEPARATE ATTACHMENTS

Attachment VI-1A	Phase I ESA – The Chazen Companies, dated May 28, 2009
Attachment VI-1B	York Analytical Laboratories, Inc. (Groundwater) – by The Chazen Companies, dated June 11, 2009
Attachment VI-1C	Spectrum Analytical, Inc. (Soil Vapor) – by The Chazen Companies, dated July 1, 2009
Attachment VI-1D	York Analytical Laboratories, Inc. (Groundwater) – by The Chazen Companies, dated July 6, 2009
Attachment VI-1E	Supplemental Phase II Summary Memorandum –by The Chazen Companies, dated July 16, 2009
Attachment VI-1F	Test America Analytical Report (Groundwater), by NYSDEC, dated December 28, 2017
Attachment VI-1G	Site Characterization Report, by D&B Engineers and Architects, P.C., dated December 2018
Attachment VI-1H	Soil Analytical Data (Table Only), NYSDEC, collected April 17-20, 2026
Attachment VI-1I	Groundwater Analytical Data (Table Only), NYSDEC, collected April 28-30

SECTION I – PROPERTY INFORMATION

I.1 – Tax Maps and Metes and Bounds Description

This BCP application applies to Tax ID #56.25-3-35 which is located on the east side of O'Neil Street and the west side of Field Court (See Attachment I.1A). The metes and bounds description of the proposed BCP Site has been prepared by a New York State Professional Licensed Surveyor and is provided as Attachment I.1B.

ATTACHMENT I.1 – TAX MAPS

YELLOW OUTLINE DENOTES ADJOINING PROPERTIES
RED OUTLINE DENOTES PROPOSED BCP SITE TAX PARCEL



PREPARED BY ULSTER COUNTY REAL PROPERTY TAX SERVICE AGENCY	PREPARED FOR ULSTER COUNTY LEGISLATURE KINGSTON, NEW YORK

THIS MAP WAS PREPARED FOR TAX ADMINISTRATION PURPOSES ONLY. NOT INTENDED FOR USE IN CONVEYANCE OF LAND. ABSOLUTELY NO ACCURACY OR COMPLETENESS GUARANTEE IS IMPLIED OR INTENDED. ALL INFORMATION ON THIS MAP IS SUBJECT TO SUCH VARIATIONS AND CORRECTIONS AS MIGHT RESULT FROM A COMPLETE TITLE SEARCH AND/OR ACCURATE FIELD SURVEY.

MAP CONVERTED TO ARC/INFO DIGITAL FORMAT - SEPTEMBER 1999
MAP DIGITALLY CONVERTED - SEPTEMBER 2005
BY WEILER MAPPING, A DIVISION OF JAMES W. SEWALL

100 50 0 100 200
Scale 1" = 100'

REVISION TABLE

DATE	CHANGES OR ADDITIONS	DATE	CHANGES OR ADDITIONS
4/24/2023	BLK 2 Lots 2.100,3.100 DD 7215/200 P/O Parcel	8/19/2015	BLK 4 Lot 20.1 Lot Merge FM 15-148
7/22/2019	BLK 1 Lot 31.111,BLK 3 Lot 33.1 FM 19-86 LLR	12/5/2014	BLK 1 Lot 9.100 Change Lot # to Match Roll
6/20/2019	BLK 5 Lots 1.11,1.12 FM 19-129 SUB	5/10/2012	BLK 3 Lots 30.11 & 30.12 FM 12-87
4/19/2017	BLK 4 Lot 28.1 Corr Lot # to Match roll	4/29/2009	BLK 1 lot 31.111, BLK 1 30.1 Deed 4710/297
9/16/2016	BLK 4 Lots 48.121,45.120,46.100 Corr Per FM, Deeds	4/14/2009	BLK 2 Lots 3., 5.1, 8.1 Deed 4792/95
		5/19/2004	Blk 2 Lot 18.1 & 18.2 FM 03-1707

SPECIAL DISTRICTS

SPECIAL DISTRICTS	
DEPT PUBLIC WORKS	
INSPECTIONS	
KINGSTON LIBRARY	
KINGSTON LIBRY DEBT	
UNPAID SEWER	
UNPAID WATER	

LEGEND

PROPERTY LINE	U.S. HIGHWAY	SCHOOL DISTRICT LINE	GREAT LOT NUMBER 9	CALCULATED ACREAGE	9.5A (C)
BLOCK LIMIT	INTERSTATE HIGHWAY	FIRE DISTRICT LINE	TAX MAP BLOCK NUMBER 9	DEED ACREAGE	9.5A
TOWN VILLAGE CITY	STATE HIGHWAY	WATER DISTRICT LINE	SUBDIVISION LOT NUMBER 9	SCALED DIMENSION	150 (S)
COUNTY LINE	COUNTY HIGHWAY	SEWER DISTRICT LINE	TAX MAP PARCEL NUMBER 89.10-1-5	DEED DIMENSION	150
GREAT LOT LINE	STREET OR TOWN ROAD BY NAME	LIGHT DISTRICT LINE	LOT LINE	COORDINATE LOCATOR	
		RAILROAD	WATER LINE	DENOTES COMMON OWNER	

SHEET INDEX

NORTH

TAX MAP
CITY OF KINGSTON
ULSTER COUNTY
NEW YORK

056.025
As of May 2023

ATTACHMENT I.1B – SURVEY & METES AND BOUNDS DESCRIPTION OF BCP

NAD 1983
N.Y. East State Plane Coordinate System

REFERENCE MAPS:

1. PARCEL BEING A PORTION OF PLOT 1 AND A PORTION OF PLOT 2 AS DESIGNATED ON A MAP ENTITLED "MAP OF FIELD COURT PROPERTY OF ESTATE OF RICHARD FIELD." FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON 7 JUNE, 1900, AS FILED MAP NO. 360 AND IS SUBJECT TO ALL PROVISIONS NOTED THEREON.

2. PARCEL BEING LOT 7, AND A PORTION OF LOTS 6, 8 AND 9 AS DESIGNATED ON A MAP ENTITLED "MAP OF LOTS BELONGING TO THE ESTATE OF EDWARD ONEIL." FILED WITH THE ULSTER COUNTY CLERK'S OFFICE ON 14 FEBURARY, 1860, AS FILED MAP NO. 110 AND IS SUBJECT TO ALL PROVISIONS NOTED THEREON.

3. "THE NEW YORK CENTRAL RAILROAD RIGHT OF WAY AND TRACK MAP" V-145 SHEET 4, LAST REVISED 02 APRIL, 1952.

REFERENCE DEED :

DONNA SPADA
- to -
CITY OF KINGSTON
DEED LIBER 7347 PAGE 259
DATED 20 MARCH, 2024
FILED 24 APRIL, 2024



VICINITY MAP
©2022 ESRI WORLD LIGHT GRAY CANVAS
(NOT TO SCALE)

NOTES:

1. PROPERTY BEING TAX MAP SECTION 56.25, BLOCK 3, LOT 35, CITY OF KINGSTON, ULSTER COUNTY, STATE OF NEW YORK.

2. AREA = 37,186 SQUARE FEET OR 0.85 ACRES.

3. LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE. LOCATIONS AND SIZES, IF ANY, ARE BASED ON UTILITY MARK-OUTS, ABOVE GROUND STRUCTURES THAT WERE VISIBLE & ACCESSIBLE IN THE FIELD, AND ANY MAPS AS LISTED IN THE REFERENCES AVAILABLE AT THE TIME OF THE SURVEY. AVAILABLE ASBUILT PLANS AND UTILITY MARKOUT DOES NOT ENSURE MAPPING OF ALL UNDERGROUND UTILITIES AND STRUCTURES. BEFORE ANY EXCAVATION IS TO BEGIN, ALL UNDERGROUND UTILITIES SHOULD BE VERIFIED AS TO THEIR LOCATION, SIZE AND TYPE BY THE PROPER UTILITY COMPANIES. CONTROL POINT ASSOCIATES, INC PC DOES NOT GUARANTEE THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE OR ABANDONED.

THE SOURCE OF UNDERGROUND UTILITIES ARE SHOWN UTILIZING A QUALITY LEVEL SYSTEM:

QUALITY LEVEL C - LOCATION OF UTILITY SURFACE FEATURES SUPPLEMENTS REFERENCE MAPPING. INCLUDES MARKOUT BY OTHERS.
REFERENCE IS MADE TO UDIG NY TICKET NUMBERS 01086-000-484-00, 01086-000-371-00
CENTRAL HUDSON GAS & ELECTRIC- MAPPING PROVIDED
DAVID DEMETROS - (914) 489-0961
CHARTER COM NORTHEAST EASTERN NY - 61: DESIGN CONFLICT, PLEASE SHARE DESIGN DRAWINGS WITH OUR ENGINEERING DEPT. UTILITY OWNER WILL ATTEMPT TO CONTACT YOU.
CHARTER COM DESIGN CONTACT - (720) 482-4449
CITY OF KINGSTON - 30 - MARKED, THE APPROXIMATE HORIZONTAL LOCATION OF UNDERGROUND FACILITIES WITHIN 15 FT OF THE EXCAVATOR DEFINED WORK AREA HAVE BEEN MARKED
RYAN COON - (845) 514-4957
CITY OF KINGSTON WATER DEPARTMENT - 10 - CLEAR, NO FACILITIES WITHIN 15 FT OF THE EXCAVATOR DEFINED WORK AREA
RYAN KNOWLTON - (845) 331-0175 X 1102
NYC DEP WEST OF HUDSON OPERATIONS - 10 - CLEAR, NO FACILITIES WITHIN 15 FT OF THE EXCAVATOR
NYS DEP WEST SHIFT OPERATOR - (845) 985-7816
VERIZON/HUDSON VALLEY - 30 - MARKED, THE APPROXIMATE HORIZONTAL LOCATION OF UNDERGROUND FACILITIES WITHIN 15 FT OF THE EXCAVATOR DEFINED WORK AREA HAVE BEEN MARKED
MICHAEL GAMBUZZA (315) 937-2515

4. THIS PLAN IS BASED ON A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC PC (THE SURVEYOR), INFORMATION PROVIDED BY THE CLIENT AND OTHER REFERENCE MATERIAL AS LISTED HEREON. CHANGES TO THE PROPERTY AFTER THE FIELD DATE ARE NOT THE RESPONSIBILITY OF THE SURVEYOR.

5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE RESTRICTIONS, COVENANTS AND/OR EASEMENTS THAT MAY BE CONTAINED THEREIN. IT IS IMPORTANT THAT A COMPLETE TITLE SEARCH BE PROVIDED TO THE SURVEYOR FOR REVIEW PRIOR TO THE PLACEMENT OF OR ALTERATION TO IMPROVEMENTS ON THE PROPERTY. BOUNDARY AND EASEMENT LINES ARE BASED UPON AVAILABLE DOCUMENTATION AT THE TIME OF SURVEY AND ARE SUBJECT TO SAID TITLE REPORT.
THIS SURVEY DOES NOT ADDRESS OWNERSHIP AND POSSIBLE RIGHTS OF ADJOINING PROPERTIES.
THIS SURVEY IS THE OPINION OF THE SURVEYOR AND IS NOT A LEGAL DECISION REGARDING PROPERTY BOUNDARY OR RIGHTS.

6. SUBSURFACE STRUCTURES NOT VISIBLE OR READILY APPARENT ARE NOT SHOWN AND THEIR LOCATION AND EXTENT ARE NOT CERTIFIED.
THE EXISTENCE OF UNDERGROUND STORAGE TANKS, IF ANY, WAS NOT KNOWN AT THE TIME OF THE FIELD SURVEY. SURVEY DOES NOT ADDRESS ENVIRONMENTAL CONDITIONS OR LAND SUITABILITY.

7. SUBJECT TO ALL RIGHTS OF WAYS, COVENANTS, EASEMENTS, RESTRICTIONS, CONDITIONS AND AGREEMENTS OF RECORD.

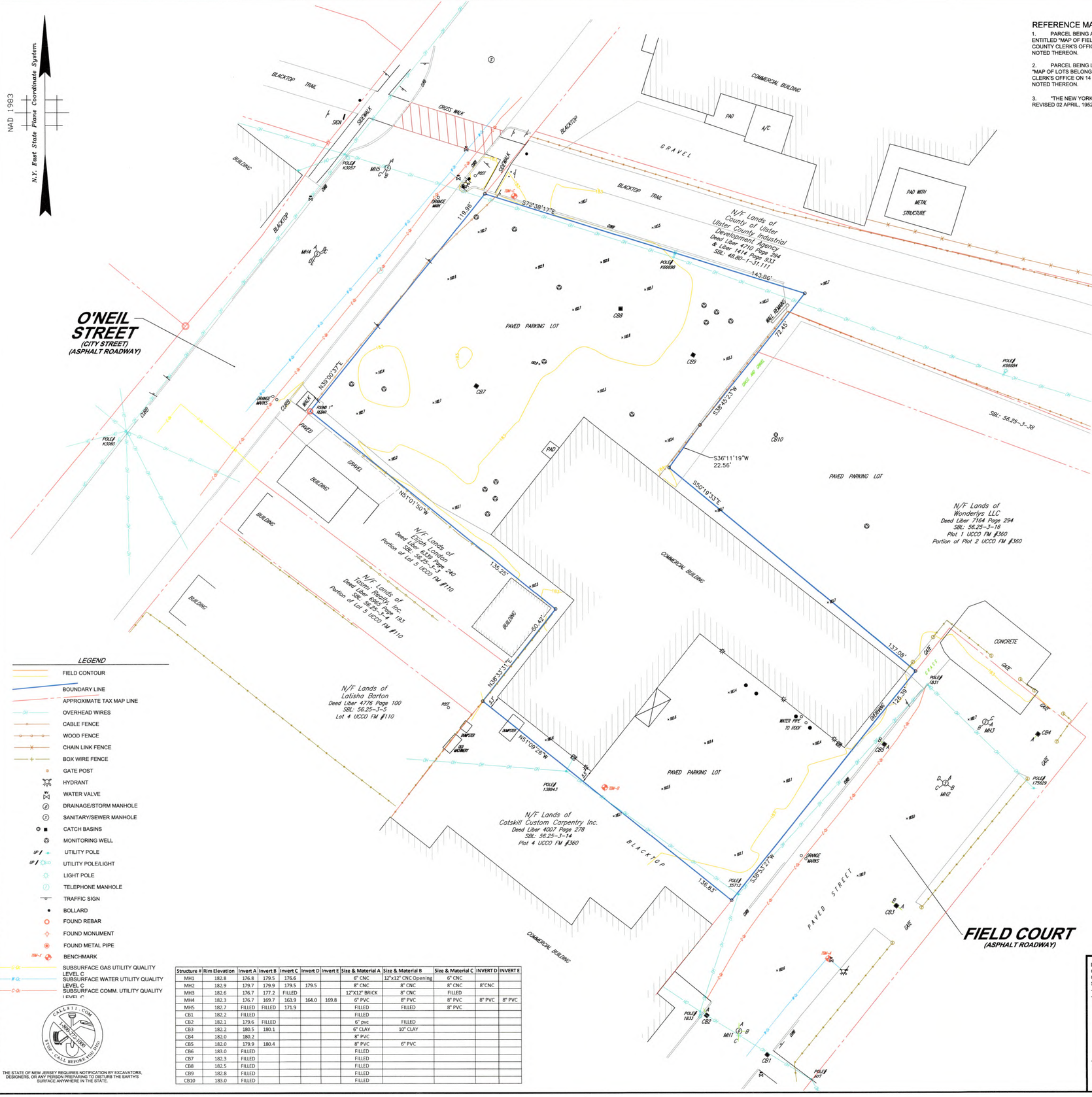
8. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR PROFESSIONAL LAND SURVEYORS AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PARTIES SO NOTED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS.

9. ROAD BOUNDS OF O'NEIL STREET BASED ON UCCO FM #110.
ROAD BOUNDS OF FIELD COURT BASED ON UCCO FM #360.

10. THE OFFSETS SHOWN ARE NOT TO BE USED FOR THE CONSTRUCTION OF ANY STRUCTURE, FENCE, PERMANENT ADDITION, ETC.

11. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) GEOID 18, BASED ON GPS/GNSS OBSERVATIONS TAKEN AT THE TIME OF THE SURVEY.
TEMPORARY BENCHMARKS SET:
TBM-A: MAG NAIL SET FLUSH, ELEVATION= 182.8'
TBM-B: MAG NAIL SET FLUSH, ELEVATION= 183.7'
TBM-C: CAPPED REBAR SET FLUSH, ELEVATION= 183.3'

SEVEN (7) DAYS PRIOR TO CONSTRUCTION IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BENCHMARKS ILLUSTRATED ON THIS SURVEY HAVE NOT BEEN DISTURBED AND THEIR ELEVATIONS HAVE BEEN CONFIRMED.
ANY CONFLICTS MUST BE REPORTED PRIOR TO CONSTRUCTION. SURVEYOR IS NOT RESPONSIBLE FOR CONTRACTOR'S FAILURE TO COMPLY



LEGEND

- FIELD CONTOUR
- BOUNDARY LINE
- APPROXIMATE TAX MAP LINE
- OVERHEAD WIRES
- CABLE FENCE
- WOOD FENCE
- CHAIN LINK FENCE
- BOX WIRE FENCE
- GATE POST
- HYDRANT
- WATER VALVE
- DRAINAGE/STORM MANHOLE
- SANITARY/SEWER MANHOLE
- CATCH BASINS
- MONITORING WELL
- UTILITY POLE
- UTILITY POLE/LIGHT
- LIGHT POLE
- TELEPHONE MANHOLE
- TRAFFIC SIGN
- BOLLARD
- FOUND REBAR
- FOUND MONUMENT
- FOUND METAL PIPE
- BENCHMARK
- SUBSURFACE GAS UTILITY QUALITY LEVEL C
- SUBSURFACE WATER UTILITY QUALITY LEVEL C
- SUBSURFACE COMM. UTILITY QUALITY LEVEL C

CALL811.COM
1-800-272-4480
STOP - CALL BEFORE YOU DIG!

THE STATE OF NEW JERSEY REQUIRES NOTIFICATION BY EXCAVATORS, DESIGNERS, OR ANY PERSON PREPARING TO DISTURB THE EARTH'S SURFACE ANYWHERE IN THE STATE.

Structure #	Rim Elevation	Invert A	Invert B	Invert C	Invert D	Invert E	Size & Material A	Size & Material B	Size & Material C	INVERT D	INVERT E
MH1	182.8	176.8	179.5	176.6			6" CNC	12"x12" CNC Opening	6" CNC		
MH2	182.9	179.7	179.9	179.5	179.5		8" CNC	8" CNC	8" CNC	8"CNC	
MH3	182.6	176.7	177.2	FILLED			12"X12" BRICK	8" CNC	FILLED		
MH4	182.3	176.7	169.7	163.9	164.0	169.8	6" PVC	8" PVC	8" PVC	8" PVC	8" PVC
MH5	182.7	FILLED	FILLED	171.9			FILLED	FILLED	8" PVC		
CB1	182.2	FILLED					FILLED				
CB2	182.1	179.6	FILLED				6" pvc	FILLED			
CB3	182.2	180.5	180.1				6" CLAY	10" CLAY			
CB4	182.0	180.2					8" PVC				
CB5	182.0	179.9	180.4				8" PVC	6" PVC			
CB6	183.0	FILLED					FILLED				
CB7	182.3	FILLED					FILLED				
CB8	182.5	FILLED					FILLED				
CB9	182.8	FILLED					FILLED				
CB10	183.0	FILLED					FILLED				

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

DESCRIPTION OF LANDS
TO BE CONVEYED TO
THE AFFORDABLE HOUSING CONSERVANCY, INC.

ALL THAT PARCEL OF LAND SITUATE IN THE City of Kingston, County of Ulster and State of New York being more particularly bounded and described as follows:

BEGINNING at a rebar found set on the easterly bounds of O'Neil Street on the division line with lands now of formerly of Elijah London as recorded in Deed Liber 6339 at page 240 and being a portion of Lot 5 as designated on map #110 on file with the office of the Ulster County Clerk, and running thence along the easterly bounds of O'Neil Street North 39°00'37" East 119.96 feet to a point on the division line with lands now or formerly of the County of Ulster as recorded in Deed Liber 1414 at page 933, thence along said division line, being along the right of way of the former Ulster and Delaware Railroad Company, South 72°38'17" East 143.86 feet to a point, thence continuing in part along said division line and in part along the division line with lands now or formerly Wonderly's LLC as recorded in Deed Liber 7164 at page 294 and being a portion of the premises depicted on map #360 on file with the office of the Ulster County Clerk, South 38°45'23" West 72.45 feet to a point, thence continuing along the division line with said lands of Wonderly's South 36°11'19" West 22.56 feet to a point and thence South 50°19'33" East 137.08 feet to a point on the westerly bounds of Field Court, thence along Field Court, South 38°53'27" West 126.39 feet to a point, thence along the division line with lands now or formerly of Catskill Custom Carpentry, Inc as recorded in Deed Liber 4007 at page 278 and designated as Plot 4 on aforementioned filed map #360, North 51°09'26" West 136.83 feet to a point, thence in part along the division line with lands now or formerly of Tasmi Realty, Inc. as recorded in Deed Liber 6965 at page 193 and designated as Lot 5 on aforementioned filed map #110, and in part along the division line with aforementioned lands of London, North 38°33'31" East 50.42 feet to a point, and continuing along the division line with said lands of London North 51°01'50" West 135.25 feet to the place of beginning.

Containing 37,186 square feet or 0.85 acre

Parcel being a portion of Plot 1 and a portion of Plot 2 as designated on a map entitled "Map of Field Court Property of Estate of Richard Field" filed with the office of the Ulster County Clerk as map #360 and being Lot 7 and portions of Lots 6, 8, and 9 as designated on a map entitled "Map of Lots Belonging to the Estate of Edward O'Neil" filed with the office of the Ulster County Clerk as map #110.

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.

NO.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN:	APPROVED:	DATE
2	ADD M&B DESCRIPTION	N/A	GIO	P.P.B.	6-12-26
1	ADDITIONAL LOCATION & INVERTS	BN/BW	GIO	P.P.B.	3-25-26

I HEREBY CERTIFY THAT THIS MAP IS A TRUE REPRESENTATION OF A SURVEY PERFORMED BY THIS OFFICE IN THE FIELD THE 19-21 JANUARY AND 19 MARCH, 2026 IN ACCORDANCE WITH THE EXISTING CODES OF PRACTICE AS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
THIS SURVEY IS CERTIFIED TO:
THE AFFORDABLE HOUSING CONSERVANCY, INC.

STATE OF NEW YORK · PATRICIA P. BROOKS · 49795 · LICENSED LAND SURVEYOR

PATRICIA PAULI BROOKS, LS
NEW YORK PROFESSIONAL LAND SURVEYOR #49795

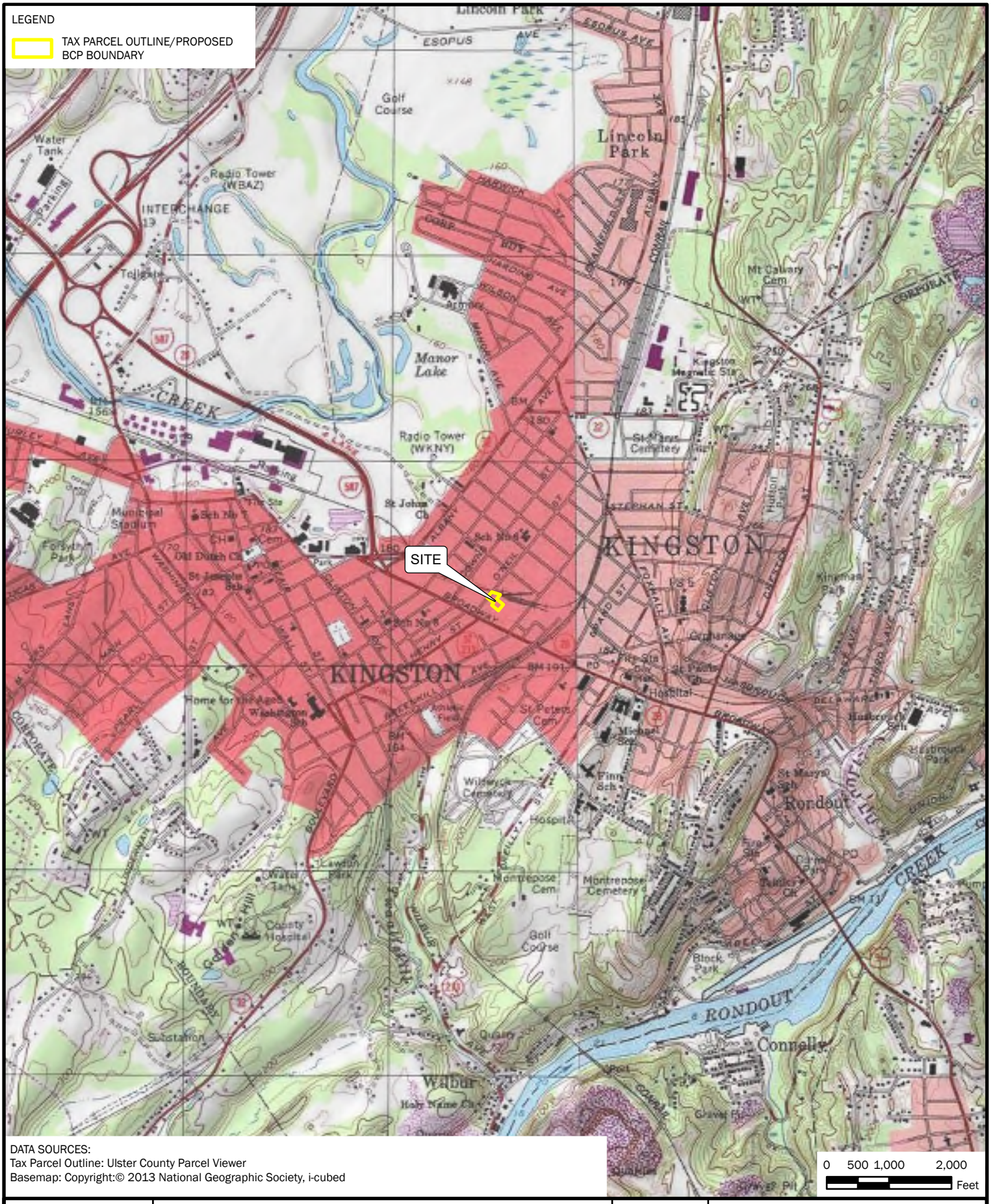
FIELD DATE	01-21-26 03-19-26
FIELD BOOK NO.	HV #25 HV #28
FIELD BOOK PG.	97 29
FIELD CREW	DD/BW
DRAWN:	GIO
REVIEWED:	S.D.
APPROVED:	P.P.B.
DATE	02-16-2026
SCALE	1" = 20'
FILE NO.	12-250418-01
DWG. NO.	1 OF 1

MAP OF SURVEY OF LANDS TO BE CONVEYED TO
THE AFFORDABLE HOUSING CONSERVANCY, INC.
SBL: 56.25-3-35 CITY OF KINGSTON
COUNTY OF ULSTER, STATE OF NEW YORK

CONTROL POINT ASSOCIATES INC PC
845.691.7339
WWW.CPASURVEY.COM
11 MAIN STREET
HIGHLAND, NY 12528
WARREN, NJ 908.668.0099
OCEAN PORT, PA 215.512.9600
ATLANTIC CITY, NJ 609.677.8398
MANHATTAN, NY 646.786.0415
LONG ISLAND, NY 631.380.2640
SOUTHBOROUGH, MA 508.948.3000
ALBANY, NY 518.250.7310
ROCHESTER, NY 585.balt.2164
PHILADELPHIA, PA 215.712.9600
FT. LAUDERDALE, FL 954.763.7611

CONTROL POINT ASSOCIATES INC PC - ALL RIGHTS RESERVED
THIS SURVEY MAP IS THE PROPERTY OF CONTROL POINT ASSOCIATES INC PC AND IS NOT TO BE USED FOR ANY ADDITIONAL PROJECT OR THE PURPOSE ORIGINALLY INTENDED WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES INC. IS PROHIBITED

ATTACHMENT I.2A – PROPERTY MAP (USGS TOPO)



PVEDI
A Stratus Team Company
48 Springside Avenue
Poughkeepsie, NY 12603

PROPERTY MAP (USGS 7.5 QUADRANGLE)

25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

N

ATTACHMENT 1.2A

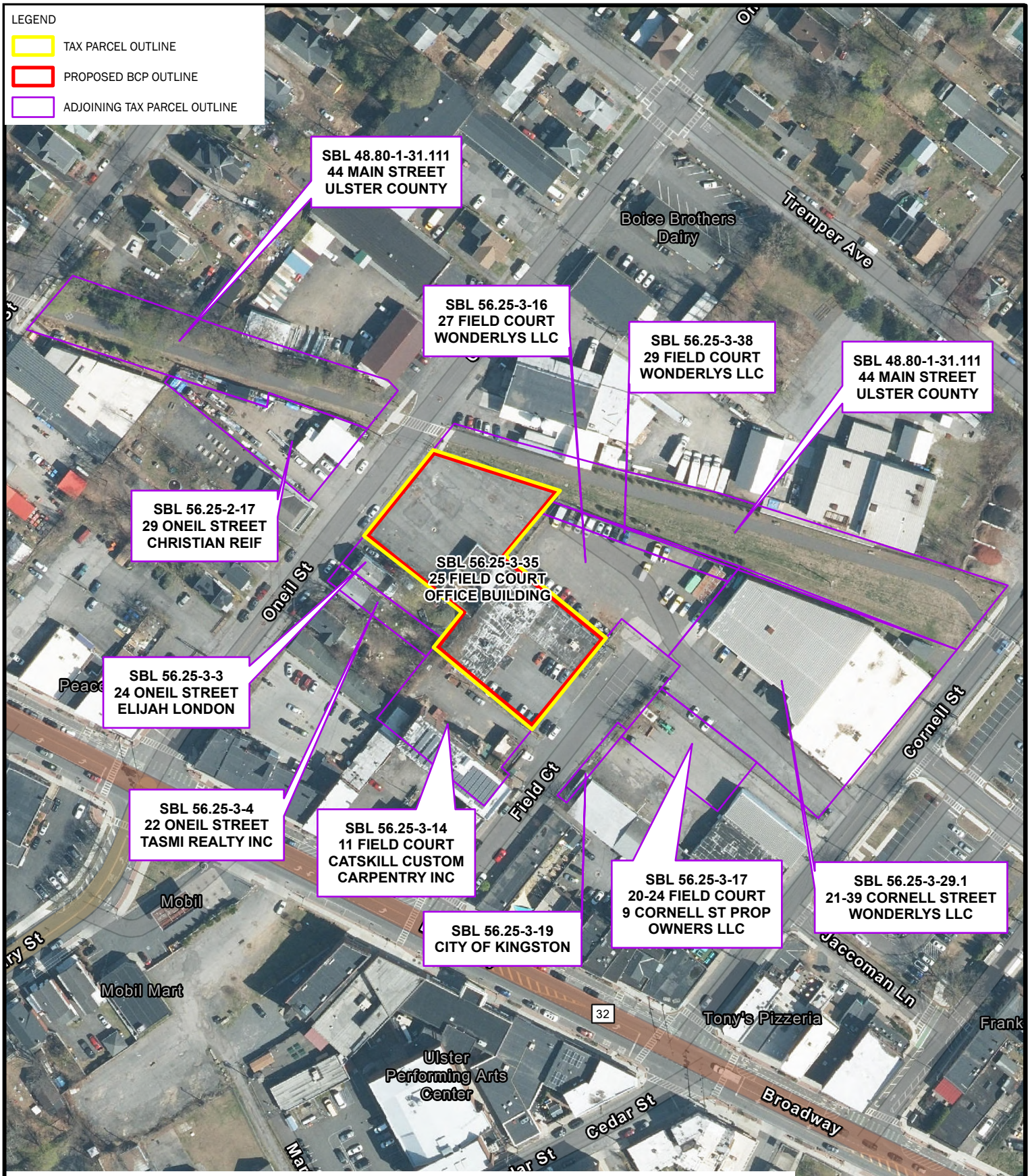
DATE: 5/22/2026

SCALE: AS INDICATED

PROJECTION: STATE PLANE NAD83 NY EAST

ALL LOCATIONS APPROXIMATE

ATTACHMENT I.2B - PROPERTY MAP (AERIAL)



DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, NYS ITS Geospatial Services, New York State, Microsoft, Vantor

PVEDI
A Stratus Team Company
48 Springside Avenue
Poughkeepsie, NY 12603

PROPERTY MAP (AERIAL)

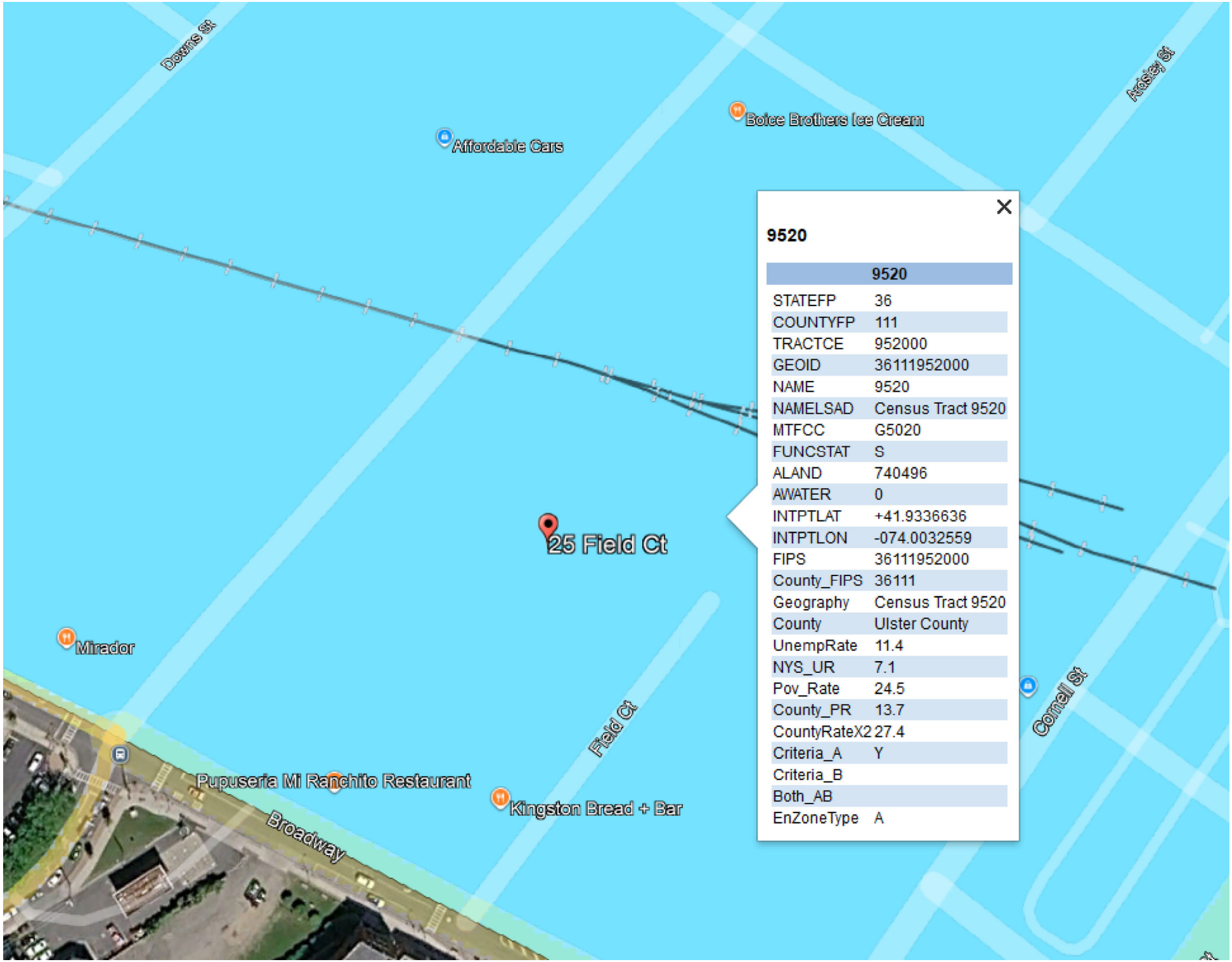
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

N

ATTACHMENT 1.2B
DATE: 5/22/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT I.3 - EN-ZONE AREA


Downs St
Affordable Cars
Boice Brothers Ice Cream
Ardsley St
25 Field Ct
Mirador
Field Ct
Pupuseria Mi Ranchito Restaurant
Kingston Bread + Bar
Broadway
Cornell St
9520
9520
STATEFP 36
COUNTYFP 111
TRACTCE 952000
GEOID 36111952000
NAME 9520
NAMELSAD Census Tract 9520
MTFCC G5020
FUNCSTAT S
ALAND 740496
AWATER 0
INTPTLAT +41.9336636
INTPTLON -074.0032559
FIPS 36111952000
County_FIPS 36111
Geography Census Tract 9520
County Ulster County
UnempRate 11.4
NYS_UR 7.1
Pov_Rate 24.5
County_PR 13.7
CountyRateX2 27.4
Criteria_A Y
Criteria_B
Both_AB
EnZoneType A

ATTACHMENT I.4 – DISADVANTAGED COMMUNITIES

An official website of New York State.
Here's how you know

Disadvantaged Communities

New York State is undertaking the most ambitious effort in the U.S. to meet the challenge of climate change. New York's Climate Act recognizes that climate change doesn't affect all communities equally. The Climate Act charged the Climate Justice Working Group (CJWG) with the development of criteria to identify disadvantaged communities to ensure that frontline and otherwise underserved communities benefit from the state's historic transition to cleaner, greener sources of energy, reduced pollution and cleaner air, and economic opportunities.

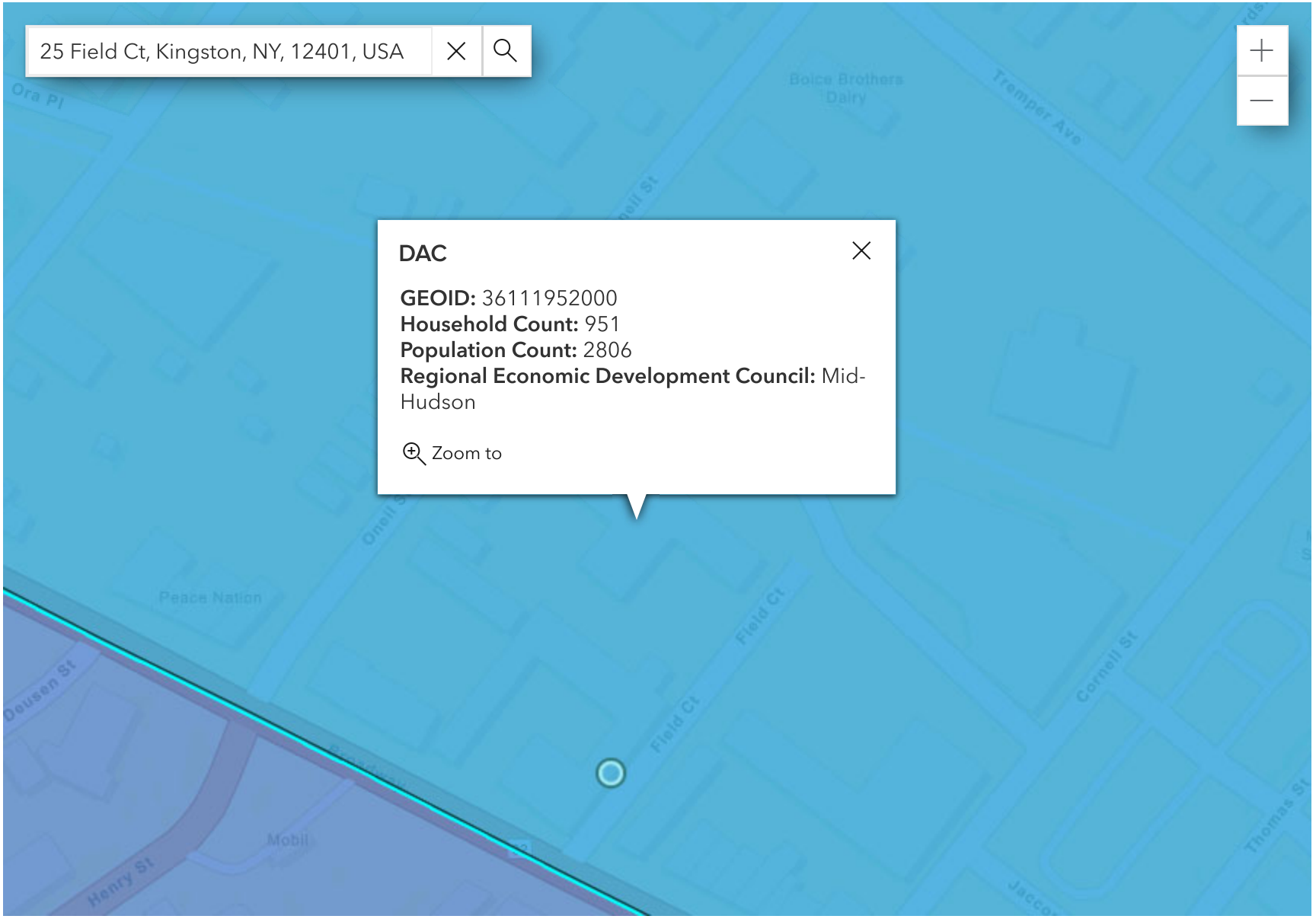
The CJWG finalized the disadvantaged communities criteria on March 27, 2023. Communities meeting the criteria can be identified with the map below and a list of census tracts that meet the disadvantaged community criteria can be found here [PDF]. Additional detail on the disadvantaged communities criteria can be found on the Climate Act Website under the "Disadvantaged Communities Criteria Documents" section.

The interactive map below identifies areas throughout the State that meet the disadvantaged community criteria as defined by the CJWG. Use the map to determine if an address is located in a disadvantaged community. You can either:

1. Enter an address in the search address box
2. Zoom in/out to identify portions of counties, cities, town and neighborhoods

25 Field Ct, Kingston, New York, 12401

This address meets the criteria identified for a disadvantaged community.



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(Word, Excel, PowerPoint)

- AgenciesApp DirectoryCountiesEventsProgramsServices

I.5 – Brownfield Opportunity Area

Yes, the proposed BCP Site is located within the "Midtown Thriving" BOA. This BOA designation was approved by the Department of the State in September 2026. A figure of the BOA is provided on the following page as Attachment I.5.

ATTACHMENT I.5 - BOA AREA


2019 Prenomination Study Area
2025 Midtown Thriving BOA
Albany Ave
Pine St
Prospect St
Greenkill Ave
BROADWAY
Oneil St
Cornell St
Grand St
Foxhall Ave
Hasbrouck Ave
0
0.5
1
Miles

I.14 – Property Description and Environmental Assessment

Location

The proposed BCP Site is comprised of one (1) tax parcel located in the City of Kingston, Ulster County, New York in a residential, industrial and commercial area.

The proposed BCP Site is bordered to the north by Catskill Mountain Bridge railroad (Catskill Scenic Trail [recreational]); to the east by 20-24 (vacant commercial), 21-39 Field Court (retail service), 27 Field Court (vacant commercial) and 29 Field Court (vacant commercial); to the south by 11 Field Court (manufacturing); and to the west by 22 and 24 O'Neil Street (residential), and 21 and 29 O'Neil Street (commercial).

Site Features

The Site is improved with one (1) vacant and severely dilapidated commercial structure and paved parking areas.

Current Zoning and Land Use

The Site, currently occupied by a vacant structure, is currently zoned by the City of Kingston as "T5F - Commercial". T5F zoning intent is "To provide an urban form that can accommodate a very diverse range of uses and Building Types, including some light industrial as well as live/work combinations, to reinforce the pattern of existing walkable neighborhoods and to encourage revitalization and investment." The proposed project area is adjacent to commercial, industrial, and residential properties. See Attachment IV.1A and IV.1B for Zoning Maps.

Past Uses of the Site

The property operated as a tire and welding facility with gasoline tank shown in roadway (1950); welding and lawn mower repair facility (1957); automobile repair facility (1972-1987); and Drapery Manufacturer (post-1987).

Possible sources of contamination are chemicals used in historic operations described above in conjunction with potential off-site sources converging beneath the subject property.

Site Geology and Hydrogeology

According to the New York State Museum (https://www.nysm.nysed.gov/research-collections/geology/geologic-mapping).

Surficial: Kame deposits; including kames, eskers, kame terraces, kame deltas, coarse to fine gravel and/or sand, deposition adjacent to ice, lateral variability in sorting, coarseness and thickness, locally firmly cemented with calcareous cement, thickness variable (10-30 meters).

Bedrock: Dou – Onondaga Limestone; Seneca, Morehouse (cherty), and Nedrow Limestone Members, Edgecliff cherty Limestone Member, local bioherms, Buttermilk Falls Limestone Member, Schoharie Formation – shale, limestone, Carlisle Center Siltstone, Esopus Shale.

The direction of groundwater flow in unconsolidated sediments is inferred to be to the southwest, based on local topography and proximity to the Twaalfskill Brook.

Environmental Assessment

Based upon the investigations conducted to date, the primary contaminants of concern for the Site include metals, Per- and Polyfluoroalkyl substances (PFAS), volatile organic compounds (VOCs), chlorinated volatile organic compounds (cVOCs). Below is a summary of analytical results from soil, groundwater, and soil vapor samples with contaminants at concentrations exceeding applicable rules, regulations and standards, criteria, and guidance (ARARs and SCGs).

Soil:

- VOCs (tetrachloroethylene [PCE] and acetone) were detected in shallow soil samples above unrestricted-use soil cleanup objectives (UUSCOs) and protection of groundwater soil cleanup objectives (PGSCOs). Trichloroethylene (TCE) was also detected in two (2) deeper interval soil samples at concentrations exceeding UUSCOs and PGSCOs. Metals (lead, mercury and zinc) were detected in one (1) sample above UUSCOs. (See Section VI).

Sediment:

- Acetone was detected in one (1) sample above UUSCOs and PGSCOs. Metals (copper, lead, and zinc) and arochlor-1248 were detected in one (1) sample above UUSCOs. No compounds were detected at concentrations exceeding RRSCOs. (See Section VI).

Groundwater:

- VOCs (PCE, TCE and cis-1,2-dichloroethene [cis-1,2-DCE]) were detected in groundwater samples above the Class GA Groundwater Quality Standards (GQS). PCE was detected at a maximum concentration of 930 µg/L; TCE was detected at a maximum concentration of 110 µg/L and cis-1,2-DCE was detected at a maximum concentration of 12 µg/L. Sodium was detected at a maximum concentration of 64.6 µg/L. PFAS analysis indicated that perfluorooctanoic acid (PFOA) and Perfluorooctanesulfonic acid (PFOS) were detected in one (1) monitoring well at a concentration of 14 and 13 parts per trillion (ppt) respectively, exceeding their Part 375 ambient groundwater quality standards of 2.7 and 6.7, respectively. (See Section VI).

Soil Vapor:

- Two (2) cVOCs (PCE and TCE) were primarily detected in the exterior soil vapor and sub-slab soil vapor samples at elevated concentrations. Based on comparing these results to the New York State Department of Health (NYSDOH) soil vapor decision matrices, mitigation is warranted. PCE detected in sub slab soil vapor samples was detected at a maximum concentration of 40,000 µg/m^3; and TCE was detected at a maximum concentration of 640 µg/m^3. (See Section VI).

SECTION II – PROJECT DESCRIPTION

II.3 – Draft Work Plans

A draft Supplemental Remedial Investigation Work Plan (RIWP) has been developed incorporating previous investigations to further characterize and delineate contamination originating from the past uses of the proposed BCP Site. The RIWP has been submitted under a separate cover.

II.4 – Short description of the overall project development.

The proposed project at 25 Field Court is a mixed-use fully affordable housing development intended to provide high-quality, community-oriented housing in Midtown Kingston. The project is currently envisioned as approximately 64 affordable residential rental units with ground-floor commercial or community space oriented toward the Midtown Linear Park and surrounding neighborhood. Construction is anticipated to occur over approximately 18–24 months depending on approvals, remediation, and financing schedules. The project is intended to expand affordable housing opportunities, support neighborhood revitalization, and contribute positively to the Midtown Kingston community.

Anticipated Project Schedule

TASK	DATE COMPLETED
APPLICATION and CITIZEN PARTICIPATION PLAN (CPP)	
BCP Application and Draft Remedial Investigation Work Plan (RIWP) Submitted	September 2026
Application and RIWP Accepted – Released for Public Comment	October 2026
45-Day Public Comment Period Ends	December 2026
Brownfield Cleanup Agreement (BCA) Fully Executed	December 2026
CPP Submitted	December 2026
REMEDIAL INVESTIGATION	
On-Site Building Demolition and Debris Disposal	December 2026
RI Field Activities	December. – Feb. 2026
Draft RI Report Submittal	March 2027
Final RI Report Submittal	April 2027
REMEDIAL ACTION WORK PLAN (RAWP)	
Proposed RAWP with Alternative Analysis Submitted	April 2027
45-Day Comment Period Ends	June 2027
Final RAWP Submitted	June 2027
RAWP Implemented During Construction (If approved by NYSDEC)	July 2027 – October 2029
PROJECT COMPLETION	
Submit Draft Environmental Easement Package	June 2029

Submit Draft Site Management Plan	August 2029
Construction Completed	October 2029
Submit Final Engineering Report	November 2029
Certificate of Completion	December 2029

II.5 – Green and Sustainable Remediation

As part of all applicable remedial actions undertaken under this program, to evaluate the remedy with respect to green and sustainable remediation principles, an environmental footprint will be completed throughout remedial phases of the project.

During Remedial Investigation (RI), PVEDI will employ sustainable measures such as carpooling and/or limiting excessive trips to the subject property by organizing sampling events to take place in as few days/events as possible. If multiple consecutive days of investigation are warranted, field members will seek local lodging in lieu of excessive travel back to office/homes. Reusable sampling equipment will be utilized when possible. Use of surge blocks to develop monitoring wells will be used in lieu of purging water into buckets/drums requiring off-site disposal. Batteries will be used to power sampling pumps in lieu of combustion generators. Decontamination water and ice and/or reusable ice blocks for samples will be locally sourced to reduce weight of traveling vehicles to the subject property.

The remedial design program will include a climate change vulnerability assessment, to evaluate the impact of climate change on the project site and the proposed remedy. Potential vulnerabilities associated with extreme weather events (e.g., hurricanes, lightning, heat stress and drought), flooding, and sea level rise will be identified, and the remedial design program will incorporate measures to minimize the impact of climate change on potential identified vulnerabilities.

The environmental footprint analysis will be completed using SEFA (Spreadsheets for Environmental Footprint Analysis, USEPA), SiteWise™ (available in the Sustainable Remediation Forum [SURF] library) or similar Department accepted tool. Water consumption, greenhouse gas emissions, renewable and non-renewable energy use, waste reduction and material use will be estimated, and goals for the project related to these green and sustainable remediation metrics, as well as for minimizing community impacts, protecting habitats and natural and cultural resources, and promoting environmental justice, will be incorporated into all applicable remedial actions undertaken as part of this program, as appropriate. The project design specifications will include detailed requirements to achieve the green and sustainable remediation goals. Further, progress with respect to green and sustainable remediation metrics will be tracked during implementation of the remedial action and reported in the Final Engineering Report (FER), including a comparison to the goals established during the remedial design program.

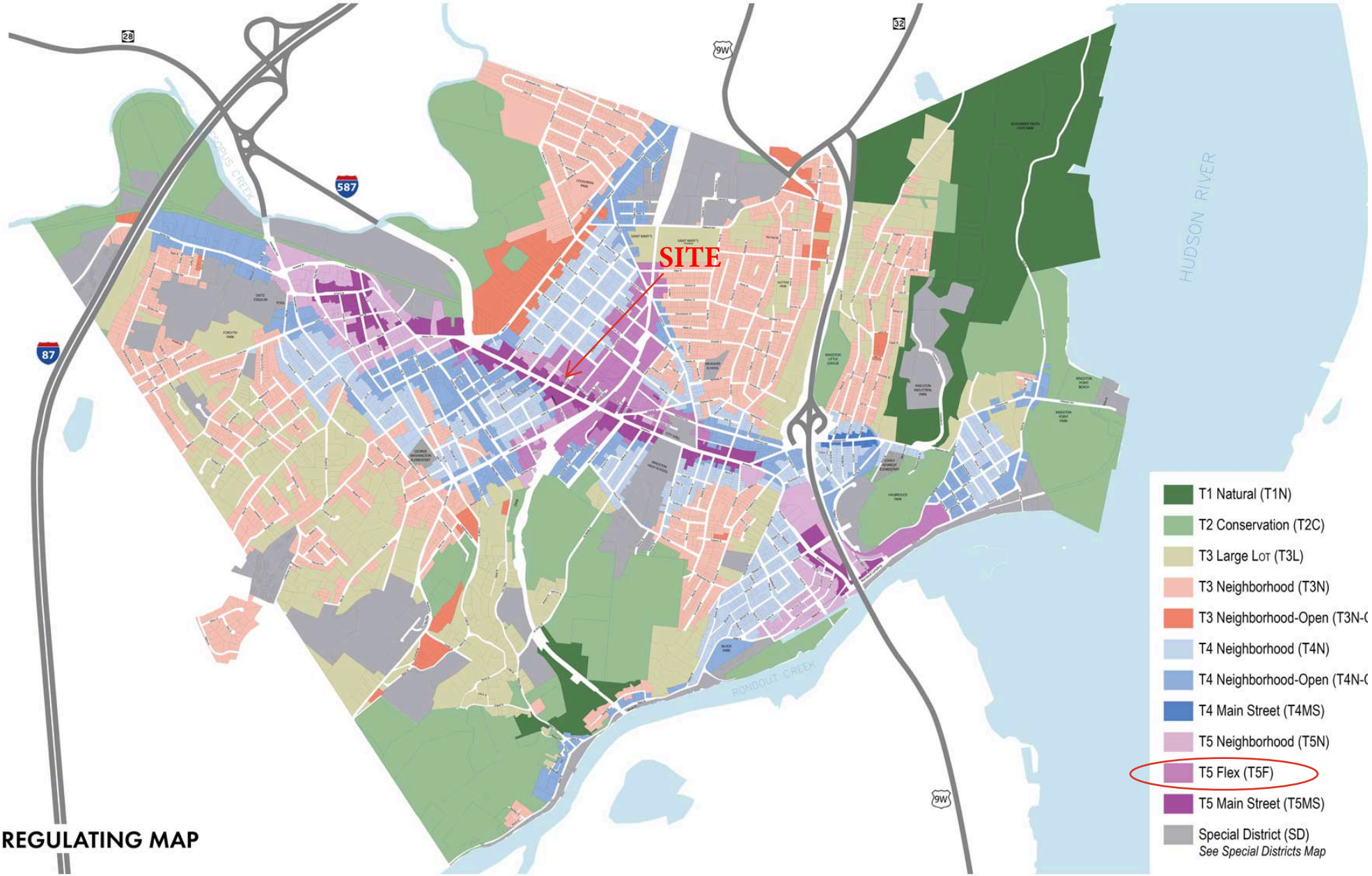
Redevelopment of the BCP Site will seek to employ energy efficient equipment and potentially photovoltaic panels on the roof to off-set energy consumption. The Site is located adjacent to a greenway scenic rail trail and is promoting a walkable City of Kingston.

SECTION III – ECOLOGICAL CONCERNS

PVEDI reviewed the New York State Department of Conservation (NYSDEC) Natural Resource Mapper. While the proposed BCP Site is located in a densely developed residential, industrial and commercial area, bat foraging areas and freshwater wetlands are present within the 0.5-mile radius. An FWRIA Part 1 is required and will be submitted as part of the Remedial Investigation Report.

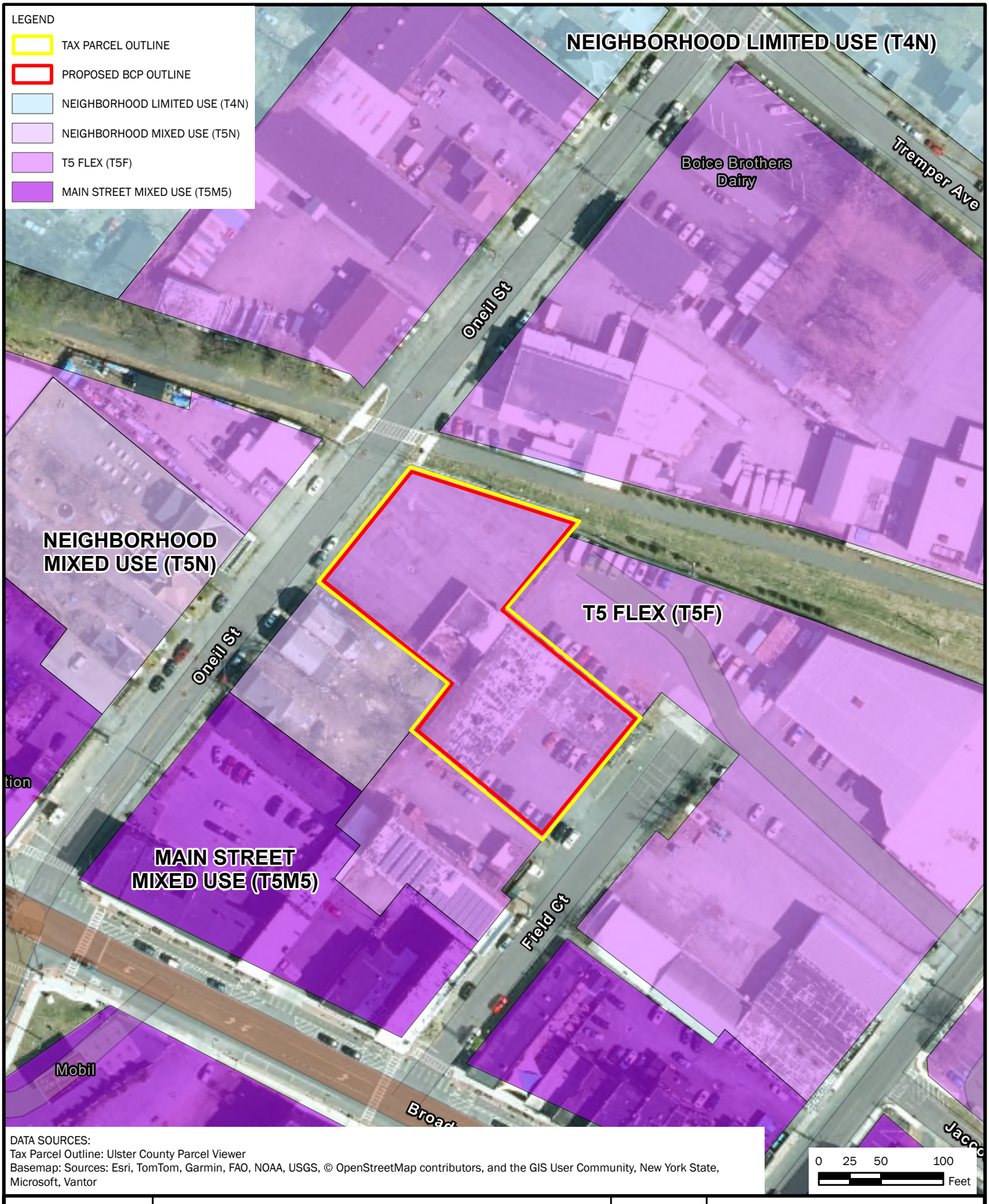
SECTION IV – LAND USE FACTORS

IV.1A – CITY OF KINGSTON ZONING MAP – CITY EXTENT



REGULATING MAP

IV.1B – CITY OF KINGSTON ZONING MAP – PROJECT/NEIGHBORHOOD EXTENT



DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

PVEDI
A Stratus Team Company
48 Springside Avenue
Poughkeepsie, NY 12603

CITY OF KINGSTON
ZONING - PROJECT/NEIGHBORHOOD EXTENT

25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228	ATTACHMENT IV.1B
	DATE: 6/3/2026
N	SCALE: AS INDICATED
	PROJECTION: STATE PLANE NAD83 NY EAST
	ALL LOCATIONS APPROXIMATE

IV.4 – Summary of current business operations or uses, with an emphasis on identifying possible contamination source areas. If operations have ceased, provide the date by which the site became vacant.

The Site is improved with one (1) vacant commercial structure (office building) and paved parking areas. As the subject property is currently vacant, current operations are unlikely to present any possible contamination routes/source areas. According to the Phase I ESA prepared by the Chazen Companies, the property and structure were most recently operated by a curtain manufacturer and a mental health outpatient facility but became vacant circa 2008.

IV.6 – Statement detailing the specific proposed post-remediation use.

The proposed project at 25 Field Court is a mixed-use fully affordable housing development intended to provide high-quality, community-oriented housing in Midtown Kingston. The project is currently envisioned as approximately 64 affordable residential rental units with ground-floor commercial or community space oriented toward the Midtown Linear Park and surrounding neighborhood. Construction is anticipated to occur over approximately 18–24 months depending on approvals, remediation, and financing schedules. The project is intended to expand affordable housing opportunities, support neighborhood revitalization, and contribute positively to the Midtown Kingston community.

The existing structure will be demolished, and the proposed site will be redeveloped into a mixed-use residential and commercial property with parking.

IV.9 – Is the proposed use consistent with applicable zoning laws/maps?

Yes, the proposed use is consistent with applicable zoning. The Site is currently zoned by the City of Kingston as “T5F - Commercial”. T5F zoning intent is “To provide an urban form that can accommodate a very diverse range of uses and Building Types, including some light industrial as well as live/work combinations, to reinforce the pattern of existing walkable neighborhoods and to encourage revitalization and investment.” The proposed development similarly meets all of the bulk zoning criteria and is not anticipated to seek any waivers from the municipality.

IV.10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plan?

Yes, the proposed use is consistent with the City of Kingston Comprehensive Plan, dated March 15, 2016. This Plan is a policy document which outlines aspirations for a community and details a course of action to get there. Additionally, this Plan presents goals and objectives for the City of Kingston as a whole, while focusing on three (3) areas of Kingston:
Uptown, Midtown and the Rondout/Waterfront areas.

The intentions of these goals include promoting the preservation and affordability of the existing housing stock by improving the housing conditions and upgrading neighborhood infrastructure and local amenities, revision of zoning and adopt local ordinances, plans and policies to expand and promote balanced housing opportunities and support economic diversity, facilitate and support the development of new mixed-income housing activities carried out by private and non-profit developers,

community groups and individuals, and establish and enhance the delivery system and capacity to implement housing service programs to benefit existing homeowners and renters and invite innovative partnerships between government and the private sector. Proposed construction and renovation will be reviewed by the local planning and zoning authorities and are subject to the normal review process of the City of Kingston.

SECTION V – HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION

PREVIOUS PROPERTY OWNERS

Section: 56.25		Block:3		Lot: 35
Previous Owner Name	**Approximate Dates**	**Last Known Address**	**Phone Number**	**Requestor's Relationship to Owner**
Alva S. Staples	Unknown – 5/1962	25 Field Court, Kingston, NY	Searched - Unknown	None
Jerry Staples	5/1962 – 5/1962	25 Field Court, Kingston, NY	Searched - Unknown	None
Lillian Perry	05/1962 – 3/30/1965	25 Field Court, Kingston, NY	Searched - Unknown	None
Michael and Betty Spada	3/30/1965 – 7/1993	25 Field Court, Kingston, NY	Searched - Unknown	None
Betty Spada	7/1993 – Unknown	25 Field Court, Kingston, NY	Searched - Unknown	None
Donna Spada	Unknown – Unknown	46 Crane Street, Kingston, NY	Searched - Unknown	None

PREVIOUS PROPERTY OPERATORS

Section: 56.25		Block:3		Lot: 35
Previous Operator Activities	**Approximate Dates**	**Last Known Address**	**Phone Number**	**Requestor's Relationship Operator**
Welding Facility	1950	25 Field Court, Kingston, NY	Searched – Unknown	None
Lawn Mower Repair Facility	1957	25 Field Court, Kingston, NY	Searched – Unknown	None
The New York Telephone Company	1970 - 1979	25 Field Court, Kingston, NY	Searched – Unknown	None
Automotive Repair Facility	1972 – 1987	25 Field Court, Kingston, NY	Searched – Unknown	None
Wonderly's Drapery Manufacturer	1987 – 2006	25 Field Court, Kingston, NY	Searched – Unknown	None
Benedictine Hospital Mental Health	1997 – 2008	25 Field Court, Kingston, NY	Searched – Unknown	None

CURRENT PROPERTY OWNER INFORMATION

Section: 56.25		Block:3		Lot: 35
Current Owner Name	**Approximate Dates**	**Last Known Address**	**Phone Number**	**Requestor's Relationship to Owner**
City of Kingston	03/20/2024 - Present	420 Broadway, Kingston, NY	845-334-3914	Seller

SECTION VI – PROPERTY'S ENVIRONMENTAL HISTORY

VI.1 – Relevant Reports

Relevant reports are summarized below in chronological order. These reports are attached as electronic copies to the submittal, only.

Phase I ESA, The Chazen Companies, *May 28, 2009* (see Attachment VI-1A)

The Chazen Companies (TCC) completed a Phase I ESA, dated May 28, 2009, of the Site located at 25 Field Court, City of Kingston, Ulster County, New York in accordance with the ASTM Standard Practice E1527-05. Findings from this assessment include the following:

RECs:

- An auto repair structure was located on the north/northwestern section of the subject property prior to 1950 and demolished in the early 1980s, as depicted in available historic information (Sanborn maps and aerial photographs).
- The subject property is located in a historic industrial area, including an adjoining railroad and manufacturing facilities. According to the 1950 Sanborn map, a gasoline tank is depicted on the adjoining property to the north.

Data Gap:

- Based on historic maps and aerial photographs, two (2) dwellings were located on the northwest portion of the subject property. The heating sources for the two (2) dwellings were unknown.

Groundwater Analytical Data, The Chazen Companies - York Analytical Report, *collected June 11, 2009* (see Attachment VI-1B)

A total of three (3) groundwater samples (SB-2/GW, SB-3/GW and SB-5/GW) were collected from newly installed monitoring wells located on the subject property. Groundwater samples were submitted to a NYSDOH Environmental Laboratory Approval Program (ELAP) approved laboratory for analysis of VOCs and semi-volatile organic compounds (SVOCs) via USEPA Methods 8260 STARS, USEPA Method 8270 STARS, respectively and RCRA Metals (total). Two (2) cVOCs (PCE and TCE) were detected in all three (3) monitoring wells at concentrations exceeding Class GA GQS. PCE ranged from 99 to 300 ug/L and TCE ranged from 15 to 32 ug/L.

Soil Vapor Analytical Data, The Chazen Companies, *collected July 1, 2009* (see Attachment VI-1C)

A total of three (3) sub-soil soil vapor samples (OA-SS-001, OA-SS-002 and OA-SS-003) and one (1) indoor ambient air sample (OA-IAQ) were collected from the building located on the subject property; only OA-IAQ was co-located with OA-SS-002. One (1) cVOC (PCE) was detected in the soil vapor samples at elevated concentrations. PCE was detected at concentrations ranging from 52 to 8,137 µg/m3 in the sub-slab samples and PCE was detected at 49 µg/m3 in the ambient indoor air sample.

Groundwater Analytical Data, The Chazen Companies – York Analytical Report, *collected July 6, 2009* (see Attachment VI-1D)

A total of seven (7) groundwater samples (OA-SB-2, OA-SB-3, OA-SB-5, OA-SB-8, OA-SB-10, OA-SB-11 and OA-SB-13) were collected from pre-existing and newly installed monitoring wells located on the subject property. Groundwater samples were submitted to a NYSDOH ELAP approved laboratory for analysis of VOCs via USEPA Methods 8260 STARS. Two (2) cVOCs (PCE and TCE) were detected in five (5) monitoring wells (OA-SB-2, OA-SB-3, OA-SB-5, OA-SB-10 and OA-SB-11) at concentrations exceeding Class GA GQS. One (1) cVOC (PCE) was detected in two (2) monitoring wells (OA-SB-8 and OA-SB-13) at concentrations exceeding Class GA GQS. PCE ranged from 93 to 930ug/L and TCE ranged from 14 to 52 ug/L.

Supplemental Phase II ESA Memorandum, The Chazen Companies*, July 16, 2009* (see Attachment VI-1E)

TCC completed a Supplemental Phase II ESA, dated July 16, 2009 (see Attachment VI-1B) to assess RECs detailed in their Phase I ESA, by TCC, dated May 28, 2009. Findings from this assessment include the following:

SOIL: A total of six (6) soil borings were installed to 10-feet below grade surface (bgs). TCC utilized a portable Gas Chromatograph (GC) to measure cVOC concentrations at discrete sampling depths at each boring location to determine cVOC-impacted soils that would reveal either a past surface release or from previous shallow on-site drywells that were utilized from previous on-site auto repair shop operations. Low levels of PCE were detected at soil boring locations SB-9, SB-10, SB-11 and SB-12. Soil samples analyzed revealed no detections of cVOCs.

GROUNDWATER: Four (4) of the six (6) soil borings (SB-8, SB-10, SB-11 and SB-13) were converted into monitoring wells, comprised of 10-foot screens at approximately 15-25 feet bgs. Groundwater samples were submitted to a NYSDOH ELAP approved laboratory for analysis of VOCs via USEPA Methods 8260. PCE was detected in all four (4) monitoring wells at concentrations exceeding Class GA GQS. TCE was detected in three (3) of the four (4) monitoring wells (northwestern section of the Site) at concentrations exceeding Class GA GQS. PCE ranged from 93 to 930ug/L and TCE ranged from 14 to 52 ug/L.

SOIL VAPOR: A total of three (3) sub-slab soil vapor samples were collected from the on-site building slab, and one (1) indoor ambient soil vapor sample was collected from the building located on the subject property. One (1) cVOC (PCE) was detected in the soil vapor samples at elevated concentrations. PCE was detected at concentrations ranging from 52 to 8,137 µg/m3 in the sub-slab samples and PCE was detected at 49 µg/m3 in the ambient indoor air sample.

Groundwater Analytical Data, NYSDEC – Test America Analytical Report*, collected December 28, 2017* (see Attachment VI-1F)

A total of four (4) groundwater samples (PZ01, PZ03, PZ06 and DUP 12202017) were collected from pre-existing monitoring wells located on the subject property. Groundwater samples were submitted to a NYSDOH ELAP approved laboratory for analysis of VOCs via USEPA Methods 8260. Two (2) cVOCs (PCE and TCE) were detected in (2) monitoring wells (PZ03 and PZ06 and DUP 12202017) at concentrations exceeding Class GA GQS. One (1) cVOC (PCE) was detected in one (1) monitoring well (PZ01) at concentrations exceeding Class GA GQS. PCE ranged from 88 to 360 ug/L and TCE ranged from 8 to 12 ug/L.

Site Characterization Report, D&B Engineers and Architects, P.C., *December 2018* (see Attachment VI-1G)

SOIL VAPOR: On July 11, 2018, a total of four (4) sub-soil soil vapor samples (FCSS-01, FCSS-02, FCSS-03, and FCSS-04) were collected from the building located on the subject property; a total of four (4) exterior soil vapor samples (FCSV-01, FCSV-02, FCSV-03, and FCSV-04) were collected throughout the subject property; two (2) indoor ambient air samples (FCSS-02A and FCSS-03A) were collected and co-located to the corresponding sub-slab vapor sample locations (FCSS-02 and FCSS-03); and one (1) outdoor ambient air sample was collected (FCAA-01). Two (2) cVOCs (PCE and TCE) were detected in the sub-slab soil vapor samples and exterior soil vapor samples at elevated concentrations. PCE was detected at a maximum concentration of 54,000 µg/m3 (FCSV-04). Sub-slab soil vapor samples and co-located indoor ambient air samples were compared to NYSDOH decision matrices; PCE and TCE were detected at concentrations recommending mitigation.

DRY WELL SEDIMENT: On July 12, 2018, sediment samples were collected from three (3) dry well locations (DWSS-01, DWSS-03 and DWSS-04) at the subject property. All three (3) dry well sediment samples were submitted to a NYSDOH ELAP approved laboratory for analysis of Target Compound List (TCL) VOCs+10 via USEPA Methods 8260, TCL SVOCs+20 via USEPA Methods 8270. Additionally, one (1) dry well sediment sample (DWSS-03) was analyzed for pesticides by USEPA Method 8081, polychlorinated biphenyls (PCBs) by USEPA Method 8082, Target Analyte List (TAL) metals by USEPA Method 6010, mercury by USEPA Method 7470, and cyanide by USEPA Method 9010. No dry well sediment samples exceeded commercial-use soil cleanup objectives (CSCOs). Sample DWSS-03 had detections of PCBs and metals exceeding above UUSCOs. Sample DWSS-04 had detections of one (1) VOC (acetone) exceeding UUSCOs. Note: the SVOC and pesticides analytical results were rejected during the data validation process.

SHALLOW SOIL: On July 12, 13, 18 and 19, 2018, a total of sixteen (16) shallow soil samples were collected from twelve (12) exterior locations (FCSS-01A, FCSB-01, FCSB-02, FCSB-03, FCSB-04, FCSB-05, FCSB-06, FCSB-07, FCSB-08, FCSB-09, FCSB-10, and FCSB-12) and four (4) interior locations (FCSB-13, FCSB-14, FCSB-15 and FCSB-16) at the subject property. Shallow soil samples were analyzed for TCL VOCs +10 and TCL SVOCs +20 (sample FCSS-01A was only analyzed for TCL VOCs+10; and sample FCSB-13 was also analyzed for pesticides, PCBs, TAL metals, mercury, and cyanide). Interior shallow soil samples revealed detections of PCE exceeding UUSCOs and PGSCOs. Six (6) shallow soil samples had detections of acetone exceeding UUSCOs. One (1) interior shallow soil sample (FCSB-13) had detections of three (3) metals (lead, mercury and zinc) exceeding UUSCOs. Note: all analytical results (except for one [1] compound) in the pesticides analytical results for sample FCSB-13 were rejected during the data validation process.

SUBSURFACE SOIL: On July 13, 18 and 19, 2018, a total of twelve (12) subsurface samples (FCSB-01, FCSB-02, FCSB-03, FCSB-04, FCSB-05, FCSB-06, FCSB-07, FCSB-08, FCSB-09, FCSB-10, FCSB-12 and FCSB-17) were collected from the exterior of the subject property. Subsurface soil samples were analyzed for TCL VOCs+10 and TCL SVOCs+20; sample FCSB-17 was also analyzed for tetraethyl lead; five (5) subsurface soils were analyzed for pesticides, PCBs, TAL metals, mercury and cyanide. Five (5) subsurface soil samples had detections of acetone exceeding UUSCOs and PGSCOs. Note: analytical results for several pesticide compounds for samples FCSB-08 and FCSB-12 were rejected during the data validation process.

GROUNDWATER: On July 17, 18, 19 and 24, 2018, a total of twelve (12) discrete depth groundwater samples (FCGP-01, FCGP-02, FCGP-03 and FCGP-04) were collected (from depths ranging from 25 to 70-feet bgs) and analyzed for TCL VOCs+10. On August 7, 2018, a total of six (6) groundwater samples were collected and analyzed for TCL VOCs+10, three (3) samples were analyzed for TCL SVOCs+20, 1,4-dioxane, pesticides, PCBs, TAL Metals (total and dissolved), mercury, cyanide and PFAS. All discrete depth groundwater samples revealed detections of TCE at concentrations exceeding Class GA GQS, and eleven (11) of the twelve (12) discrete depth groundwater samples had detections of PCE at concentrations exceeding Class GA GQS. Groundwater monitoring well samples were collected from depths ranging from 15.5 to 26 feet bgs. Two (2) cVOCs (PCE and TCE) were detected in all six (6) of the monitoring well groundwater samples at concentrations exceeding Class GA GQS. PCE ranged from 16 to 370 ug/L and TCE ranged from 5.5 to 110 ug/L. One (1) metal (sodium) was detected in groundwater samples at concentrations exceeding Class GA GQS in all groundwater samples that were analyzed. PFAS (PFOA & PFOS) were detected in two (2) groundwater samples at concentrations of 14 and 13 ppt exceeding GQS.

Soil Analytical Data, WSP – Phoenix Laboratory Report*, collected April 17-20, 2026* (see Attachment VI-1H)

SOIL: On April 17, 18, 19, and 20, 2026, a total of thirty-two (32) soil samples were collected and analyzed for TCL VOCs. PCE was detected in one (1) soil sample (MW-B12 [0-5']) at a concentration exceeding UUSCOs and PGSCOs and TCE was detected in two (2) soil samples (MW-B6 [60-65'] and MW-B6 [90-95']) at concentrations exceeding UUSCOs and PGSCOs.

Groundwater Analytical Data, WSP – Phoenix Laboratory Report*, collected April 28-30, 2026* (see Attachment VI-1I)

GROUNDWATER: On April 28, 28, and 30, 2026, a total of fifteen (15) groundwater samples were collected and analyzed for TCL VOCs. Twelve (12) of the fifteen (15) groundwater samples revealed concentrations of TCE exceeding Class GA GQS, and twelve (12) fifteen (15) groundwater samples had detections of PCE at concentrations exceeding Class GA GQS. PCE ranged from 14 to 54 ug/L and TCE ranged from 11 to 60 ug/L.

ATTACHMENT VI.2A – SOIL SAMPLE SUMMARY TABLE

Soil Result Summary Table:

Soil Characterization Report by D&B Engineers & Architects, P.C., December 2018								
Analytes > RRSCOs	**Detections > UUSCOs**	**Detections > PGSCOs**	**Detections > RRSCOs**	**Max. Detection (mg/kg)**	**UUSCOs (mg/kg)**	**PGSCOs (mg/kg)**	**RRSCOs (mg/kg)**	**Depth (ft bgs)**
Acetone	7	7	1	0.11	0.03	0.03	100	Varies
Tetrachloroethylene (PCE)	4	4	0	8.9	1.3	1.3	18	Varies
Lead	1	0	0	190	63	450	400	0.5-2.5
Zinc	1	0	0	341	109	2,480	6,600	0.5-2.5
Mercury	1	0	0	0.25	0.18	0.73	0.30	0.5-2.5
Phoenix Laboratory Data, collected March 17, 18, 19, 20, 2026								
Analytes > RRSCOs	**Detections > UUSCOs**	**Detections > PGSCOs**	**Detections > RRSCOs**	**Max. Detection (mg/kg)**	**UUSCOs (mg/kg)**	**PGSCOs (mg/kg)**	**RRSCOs (mg/kg)**	**Depth (ft bgs)**
Tetrachloroethylene (PCE)	1	1	0	4.1	1.3	1.3	18	0-5
Trichloroethene	2	2	0	0.61	0.47	0.47	6.4	60-65 & 90-95

Sediment Result Summary Table:

Soil Characterization Report by D&B Engineers & Architects, P.C., December 2018								
Analytes > RRSCOs	**Detections > UUSCOs**	**Detections > PGSCOs**	**Detections > RRSCOs**	**Max. Detection (mg/kg)**	**UUSCOs (mg/kg)**	**PGSCOs (mg/kg)**	**RRSCOs (mg/kg)**	**Depth (ft bgs)**
Aroclor 1248	1	0	0	260	1	3.2	1	1.5-2.5
Copper	1	0	0	123	50	1,720	280	1.5-2.5
Lead	1	0	0	107	63	450	400	1.5-2.5
Zinc	1	0	0	164	109	2,480	6,600	1.5-2.5
Acetone	1	1	0	110	0.03	0.03	100	9-10

ATTACHMENT VI.2B – GROUNDWATER SAMPLE SUMMARY TABLE

Groundwater Result Summary Table:

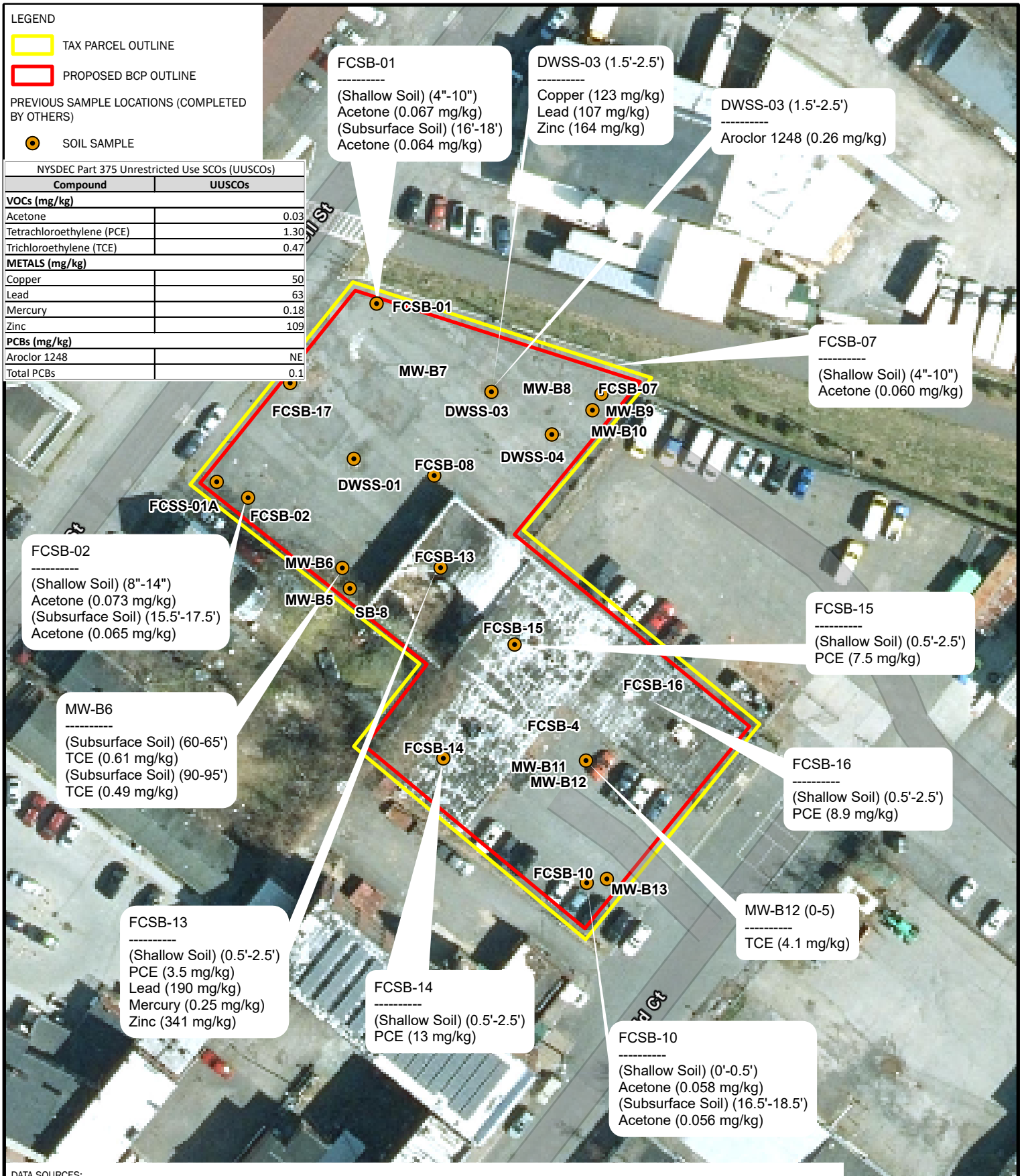
York Analytical Laboratories Report, collected June 11, 2009			
Analytes > AWQS	**Detections > AWQS**	**Max. Detection (ug/L)**	**AWQS (ug/L)**
Tetrachloroethylene	2	300	5
Trichloroethylene	2	20	5
York Analytical Laboratories Report, collected July 6, 2009			
Analytes > AWQS	**Detections > AWQS**	**Max. Detection (ug/L)**	**AWQS (ug/L)**
Tetrachloroethylene	3	930	5
Trichloroethylene	3	52	5
Test America Analytical Report, collected December 20, 2017			
Analytes > AWQS	**Detections > AWQS**	**Max. Detection (ug/L)**	**AWQS (ug/L)**
Tetrachloroethylene	4	360	5
Trichloroethylene	3	13	5
Soil Characterization Report by D&B Engineers & Architects, P.C., December 2018			
Analytes > AWQS	**Detections > AWQS**	**Max. Detection (ug/L)**	**AWQS (ug/L)**
Tetrachloroethylene	17	370	5
Trichloroethylene	18	110	5
Cis-1,2-DCE	1	12	5
Sodium (Filtered)	3	61.4	20
Sodium (Unfiltered)	3	64.6	20
Phoenix Laboratory Data, collected April 28, 29, 30, 2026			
Analytes > AWQS	**Detections > AWQS**	**Max. Detection (ug/L)**	**AWQS (ug/L)**
Tetrachloroethylene	11	54	5
Trichloroethylene	11	60	5
PFOS	2	14	2.7
PFOA	2	13	6.7

ATTACHMENT VI.2C – SOIL VAPOR SAMPLE SUMMARY TABLE

Soil Vapor Result Summary Table:

Supplemental Phase II ESA Memorandum by Chazen Companies, July 16, 2009			
Analytes	**Total Detections**	**Max. Detection (ug/m3)**	**Type**
Tetrachloroethylene	1	49	Indoor Ambient Air
Tetrachloroethylene	3	8,137	Soil Vapor
Soil Characterization Report by D&B Engineers & Architects, P.C., December 2018			
Analytes	**Total Detections**	**Max. Detection (ug/m3)**	**Type**
1,2,4-Trimethylbenzene	2	0.64	Soil Vapor
1,3,5-Trimethylbenzene	1	0.31	Soil Vapor
Benzene	4	28	Soil Vapor
Carbon Tetrachloride	2	0.42	Soil Vapor
Cyclohexane	1	2.4	Soil Vapor
Ethylbenzene	3	42	Soil Vapor
M,P-Xylene	3	96	Soil Vapor
N-Hexane	2	0.84	Soil Vapor
O-Xylene	2	0.37	Soil Vapor
Toluene	3	14	Soil Vapor
Xylene, Total	3	986	Soil Vapor
Tetrachloroethylene	7	40,000	Soil Vapor
Trichloroethylene	7	640	Soil Vapor

ATTACHMENT VI.3A – SOIL SAMPLE EXCEEDINGS UUSCOs



NYSDEC Part 375 Unrestricted Use SCOs (UUSCOs)	
Compound	**UUSCOs**
VOCs (mg/kg)	
Acetone	0.03
Tetrachloroethylene (PCE)	1.30
Trichloroethylene (TCE)	0.47
METALS (mg/kg)	
Copper	50
Lead	63
Mercury	0.18
Zinc	109
PCBs (mg/kg)	
Aroclor 1248	NE
Total PCBs	0.1

DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations & Data: D&B Engineers and Architects, P.C.
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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SOIL SAMPLES EXCEEDING UUSCOs

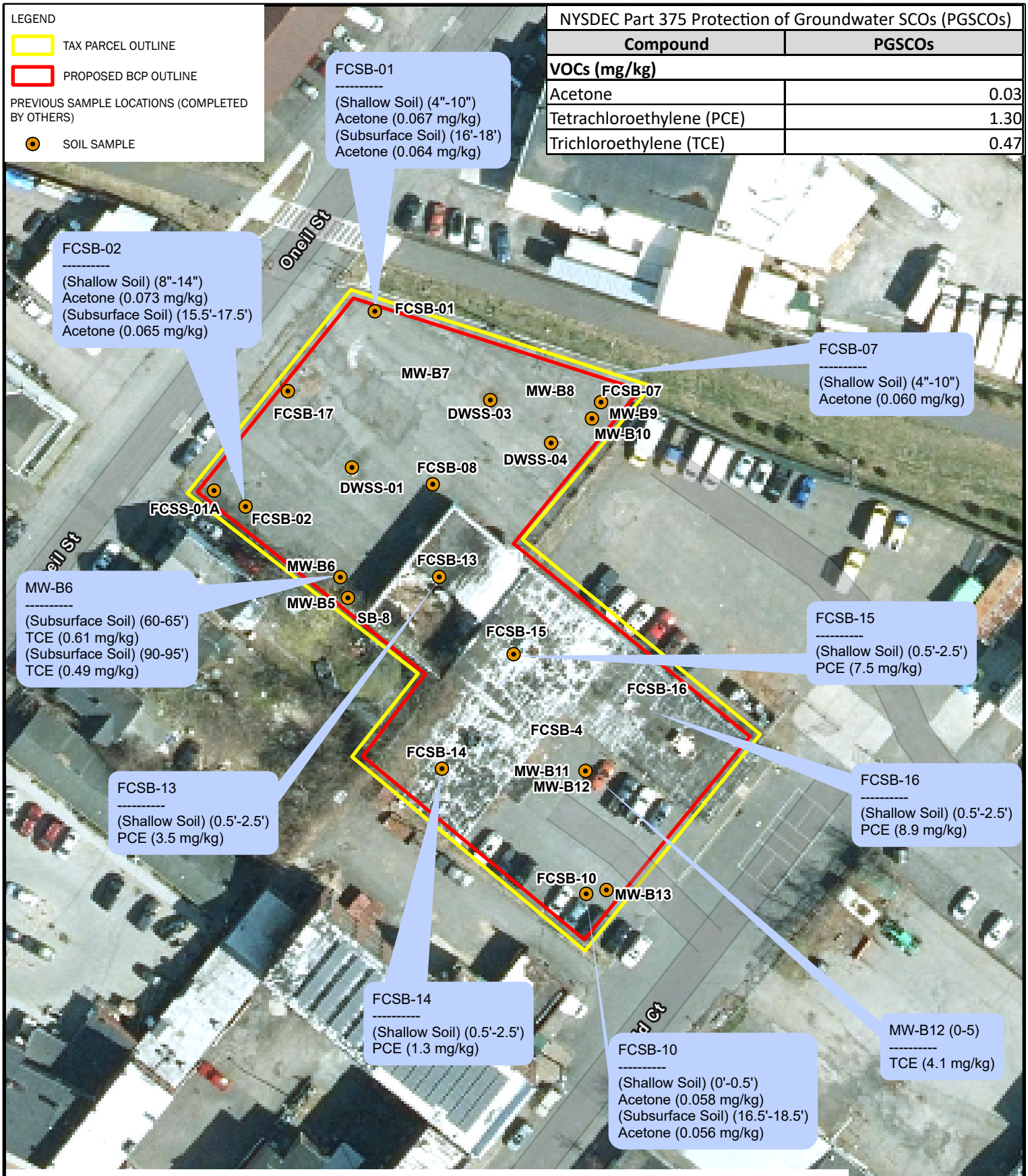
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

N

ATTACHMENT VI.3A
DATE: 9/16/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT VI.3B – SOIL SAMPLE EXCEEDINGS PGSCOs



NYSDEC Part 375 Protection of Groundwater SCOs (PGSCOs)

Compound	PGSCOs
VOCs (mg/kg)	
Acetone	0.03
Tetrachloroethylene (PCE)	1.30
Trichloroethylene (TCE)	0.47

DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations & Data: D&B Engineers and Architects, P.C.
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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SOIL SAMPLES EXCEEDING PGSCOs

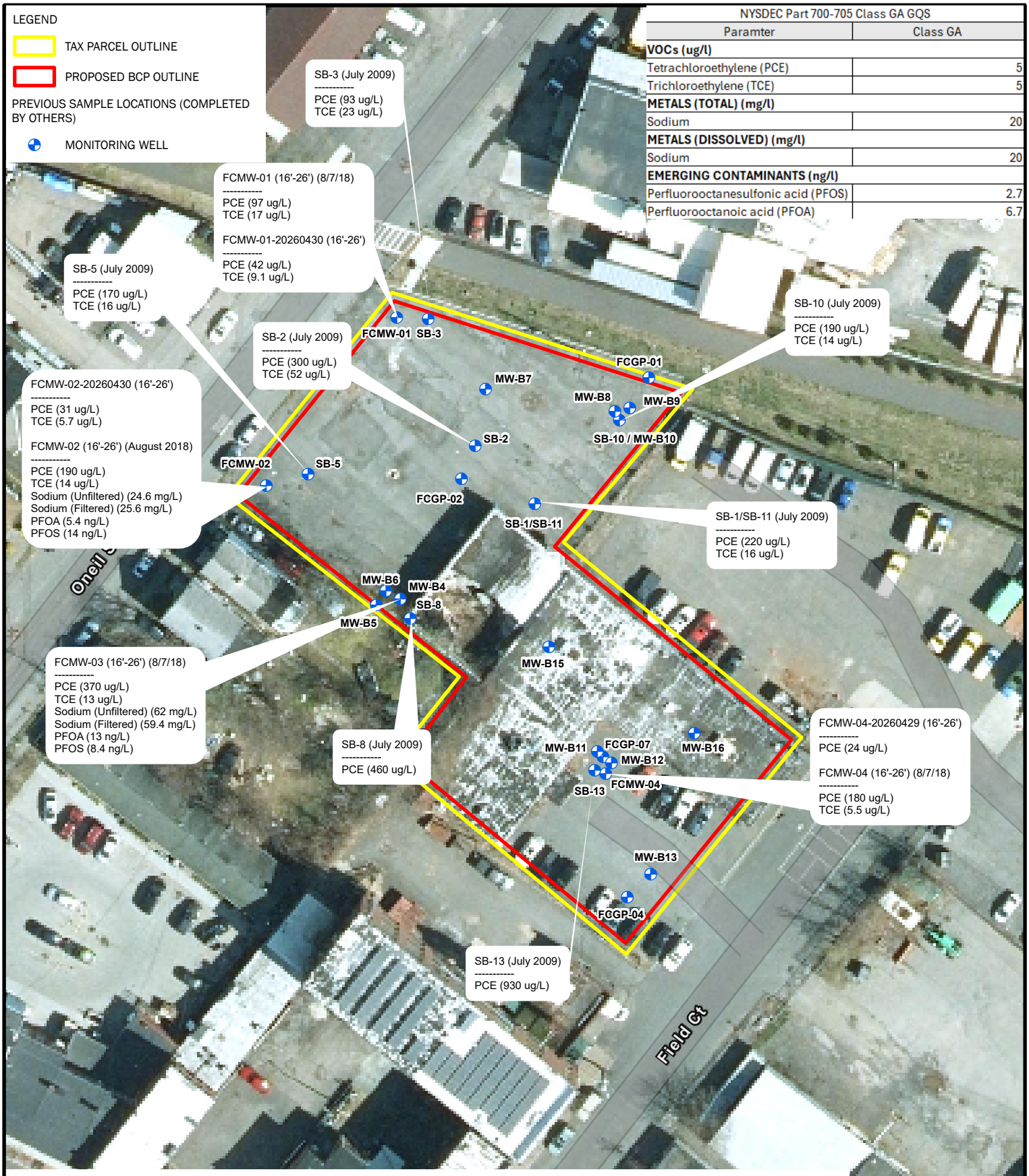
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

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ATTACHMENT VI.3B
DATE: 9/16/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT VI.3C – SHALLOW GROUNDWATER SAMPLES EXCEEDINGS CLASS GA



NYSDEC Part 700-705 Class GA GQS	
Paramter	Class GA
VOCs (ug/l)	
Tetrachloroethylene (PCE)	5
Trichloroethylene (TCE)	5
METALS (TOTAL) (mg/l)	
Sodium	20
METALS (DISSOLVED) (mg/l)	
Sodium	20
EMERGING CONTAMINANTS (ng/l)	
Perfluorooctanesulfonic acid (PFOS)	2.7
Perfluorooctanoic acid (PFOA)	6.7

DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations & Data: D&B Engineers and Architects, P.C.; The Chazen Companies; NYSDEC
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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SHALLOW GROUNDWATER SAMPLES EXCEEDING CLASS GA

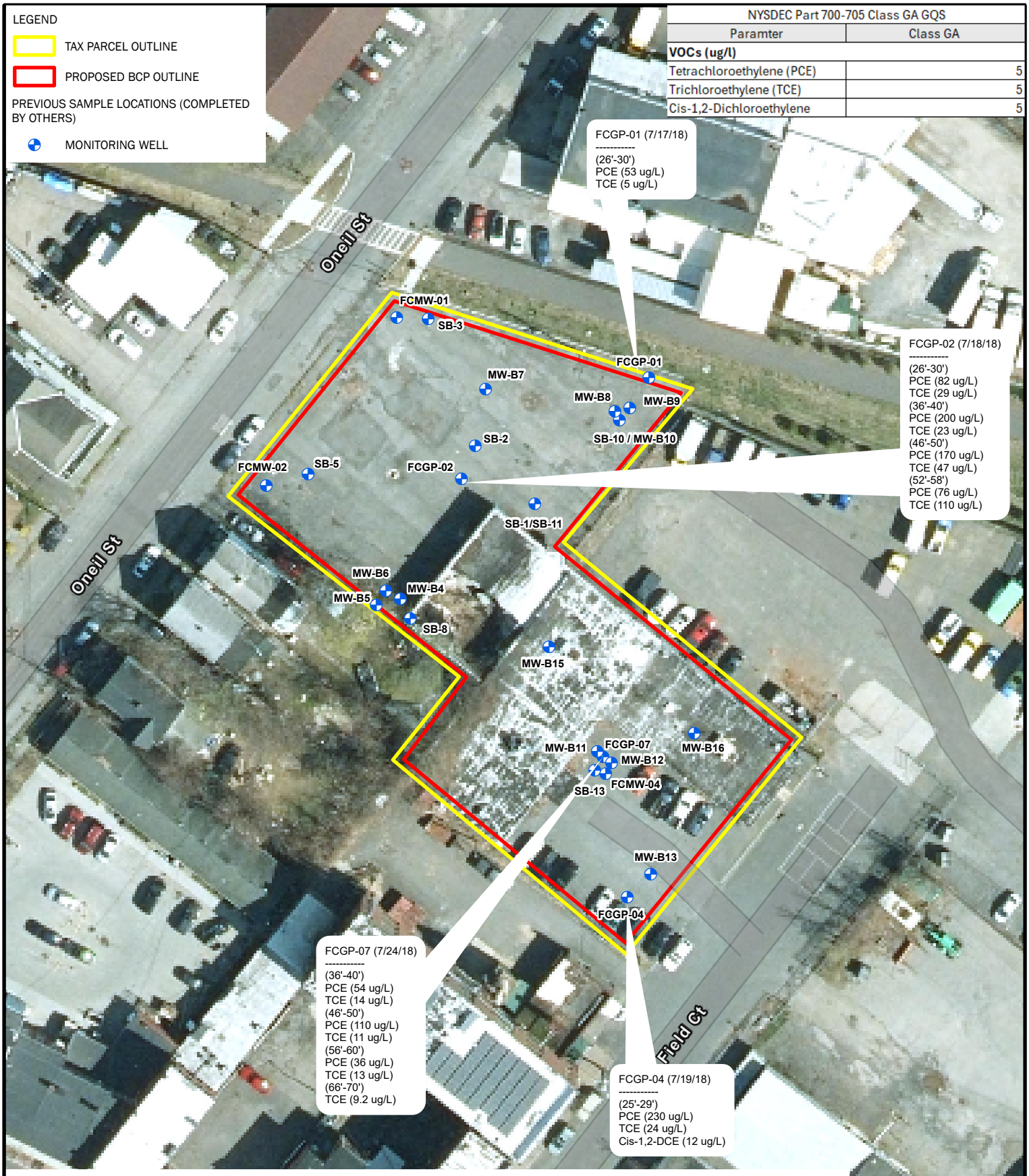
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

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ATTACHMENT VI.3C
DATE: 6/3/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT VI.3D – DEEP GROUNDWATER SAMPLES EXCEEDINGS CLASS GA



DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations & Data: D&B Engineers and Architects, P.C.; The Chazen Companies; NYSDEC
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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DEEP GROUNDWATER SAMPLES EXCEEDING CLASS GA

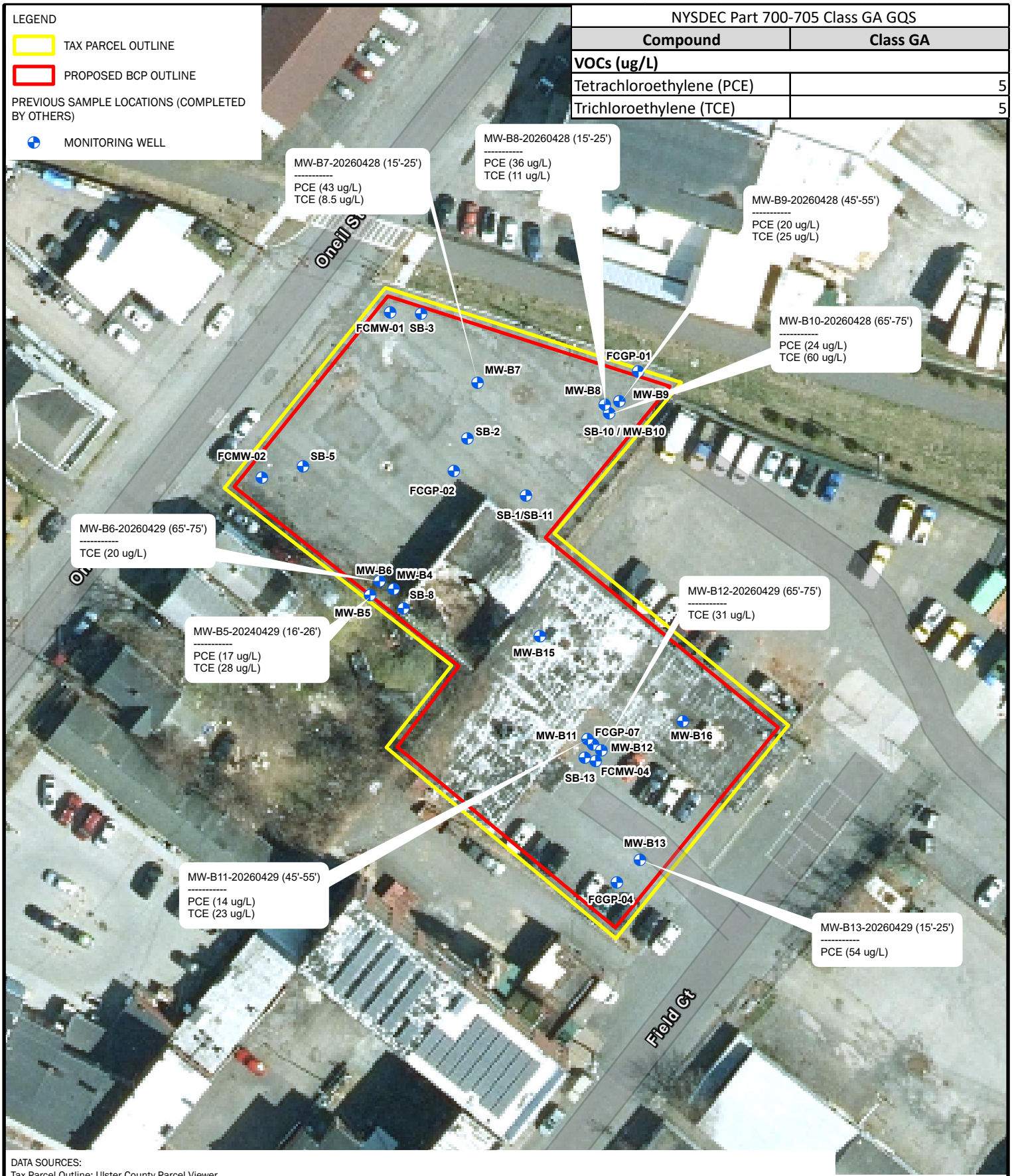
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

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ATTACHMENT VI.3D
DATE: 6/3/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT VI.3E – 2026 GROUNDWATER INVESTIGATION SAMPLES EXCEEDING CLASS GA



NYSDEC Part 700-705 Class GA GQS	
Compound	**Class GA**
VOCs (ug/L)	
Tetrachloroethylene (PCE)	5
Trichloroethylene (TCE)	5

DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations & Data: D&B Engineers and Architects, P.C.; The Chazen Companies; NYSDEC
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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2026 INVESTIGATION GROUNDWATER SAMPLES EXCEEDING CLASS GA

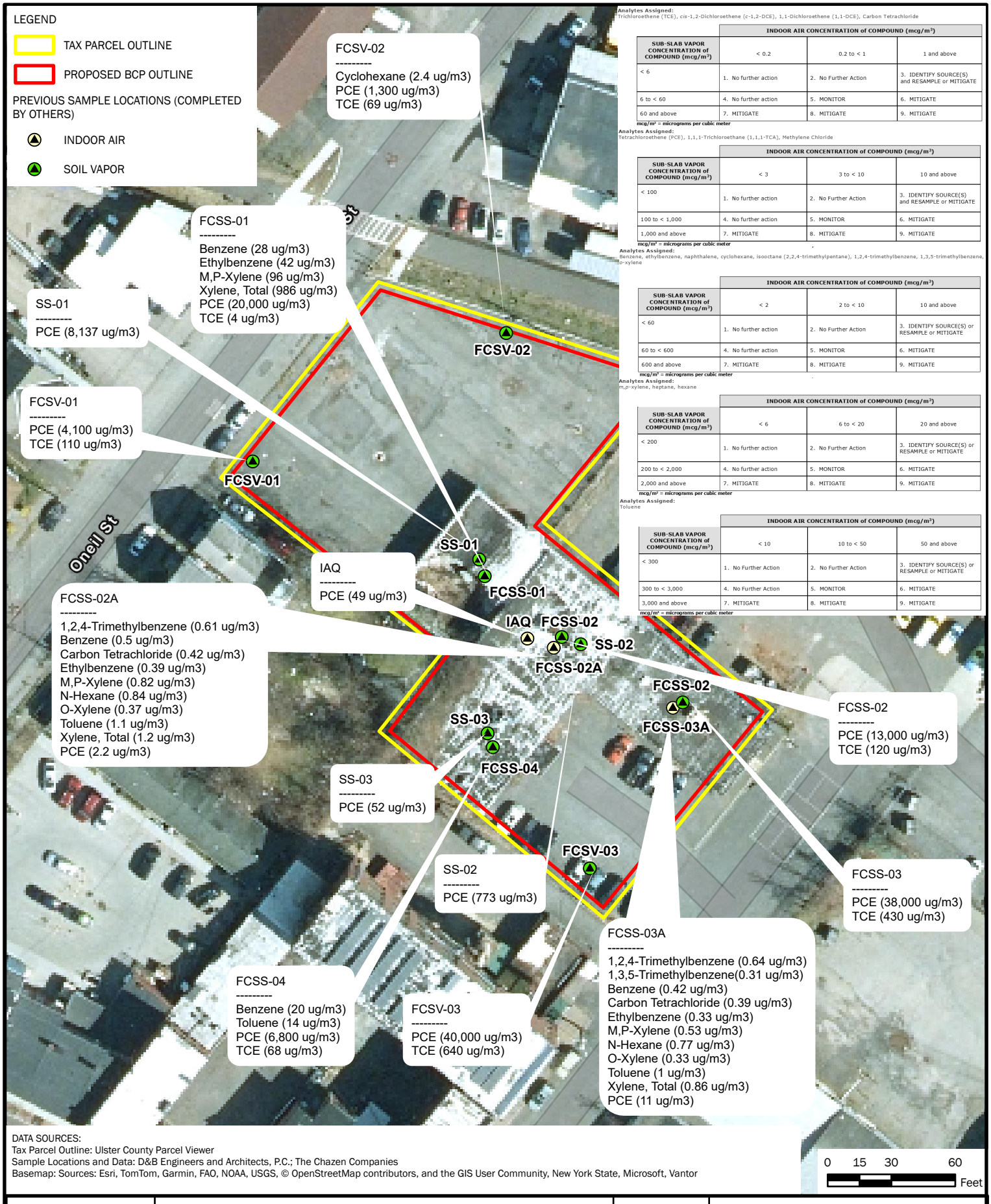
25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

N

ATTACHMENT VI.3E
DATE: 6/3/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

ATTACHMENT VI.3F – NYSDOH REGULATED VOCs DETECTIONS MAP



Analytes Assigned:
Trichloroethene (TCE), *cis*-1,2-Dichloroethene (c-1,2-DCE), 1,1-Dichloroethene (1,1-DCE), Carbon Tetrachloride

SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
	< 0.2	0.2 to < 1	1 and above
< 6	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) and RESAMPLE or MITIGATE
6 to < 60	4. No further action	5. MONITOR	6. MITIGATE
60 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

mcg/m³ = micrograms per cubic meter

Analytes Assigned:
Tetrachloroethene (PCE), 1,1,1-Trichloroethane (1,1,1-TCA), Methylene Chloride

SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
	< 3	3 to < 10	10 and above
< 100	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) and RESAMPLE or MITIGATE
100 to < 1,000	4. No further action	5. MONITOR	6. MITIGATE
1,000 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

mcg/m³ = micrograms per cubic meter

Analytes Assigned:
Benzene, ethylbenzene, naphthalene, cyclohexane, isooctane (2,2,4-trimethylpentane), 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, *o*-xylene

SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
	< 2	2 to < 10	10 and above
< 60	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) or RESAMPLE or MITIGATE
60 to < 600	4. No further action	5. MONITOR	6. MITIGATE
600 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

mcg/m³ = micrograms per cubic meter

Analytes Assigned:
m,p-xylene, heptane, hexane

SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
	< 6	6 to < 20	20 and above
< 200	1. No further action	2. No Further Action	3. IDENTIFY SOURCE(S) or RESAMPLE or MITIGATE
200 to < 2,000	4. No further action	5. MONITOR	6. MITIGATE
2,000 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

mcg/m³ = micrograms per cubic meter

Analytes Assigned:
Toluene

SUB-SLAB VAPOR CONCENTRATION of COMPOUND (mcg/m³)	INDOOR AIR CONCENTRATION of COMPOUND (mcg/m³)		
	< 10	10 to < 50	50 and above
< 300	1. No Further Action	2. No Further Action	3. IDENTIFY SOURCE(S) or RESAMPLE or MITIGATE
300 to < 3,000	4. No Further Action	5. MONITOR	6. MITIGATE
3,000 and above	7. MITIGATE	8. MITIGATE	9. MITIGATE

mcg/m³ = micrograms per cubic meter

DATA SOURCES:
Tax Parcel Outline: Ulster County Parcel Viewer
Sample Locations and Data: D&B Engineers and Architects, P.C.; The Chazen Companies
Basemap: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, New York State, Microsoft, Vantor

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NYSDOH REGULATED COMPOUND DETECTIONS IN SOIL VAPOR & AMBIENT AIR SAMPLES

25 FIELD COURT
KINGSTON, NY 12401

PROJECT NO. 202110228

N

ATTACHMENT VI.3F
DATE: 5/22/2026
SCALE: AS INDICATED
PROJECTION: STATE PLANE NAD83 NY EAST
ALL LOCATIONS APPROXIMATE

VI.4 – Past Land Uses

According to Sanborn Fire Insurance Maps:

1899: The subject property is largely undeveloped, with exception that a dwelling is located on the northwest section of the subject property.

1950 – 1957: Two (2) dwellings with a detached car garage are located on the northwestern section of the subject property. A rectangular building labeled 'tire service and welding' (and depicted as a welding and lawnmower repair facility in 1957) is located on the northern end of the subject property. One (1) gas tank is depicted in the roadway (O'Neil Street) in front of the on-site structure.

1972: A large L-shaped structure is depicted in the central section of the subject property, is the location of the present-day structure. The rectangular structure is now depicted as an auto repair shop, and the two (2) dwellings are still depicted in the northwestern section of the subject property.

According to Aerial Photographs:

1959: Two (2) residential structures and a rectangular-shaped building were located on the northern section of the subject property; the southern section of the subject property was undeveloped and presumably utilized for parking.

1967 – 1980: Located in the central section of the subject property (where the present-day on-site structure is located) was a L-shaped structure with two (2) small structures attached to the northwest of the L-shaped building.

1986 – 2004: A small addition is attached to the north end of the on-site structure, similar in size and shape to the present-day structure. The northern on-site structures are no longer depicted, and this section of the subject property is depicted as parking.

SECTION VII – REQUESTOR INFORMATION

ATTACHMENT VII.2 – NYS DOS ENTITY INFORMATION

An official website of New York State.
Here's how you know

Department of State
Division of Corporations

Entity Filing History

Return to Results | Return to Search

Entity Details

ENTITY NAME: 25 FIELD COURT OWNER LLC

DOS ID: 7954544

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 06/29/2026

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 06/29/2026

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ULSTER

NEXT STATEMENT DUE DATE: 06/30/2028

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

ENTITY DISPLAY | NAME HISTORY | FILING HISTORY | MERGER HISTORY | ASSUMED NAME HISTORY

Search

File Date	Cert Code	Document Type	Description/Amended Information	Page Count	File Number
06/29/2026	01	ARTICLES OF ORGANIZATION		2	260629003841

Rows per page: 5 1-1 of 1

AgenciesApp DirectoryCountiesEventsProgramsServices

ATTACHMENT VII.3 – LLC STRUCTURE / MEMBERS

The applying LLC, 25 Field Court Owner LLC, consists of the following entities:

- Sisters if Charity Housing Development Corporation
  - Percent ownership: 30% (Managing Member)
- Affordable Housing Conservancy, Inc.
  - Percent ownership: 30%
- Affordable Housing Concepts LLC
  - Percent ownership: 30%
- Fulcra Development LLC
  - Percent ownership: 10%

VII.4 – QEP/PE Qualifications

The requestor has contracted PVEDI Engineering, Architecture and Geology, D.P.C. (PVEDI), an entity licensed in the State of New York to provide engineering and geological services, to prepare and certify the documents associated with the BCP. Professionals meeting the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation employed by PVEDI directly involved with this project include:

- Conor Tarbell, QEP: Mr. Tarbell obtained his Qualified Environmental Professional (QEP) certificate from the Board for Global EHS Credentialing. Subsequent pages include a copy of Mr. Tarbell's QEP certificate as Attachment VII.4A.

- Erik Draijer, P.E.: Mr. Draijer is a Professional Engineer (P.E.), registered with the New York State Board of Education as licensed individual #110938. Subsequent pages include proof of Mr. Draijer's P.E. licensure as Attachment VII.4B.

ATTACHMENT VII.4A – CONOR TARBELL QEP CREDENTIAL

Qualified Environmental Professional (QEP)

ISSUED TO

Conor Tarbell



Issued on: 08 JUL 2022 | Expires on: 01 DEC 2027 | Issued by: Board for Global EHS Credentialing
Verify: https://www.credly.com/go/UOBwla6z

ATTACHMENT VII.4B – ERIK DRAIJER PE CREDENTIAL

DRAIJER ERIK

LICENSEE INFO

Address	NUTLEY NJ
Profession	Professional Engineering (016)
License Number	110938
Date of Licensure	December 19, 2024
Status	Registered
Registered through Date	November 30, 2027
Additional Qualifications	• None

May 5, 2025 02:18 PM (ET)

https://eservices.nysed.gov/professions/verification-search?licenseNumber=110938&professionCode=016

SECTION IX – PROGRAM FEE

As this project consists of the development of 100% affordable housing units, the requestor is applying for a fee waiver. Please see the attached request and rationale and subsequent pages as Attachment IX.1.

ATTACHMENT IX.1 - FEE WAIVER REQUEST

SCOPE HOUSING DEVELOPMENT LLC
150 BRIELLE AVENUE
STATEN ISLAND, NEW YORK 10314

May 26, 2026

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

Re: SCOPE Housing Development LLC
Site Name: 25 Field Court Redevelopment
Site No. TBD
25 Field Court, Kingston, NY
BCP Program Fee Waiver Request

Dear Site Control:

This letter is respectfully submitted by SCOPE Housing Development LLC (the "Applicant") in connection with its Brownfield Cleanup Program ("BCP") application for the above-referenced site ("Site") to request a waiver of the $50,000 BCP program fee based on 100% of its residential units being developed as affordable housing. The applicant will be submitting a BCP application with status of volunteer.

Please consider the following facts in connection with the Applicant's request for fee waiver: The Applicant proposes to construct a 5-story structure consisting of 64 units of 100% affordable, rental housing on one (1) tax parcel in Kingston. The project site is located on property owned by the City, and pursuant to the City's RFP awarded to The Development Team, the development is required to consist of 100% affordable housing. The proposed use of the site is consistent with the City of Kingston Comprehensive Plan. This Plan is a policy document which outlines a vision for the future of the City of Kingston. It focuses on the current and long-range protection, enhancement and development/redevelopment of the City of Kingston and highlights housing issues and a strategic plan to renovate and tackle housing issues within the city.

The proposed BCP property is within designated En-Zone Type-A within Census Tract 9520; 100% of the property is located within the above described En-Zone. Further, the proposed BCP property is located in a pending Brownfield Opportunity Area (BOA) nomination study area. The project is designed to include affordable "workforce" housing units, which are not market rate units, but designed to provide affordable housing in accordance with the Area Median Income (AMI) of the community.

This submission is made as a supplement to the BCP Application. The Applicant understands and agrees that this submission is becoming part of the BCP Application, and so the Applicant hereby affirms that the information provided in this submission is true and correct to the best of its knowledge and belief, and the Applicant is aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

We respectfully ask that you reconsider the waiver of the BCP program fee based on the foregoing facts.

Very truly yours,

SCOPE Housing Development LLC

Matthew Janeczko

By: Matthew Janeczko, Authorized Person

SECTION X – REQUESTOR ELIGIBILITY

X.13 – Statement describing why the Requestor should be considered a Volunteer

The Requestor qualifies as a "Volunteer" in the Brownfield Cleanup Program ("BCP") because it has no connection with any prior owner or operator of the Site, did not cause, contribute to, or permit the disposal of any contaminants at the Site, and did not control the Site at the time such contamination occurred. A Phase I Environmental Site Assessment consistent with the "all appropriate inquiry" requirements will be commissioned prior to acquisition and the Requestor intends to address any Site contamination under the BCP.

The Site is currently listed as a Class 2 site in the New York State Registry of Inactive Hazardous Waste Disposal Sites and would otherwise be ineligible for the BCP pursuant to 6 NYCRR § 375-3.2(b). However, the Site satisfies the applicable exclusionary criteria permitting acceptance into the BCP. Specifically, the Site is owned by a Volunteer within the meaning of ECL § 27-1405(1), and the New York State Department of Environmental Conservation ("Department") has determined, based on its potentially responsible party ("PRP") search, that there are no viable responsible parties with the ability to pay for the investigation and remediation of the Site. These findings are reflected in the Consent Order and Administrative Settlement, Index No. CO3-20210818-64 issued by the Department and confirmed in subsequent communications with Department counsel. Accordingly, both prongs of the applicable regulatory exception are satisfied.

Since obtaining authorization to develop the Site, the Requestor has exercised appropriate care by taking reasonable steps to prevent any threatened future release and to prevent or limit human, environmental, or natural resource exposure to previously released contamination, including the continued operation of existing engineering controls, maintenance of the building cover system, and implementation of appropriate site security measures.

Accordingly, the Requestor qualifies as a "Volunteer" and the Site is eligible for participation in the BCP pursuant to ECL § 27-1405(1) and the applicable regulatory exception to 6 NYCRR § 375-3.2(b).

X.14 – Requestor relationship to the property.

The requestor does not currently own the property. An access agreement between property ownership and the applicant's entity is attached.

ATTACHMENT X.14 - ACCESS AGREEMENT

ACCESS AGREEMENT

This ACCESS AGREEMENT made as of this 5th day of ~~October~~ November 2026, between the City of Kingston, a municipal corporation of the State of New York, having an office at 420 Broadway, Kingston, New York 12401 (the "Grantor"), and 25 Field Court LLC (the "Grantee"), having an office at 150 Brielle Avenue, Staten Island, NY 10314..

WHEREAS, Grantor owns that real property located at 25 Field Court, Kingston, New York, Section 56.25 Block 3 Lot 35 (the "Property"); and

WHEREAS, Grantor and Grantee mutually desire for Grantee to apply for admission to the New York State Brownfield Cleanup Program ("**BCP**"); and

WHEREAS, following admission of Grantee to the BCP, Grantee may require access to Grantor's Property to carry out certain investigatory, remedial and other related tasks required by the BCP (collectively, the "**Work**"); and

WHEREAS, Grantor desires to grant Grantee such access.

NOW, THEREFORE, in consideration of the foregoing and for good and valuable consideration, the receipt of which is hereby acknowledged, Grantor and Grantee agree as follows:

1. Grantor hereby grants reasonable access and a license upon, into, under or through Grantor's Property for the purpose of the entry thereon by Grantee, its agents, employees, architects, engineers, contractors and consultants (collectively, the "**Grantee Related Parties**" and each a "**Grantee Related Party**"), vehicles, equipment and materials required by Grantee to satisfy tasks and obligations required by any Brownfield Cleanup Agreement entered into between Grantee and the New York State Department of Environmental Conservation.

2. Grantee Related Parties shall perform the Work in a workmanlike manner and in accordance with industry standards and in accordance with applicable laws, rules and regulations. The rights granted pursuant to paragraph 1 of this Agreement are nonexclusive, it being understood and agreed that Grantor, its agents, employees, workers, contractors and tenants will have full authority to come upon and have unfettered access to Grantor's Property during the performance of the Work. Grantor agrees that it will use commercially reasonable efforts to avoid unreasonable interference with Grantee's exercise of its rights hereunder.

3. Grantee shall provide reasonable notice to Grantor prior to Grantee's need for access to Grantor's Property to perform the Work in accordance with the terms of the Original Agreement.

4. Grantee shall be responsible for obtaining all federal, state or local governmental approvals and providing all notices in relation to the Work.

5. Grantor hereby also grants Grantee the right and authority to place an environmental easement pursuant to Article 71, Title 36 of the Environmental Conservation Law ("ECL") on

Grantor's Property, should an environmental easement be deemed necessary as an element of the site remediation under the BCP, and to record such environmental easement with the Office of the City Register of New York City.

6. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any proceedings initiated by either party to enforce the terms of or otherwise related to this Agreement shall be brought in the Supreme Court, State of New York.

IN WITNESS WHEREOF, this Agreement has been executed by Grantor and Grantee and is effective as of the date set forth above.

GRANTOR:

City of Kingston

By: _____

Name: Steven T. Noble

Title: Mayor

Approved as to Form:

_____

Matthew Jankowski
Corporation Counsel

GRANTEE:

25 Field Court LLC

By: _____

Name: Matthew Janeczko

Title: Authorized Signatory

SECTION XI – PROPERTY ELIGIBILITY INFORMATION

XI.6 – Is the property subject to a State or federal enforcement action related to hazardous waste or petroleum?

Yes, a Consent Order was issued to Donna Spada (former property owner) by the NYSDEC pursuant to Article 27, Title 13 and Article 71, Title 27 listing the Site in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as a “Class 2” site. See attached Consent Order on subsequent pages as Attachment XI.6.

ATTACHMENT XI.6 - CONSENT ORDER

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel
625 Broadway, 14th Floor, Albany, New York 12233-1500
P: (518) 402-9185 I F: (518) 402-9018
www.dec.ny.gov

November 13, 2024

Rusk Wadlin Heppner & Martuscello, LLP
225 Fair Street
Kingston, NY 12402
Attn: Jason J. Kovacs

RE: Order on Consent
Site Name: 25 Field Court
Site Number: 356055

Dear Mr. Kovacs,

Enclosed please find the executed Order on Consent and Administrative Settlement for 25 Field Court, Site Number 356055.

Please contact attorney Jennifer Andaloro at 518-402-9919 or Jennifer.Andaloro@dec.ny.gov with any questions.

Sincerely,

Cheryl A. Salem
Legal Assistant II

CC: J. Andaloro, DEC

ORIGIN ID:ALBA (518) 402-8599
CHERYL SALEM
NYSDEC CO
625 BROADWAY
14TH FLOOR - OGC
ALBANY, NY 12233
UNITED STATES US

SHIP DATE: 13NOV24
ACTWGT: 1.00 LB
CAD: 255955370/INET4535

BILL SENDER

TO JASON J. KOVACS
RWHM
255 FAIR STREET

KINGSTON NY 12402
(845) 331-6930
INV:
PO: 356055
REF: 25 FELD COURT
DEPT: 1500

58CJ5/582E/C6C4

J244024091001uv

FedEx Express

THU - 14 NOV 5:00P
STANDARD OVERNIGHT

TRK# 0201 7799 2454 4590

12402

EG OICA

NY-US SWF

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John G. Rusk
Daniel J. Rusk
Pamela D. Rusk
Jason J. Kovacs

255 Fair Street
P.O. Box 3356
Kingston, NY 12402
Phone: 845-331-4100
Fax: 845-331-6930
Please use P.O. Box for mail.

Rusk Wadlin Heppner & Martuscello, LLP
Trusted Legal Advisers since 1870
www.rwhm.com

Of Counsel:
George Rusk, Jr.
John J. Wadlin
Daniel G. Heppner
Daniel M. Martuscello

Associates:
Christine H. Guido
David Goodge
Nicholas Pascale

October 28, 2024

Matt Ayers, Project Manager
Department of Environmental Conservation
Division of Environmental Remediation, Bureau C
625 Broadway
Albany, NY 12233

Re: DEC Site Name: 25 Field Court
DEC Site No: 356055
Site Address: 25 Field Court, Kingston, NY 12401, Ulster County

Dear Mr. Ayers:

Please be advised that our firm continues to represent Donna Spada in the above matter.

Enclosed pleased find an original Order on Consent, duly signed by Ms. Spada in the presence of a notary public.

Please return a fully executed copy of the Order on Consent to my office. My client's payment of $25,000.00 has been sent to your office under separate cover.

Thank you for your attention to this matter.

Very truly yours,

RUSK WADLIN HEPPNER & MARTUSCELLO, LLP

Jason J. Kovacs
JJK/pb

Enc.

STATE SUPERFUND PROGRAM
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ECL §27-1301 *et seq.*

In the Matter of the Settlement of Administrative and Response Costs
Pursuant to Article 27, Title 13 and Article 71, Title 27 of the NYS Environmental Conservation Law

ORDER ON CONSENT AND ADMINISTRATIVE SETTLEMENT

Index No. CO3-20210818-64

DEC Site Name: 25 Field Court
DEC Site No.: 356055
Site Address: 25 Field Court
Kingston, New York 12401
Ulster County

Hereinafter referred to as the "Site"

by: Donna Spada

Hereinafter referred to as "Settling Respondent"

---

1. The New York State Department of Environmental Conservation ("Department") is responsible for inactive hazardous waste disposal site remedial programs pursuant to Article 27, Title 13 and Article 71, Title 27 of the Environmental Conservation Law ("ECL"), Part 375 of Title 6 of the New York Official Compilation of Codes, Rules and Regulations ("6 NYCRR") and the New York State Finance Law ("SFL"), and may issue orders consistent with the authority granted to the Commissioner by such statutes and regulations.

2. This Consent Order is issued pursuant to the Department's authority under, *inter alia,* ECL Article 27, Title 13, ECL Article 71, Title 27, ECL 3-0301, and Section 97-b of the SFL and resolves Respondent's liability to the State as provided at 6 NYCRR 375-1.5(b)(5).

3. The Site is listed in the *Registry of Inactive Hazardous Waste Disposal Sites in New York State* as a classification "2" pursuant to ECL 27-1305.

4. 6 NYCRR 375-2.11(c)(1)(ii) authorizes the Department to expend money of the hazardous waste remedial fund provided for at SFL section 97-b to pay for the cleanup or restoration of any area where contaminants were disposed unlawfully. 6NYCRR 375-2.11 (c)(1)(iii) authorizes the Department to expend moneys of the hazardous waste remedial fund provided for as SFL section 97-b to pay for site identification, classification, investigation and remediation activities.

5. Settling Respondent is an individual who had an ownership interest at the site from approximately January 2005 – March 2024. Settling Respondent transferred title to the site to the City of Kingston on March 20, 2024. Respondent has represented to the Department that she did not generate, arrange for, transport, or dispose, and did not cause the

generation, arrangement for, transportation, or disposal of any contamination located at the Site.

6. Pursuant to the legal authorities stated herein, the Department has and anticipates the need to spend additional monies of the hazardous waste remedial fund for the implementation of a Remedial program (as the term is defined in 6NYCRR 375-1.2(ap)), including the investigation and remediation of hazardous wastes and/or substances identified on or in proximity to the Site (the "Existing Contamination").

7. The goals of this Order on Consent and Administrative Settlement are (i) to obtain a contribution from Settling Respondent to response costs incurred and to be incurred by the State in the development and implementation of a remedial program for the Site, and (ii) to issue a release to the Settling Respondent when they have fulfilled their responsibilities under this Order.

8. Settling Respondent consents to the issuance of this Consent Order without (i) an admission or finding of liability, fault, wrongdoing, or violation of any law, regulation, permit, order, requirement, or standard of care of any kind whatsoever; (ii) an acknowledgment that there has been a release or threatened release of hazardous waste at or from the Site; and (iii) an acknowledgment that a release or threatened release of hazardous waste at or from the Site constitutes a significant threat to the public health or environment.

9. Solely with regard to the matters set forth below, Settling Respondent hereby waives any right to a hearing as may be provided by law, consent to the issuance and entry of this Consent Order, and agree to be bound by its terms. Settling Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Consent Order and agrees not to contest the validity of this Consent Order or its terms.

NOW, having considered this matter and being duly advised, IT IS **ORDERED THAT:**

I. Real Property

The Site is located at 25 Field Court, Kingston, Ulster County New York 12401, and denoted as Tax Map ID # 56.25-3-35 and is approximately 0.85 acres. An aerial view of the Site is attached as Exhibit "A".

II. Payment

In full satisfaction and resolution of any and all claims by the Department related to the existing contamination at the Site, Settling Respondent shall pay the sum of TWENTY FIVE THOUSAND DOLLARS ($25,000.00) to the Department either by electronic payment at http://www.dec.ny.gov/about/61016.html#On-Line or by check made payable to the order of the "New York State Department of Environmental Conservation," with the enclosed invoice and Index Number "CO3-20210818-64" written in the memo section of the check, which shall be sent to the Department of Environmental Conservation, Division of Management and Budget Services, 625 Broadway, 10th Floor, Albany, NY 12233-4900.

III. Release and Covenant Not to Sue

A. Upon the Department's receipt of Settling Respondent's payment pursuant to Section II of this Order, Settling Respondent shall not be liable to the Department upon any statutory or common law cause of action arising out of the presence of any contaminants in, on, to or emanating from the Site at any time before the effective date of this Order.

B. The terms of this release are consistent with those governing the issuance of a Certificate of Completion, including limitations, reopener provisions and extension to successors and assigns, found in 6 NYCRR § 375-2.9.

C. Settling Respondent shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL § 27-1421(6) and 6 NYCRR § 375-1.5(b)(5), and as provided in the provisions set forth in 42 U.S.C. Section 9613 (f). The matters addressed pursuant to and in accordance with this Order and agreement, as that term is used in ECL § 27-1421(6) and 6 NYCRR § 375-1.5(b)(5), include any and all past or future claims for response costs of removal or remedial action incurred not inconsistent with the National Contingency Plan within the meaning of CERCLA § 107(a)(4)(A), 42 U.S.C. § 9607(a)(4)(A), that the Department has incurred or may incur in responding to the release and/or threatened release of hazardous wastes at the Site, as well as any and all past, present, or future federal, state or common law claims, including prejudgment interest accrued thereon, that were, or could now or hereafter be, asserted by the State against Settling Respondent arising out of or in connection with the disposal, release or threat of release of hazardous wastes at, from, or from the Site, including but not limited to any claims regarding off-site contamination that may be emanating from the Site, may have emanated from the Site or may emanate in the future from the Site, whether incurred or to be incurred by the State.

D. The Department hereby reserves all of its respective rights concerning, and such release and covenant not to sue shall not extend to, any further investigation and/or remedial action the Department deems necessary due to:

- Settling Respondent's failure to implement this Order to the Department's reasonable satisfaction; or
- Fraud committed by Settling Respondent in entering into or implementing this Order.

E. Additionally, the Department reserves all of its rights, and any such release and covenant not to sue shall not extend to Settling Respondent, if Settling Respondent causes or allows a release or a threat of release of any hazardous waste (as that term is defined at 6 NYCRR § 375-1.2[w]) or petroleum (as that term is defined in Navigation Law § 172[15]), other than the contamination existing at or from the Site upon the effective date of this Order (the "Present Contamination").

F. Notwithstanding any other provision in this release and covenant not to sue:

- If, with respect to the Site, there exists or may exist a claim of any kind or nature on the part of the New York State Environmental Protection and Spill Compensation Fund against any party, nothing in this Order shall be construed or deemed to preclude the State of New York from recovering such claim against any liable party;
- Except as provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights (including, but not limited to, the right to recover natural resource damages) with respect to any part, including the Settling Respondent.
- Nothing contained in this Order shall prejudice any of the Department's rights to take any investigatory or remedial action it deems necessary if Settling Respondent fails to comply with this Order or if contamination other than the Present Contamination is encountered at the Site.
- Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.
- Nothing contained in this Order shall be construed to affect the Department's right to terminate the Order and this "Release and Covenant Not to Sue" under the terms of the Order at any time during its implementation if it is determined, after a due process proceeding, that Settling Respondent failed to comply with the Order's terms and conditions.

G. Nothing herein shall be construed as barring, diminishing, adjudicating, or in any way affecting any legal or equitable rights or claims, actions, suits, causes of action or demands whatsoever that: (1) Settling Respondent may have against anyone other than the Department, including but not limited to rights of contribution under Section 113(f)(B)(3) of CERCLA, 42 U.S.C. § 9613(f)(B)(3); and (2) the Department may have against anyone other than the Settling Respondent.

H. Except as otherwise provided in this Order, Settling Respondent specifically reserves all rights and defenses under applicable law respecting any assertion by the Department or other party of remedial liability and/or natural resource damages against Respondent, and further reserves all rights respecting the enforcement of this Order, including the rights to notice, hearing, appeal and to any other due process. The existence of this Order or Settling Respondent's compliance thereto shall not be construed as an admission of any liability, fault, wrongdoing, or breach of standard of care by Respondent and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action which shall inure to the benefit of any third party.

V. Communications

A. All written communications required by this Consent Order shall be transmitted by United States Postal Service, by private courier service, by hand delivery, or by electronic mail.

1. Communication from Settling Respondent shall be sent to:

Matt Ayers, Project Manager

Department of Environmental Conservation
Division of Environmental Remediation, Bureau C
625 Broadway,
Albany, NY 12233
matthew.ayers@dec.ny.gov

Jennifer Andaloro, Esq. (electronic copy only)
Project Attorney
Department of Environmental Conservation
625 Broadway
Albany, NY 12233
Jennifer.andaloro@dec.ny.gov

2. Communication from the Department to Settling Respondent shall be sent to:

Donna Spada
46 Crane Street
Kingston, NY 12401

Jason J. Kovacs, Esq.
Rusk, Wadlin, Heppner & Martuscello, LLP
255 Fair Street
P.O. Box 3356
Kingston, NY 12402

B. The Department and Settling Respondent reserve the right to designate additional or different addressees for communication on written notice to the other.

C. Each party shall notify the other within ninety (90) days after any change in the addresses listed in Paragraph V.

VI. Miscellaneous

A. The Section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Order.

B. No change in this Order shall be made or become effective except as set forth by a written order of the Commissioner or Commissioner's designee.

C. Unless otherwise expressly provided herein, terms used in this Order which are defined in ECL Article 27, Title 13 or in regulations promulgated thereunder shall have the meaning assigned to them under such statute or regulations.

D. Settling Respondents shall indemnify and hold harmless the Department, the State of New York and their representatives and employees for all claims, suits, actions, damages and costs of every kind arising out of or resulting from this Order by Settling Respondent and its agents, heirs, successors and assigns.

E. Respondent's obligations under this Order represent payment for or reimbursement of removal or response costs and shall not deemed to constitute a fine or penalty

F. This Order may be executed for the convenience of the parties thereto, individually or in combination, in one or more counterparts, each of which for all purposes shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

G. The provisions, terms and conditions of this Order shall be deemed to bind Settling Respondents and their heirs, legal representatives, receivers, successors and assigns.

H. The effective date of this Consent Order, is the date it is signed by the Commissioner or the Commissioner's designee.

DATED: November 7, 2024

Sean Mahar
INTERIM COMMISSIONER
NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: Andrew Guglielmi

Andrew Guglielmi, Director
Division of Environmental Remediation

Cheryl A. Salem
Notary Public State of New York
Registration No. 01SA0002177
Qualified in Albany County
My Commission Expires March 3, 2027

CONSENT BY SETTLING RESPONDENT

Settling Respondents hereby consent to the issuing and entering of this Order, waive Settling Respondents' rights to a hearing herein as provided by law, and agree to be bound by this Order.

Donna Spada

Donna M. Spada

Date: Oct. 25, 2024

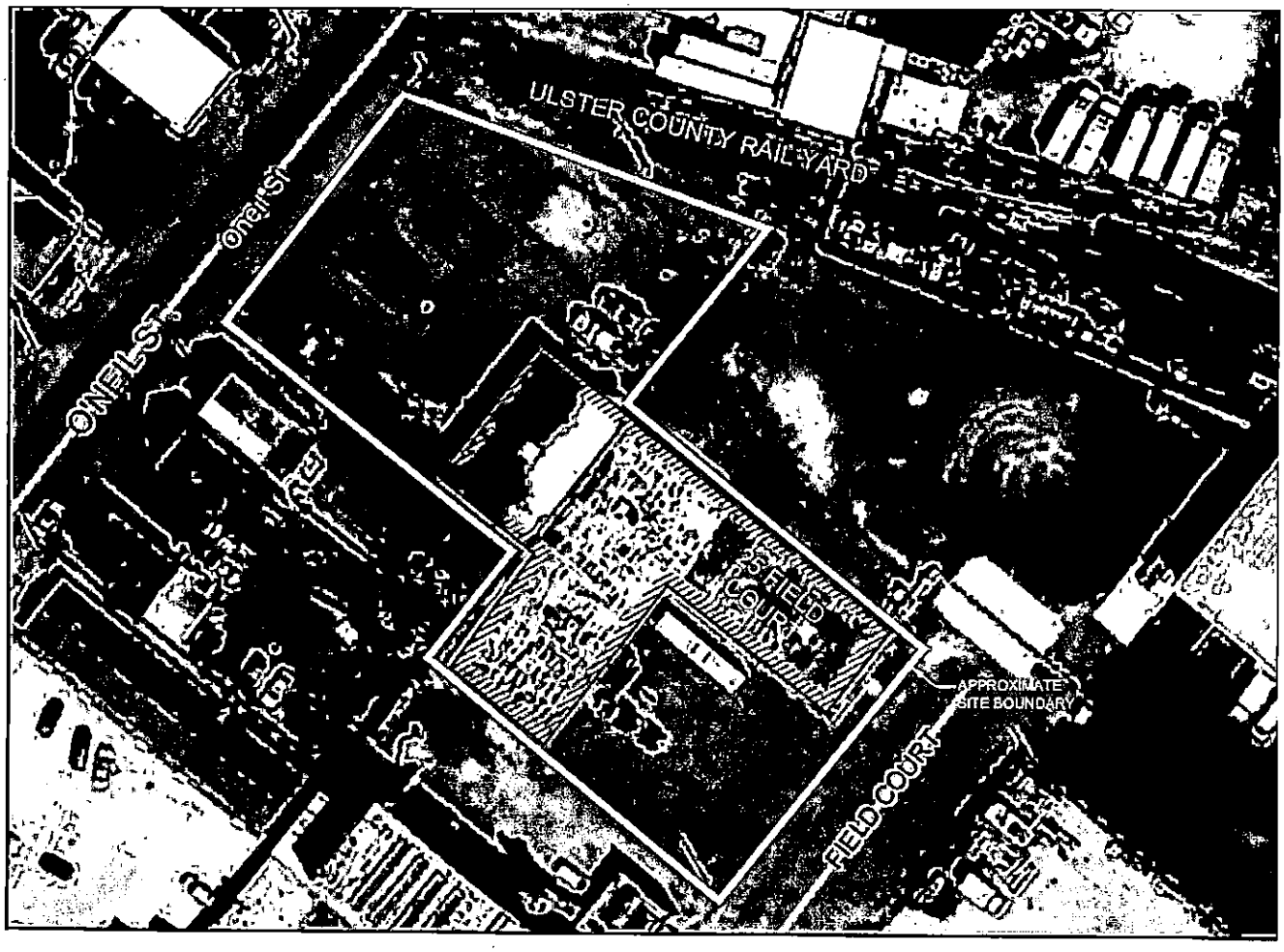
STATE OF NEW YORK)
) s.s.:
COUNTY OF ULSTER)

On the 25th day of October, in the year 2024, before me, the undersigned, personally appeared Donna Spada, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, and that by their signatures on the instrument, the individuals executed the instrument.

Patricia A. Voerg

PATRICIA A. VOERG
Notary Public, State of New York
Reg. No. 01VO4728676
Qualified In Ulster County
Commission Expires July 31, 2026

Exhibit "A"



SITE PLAN

APPENDIX A

STANDARD CLAUSES FOR ALL NEW YORK STATE SUPERFUND ADMINISTRATIVE ORDERS

The parties to the State Superfund Order (hereinafter "Order") agree to be bound by the following clauses which are hereby made a part of the Order. The word "Respondent" herein refers to any party to the Order, other than the New York State Department of Environmental Conservation (hereinafter "Department").

I. Citizen Participation Plan

Within twenty (20) days after the effective date of this Order, Respondent shall submit for review and approval a written citizen participation plan prepared in accordance with the requirements of ECL §27-1417 and 6 NYCRR sections 375-1.10 and 375-3.10. Upon approval, the Citizen Participation Plan shall be deemed to be incorporated into and made a part of this Order.

II. Initial Submittal

Within thirty (30) days after the effective date of this Order, Respondent shall submit to the Department a Records Search Report prepared in accordance with Exhibit "B" attached to the Order. The Records Search Report can be limited if the Department notifies Respondent that prior submissions satisfy specific items required for the Records Search Report.

III. Development, Performance, and Reporting of Work Plans

A. Work Plan Requirements

All activities at the Site that comprise any element of an Inactive Hazardous Waste Disposal Site Remedial Program shall be conducted pursuant to one or more Department-approved work plans ("Work Plan" or "Work Plans") and this Order and all activities shall be consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. Part 300, as required under CERCLA, 42 U.S.C. § 9600 *et seq.* The Work Plan(s) under this Order shall address both on-Site and off-Site conditions and shall be developed and implemented in accordance with 6 NYCRR § 375-1.6(a), 375-3.6, and 375-6. All Department-approved Work Plans shall be incorporated into and become enforceable parts of this Order. Upon approval of a Work Plan by the Department, Respondent shall implement such Work Plan in accordance with the schedule contained therein. Nothing in this Subparagraph shall mandate that any particular Work Plan be submitted.

The Work Plans shall be captioned as follows:

1. Site Characterization ("SC") Work Plan: a Work Plan which provides for the identification of the presence of any hazardous waste disposal at the Site;

2. Remedial Investigation/Feasibility Study ("RI/FS") Work Plan: a Work Plan which provides for the investigation of the nature and extent of contamination within the boundaries of the Site and emanating from such Site and a study of remedial alternatives to address such on-site and off-site contamination;

3. Remedial Design/Remedial Action ("RD/RA") Work Plan: a Work Plan which provides for the development and implementation of final plans and specifications for implementing the remedial alternative set forth in the ROD;

4. "IRM Work Plan" if the Work Plan provides for an interim remedial measure;

5. "Site Management Plan" if the Work Plan provides for the identification and implementation of institutional and/or engineering controls as well as any necessary monitoring and/or operation and maintenance of the remedy; or

6. "Supplemental" if additional work plans other than those set forth in II.A.1-5 are required to be prepared and implemented.

B. Submission/Implementation of Work Plans

1. Respondent may opt to propose one or more additional or supplemental Work Plans (including one or more IRM Work Plans) at any time,

which the Department shall review for appropriateness and technical sufficiency.

2. Any proposed Work Plan shall be submitted for the Department's review and approval and shall include, at a minimum, a chronological description of the anticipated activities, a schedule for performance of those activities, and sufficient detail to allow the Department to evaluate that Work Plan.

i. The Department shall notify Respondent in writing if the Department determines that any element of a Department-approved Work Plan needs to be modified in order to achieve the objectives of the Work Plan as set forth in Subparagraph III.A or to ensure that the Remedial Program otherwise protects human health and the environment. Upon receipt of such notification, Respondent shall, subject to dispute resolution pursuant to Paragraph XV, modify the Work Plan.

ii. The Department may request, subject to dispute resolution pursuant to Paragraph XV, that Respondent submit additional or supplemental Work Plans for the Site to complete the current remedial phase within thirty (30) Days after the Department's written request.

3. A Site Management Plan, if necessary, shall be submitted in accordance with the schedule set forth in the IRM Work Plan or Remedial Work Plan.

4. During all field activities conducted under a Department-approved Work Plan, Respondent shall have on-Site a representative who is qualified to supervise the activities undertaken in accordance with the provisions of 6 NYCRR 375-1.6(a)(3).

5. A Professional Engineer must stamp and sign all Work Plans other than SC or RI/FS Work Plans.

C. Submission of Final Reports and Periodic Reports

1. In accordance with the schedule contained in a Work Plan, Respondent shall submit a final report as provided at 6 NYCRR 375-1.6(b) and a final engineering report as provided at 6 NYCRR 375-1.6(c).

2. Any final report or final engineering report that includes construction activities shall include "as built" drawings showing any changes made to the remedial design or the IRM.

3. In the event that the final engineering report for the Site requires Site management, Respondent shall submit an initial periodic report by in accordance with the schedule in the Site Management Plan and thereafter in accordance with a schedule determined by the Department. Such periodic report shall be signed by a Professional Engineer or by such other qualified environmental professional as the Department may find acceptable and shall contain a certification as provided at 6 NYCRR 375-1.8(h)(3). Respondent may petition the Department for a determination that the institutional and/or engineering controls may be terminated. Such petition must be supported by a statement by a Professional Engineer that such controls are no longer necessary for the protection of public health and the environment. The Department shall not unreasonably withhold its approval of such petition.

4. Within sixty (60) days of the Department's approval of a Final Report, Respondent shall submit such additional Work Plans as is required by the Department in its approval letter of such Final Report. Failure to submit any additional Work Plans within such period shall be a violation of this Order.

D. Review of Submittals

1. The Department shall make a good faith effort to review and respond in writing to each submittal Respondent makes pursuant to this Order within sixty (60) Days. The Department's response shall include, in accordance with 6 NYCRR 375-1.6(d), an approval, modification request, or disapproval of the submittal, in whole or in part.

i. Upon the Department's written approval of a Work Plan, such Department-approved Work Plan shall be deemed to be incorporated into and made a part of this Order and shall be implemented in accordance with the schedule contained therein.

ii. If the Department modifies or requests modifications to a submittal, it shall specify the reasons for such modification(s). Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(3). If Respondent elects to modify or accept the Department's modifications to the submittal, Respondent shall make a revised submittal that incorporates all of the Department's

modifications to the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(3). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

iii. If the Department disapproves a submittal, it shall specify the reasons for its disapproval. Within fifteen (15) Days after the date of the Department's written notice that Respondent's submittal has been disapproved, Respondent shall notify the Department of its election in accordance with 6 NYCRR 375-1.6(d)(4). If Respondent elects to modify the submittal, Respondent shall make a revised submittal that addresses all of the Department's stated reasons for disapproving the first submittal in accordance with the time period set forth in 6 NYCRR 375-1.6(d)(4). In the event that Respondent's revised submittal is disapproved, the Department shall set forth its reasons for such disapproval in writing and Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and its position prevails. Failure to make an election or failure to comply with the election is a violation of this Order.

2. Within thirty (30) Days after the Department's approval of a final report, Respondent shall submit such final report, as well as all data gathered and drawings and submittals made pursuant to such Work Plan, in an electronic format acceptable to the Department. If any document cannot be converted into electronic format, Respondent shall submit such document in an alternative format acceptable to the Department.

E. Department's Issuance of a ROD

1. Respondent shall cooperate with the Department and provide reasonable assistance, consistent with the Citizen Participation Plan, in soliciting public comment on the proposed remedial action plan ("PRAP"), if any. After the close of the public comment period, the Department shall select a final remedial alternative for the Site in a ROD. Nothing in this Order shall be construed to abridge any rights of Respondent, as provided by law, to judicially challenge the Department's ROD.

2. Respondent shall have 60 days from the date of the Department's issuance of the ROD to notify the Department in writing whether it will implement the remedial activities required by such ROD. If the Respondent elects not to implement the required remedial activities, then this order shall terminate in accordance with Paragraph XIV.A. Failure to make an election or failure to comply with the election is a violation of this Order.

F. Institutional/Engineering Control Certification

In the event that the remedy for the Site, if any, or any Work Plan for the Site, requires institutional or engineering controls, Respondent shall submit a written certification in accordance with 6 NYCRR 375-1.8(h)(3) and 375-3.8(h)(2).

IV. Penalties

A. 1. Respondent's failure to comply with any term of this Order constitutes a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4). Nothing herein abridges Respondent's right to contest any allegation that it has failed to comply with this Order.

2. Payment of any penalties shall not in any way alter Respondent's obligations under this Order.

B. 1. Respondent shall not suffer any penalty or be subject to any proceeding or action in the event it cannot comply with any requirement of this Order as a result of any Force Majeure Event as provided at 6 NYCRR 375-1.5(b)(4). Respondent must use best efforts to anticipate the potential Force Majeure Event, best efforts to address any such event as it is occurring, and best efforts following the Force Majeure Event to minimize delay to the greatest extent possible. "Force Majeure" does not include Respondent's economic inability to comply with any obligation, the failure of Respondent to make complete and timely application for any required approval or permit, and non-attainment of the goals, standards, and requirements of this Order.

2. Respondent shall notify the Department in writing within five (5) Days of the onset of any Force Majeure Event. Failure to give such notice within such five (5) Day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall be deemed to know of any circumstance which it, any entity controlled by it, or its contractors knew or should have known.

3. Respondent shall have the burden of proving by a preponderance of the evidence that (i) the delay or anticipated delay has been or will be caused by a Force Majeure Event; (ii) the duration of the delay or the extension sought is warranted under the circumstances; (iii) best efforts were exercised to avoid and mitigate the effects of the delay; and (iv) Respondent complied with the requirements of Subparagraph IV.B.2 regarding timely notification.

4. If the Department agrees that the delay or anticipated delay is attributable to a Force Majeure Event, the time for performance of the obligations that are affected by the Force Majeure Event shall be extended for a period of time equivalent to the time lost because of the Force Majeure event, in accordance with 375-1.5(4).

5. If the Department rejects Respondent's assertion that an event provides a defense to non-compliance with this Order pursuant to Subparagraph IV.B, Respondent shall be in violation of this Order unless it invokes dispute resolution pursuant to Paragraph XV and Respondent's position prevails.

V. Entry upon Site

A. Respondent hereby consents, upon reasonable notice under the circumstances presented, to entry upon the Site (or areas in the vicinity of the Site which may be under the control of Respondent) by any duly designated officer or employee of the Department or any State agency having jurisdiction with respect to matters addressed pursuant to this Order, and by any agent, consultant, contractor, or other person so authorized by the Commissioner, all of whom shall abide by the health and safety rules in effect for the Site, for inspecting, sampling, copying records related to the contamination at the Site, testing, and any other activities necessary to ensure Respondent's compliance with this Order. Upon request, Respondent shall (i) provide the Department with suitable work space at the Site, including access to a telephone, to the extent available, and (ii) permit the Department full access to all non-privileged records relating to matters addressed by this Order. Raw data is not considered privileged and that portion of any privileged document containing raw data must be provided to the Department. In the event Respondent is unable to obtain any authorization from third-party property owners necessary to perform its obligations under this Order, the Department may, consistent with its legal authority, assist in obtaining such authorizations.

B. The Department shall have the right to take its own samples and scientific measurements and the Department and Respondent shall each have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled. The Department shall make the results of any such sampling and scientific measurements available to Respondent.

VI. Payment of State Costs

A. Within forty-five (45) days after receipt of an itemized invoice from the Department, Respondent shall pay to the Department a sum of money which shall represent reimbursement for State Costs as provided by 6 NYCRR 375-1.5 (b)(3)(i). Failure to timely pay any invoice will be subject to late payment charge and interest at a rate of 9% from the date the payment is due until the date the payment is made.

B. Costs shall be documented as provided by 6 NYCRR 375-1.5(b)(3). The Department shall not be required to provide any other documentation of costs, provided however, that the Department's records shall be available consistent with, and in accordance with, Article 6 of the Public Officers Law.

C. Each such payment shall be made payable to the New York State Department of Environmental Conservation and shall be sent to:

Director, Bureau of Program Management
Division of Environmental Remediation
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-7012

D. The Department shall provide written notification to the Respondent of any change in the foregoing addresses.

E. If Respondent objects to any invoiced costs under this Order, the provisions of 6 NYCRR 375-1.5 (b)(3)(v) and (vi) shall apply. Objections shall be sent to the Department as provided under subparagraph VI.C above.

F. In the event of non-payment of any invoice within the 45 days provided herein, the Department may seek enforcement of this provision pursuant to Paragraph IV or the Department may commence an

enforcement action for non-compliance with ECL '27-1423 and ECL 71-4003.

VII. Release and Covenant Not to Sue

Upon the Department's issuance of a Certificate of Completion as provided at 6 NYCRR 375-1.9 and 375-2.9, Respondent shall obtain the benefits conferred by such provisions, subject to the terms and conditions described therein.

VIII. Reservation of Rights

A. Except as provided at 6 NYCRR 375-1.9 and 375-2.9, nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights or authorities, including, but not limited to, the right to require performance of further investigations and/or response action(s), to recover natural resource damages, and/or to exercise any summary abatement powers with respect to any person, including Respondent.

B. Except as otherwise provided in this Order, Respondent specifically reserves all rights and defenses under applicable law respecting any Departmental assertion of remedial liability and/or natural resource damages against Respondent, and further reserves all rights respecting the enforcement of this Order, including the rights to notice, to be heard, to appeal, and to any other due process. The existence of this Order or Respondent's compliance with it shall not be construed as an admission of liability, fault, wrongdoing, or breach of standard of care by Respondent, and shall not give rise to any presumption of law or finding of fact, or create any rights, or grant any cause of action, which shall inure to the benefit of any third party. Further, Respondent reserves such rights as it may have to seek and obtain contribution, indemnification, and/or any other form of recovery from its insurers and from other potentially responsible parties or their insurers for past or future response and/or cleanup costs or such other costs or damages arising from the contamination at the Site as may be provided by law, including but not limited to rights of contribution under section 113(f)(3)(B) of CERCLA, 42 U.S.C. § 9613(f)(3)(B).

IX. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, the Trustee of the State's natural resources, and their representatives and employees harmless as provided by 6 NYCRR 375-2.5(a)(3)(i).

X. Public Notice

A. Within thirty (30) Days after the effective date of this Order, Respondent shall provide notice as required by 6 NYCRR 375-1.5(a). Within sixty (60) Days of such filing, Respondent shall provide the Department with a copy of such instrument certified by the recording officer to be a true and faithful copy.

B. If Respondent proposes to transfer by sale or lease the whole or any part of Respondent's interest in the Site, or becomes aware of such transfer, Respondent shall, not fewer than forty-five (45) Days before the date of transfer, or within forty-five (45) Days after becoming aware of such conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed or actual date of the conveyance, and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order. However, such obligation shall not extend to a conveyance by means of a corporate reorganization or merger or the granting of any rights under any mortgage, deed, trust, assignment, judgment, lien, pledge, security agreement, lease, or any other right accruing to a person not affiliated with Respondent to secure the repayment of money or the performance of a duty or obligation.

XI. Change of Use

Applicant shall notify the Department at least sixty (60) days in advance of any change of use, as defined in 6 NYCRR 375-2.2(a), which is proposed for the Site, in accordance with the provisions of 6 NYCRR 375-1.11(d). In the event the Department determines that the proposed change of use is prohibited, the Department shall notify Applicant of such determination within forty-five (45) days of receipt of such notice.

XII. Environmental Easement

A. If a Record of Decision for the Site relies upon one or more institutional and/or engineering controls, Respondent (or the owner of the Site) shall submit to the Department for approval an Environmental Easement to run with the land in favor of the State which complies with the requirements of ECL Article 71, Title 36, and 6 NYCRR 375-1.8(h)(2). Upon acceptance of the Environmental Easement by the State, Respondent

shall comply with the requirements of 6 NYCRR 375-1.8(h)(2).

B. If the ROD provides for no action other than implementation of one or more institutional controls, Respondent shall cause an environmental easement to be recorded under the provisions of Subparagraph XII.A.

C. If Respondent does not cause such environmental easement to be recorded in accordance with 6 NYCRR 375-1.8(h)(2), Respondent will not be entitled to the benefits conferred by 6 NYCRR 375-1.9 and 375-2.9 and the Department may file an Environmental Notice on the site.

XIII. Progress Reports

Respondent shall submit a written progress report of its actions under this Order to the parties identified in Subparagraph IV.A.1 of the Order by the 10th day of each month commencing with the month subsequent to the approval of the first Work Plan and ending with the Termination date as set forth in Paragraph XIV, unless a different frequency is set forth in a Work Plan. Such reports shall, at a minimum, include: all actions relative to the Site during the previous reporting period and those anticipated for the next reporting period; all approved activity modifications (changes of work scope and/or schedule); all results of sampling and tests and all other data received or generated by or on behalf of Respondent in connection with this Site, whether under this Order or otherwise, in the previous reporting period, including quality assurance/quality control information; information regarding percentage of completion; unresolved delays encountered or anticipated that may affect the future schedule and efforts made to mitigate such delays; and information regarding activities undertaken in support of the Citizen Participation Plan during the previous reporting period and those anticipated for the next reporting period.

XIV. Termination of Order

A. This Order will terminate upon the earlier of the following events:

1. Respondent's election in accordance with Paragraph III.E.2 not to implement the remedial activities required pursuant to the ROD. In the event of termination in accordance with this Subparagraph, this Order shall terminate effective the 5th Day after the Department's receipt of the written notification, provided, however, that if there are one or more Work Plan(s) for which a final report has not been approved at the time of Respondent's notification of its election not to implement the remedial activities in accordance with the ROD, Respondent shall complete the activities required by such previously approved Work Plan(s) consistent with the schedules contained therein. Thereafter, this Order shall terminate effective the 5th Day after the Department's approval of the final report for all previously approved Work Plans; or

2. The Department's written determination that Respondent has completed all phases of the Remedial Program (including Site Management), in which event the termination shall be effective on the 5th Day after the date of the Department's letter stating that all phases of the remedial program have been completed.

B. Notwithstanding the foregoing, the provisions contained in Paragraphs VI and IX shall survive the termination of this Order and any violation of such surviving Paragraphs shall be a violation of this Order, the ECL, and 6 NYCRR 375-2.11(a)(4), subjecting Respondent to penalties as provided under Paragraph IV so long as such obligations accrued on or prior to the Termination Date.

C. If the Order is terminated pursuant to Subparagraph XIV.A.1, neither this Order nor its termination shall affect any liability of Respondent for remediation of the Site and/or for payment of State Costs, including implementation of removal and remedial actions, interest, enforcement, and any and all other response costs as defined under CERCLA, nor shall it affect any defenses to such liability that may be asserted by Respondent. Respondent shall also ensure that it does not leave the Site in a condition, from the perspective of human health and environmental protection, worse than that which existed before any activities under this Order were commenced. Further, the Department's efforts in obtaining and overseeing compliance with this Order shall constitute reasonable efforts under law to obtain a voluntary commitment from Respondent for any further activities to be undertaken as part of a Remedial Program for the Site.

XV. Dispute Resolution

A. In the event disputes arise under this Order, Respondent may, within fifteen (15) Days after

Respondent knew or should have known of the facts which are the basis of the dispute, initiate dispute resolution in accordance with the provisions of 6 NYCRR 375-1.5(b)(2).

B. All cost incurred by the Department associated with dispute resolution are State costs subject to reimbursement pursuant to this Order.

C. Nothing contained in this Order shall be construed to authorize Respondent to invoke dispute resolution with respect to the remedy selected by the Department in the ROD or any element of such remedy, nor to impair any right of Respondent to seek judicial review of the Department's selection of any remedy.

XVI. Miscellaneous

A. Respondent agrees to comply with and be bound by the provisions of 6 NYCRR Subparts 375-1 and 375-2; the provisions of such Subparts that are referenced herein are referenced for clarity and convenience only and the failure of this Order to specifically reference any particular regulatory provision is not intended to imply that such provision is not applicable to activities performed under this Order.

B. The Department may exempt Respondent from the requirement to obtain any state or local permit or other authorization for any activity conducted pursuant to this Order in accordance with 6 NYCRR 375-1.12(b), (c), and (d).

C. 1. Respondent shall use best efforts to obtain all Site access, permits, easements, approvals, institutional controls, and/or authorizations necessary to perform Respondent's obligations under this Order, including all Department-approved Work Plans and the schedules contained therein. If, despite Respondent's best efforts, any access, permits, easements, approvals, institutional controls, or authorizations cannot be obtained, Respondent shall promptly notify the Department and include a summary of the steps taken. The Department may, as it deems appropriate and within its authority, assist Respondent in obtaining same.

2. If an interest in property is needed to implement an institutional control required by a Work Plan and such interest cannot be obtained, the Department may require Respondent to modify the Work Plan pursuant to 6 NYCRR 375-1.6(d)(3) to reflect changes necessitated by Respondent's inability to obtain such interest.

D. The paragraph headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any provisions of this Order.

E. 1. The terms of this Order shall constitute the complete and entire agreement between the Department and Respondent concerning the implementation of the activities required by this Order. No term, condition, understanding, or agreement purporting to modify or vary any term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order. In the event of a conflict between the terms of this Order and any Work Plan submitted pursuant to this Order, the terms of this Order shall control over the terms of the Work Plan(s). Respondent consents to and agrees not to contest the authority and jurisdiction of the Department to enter into or enforce this Order.

2. i. Except as set forth herein, if Respondent desires that any provision of this Order be changed, Respondent shall make timely written application to the Commissioner with copies to the parties listed in Subparagraph IV.A.1.

ii. If Respondent seeks to modify an approved Work Plan, a written request shall be made to the Department's project manager, with copies to the parties listed in Subparagraph IV.A.1.

iii. Requests for a change to a time frame set forth in this Order shall be made in writing to the Department's project attorney and project manager; such requests shall not be unreasonably denied and a written response to such requests shall be sent to Respondent promptly.

F. 1. If there are multiple parties signing this Order, the term "Respondent" shall be read in the plural, the obligations of each such party under this Order are joint and several, and the insolvency of or failure by any Respondent to implement any obligations under this Order shall not affect the obligations of the remaining Respondent(s) under this Order.

2. If Respondent is a partnership, the obligations of all general partners (including limited partners who act as general partners) under this Order are joint and several and the insolvency or failure of any general partner to implement any obligations under this Order shall not affect the obligations of the remaining partner(s) under this Order.

3. Notwithstanding the foregoing Subparagraphs XVI.F.1 and 2, if multiple parties sign this Order as Respondents but not all of the signing parties elect to implement a Work Plan, all Respondents are jointly and severally liable for each and every obligation under this Order through the completion of activities in such Work Plan that all such parties consented to; thereafter, only those Respondents electing to perform additional work shall be jointly and severally liable under this Order for the obligations and activities under such additional Work Plan(s). The parties electing not to implement the additional Work Plan(s) shall have no obligations under this Order relative to the activities set forth in such Work Plan(s). Further, only those Respondents electing to implement such additional Work Plan(s) shall be eligible to receive the release and covenant not to sue referenced in Paragraph VII.

G. Respondent shall be entitled to receive contribution protection and/or to seek contribution to the extent authorized by ECL 27-1421(6) and 6 NYCRR 375-1.5(b)(5).

H. Unless otherwise expressly provided herein, terms used in this Order which are defined in ECL Article 27 or in regulations promulgated thereunder shall have the meaning assigned to them under said statute or regulations.

I. Respondent's obligations under this Order represent payment for or reimbursement of response costs, and shall not be deemed to constitute any type of fine or penalty.

J. Respondent and Respondent's successors and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent shall in no way alter Respondent's responsibilities under this Order.

K. This Order may be executed for the convenience of the parties hereto, individually or in combination, in one or more counterparts, each of which shall be deemed to have the status of an executed original and all of which shall together constitute one and the same.

SECTION XII – SITE CONTACT LIST

XII.1 – The Chief Executive Officer and Planning Board Chairperson of each County, City, Town and Village in which the property is located.

Current Property Owner:

City of Kingston
Kingston City Hall 420 Broadway Kingston, New York 12401 845-334-3924

City of Kingston:

City of Kingston City Mayor	Planning Board Director
Steven T. Noble 420 Broadway Kingston, New York 12401 845-334-3904	Suzanne Cahill 420 Broadway Kingston, New York 12401 845-334-3955

Ulster County:

Ulster County Executive	Planning Board Chairman
Jen Metzger 244 Fair Street, P.O. Box 1800 Kingston, New York 12402 845-340-3000	David Prochaska 244 Fair Street, P.O. Box 1800 Kingston, New York 12402 845-340-3000

New York State Legislature:

NYS Assembly	NYS Senate
103rd District: Sarahana Shrestha 324 Washington Avenue, Suite 1 Kingston, New York 12401 845-338-9590	41st District: Michelle Hinchey 721 Broadway Kingston, New York 12401 845-331-2083

XII.2 – Residents, Owners, and Occupants of the Property and adjacent properties

See table, below. Adjoining parcels were obtained from the Ulster County Parcel Viewer https://gis.ulstercountyny.gov/parcel-viewer/.

Direction	Property Address	Property Owner	Mailing Address	Property Use
North	Catskill Mountain Br (Tax ID: 48.80-1-31.111)	County of Ulster	44 Main Street Kingston, NY 12401	Railroad
East	29 Field Court (Tax ID:56.25-3-38)	Wonderlys LLC	153 New Salem Road, Kingston, NY 12401	Vacant Commercial Land
East	27 Field Court (Tax ID: 56.25-3-16)	Wonderlys LLC	153 New Salem Road Kingston, NY 12401	Vacant Commercial
East	21-39 Cornell Street (Tax ID:56.25-3-29..1)	Wonderlys LLC	153 New Salem Road Kingston, NY 12401	Retail
South East	20-24 Field Court (Tax ID:56.25-3-17)	9 Cornell St Prop Owners LLC	P.O. Box 2376, Kingston, NY 12402	Vacant Commercial
South East	Tax ID:56.25-3-19	N/A	N/A	N/A
South	11 Field Court (Tax ID:56.25-3-14)	Catskill Custom Carpentry Inc	11 Field Court, Kingston, NY 12401	Manufacture
West	22 O'Neil Street (Tax ID:56.25-3-4)	Tasmi Realty Inc	3072 State Route 32, Kingston, NY 12401	2 Family Residential
West	24 O'Neil Street (Tax ID:56.25-3-3)	Elijah London	24 O'Neil Street, Kingston, NY 12401	1 Family Residential
North West	29 O'Neil Street (Tax ID:56.25-2-17)	Christian Reif	140 Rockwell Lane, Kingston, NY 12401	Auto Body Shop

XII.3 – Local news media from which the community typically obtains information.

City of Kingston

Kingston News
https://kingston-ny.gov/news/?FeedID=1158
Additional News Contacts
Kingstonwire: https://kingstonwire.com/ Daily Freeman: https://www.dailyfreeman.com/

XII.4 – The public water supplier which services the area in which the property is located.

Public Works Department
City of Kingston 25 East O'Reilly Street

Kingston, New York 12401 publicworks@kingston-ny.gov 845-481-7307

XII.5 – Any person who has been asked to be placed on the contact list and interested parties.

There are no additional interested parties known at this time.

XII.6 – The administrator of any school or day care facility located on or near the property.

George Washington Elementary (0.8-mile west/southwest)
67 Wall Street Kingston, New York 12401 Superintendent Dr. Paul Padalino 845-943-3918
Kingston High School (0.5-mile east/southeast)
403 Broadway Kingston, New York 12401 Principal Dr. Rachael Scorca Kingstoncityschools.org 845-943-3970
One Love Learning (0.3-mile north/northeast)
12 Ardsley Street Kingston, New York 12401 Tara M. Daley https://upwards.com/daycare/one-love-learning-llc-daycare 845-383-0837

XII.7 – The location of a document repository

The document repository for this project is:

The Kingston Library
61 Crown Street Kingston, New York 12401 director@kingstonlibrary.org 845-331-0507

The document repository acknowledging their facility use is attached on the subsequent pages as Attachment XII.7.

ATTACHMENT XII.7 - DOCUMENT REPOSITORY AGREEMENT

PVEDI
A Stratus Team Company

BETTER PLANS. BETTER PLACES

May 27, 2026

The Kingston Library
61 Crown Street, Kingston, New York 12401
Sent Via Email: director@kingstonlibrary.org

Re: **Document Repository Letter;** 25 Field Court, City of Kingston, Ulster County, New York 12401
Tax IDs #56.25-3-35
PVEDI File #202110228

Dear Margie Menard:

On behalf of our client, a perspective New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) applicant, we are requesting that the Kingston Library serve as the document repository for the proposed 25 Field Court site. The BCP application process requires designation of a document repository for documents and reports that can be reviewed by the public. These documents (application, work plans and investigation reports) will be contained in standard sized 3-ring binders.

At your earliest convenience, please sign the acknowledgement below thus authorizing the applicant's use of your facility as the document repository for this BCP site. The signed copy of this letter can be submitted to us via email at ctarbell@pvedi-ae.com, fax 845-454-2655, or mail to 48 Springside Avenue, Poughkeepsie, NY 12603.

Feel free to contact us with any questions.

Sincerely,
PVE ENGINEERING

Conor B. Tarbell, QEP
Principal/Regional Director

MM

Margie Menard <mmenard@kingstonlibrary.org>

To: Trevor Treglia

Cc: Conor Tarbell

Some content in this message has been blocked because the sender isn't in your Safe se

You replied on Thu 5/28/2026 8:38 AM

Start reply with: Will do, thanks! Will do. Thank you!

Great—that's fine. You can send it to us as a repository.

Regards,

Margie

Margie Menard (she/her)
Executive Director, Kingston Library
61 Crown Street
Kingston, NY 12401
845-331-0507 X1000
www.kingstonlibrary.org