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PRIVILEGED AND CONFIDENTIAL

SUMMARY REPORT OF FINDINGS

**PHASE I ENVIRONMENTAL
SITE ASSESSMENT, SURVEY FOR
ASBESTOS CONTAINING
MATERIALS, AND PHASE II SITE
INVESTIGATION**

**PROPOSED COMMERCE BANK SITE
SMITH STREET AND PURCHASE STREET
RYE, WESTCHESTER COUNTY, NEW YORK**

Prepared for:

**COMMERCE BANK, N.A.
9000 Atrium Way
Mount Laurel, New Jersey 08054**

Prepared by:

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**Whitestone Project #WP04-7166
October 8, 2004**

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October 8, 2004

COMMERCE BANK, N.A.
9000 Atrium Way
Mount Laurel, New Jersey 08054

Attention: John McKee
Vice President

Regarding: **PHASE I ENVIRONMENTAL SITE ASSESSMENT, SURVEY FOR ASBESTOS
CONTAINING MATERIALS, AND PHASE II SITE INVESTIGATION
PROPOSED COMMERCE BANK SITE
SMITH STREET AND PURCHASE STREET
RYE, WESTCHESTER COUNTY, NEW YORK
WHITESTONE PROJECT NO.: WP04-7166**

Dear Mr. McKee:

Whitestone Associates, Inc. is pleased to submit for your review the attached *Summary Report of Findings - Phase I Environmental Site Assessment, Survey for Asbestos Containing Materials, and Phase II Site Investigation* for the above-referenced property. Additional information pursuant to Freedom of Information Act (FOIA) requests may be forthcoming from regulatory agencies and will be provided in a supplemental report.

The following presents a brief summary of key items which will require further action. These items and other recognized environmental conditions (RECs) and business environmental risks are presented in detail in the above-referenced report.

- ▶ Subsurface soil and groundwater contamination above New York State Department of Environmental Conservation (NYSDEC) standards have been identified at the subject property. These conditions are suspected to be associated with the historic and current on-site dry cleaning operations. These conditions should be reported to NYSDEC by the site owner and supplemental site investigation and potential remediation will be required. Whitestone understands that Commerce Bank will not be responsible for the documented contaminant conditions and will not be conducting earthwork activities as part of the proposed building renovation activities. Prior to execution of the lease, reliance or verification should be obtained to ensure that the site owner will be responsible for continued management of environmental liabilities associated with the subject property subsequent to execution of the proposed lease.

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- ▶ **Asbestos containing materials have been identified on site and will require abatement prior to demolition or renovation of the existing site structure.** Additional items that are not identified as RECs and do not warrant further investigation are identified in Section 8.1.2, Limited Evaluation of Business Environmental Risk, of the attached report. These items may require limited corrective action.

Please contact us with any questions or comments regarding the enclosed report.

Sincerely,

WHITESTONE ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Keith T. D'Ambrosio'.

Keith T. D'Ambrosio, P.E.
Director, Environmental Services

A handwritten signature in black ink, appearing to read 'John M. La Rosa'.

John M. La Rosa
Environmental Scientist

JL/dam X:\WStone\2004\7166\Reports\7166ESA-ACM-P2SI.wpd
Enclosures
copy: Gerry S. Guidice, Commerce Bank, N.A.
Kenneth E. Lowther, InterState Development Services, L.L.C.
Joseph P. Colucci, Bohler Engineering, P.C.

**PHASE I ENVIRONMENTAL SITE ASSESSMENT, SURVEY
FOR ASBESTOS CONTAINING MATERIALS, &
PHASE II SITE INVESTIGATION
PROPOSED COMMERCE BANK SITE
Smith Street and Purchase Street
Rye, Westchester County, New York**

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SECTION 1.0

Summary of Findings

Whitestone Associates, Inc. (Whitestone) was retained by Commerce Bank, N.A. to perform a Phase I Environmental Site Assessment (ESA), Survey for Asbestos Containing Materials (ACM), and Phase II Site Investigation of the proposed Commerce Bank site located at 38 and 40 Purchase Street (southeastern corner of the intersection of Smith Street and Purchase Street) in Rye, Westchester County, New York (hereinafter referred to as the "site" or the "subject property"). Phase I ESA investigatory activities were completed by Whitestone between August 19, 2004 and October 8, 2004. Site reconnaissance and ACM survey activities were conducted on August 19, 2004. Phase II Site Investigation activities were conducted on September 22, 2004.

1.1 PHASE I ENVIRONMENTAL SITE ASSESSMENT

This document serves as the Phase I ESA report for this property. Because of the required turn-around time for this project, comprehensive responses to all New York State Department of Environmental Conservation (NYSDEC) and local requests for information pursuant to the Freedom of Information Act (FOIA) could not be included in this summary report. Additional information pursuant to FOIA requests may be forthcoming from regulatory agencies and will be provided upon receipt in a supplemental report.

Whitestone performed the Phase I ESA of the subject property in conformance with the scope and limitations of the American Society of Testing Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (E1527-00). Any exceptions to or deletions from this practice are described in Section 9.4 of this report. This assessment has revealed evidence of the following *recognized environmental condition* (REC) in connection with the subject property:

- ▶ A portion of the subject property (40 Purchase Street) has operated as a dry cleaning facility from approximately 1947 to present. Belle Laundry and Cleaners is identified as a RCRIS Small Quantity Generator of hazardous waste (EPA ID: NYD981077993). In addition, the site was utilized as a wagon painting facility from at least 1892 until approximately 1915. Hazardous/potentially hazardous materials including paints and thinners likely were used and stored on site during this time. These current and historic on-site operations may have impacted the subsurface conditions at the subject property.

This REC is documented more completely in the pages that follow -- as are recommendations for further evaluation and/or remediation.

1.2 SURVEY FOR ASBESTOS CONTAINING MATERIALS (ACM)

As detailed in Section 10.0, laboratory analyses of the bulk samples confirmed asbestos present at concentrations equal to or greater than one percent in the following materials:

- ▶ approximately 300 square feet of transite soffit on the exterior facade of the building;
- ▶ approximately 3,000 square feet of black floor tile (bottom layer) in the dry cleaning facility;
- ▶ approximately 400 square feet of coating material on the ceiling in the basement of the dry cleaning facility;
- ▶ approximately 300 square feet roof flashing on the building; and
- ▶ approximately 100 square feet of miscellaneous tar on the roof of the building.

1.3 PHASE II SITE INVESTIGATION

The primary goal of the Phase II SI was to preliminarily establish subsurface environmental conditions through the collection and analyses of soil and groundwater samples to determine if on-site conditions have been impacted by historic and current site uses. A summary of the findings of this SI are summarized as follows:

- ▶ Petroleum-like odors and staining were observed within soil borings B-1 through B-5 installed in the vicinity of the existing dry cleaning operation located at 40 Purchase Street;
- ▶ Laboratory analyses of groundwater sample 7166-B1-GW exhibited select volatile organic compound (VOC) concentrations above New York State Department of Environmental Conservation (NYSDEC) Groundwater Standards/Criteria;
- ▶ Laboratory analyses of soil sample 7166-B4 exhibited select SVOC concentrations above the NYSDEC Recommended Soil Cleanup Objectives (RSCOs); and
- ▶ Laboratory analyses of soil samples 7166-B2, 7166-B4, and 7166-B5 exhibited select VOC and/or SVOC constituents above the laboratory method detection limit (MDL), however, the concentrations did not exceed the applicable NYSDEC RSCOs.

SECTION 2.0 Introduction

2.1 PURPOSE

The purpose of the ESA is to provide an appropriate inquiry to the previous and current ownership and uses of the property consistent with the American Society of Testing Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (E1527-00).

The purpose of the asbestos survey was to locate, assess, and provide data relative to the condition of friable and non-friable ACM identified within the subject facility with the understanding that the subject structure is scheduled to be renovated. The inspection was performed in general accordance with protocol outlined by the United States Environmental Protection Agency (USEPA) in 40 CFR Part 763, Asbestos Hazard Emergency Response Act (AHERA), Final Rule and Notice and the guidelines outlined by USEPA in the 1985 *Guidance for Controlling Asbestos Containing Materials in Buildings* (Office of Pesticides and Toxic Substances, Doc. No. 560/3-85-024) and Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12 NYCRR Part 56) and is inherently limited to accessible portions of the subject structures. The ACM survey was conducted as a non-destructive sampling effort, and suspect areas/materials beneath fixed equipment/furnishings or behind solid walls, above/beneath fixed ceilings and floors may not have been available for sampling and evaluation.

2.2 SCOPE OF SERVICES

Whitestone's Scope of Services in connection with the ESA included the following components:

- ▶ A review of readily-available federal, state, and local records through electronic database searches and Freedom of Information Act (FOIA) document requests;
- ▶ A site reconnaissance;
- ▶ Sanborn Fire Insurance Map and aerial photograph evaluation and interpretation;
- ▶ Interviews with knowledgeable representatives; and
- ▶ Summary report generation.

Whitestone's ACM Survey consisted of the following key components:

- ▶ Conducting a visual evaluation to locate suspected asbestos containing building materials within the subject structure.

- ▶ Separating suspect materials into homogeneous groupings based on type, color, consistency, and approximate date of application.
- ▶ Separating suspect materials into homogeneous groupings based on classification (surfacing, thermal, and/or miscellaneous materials).
- ▶ Preparing schematic or field drawings of surveyed areas to identify approximate sample locations.
- ▶ Collecting bulk samples of suspected ACM for laboratory analysis.
- ▶ Providing a written assessment of identified ACM in the subject structure including *Asbestos Sample Location Plans* and approximate volumes of identified ACM.

The Phase II SI activities included:

- ▶ installing five soil borings with Geoprobe drilling equipment to facilitate soil screening and select sample collection;
- ▶ logging and screening soil samples for visible evidence of contamination;
- ▶ installing one temporary wellpoint to facilitate groundwater sample collection; and
- ▶ submitting select soil and groundwater samples for laboratory analyses.

2.3 SIGNIFICANT ASSUMPTIONS

Whitestone assumes all information provided by the client, public officials, knowledgeable representatives, or others noted in this report to be factual unless otherwise contradicted or documented.

2.4 LIMITATIONS, EXCEPTIONS, SPECIAL TERMS, AND CONDITIONS

The goal of an ESA is to identify recognized environmental conditions at the subject site. With this in mind, Whitestone seeks to investigate the presence or likely presence of hazardous substances or petroleum products on a property under conditions which indicate an existing release, a past release, or a material threat of a release to structures of the property or into the soils, groundwater, or surface water of the property. This assessment includes a discussion of hazardous substances and petroleum products which are present at the property and are in compliance with appropriate regulations governing their storage and use.

This Phase I ESA does not include an extensive evaluation of *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be subject to enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* are not RECs, however, certain *Business Environmental Risks* (including RECs for which a No Further Action determination has been issued) and *de minimis* conditions as well as

recommendations for further action, if appropriate, are summarized in Section 9.1.2 of this Phase I ESA report. The Phase II SI was undertaken to evaluate select RECs identified during the Phase I ESA efforts.

This ESA does not address the requirements of any federal, state, or local laws other than the appropriate provisions of the Comprehensive Environmental Response, Compensation and Liability Act's (CERCLA's or Superfund's) innocent landowner defense. This ESA is not considered to be an exhaustive environmental investigation of this property, but rather, should be used as a due diligence guide for the parties involved in this proposed property transfer.

The asbestos survey results presented in this report reflect current regulations, laboratory and field techniques, and current knowledge of the hazards associated with the handling of asbestos. The asbestos survey findings are limited only to accessible areas of the subject property. Whitestone can make no representation of materials, adhesives, sealing materials, or materials underlying fixed equipment or appurtenances or not ordinarily visible and exposed.

The primary goal of this Phase II SI was to preliminarily establish subsurface environmental conditions through the collection and analyses of soil and groundwater samples prior to site redevelopment and to determine if on-site conditions have been adversely impacted by historic site use. This Phase II SI was not intended to be an exhaustive evaluation of subsurface conditions at the subject property.

The site building occupies nearly the entire subject property, therefore, drilling access was limited to the approximately 11 feet wide alley behind the site building (to the east) during the Phase II SI. As a result, Whitestone's investigation of subsurface conditions was limited to this accessible area.

2.5 RELIANCE

Commerce Bank, N.A., its successors, representatives, and/or assigns may rely upon the findings and conclusions of this document. This document was prepared for the sole use of Commerce Bank, N.A., its successors, representatives, and assigns, and should not be relied upon by any third party without Whitestone's written consent.

SECTION 3.0 Site Description

3.1 LOCATION AND DESCRIPTION

The subject property is located 38 and 40 Purchase Street, at the southeastern corner of the intersection of Smith Street and Purchase Street, Rye, Westchester County, New York, Latitude 40.9831 North, Longitude 73.6845 West. The property is identified further as Block 3, Lot 18, Section 146.07 and reportedly comprises 0.11 acre. The site location is shown in Figures 1 and 2 and illustrated in Appendix 1, Site Photographs.

3.2 SITE VICINITY AND GENERAL CHARACTERISTICS

The site currently consists of an irregularly-shaped improved parcel situated in a mixed commercial and residential section of Rye, Westchester County, New York. The subject property is bordered by Smith Street to the north, Rye Decorators and residential apartments to the south, a parking lot to the east, and Purchase Street to the west.

3.3 CURRENT AND PAST USES OF THE PROPERTY

The property currently is developed with an approximately 4,600 square feet (footprint) single-story brick building with basement. The building is divided into two commercial units. The northern unit of the site building (40 Purchase Street) currently is occupied by Belle Laundry and Cleaners and the southern unit of the site building (38 Purchase Street) currently is occupied by Fashion Nails II.

Based on historical information reviewed, the site building was constructed sometime between 1887 and 1892 and was utilized as a portion of C.H. Walker Carriage facility from the late 1800's until sometime between 1912 and 1919. The unit located at 40 Purchase Street reportedly was utilized as a grocery store from sometime after 1912 until approximately 1947 when a dry cleaning facility began operations. This portion of the site building has continued to operate as a dry cleaning facility from approximately 1947 to present. The unit located at 38 Purchase Street reportedly was occupied by Channel One Television in 1962 until sometime in the 1970's when a shoe store began operations. This portion of the site building continued to be used as a shoe store until approximately 1994 when Nail Salon II began operations. Nail Salon II has continued to occupy the southern unit of the site building from 1994 to present.

3.4 DESCRIPTIONS OF STRUCTURES, ROADS, AND OTHER SITE IMPROVEMENTS

3.4.1 Existing Structures/Improvements/Roads

An approximately 4,600 square feet (footprint) single-story brick building is located on the site. The building is divided into two commercial units and occupies nearly the entire subject property. The northern commercial unit (40 Purchase Street) currently is occupied by Belle Laundry and Cleaners and the southern commercial unit (38 Purchase Street) currently is occupied by the Fashion Nails II. The basements of both units are unfinished and used for utility and storage purposes. The remaining portions of the site consists of concrete-paved sidewalk at the main entrance of the site building and an asphalt-paved alley behind the site building (to the east).

3.4.2 Utilities

The site structure is serviced by electricity, public water, and sanitary sewer. Overhead electric lines enter the building at the northeastern corner from a pole mounted electric transformer located at Smith Street to the north. Subsurface electric also is located to the north beneath Smith Street and to the west along Purchase Street. Subsurface sanitary sewer, water, and natural gas lines are located to the north of the site beneath Smith Street. Although natural gas lines are located immediately to the north of the site, the site building currently is not connected to natural gas.

3.5 CURRENT AND PAST USES OF ADJOINING PROPERTIES

The properties adjacent to the subject site include:

- ▶ mixed commercial and residential development beyond Smith Street to the north,
- ▶ mixed commercial and residential development to the south;
- ▶ a parking lot to the east; and
- ▶ mixed commercial and residential development beyond Purchase Street to the west.

The area surrounding the subject property historically has supported a mix of dense commercial and residential development since prior to the late 1800's. Commercial and residential development has increased steadily in the general areas surrounding the subject property from the late 1800's to present.

SECTION 4.0

User Provided Information

4.1 TITLE RECORDS

Based on a review of reasonably ascertainable recorded land title records, no environmental liens or activity and use limitations are currently recorded against the subject property (see Section 5.4.4).

4.2 PRIOR/PENDING ENVIRONMENTAL LIENS OR ACTIONS

Based on information collected during the site reconnaissance and a search of readily-available local, state, and federal records, no environmental liens or environmental regulatory enforcement actions appear to have been instituted at the property. The site is not listed as a Superfund lien site (see Appendix 2).

4.3 SPECIALIZED KNOWLEDGE

Commerce Bank, N.A. has not made known to Whitestone specialized knowledge or experience concerning recognized environmental conditions at the subject property.

4.4 VALUATION REDUCTION FOR ENVIRONMENTAL ASSESSMENTS

No evidence has been made available to Whitestone that the purchase price of the subject property is significantly less than the purchase price of comparable properties.

4.5 OWNER, PROPERTY MANAGER AND OCCUPANT INFORMATION

Owner: 38-40 Purchase Street Corp.
James Kim, President
40 Purchase Street
Rye, New York 10580
Phone: (914) 434-6166
Fax: (914) 921-2569

Occupants: Belle Laundry and Cleaners
40 Purchase Street
Rye, New York 10580
Phone: (914) 967-1892

Fashion Nails II
38 Purchase Street
Rye, New York 10580
Phone: (914) 921-4000

4.6 REASON FOR PERFORMING PHASE I ESA

The purpose of this ESA is to provide an appropriate inquiry to the previous and current ownership and uses of the property consistent with ASTM E1527-00 with the understanding that the property is to be leased by Whitestone's client and the existing building will be renovated as a Commerce Bank branch.

SECTION 5.0 Records Review

In support of this Phase I ESA, Whitestone conducted a search of readily-available federal, state, and local public records to document, among other items, current and past site ownership and usage, and evidence (if any) of past or pending environmental corrective or enforcement actions at the property or nearby locations. To accomplish this, Whitestone performed a limited chain of title search, obtained a database records search, submitted Freedom of Information Act (FOIA) requests for pertinent data, and/or interviewed knowledgeable representatives.

5.1 STANDARD ENVIRONMENTAL RECORD SOURCES

Whitestone utilized the services of Environmental Data Resources, Inc. (EDR) to conduct an electronic search of the federal and state databases listed below (see Appendix 2). **The subject property is listed on the RCRIS SQG, FINDS, and DRYCLEANERS databases.**

1. **Federal NPL Site List.** The National Priorities List (NPL), also known as the Superfund List, is USEPA's listing of uncontrolled or abandoned CERCLA hazardous waste sites. The database search and radius profile revealed no NPL sites located within one mile of the property.
2. **Federal CERCLIS List.** The Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) list is a compilation of known or suspected uncontrolled or abandoned hazardous waste sites which USEPA has investigated or is investigating for the release or threatened release of hazardous substances pursuant to CERCLA. No CERCLIS sites are present within a 0.5 mile radius of the property.
3. **Federal CERCLIS NFRAP Site List.** The subject property is not a CERCLIS-No Further Remedial Action Planned (NFRAP) site. No CERCLIS NFRAP sites are located adjacent to the subject property.
4. **Federal RCRA CORRACTS Facility List.** The Corrective Action Report (CORRACTS) identifies hazardous waste handlers with Resource Conservation and Recovery Act (RCRA) corrective action activity. The database search identified no CORRACTS sites within a one mile radius of the property.
5. **Federal RCRA Non-CORRACTS TSD Facilities List.** The Resource Conservation and Recovery System (RCRIS) Treatment, Storage and Disposal (TSD) Facilities report contains information pertaining to permitted facilities which treat, store, or dispose of hazardous wastes. This report includes information traced by the RCRA Administrative Action Tracking System (RAATS). The radius profile revealed no RCRIS TSD sites or RAATS sites within a one-half mile radius of the property.

6. **Federal RCRA Small Quantity Generators (SQG) List.** The RCRIS SQG report contains information pertaining to facilities which either generate between 100 kg and 1,000 kg per month of RCRA hazardous waste or meet other applicable requirements of RCRA. **The subject property is listed as a RCRIS SQG site.** The RCRIS SQG EPA ID of the subject property is NYD981077993. No RCRIS violations have been reported at the subject property. The radius profile also revealed 11 RCRIS SQG sites within a 0.25 mile radius of the property, the nearest of which include Elite Cleaners located 0.05 mile north of the site at 7 Elm Place; Rye City Hall located 0.10 mile east of the site at 1051 Boston Post Road; and Fong's Laundry located 0.10 mile west of the site at 36 Elm Place. No violations have been reported for these RCRIS SQG facilities, therefore, adverse impact to subsurface conditions at the subject property due to contaminant migration from these RCRIS SQG sites is not anticipated.

7. **Federal RCRA Large Quantity Generator (LQG) List.** The RCRIS LQG report contains information pertaining to facilities which generate more than 1,000 kg per month of RCRA hazardous waste or meet other applicable requirements of RCRA. The radius profile revealed no RCRIS LQG sites within a 0.25 mile radius of the property.

8. **Federal ERNS List.** The Emergency Response Notification System (ERNS) is a national computer database which stores information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment during the previous reporting year. No releases were reported by ERNS within a 0.05 mile radius of the property during this period.

9. **State-Equivalent NPL and CERCLIS Sites.** The State Hazardous Waste Site (SHWS) records are the State's equivalent to CERCLIS. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties (PRPs). No SHWS sites are located within a one mile radius of the property.

10. **State Solid Waste Facilities/Landfill Sites.** The SWF/LS List is a listing of all active and inactive permitted waste disposal sites and processing facilities located in New York. No SWF/LS sites are located within a 0.5 mile radius of the property.

11. **New York Leaking Underground Storage Tank List.** The LTANK list is a comprehensive listing of all *reported* leaking USTs in the state of New York. Forty-three LTANK sites have been reported within a 0.5 mile radius of the property, the nearest of which include:

LTANK Site	Address	Release Date & Tank Description	Case Status
Barclay's Bank of New York	100 Purchase Street	April 6, 1998 - 1,500 Gallon Fuel Oil UST	Closed
Imaginarium	57 Purchase Street	November 3, 1999 - Fuel Oil	Closed
City of Rye Fire House	Locust Street	March 23, 2000 - Gasoline	Active

LTANK Site	Address	Release Date & Tank Description	Case Status
North American Properties	16 School Street	March 24, 2003 - Fuel Oil	Closed
Rye Town Hall	1051 Boston Post Road	August 24, 1995 - Fuel Oil	Closed
Private Residence	1619 Purchase Street	December 9, 2003 - Gasoline	Active

Based on the number of active and inactive LTANK facilities located within close proximity to the subject property, adverse impact to subsurface conditions at the subject property due to contaminant migration from these off-site sources is possible. However, future property owner/tenants would not be liable for contaminant conditions emanating from off-site sources.

12. **New York Registered Storage Tank List.** The Registered Storage Tank list is a comprehensive listing of all *registered* USTs in the state of New York. Nine registered storage tank sites are located within a 0.25 mile radius of the property, the nearest of which include:

UST Facility	Address	Number of USTs	UST Capacity (gallons)	Product
Mobil Service Station	1028 Boston Post Road	10	1 x 4,000 2 x 1,000 7 x 2,000	Gasoline Other
Mobil Service Station	69 Theodore Frend Avenue	5	1 x 8,000 2 x 6,000 2 x 1,000	Gasoline Fuel Oil Other
J. Lamberti Automotive	999 Boston Post Road	6	1 x 550 2 x 330 3 x 3,000	Waste Oil Fuel Oil Gasoline
Shell Service Station	1141 Boston Post Road	5	1 x 550 1 x 1,000 3 x 8,000	Fuel Oil Waste Oil Gasoline
Community Gardens Condo	181 Purchase Street	2	1 x 2,000 1 x 3,000	Fuel Oil

Four of the UST facilities located within the radius profile are also listed on the LTANK database, therefore, adverse impact to subsurface conditions at the subject property due to contaminant migration from these off-site sources is possible. However, future property owner/tenants would not be liable for contaminant conditions emanating from off-site sources.

13. **DRYCLEANERS.** The DRYCLEANERS database is a listing of all registered dry cleaning facilities in the State of New York. **The subject property is listed as a DRYCLEANERS facility.** Belle Laundry and Cleaners DRYCLEANERS facility ID is 3-5514-0070 and it is located in NYSDEC Region 3.

14. **Hazardous Materials Information Reporting System.** HMIRS contains hazardous material spill incident information as reported to the Department of Transportation. The subject property is not listed as a HMIRS facility.
15. **PCB Activity Database System.** PADS identifies generators, transporters, commercial storage facilities and/or brokers, and disposers of PCBs who are required to notify USEPA of such activities. The subject property is not listed as a PADS site.
16. **Facility Index System.** FINDS contains both facility information and "pointers" to other sources that contain more detail. These include RCRIS; the permit compliance system (PCS); the Aerometric Information Retrieval System (AIRS); the FIFRA and TSCA Enforcement System (FATES); the FIFRA/TSCA Tracking System (FTTS); CERCLIS; DOCKET (enforcement docket used to manage and track information on civil judicial enforcement cases for all environmental statutes); the Federal Underground Injection Control and Federal Reporting Data System; Surface Impoundments; TSCA Chemical and Commerce Information System; RCRA-J (Medical Waste Transporters/Disposers); TRIS, and TSCA. **The subject property is listed as a FINDS facility** due to its identification on the RCRIS database.
17. **Toxic Chemical Release Inventory System.** TRIS identifies facilities which are permitted to release toxic chemicals to the air, water, and land in reportable quantities under SARA Title III, Section 313. The subject property is not listed as a TRIS facility.
18. **The Federal Superfund Liens.** This list identifies properties which USEPA has the authority to file liens against in order to recover remedial action expenditures, or when the property owner receives notification of potential responsible party status. USEPA compiles a listing of filed notices of Superfund liens. The subject property is not listed as an NPL Liens site.
19. **Toxic Substances Control Act.** TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory List, including data on the production volume of these substances by plant site. The subject property is not listed as a TSCA site.
20. **Material Licensing Tracking System.** MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. The MLTS list is updated quarterly. The subject property is not listed as a MLTS site.
21. **Records of Decision.** ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup. No RODs are in effect for sites within a one mile radius of the property.
22. **Superfund (CERCLA) Consent Decrees.** Legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites are often memorialized in Consent Decrees. No Consent Decrees is are reported for sites within a one mile radius of the property.

23. **Former Manufactured Gas (Coal Gas Site).** Historical coal gasification sites present a variety of potential environmental hazards. The subject property is not listed as a former coal gas site, and no former coal gas sites are located within a one mile radius of the subject site.
24. **Federal Reporting Data System.** FRDS provides information regarding public water supplies and their compliance with monitoring requirements, maximum contaminant levels, and other requirements of the Safe Drinking Water Act of 1986. No FRDS wells were reported within a two mile radius of the site (see Section 6.2.3.3).
25. **Area Radon Information.** A national database has been developed by USEPA which is a compilation of the EPA/State Residential Radon Survey and the National Residential Radon Survey. The study includes data which has been supplemented by information collected at private sources such as universities and research institutions. Although no site-specific radon data is available for the subject property, the average radon activity for Westchester County, New York is 0.93 picocuries per liter (pCi/L) for living areas and 1.73 pCi/L for basements. A total of 650 sites have been tested and reported for radon in Westchester County with three percent of the sites experiencing radon levels in living areas exceeding USEPA's standard of 4.0 pCi/L. Fifteen percent of the sites tested had basement radon levels in excess of 4.0 pCi/L.

Based on the database record search, a total of 80 listed sites have been identified in the vicinity of the property. The database search also identified 29 "orphan" sites which could not be located electronically due to insufficient records. Upon initial evaluation of these sites and available information gathered by Whitestone, impact to the subject property by the off-site migration of contaminants from, or presence of hazardous substances at, nearby properties is possible. However, future property owner/tenants would not be liable for contaminant conditions emanating from off-site sources.

5.2 ADDITIONAL ENVIRONMENTAL RECORD SOURCES

The following state and/or local regulatory agencies were contacted with a request to access files regarding the property pursuant to FOIA (see Appendix 3):

1. **New York State Department of Environmental Conservation**
Contact: Records Access Officer
625 Broadway Avenue
Albany, New York 12233
2. **Westchester County Department of Health**
Contact: Mary Landrigan
145 Huguenot Street, 8th Floor
New Rochelle, New York 10801
3. **Town of Rye Fire Department**
Contact: Mr. Petter Cotter
Locust Avenue
Rye, New York 10580

4. **Town of Rye Building Department**

Contact: Mr. Vincent Tamboro
1051 Boston Post Road
1st Floor Room 14, City Hall
Rye, New York 10580

To date, five written responses have been received from the FOIA requests. Four responses were received from the New York Department of Environmental Conservation (NYSDEC), including an August 30, 2004 letter from the NYSDEC Region 3 Records Access Office which stated that Whitestone's FOIA request had been forwarded to the NYSDEC Air, Water, and Environmental Permits Programs. In addition, the letter stated that no spills or PCB records were found in the Department's files for the subject property. In a subsequent September 2, 2004 letter, the NYSDEC Division of Air Resources provided copies of numerous inspection reports associated with the dry cleaning operation located at 40 Purchase Street. The inspection reports did not indicate violations regarding the on-site operations. In addition, the NYSDEC Division of Environmental Permits and the Division of Water responded in subsequent letters dated September 3, 2004 and September 7, 2004, respectively. Both letters stated that no records were found in the Division's files for the subject property. The Westchester County Health Department also responded to Whitestone's FOIA requests in a September 16, 2004 letter which provided a copy of a July 26, 2004 letter from the Department to the owner of Belle Laundry and Cleaners which acknowledged that the facility was operated in compliance with applicable Westchester County laws and regulations. Any further pertinent information generated in response to these requests will be provided in a supplemental report.

5.3 **PHYSICAL SETTING SOURCE(S)**

The current United States Geological Survey (USGS) *7.5 Minute Topographic Quadrangle - Mamaroneck, New York* dated 1967 showing the area on which the subject property is located is provided as Figure 1.

According to the State of New York, State Education Department, New York State Geological Survey, *Geologic Map of New York - Lower Hudson Sheet*, dated 1970, reprinted 1995, the subject site is located within the Coastal Plains Physiographic Province of New York. Specifically, the area is underlain by the Cambrian-aged Manhattan Formation. Soils in this area consist of alluvial sediments and glacial till deposits primarily comprised of marine and estuarine sands, silts and clays.

5.4 **HISTORICAL USE INFORMATION (SUBJECT PROPERTY)**

5.4.1 **Aerial Photograph Evaluation**

Aerial photographs were procured from Environmental Data Resources, Inc. (EDR) for the years 1954, 1966, 1974, 1989, and 1994 and reviewed by Whitestone for the subject property. A summary of the photos is outlined below. Copies of the aerial prints are included as Appendix 4.

- 1954:** In 1954, the subject property was occupied by the current site structure. Smith Street bordered the site to the north and Purchase Street bordered the site to the west. Dense commercial development was located immediately to the south and east of the subject property and the general area surrounding the site consisted of residential and commercial development.
- 1966:** Between 1954 and 1966, Interstate 95 was constructed to the north of the subject property and commercial development increased to the northeast. No other significant changes were evident for the subject property or the general area surrounding the site between 1954 and 1966.
- 1974:** No significant changes were evident for subject property or general area surrounding the site between 1966 and 1974.
- 1989:** No significant changes were evident for subject property or general area surrounding the site between 1974 and 1989.
- 1994:** Due to poor photograph quality, a detailed examination of the 1994 aerial photograph was not possible. However, it appears that no significant changes occurred to the subject property or the general area surrounding the site between 1989 and 1994.

5.4.2 Fire Insurance Maps

Sanborn Fire Insurance Maps are available for this property for the years 1887, 1892, 1898, 1907, 1912, 1919, 1934, 1942, 1950, 1990, 1992, 1993, 1994, 1995, and 1996. A summary of the pertinent features highlighted by the Sanborn Maps is outlined below. Copies of the Sanborn Fire Insurance Maps are included as Appendix 5 to this report.

- Sanborn Map 1: 1887** In 1887, the subject property appeared to be a vacant undeveloped parcel. The subject site was bordered by School Street to the north and Purchase Street to the west. The general area surrounding the site consisted of residential and commercial development.
- Sanborn Map 2: 1892** Between 1887 and 1892, the subject property was developed within an apparent commercial structure which appears to be associated with the A.H. Walker Carriage facility located immediately to the south of the subject site. No other significant changes were evident to the subject property or the general area surrounding the site between 1887 and 1892.
- Sanborn Map 3: 1898** Between 1892 and 1898, an addition was constructed to the eastern portion of the site building. In addition, the site structure was shown as a portion of the A.H. Walker Carriage facility and was labeled "paints". No other significant changes were evident for the subject property or the general areas surrounding the site between 1892 and 1898.

- Sanborn Map 4: 1907** Between 1898 and 1907, the name of the road which bordered the subject site to the north was changed from School Street to Smith Street. Commercial development increased to the southeast of the subject site. No other significant changes were evident for the subject property or the general areas surrounding the site between 1898 and 1907.
- Sanborn Map 5: 1912** Between 1907 and 1912, the site structure was identified as a Wagon Painting and Wood Working Shop. Commercial development increased to the southwest of the subject property. No other significant changes were evident for the subject property or the general areas surrounding the site between 1907 and 1912.
- Sanborn Map 6: 1919** Between 1912 and 1919, the site structure was no longer identified as a Wagon Painting and Wood Working facility, however, it continued to be utilized for unspecified commercial purposes. No other significant changes were evident for the subject property or the general areas surrounding the site between 1912 and 1919.
- Sanborn Map 7: 1934** No significant changes were evident for the subject property or the general area surrounding the site between 1919 and 1934.
- Sanborn Map 8: 1942** No significant changes were evident for the subject property or the general area surrounding the site between 1934 and 1942.
- Sanborn Map 9: 1950** No significant changes were evident for the subject property or the general area surrounding the site between 1942 and 1950.
- Sanborn Map 10: 1990** Between 1950 and 1990, the northern portion of the site structure was identified as a Dry Cleaning facility and the southern portion was utilized for an unspecified commercial purpose.
- Sanborn Map 11: 1992** No significant changes were evident for the subject property or the general area surrounding the site between 1990 and 1992.
- Sanborn Map 12: 1993** No significant changes were evident for the subject property or the general area surrounding the site between 1992 and 1993.
- Sanborn Map 13: 1994** No significant changes were evident for the subject property or the general area surrounding the site between 1993 and 1994.
- Sanborn Map 14: 1995** No significant changes were evident for the subject property or the general area surrounding the site between 1994 and 1995.
- Sanborn Map 15: 1996** No significant changes were evident for the subject property or the general area surrounding the site between 1995 and 1996.

5.4.3 Property Tax Files

Discussions with the Westchester County Clerk's Office indicated that the subject property currently is and has been owned by 38-40 Purchase Street Corp. located at 40 Purchase Street, Rye, New York. No additional pertinent information was available from the Westchester County Clerk's Office.

5.4.4 Limited Chain of Title Search

A limited chain of title search was initiated in an attempt to determine past site usage and ownership. Copies of the deeds were not available at the County's office.

5.4.5 City Directory

Whitestone utilized the services of Environmental Data Resources, Inc. to conduct an electronic search of business directories in 1962 (see Appendix 3). This search revealed that in 1962, the subject site address is listed as "Belle Laundry and Cleaners" (40 Purchase Street) and "Channel One Television" (38 Purchase Street).

5.4.6 Additional Historical Sources

In addition to the historical references discussed above, Whitestone also conducted a review of the following documents pertinent to the subject property and the subject area:

- ▶ *ALTA/ASCM Land Title Survey, Commerce Bank/Pennsylvania, N.A., 364-370 White Plains Road, Lots 2 & 4, Block 1, Section 66L, Town of Eastchester, Westchester County, New York* prepared by Control Point Associates, Inc. dated September 2, 2004.
- ▶ *Subsurface Investigation Summary Letter, 40 Purchase Street, Rye, New York 11580* prepared by Merritt Engineering Consultants, P.C. dated July 13, 2001.

The *ALTA/ASCM Land Title Survey* depicts existing conditions at the subject property and is the basis for Figure 2. The *Subsurface Investigation Summary Letter* outlines the scope of work that was performed at the subject property on June 29, 2001. The report states that a total of three soil samples and one groundwater sample were collected at the subject site. The samples were submitted to Long Island Analytical Laboratories, Inc. and analyzed for dry-cleaning compounds (EPA method 8260). The report concludes that the analytical results did not indicate elevated levels of dry cleaning chemicals in any of the samples and recommends no further investigation.

5.5 HISTORICAL USE INFORMATION (ADJOINING PROPERTIES)

The area surrounding the subject property historically has supported a mix of dense commercial and residential development since prior to the late 1800's. Commercial and residential development has increased steadily in the general areas surrounding the subject property from the late 1800's to present.

SECTION 6.0

Site Reconnaissance

6.1 METHODOLOGY AND LIMITING CONDITIONS

Whitestone conducted a reconnaissance of accessible portions of the subject property on August 18, 2004. Existing site conditions and potential recognized environmental conditions (RECs) were photographed (see Appendix 1) and are documented below. Suggestions for the further investigation and/or remediation of the RECs identified in the following subsections are outlined in Section 8.0.

6.2 GENERAL SITE SETTING

Site location and description information is provided in Section 3.1 of this report.

6.2.1 Current and Past Uses of the Property

Current and past uses of the subject property are discussed in Sections 3.3 and 5.4 of this report.

6.2.2 Current and Past Uses of Adjoining Properties and the Surrounding Area

Current and past uses of adjoining properties and the surrounding area are discussed in Sections 3.5 and 5.4 of this report.

6.2.3 Geological/Hydrogeological Characteristics

6.2.3.1 Topography/Geology

Site surface topography slopes downward from an approximate surface elevation of 28 feet above msl in the southeastern portion of the site to an approximate surface elevation of 25 feet above msl in the southwestern portion of the site.

According to the State of New York, State Education Department, New York State Geological Survey, *Geologic Map of New York - Lower Hudson Sheet*, dated 1970, reprinted 1995, the subject site is located within the Coastal Plains Physiographic Province of New York. Specifically, the area is underlain by the Cambrian-aged Manhattan Formation. Soils in this area consist of alluvial sediments and glacial till deposits primarily comprised of marine and estuarine sands, silts and clays.

Soil borings installed during Whitestone's September 22, 2004 Phase II SI encountered fill material generally consisting of variable amounts of brown and orange/brown silt, fine to coarse sand, silty clay, and gravel underlying surface cover to depths ranging from approximately 1.0 foot below ground surface (fbgs) to approximately 7.0 fbgs. In addition, brick fragments were encountered in soil boring B-2 at depths ranging from 1.0 fbgs to 2.0 fbgs. The fill stratum was underlain by native material which consisted of orange-brown medium to coarse sand to boring termination depths of approximately 12.0 fbgs. Static groundwater was observed at a depth of approximately 9.0 fbgs in the four borings installed during Whitestone's September 22, 2004 Phase II SI.

6.2.3.2 Surface Water/Wetlands

No surface water was observed during Whitestone's August 19, 2004 site visit. In addition, the subject property is not described on the U.S. Fish and Wildlife Services *National Wetlands Inventory Interactive Wetlands Database Map* as a mapped wetlands area. A wetlands survey/delineation was beyond the scope of this Phase I ESA.

6.2.3.3 Groundwater

Static groundwater was observed at a depth of approximately 9.0 fbgs in all of the four borings installed during Whitestone's September 22, 2004 Phase II Subsurface Investigation.

The nearest groundwater well for which public database information is available is located 0.25 mile from the site. The closest federal and/or state database wells north, south, east, and west of the site are characterized as follows:

Location	Distance to Site	Well Depth	Depth to Groundwater	Comments
North Quadrant	0.25 Mile	175 Ft.	Not Reported	USGS Well
South Quadrant	0.25 Mile	191 Ft.	Not Reported	USGS Well
East Quadrant	0.75 Mile	206 Ft.	11 Ft.	USGS Well
West Quadrant	0.75 Mile	432 Ft.	18 Ft.	USGS Well

None of the wells listed above are noted as having environmental violations or concerns associated with their usage or construction.

6.2.4 Site Vicinity and Characteristics

Information pertaining to existing site structures/improvements, utilities, roads, potable water supply and sewage disposal system is provided in Section 3.4 of this report.

6.3 INTERIOR AND EXTERIOR OBSERVATIONS

6.3.1 Presence of Hazardous Materials - Interior Reconnaissance

The following hazardous and potentially hazardous materials and/or wastes were identified within the existing site structure and are summarized as follows:

Material	Quantity/ Container Size	Location	Condition	Evidence of Release (Yes/No)
Concentrated Detergent	One 15 gallon container, five 1 gallon containers	Eastern portion of Belle Laundry and Cleaners	Good	No
Water/Stain Repellant Concentrate	One 55 gallon drum	Eastern portion of Belle Laundry and Cleaners	Good	No
Spotting Cleaner	Eight 1 gallon containers	Eastern portion of Belle Laundry and Cleaners	Good	No
Dry Cleaning Solvent Waste	Two 25 gallon drums	Eastern portion of Belle Laundry and Cleaners	Good	No
Bleach	Five 1 gallon containers	Eastern portion of Belle Laundry and Cleaners	Good	No
Paint	Ten 1 gallon containers	Basement of Fashion Nails II	Good	No

The materials listed above were stored in a sound environmental fashion and no evidence of release was observed during Whitestone's August 18, 2004 site reconnaissance. A dry cleaning machine is located at the northeastern portion of the site building in Belle Laundry and Cleaners. Waste solvent generated by the machine is stored in the two 25 gallon waste drums. Once every two or three months the drums become full and are removed from the site by a licensed waste hauler. New dry cleaning solvent is delivered directly into the dry cleaning machine. In addition, the site was utilized as a wagon painting facility from at least 1892 until approximately 1915. Hazardous/potentially hazardous materials including paints and thinners likely were used and stored on site during this time.

6.3.2 Presence of Hazardous Materials - Exterior Reconnaissance

As part of the site reconnaissance effort, Whitestone canvassed the exterior areas of the subject property and the boundary of immediately adjoining properties. No evidence of the on-site use, generation, or disposal of potentially hazardous materials and/or wastes was observed during Whitestone's exterior reconnaissance.

6.3.3 Storage Tanks/Pipelines

6.3.3.1 Underground Storage Tanks (USTs)

As noted in Section 5.1, no USTs are registered at the subject site and no indication of former or current USTs was observed during Whitestone's August 18, 2004 site reconnaissance.

6.3.3.2 Aboveground Storage Tanks (ASTs)

Three 275 gallon fuel oil ASTs are located within the site building. Two fuel oil ASTs are located in the basement of Belle Laundry and Cleaners in the northern portion of the site building (40 Purchase Street) and the third fuel oil AST is located in the basement of Fashion Nails II in the southern portion of the site building (38 Purchase Street). No evidence of leaks or release was observed in the vicinity of the ASTs.

6.3.3.3 Septic Tanks

The site building currently is connected to the municipal sanitary sewer system. The date that the site was connected to the sanitary sewer system was not readily available, however, based on the age of the site building (constructed between 1887 and 1892), it is possible that the site was formerly serviced by an on-site septic system. No evidence of a septic system was observed during the site reconnaissance, however, it is possible that components of a previous septic system are present on site.

6.3.3.4 Pipelines and Other Storage Vessels

No petroleum pipelines or other storage vessels were observed on the subject property during the August 19, 2004 site reconnaissance.

6.3.4 Indications of Polychlorinated Biphenyls (PCBs)

Sites developed prior to 1980 may house oil-filled electrical, mechanical, hydraulic, or heat transfer equipment and/or fluorescent light ballasts containing polychlorinated biphenyls (PCBs). Suspect PCB equipment was observed on site including fluorescent light ballasts located throughout the site building.

6.3.5 Asbestos Containing Materials (ACM)

Structures pre-dating 1980 may have been built using asbestos containing construction or insulation materials. An asbestos survey was conducted in conjunction with the Phase I ESA to collect and analyze materials suspected to contain asbestos. Results of the asbestos survey are presented in Section 9.0.

6.3.6 Lead Based Paints

Structures pre-dating 1980 may be coated with lead based paints (LBP). Delaminating, peeling painted surfaces were not identified on site, however, based on the age of the site building (constructed between 1887 and 1892), LBP should be anticipated.

6.4 ADDITIONAL INTERIOR OBSERVATIONS

Based on the interior site reconnaissance, review of records, and historical usage of the subject property, Whitestone has identified the following conditions which may impact future development of this property or present the potential for future environmental liability.

- ▶ Heating/Cooling: Belle Laundry and Cleaners is heated by a fuel oil burning boiler located in the basement. Fashion Nails II is heated by a fuel oil burning boiler and cooled by a wall-mounted electric air conditioning unit.
- ▶ Stains or Corrosion: Not Observed.
- ▶ Drains and Sumps: Two sumps were observed at the subject property during Whitestone's August 19, 2004 site reconnaissance. One sump is located in the basement of Belle Laundry and Cleaners and a second sump is located in the basement of Fashion Nails II. These sumps reportedly discharge into the public sanitary sewer system. The sumps are used to pump water out of the basements during flooding events.

6.5 ADDITIONAL EXTERIOR OBSERVATIONS

Based on the exterior site reconnaissance, review of records, and historical usage of the subject property and surrounding properties, Whitestone has identified the following conditions which may impact future development of this property or present the potential for future environmental liability.

- ▶ Pits, Ponds or Lagoons: Not Observed.
- ▶ Stained Soil or Pavement: Not Observed.
- ▶ Stressed Vegetation: Not Observed.
- ▶ Solid Waste Disposal: Solid waste generated on site is disposed in waste cans and removed from the site by local waste removal services.
- ▶ Waste Water: Not Observed.
- ▶ Wells: Not Observed.

- ▶ Septic Systems: Not Observed.
- ▶ Current/Past Agricultural Activity: Not Observed.
- ▶ Potential Off-Site Impacts/Concerns: Based on the number of listed contaminated sites located within close proximity to the subject property, adverse impact to subsurface conditions at the subject property due to contaminant migration from these off-site sources is possible. However, future property owner/tenants would not be liable for contaminant conditions emanating from off-site sources.

SECTION 7.0

Interviews

Telephone and/or in-person interviews conducted with the following public officials and knowledgeable site representatives are summarized below:

**SITE OWNER/
OCCUPANT**

James Kim • 38-40 Purchase Street Corp.

Whitestone interviewed the site owner in order to obtain pertinent current and historic site information. Mr. Kim informed Whitestone that he has owned the property since 2001. He stated that the portion of the site building currently occupied by Belle Laundry and Cleaners has been a dry-cleaning facility since 1947 and that prior to 1947 it was occupied by a grocery store. Mr. Kim also stated that Fashion Nails II has occupied the southern portion of the site building since 1994 and that prior to that time it was occupied by a shoe store for approximately 30 years. Furthermore, Mr. Kim provided information pertaining to the utilities. He stated that the Belle Laundry and Cleaners portion of the site building was not heated or cooled and that the Fashion Nails II portion of the building was heated by a fuel oil burning boiler situated in the basement and cooled by a wall mounted electric air conditioning unit. He further stated that the sump pumps located in the basement of both commercial units discharged into the municipal sanitary sewer system and that the building was not serviced by natural gas. Mr. Kim stated that he was not aware of any environmental violations or liens, associated with the site. He also provided a copy of a former subsurface evaluation report dated July 13, 2001 which summarized soil and groundwater sampling activities conducted on site.

Taesik Kim • Belle Laundry and Cleaners

Whitestone interviewed the site occupant of Belle Laundry and Cleaners during the August 19, 2004 site reconnaissance. Mr. Kim informed Whitestone that the current occupant of Belle Laundry and Cleaners has operated on site since 1984 and owned the building since 2001. He further stated that this portion of the building has operated as a dry cleaning facility for approximately 70 years. Mr. Kim stated that an environmental subsurface evaluation was conducted in 2001 when the Kim's purchased the property and that his son, James, had a copy of the report. He provided Whitestone with access to view the waste removal manifests and the two approximately 25 gallon waste storage drums located at the northeastern portion of the building. He stated that the waste drums were filled every two or three months and were removed from site when full. He also stated that the clean

dry cleaning solvent was delivered directly into the dry cleaning machine. Mr. Kim indicated that no spills or similar violations have occurred at the site.

SITE OCCUPANT

Susie Kwon • Fashion Nails II

Whitestone interviewed the site occupant of Fashion Nails II during the August 19, 2004 site reconnaissance. Ms. Kwon stated that the business had been operating on site for approximately eight years. She stated that she was unaware of prior occupants. Ms. Kwon further stated that she knew very little regarding the site and that the site owner would be better to provide pertinent site information.

**LOCAL GOVERNMENT
OFFICIAL**

Dawn Czerba • City of Rye Building Department

Whitestone contacted the City of Rye Building Department in order to obtain pertinent information regarding the subject property. Ms. Czerba informed Whitestone that there were no violations in the Department's file associated with the subject property. She also stated that she did not know when the site building was connected to the sanitary sewer system. Ms. Czerba referred Whitestone to the City of Rye Engineering Department for more information. No additional pertinent information was available from the City of Rye Building Department.

Copies of Records of Communication for each of the telephone and/or in-person interviews listed above are included in Appendix 3.

SECTION 8.0

Additional Services - Phase II Site Investigation

Whitestone conducted Phase II Site Investigation (SI) field activities at the subject property on September 22, 2004 to evaluate subsurface conditions in the vicinity of the existing dry-cleaning facility located on site. During the Phase II SI, Whitestone advanced five geoprobe borings to obtain subsurface soil and groundwater samples for laboratory analyses. A summary of Whitestone's findings, conclusions, and recommendations associated with these efforts is presented below.

8.1 SCOPE OF WORK AND LIMITATIONS

The primary goal of this Phase II SI was to preliminarily establish subsurface environmental conditions through the collection and analyses of soil and groundwater samples prior to site redevelopment and to determine if on-site conditions have been adversely impacted by historic site use. This Phase II SI was not intended to be an exhaustive evaluation of subsurface conditions at the subject property. Specifically, the Phase II SI activities included:

- ▶ installing five soil borings with Geoprobe drilling equipment to facilitate soil screening and select sample collection;
- ▶ logging and screening soil samples for visible evidence of contamination;
- ▶ installing one temporary wellpoint to facilitate groundwater sample collection; and
- ▶ submitting select soil and groundwater samples for laboratory analyses.

8.2 SAMPLING METHODOLOGY

8.2.1 Geoprobe Investigation

A total of five borings (B-1 through B-5) were advanced utilizing a truck-mounted, hydraulically-driven Geoprobe sampling unit subcontracted from Zebra Environmental Corporation (Zebra). The borings were advanced by driving a two-inch diameter by four-foot long macro-core sampler through the soil profile. Soil samples were forced into the tube as the sampler was advanced. The soil cores were screened with a PID to identify potential concentrations of volatile organic compounds (VOCs). The soil interval displaying the highest PID reading or visible evidence of contamination was targeted for laboratory analyses. Sampling equipment was decontaminated between successive uses. Boring logs are provided in Appendix 8.

Groundwater sample 7166-B1-GW was collected from boring B-1 by drilling beneath the groundwater table with a macro-core sampler and installing a temporary PVC screen. Dedicated polyethylene tubing was then lowered to the water table, and a groundwater sample was drawn to the surface for containerization.

Four soil samples were collected from Geoprobe borings B-1, B-2, B-4, and B-5 and submitted to Integrated Analytical Laboratories, L.L.C. (IAL) of Randolph, New Jersey. The soil samples collected from the borings were analyzed for volatile organic compounds (VOCs) by USEPA Method 8260 and semi-volatile organic compounds (SVOCs) by USEPA Method 8270. The groundwater sample collected from the PVC screen installed in boring B-1 was submitted to IAL for VOC analyses. Preliminary analytical results comprise Appendix 9 and are summarized in Table 1 (Soil Boring Installation & Sampling Summary), Table 2 (Soil Sampling & Analyses Data Summary), and Table 3 (Groundwater Sampling & Analyses Data Summary). The Site Location Map is attached as Figure 1, and sample locations are shown on Figure 4 (Soil Boring Location Plan).

Contaminant concentrations exhibited within soil samples were compared to New York State Department of Environmental Conservation (NYSDEC) Recommended Soil Cleanup Objectives (RSCOs). Groundwater contaminant concentrations were compared to the NYSDEC's groundwater standards/criteria. A summary of the soil and groundwater sampling is presented below.

8.3 SOIL SAMPLING AND ANALYSIS DATA SUMMARY

8.3.1 Sampling Strata

Five soil borings were installed utilizing truck-mounted, hydraulically-driven Geoprobe drilling equipment subcontracted from Zebra to depths of approximately 12.0 feet below ground surface (fbgs). Materials encountered in the borings included:

Surficial Material: Soil borings B-1, B-2, B-4, and B-5 were installed through the eastern asphalt-paved alley of the site and encountered approximately one foot of asphalt pavement and stone subbase. Soil boring B-3 was not installed at the subject property.

Fill Material: Fill material encountered in the soil borings installed throughout the site (B-1, B-2, B-4, and B-5) consisted of variable amounts of brown and orange/brown silt, fine to coarse sand, silty clay, and gravel at depths ranging from approximately 1.0 fbgs to 5.5 fbgs. In addition, brick fragments were encountered in soil boring B-2 at depths ranging from 1.0 fbgs to 2.0 fbgs.

Native Material: Native materials were observed in soil borings B-1, B-2, B-4, and B-5. The native soil consisted of brown and orange-brown medium to coarse sand at depths ranging from approximately 5.5 fbgs to 12.0 fbgs. Additionally, these borings encountered black stained medium to coarse sand at depths ranging from 10.0 fbgs to 12.0 fbgs.

Groundwater: Static groundwater was encountered within the soil profile at a depth of approximately 9.0 fbs in soil borings installed during the SI.

8.3.2 Laboratory Analysis Data Summary

8.3.2.1 Current and Historic Dry Cleaning Operations

Soil borings B-1, B-2, B-4, and B-5 were installed in the northeastern portion of the subject site behind the site building. Soil boring B-3 was not installed at the subject property during this SI. Elevated PID readings were observed in soil boring B-1 and B-5 and visual/olfactory evidence indicative of petroleum contamination were observed in soil borings B-1, B-2, B-4, and B-5. A maximum PID reading of 54.0 parts per million (ppm) and petroleum-like odors were detected in the 10.0 fbs to 12.0 fbs black-stained interval in soil boring B-1, and soil sample 7166-B1 was retained from a depth of 10.0 fbs to 10.5 fbs. Additionally, a maximum PID reading of 20 ppm and petroleum-like odors were observed in the 11.7 to 12.0 fbs black stained interval in soil boring B-5. Accordingly, soil sample 7166-B5 was retained from the 11.5 fbs to 12.0 fbs interval.

Although visual/olfactory evidence indicative of petroleum contamination was observed in soil borings B-1 B-2, B-4, and B-5, laboratory analyses of soil samples 7166-B1 did not detect VOCs or SVOCs above laboratory method detection limits (MDLs). Soil samples 7166-B2 and 7166-B5 did not detect VOCs above laboratory MDLs, however, laboratory analyses of soil sample 7166-B2 detected a select SVOC, phenanthrene, at a concentration of 0.181 ppm. This concentration is above laboratory MDL but does not exceed NYSDEC RSCO of 50.0 ppm for phenanthrene. Soil sample 7166-B5 also detected select VOCs, ethylbenzene and total xylenes, at concentrations of 0.111 ppm and 0.163 ppm, respectively. These levels do not exceed NYSDEC RSOCs of 5.5 ppm for ethylbenzene and 1.2 ppm for total xylenes. Laboratory analysis of soil sample 7166-B4 detected a select VOC, tetrachloroethane, at a concentration of 0.067 ppm. This concentration is above laboratory MDL but below the NYSDEC RSCO of 1.4 ppm for tetrachloroethane.

In addition, select SVOCs, including phenanthrene, fluoranthene, pyrene, chrysene, benzo[b]fluoranthene, benzo[k]fluoranthene, ideno[1,2,3-cd]pyrene, and benzo[g,h,i]perylene were detected in soil sample 7166-B4 above laboratory MDLs at concentrations of 0.144 ppm, 0.338 ppm, 0.281 ppm, 0.265 ppm, 0.228 ppm, 0.217 ppm, 0.162 ppm, and 0.195 ppm, respectively. These concentrations do not exceed NYSDEC RSCOs of 50.0 ppm for phenanthrene, fluoranthene, pyrene, and benzo[g,h,i]perylene; 0.4 ppm for chrysene; 1.1 ppm for benzo[b]fluoranthene and benzo[k]fluoranthene; and 3.2 ppm for ideno[1,2,4-cd]pyrene. Laboratory analyses of soil sample 7166-B4 also detected select SVOCs including benzo[a]anthracene and benzo[a]pyrene at concentrations of 0.242 ppm and 0.244 ppm, respectively. These concentrations exceed NYSDEC RSCOs of 0.224 ppm and 0.061 ppm for benzo[a]anthracene and benzo[a]pyrene, respectively.

Groundwater samples 7166-B1-GW was collected from soil boring B-1. Laboratory analyses of groundwater sample 7166-B1-GW detected vinyl chloride, benzene, trichloroethene, and tetrachloroethene at concentrations of 2.87 parts per billion (ppb), 3.55 ppb, 88.3 ppb, and 134.0 ppb, respectively. These levels exceed the NYSDEC groundwater standard/criteria of 2.0 ppb for vinyl chloride, 0.7 ppb for benzene, 5.0 ppb for trichloroethene, and 5.0 ppm for tetrachloroethene. Additionally, laboratory analyses of groundwater sample 7166-B1-GW detected chloromethane, methly-t-butyl-ether (MTBE), and toluene at concentrations of 6.04 ppb, 0.357 ppb, and 3.41 ppb, respectively. However, these concentrations are below NYSDEC standards of 50.0 ppb for chloromethane, 10.0 ppb for MTBE, and 5.0 ppb for toluene.

TABLE 1
SOIL BORING INSTALLATION & SAMPLING SUMMARY
 Proposed Commerce Bank Site
 Smith Street and Purchase Street
 Rye, Westchester County, New York

Boring Number	Soil Sample Intervals (fbgs)	Total Depth (fbgs)	Depth to Groundwater (fbgs)	Maximum PID Reading (ppm)
7166-B1	10.0 to 10.5	12.0	9.0	54
7166-B2	10.5 to 11.0	12.0	9.0	0.0
7166-B4	8.5 to 9.0	12.0	9.0	0.0
7166-B5	11.5 to 12.0	12.0	9.0	20

NOTES:

PID Photoionization Detector
 fbgs feet below ground surface
 ppm parts per million

TABLE 2
SOIL SAMPLING & ANALYSES DATA SUMMARY
 Proposed Commerce Bank Site
 Smith Street and Purchase Street
 Rye, Westchester County, New York

Sample Number	VOCs Detected Above MDLs (ppm)	SVOCs Detected Above MDLs (ppm)
7166-B1	ND	ND
7166-B2	ND	Phenanthrene- 0.181
7166-B4	Tetrachloroethene- 0.067	Phenanthrene- 0.144 Fluoranthene- 0.338 Pyrene- 0.281 Benzo[a]anthracene- 0.242 Chrysene- 0.265 Benzo[b]fluoranthene- 0.228 Benzo[k]fluoranthene- 0.217 Benzo[a]pyrene- 0.244 Ideno[1,2,3-cd]pyrene- 0.162 Benzo[g,h,i]perylene- 0.195
7166-B5	Ethylbenzene- 0.111 Total Xylenes- 0.163	ND

NOTES:

- [BOLD] Exceeds NYSDEC groundwater standard/criteria
- VOCs Volatile Organic Compounds
- SVOCs Semi-Volatile Organic Compounds
- MDLs Laboratory Method Detection Limits
- ppm parts per million
- ND Not detected above laboratory MDLs

TABLE 3 GROUNDWATER SAMPLING & ANALYSES DATA SUMMARY Proposed Commerce Bank Site Smith Street and Purchase Street Rye, Westchester County, New York	
Sample Number	VOCs Detected Above MDLs (ppb)
7166-B1-GW	Chloromethane- 6.04 Vinyl Chloride- 2.87 Methyl-t-Butyl Ether (MTBE)- 0.357 Benzene- 3.55 Trichloroethene (TCE)- 88.3 D Toluene- 0.445 Tetrachloroethene- 134.0 D
NOTES: [BOLD] Exceeds NYSDEC groundwater standard/criteria VOCs Volatile Organic Compounds MDLs Laboratory Method Detection Limits ppb parts per billion D. The compound was reported from the Diluted analysis	

SECTION 9.0

Findings, Conclusions, and Recommendations

Whitestone Associates, Inc. has performed a Phase I Environmental Site Assessment in general accordance with the scope and limitations of ASTM Standard Practice E1527-00 and the conditions of Section 2.2 of this report of the proposed Commerce Bank site located at 38 and 40 Purchase Street, Rye, Westchester County, New York. Phase I ESA activities identified several recognized environmental conditions (RECs) which warrant further consideration. These RECs and suggestions for their further investigation or remediation are outlined below.

9.1 OPINION - PHASE I ENVIRONMENTAL SITE ASSESSMENT

9.1.1 Summary of RECs

This assessment has revealed evidence of *recognized environmental conditions* (RECs) in connection with the subject property including the following:

- ▶ Subsurface soil and groundwater contamination above New York State Department of Environmental Conservation (NYSDEC) standards have been identified at the subject property. These conditions are suspected to be associated with the historic and current on-site dry cleaning operations. These conditions should be reported to NYSDEC by the site owner and supplemental site investigation and potential remediation will be required. Whitestone understands that Commerce Bank will not be responsible for documented contaminant conditions and will not be conducting earthwork activities as part of the proposed building renovation activities.

Recommendations for further investigation and/or remediation of each of these RECs are outlined in Section 9.3.

9.1.2 Limited Evaluation of Business Environmental Risk

Items that are not identified as RECs and do not warrant further investigation, however, may require limited corrective action include the following:

- ▶ As detailed in this report, laboratory analyses of the bulk samples collected as part of the asbestos survey confirmed asbestos present at concentrations equal to or greater than one percent in approximately 300 square feet of transite soffit on the exterior facade of the building; approximately 3,000 square feet of black floor tile (bottom layer) in the dry cleaning facility; approximately 400 square feet coating material on the ceiling in the basement of the dry cleaning facility; approximately 300 square feet roof flashing on the building; and approximately 100 square feet of miscellaneous tar on the roof of the building.

The identified ACM must be abated prior to proposed building demolition. Whitestone recommends direct negotiation with select, quality contractors who are properly licensed, bonded and insured for asbestos abatement. Full monitoring, inspection and documentation of abatement activities by an experienced industrial hygiene firm will aid in ensuring compliance with health and safety codes. Prior to commencing abatement activities, intrusive evaluation beneath fixed units within the building (under counters, refrigeration units, fixed equipment, behind walls, above ceilings, etc.) may be warranted to confirm or refute the presence of ACM in previously inaccessible spaces.

- ▶ Hazardous/potentially hazardous materials including dry-cleaning solvent, bleach, etc. are used and stored on site. These materials were stored in an environmentally sound fashion with no evidence of release. Prior to site redevelopment activities, potentially hazardous materials should be removed from the site by the current site owners and disposed/recycled accordingly.
- ▶ Sites developed prior to 1980 may house oil-filled electrical, mechanical, hydraulic, or heat transfer equipment and/or fluorescent light ballasts containing polychlorinated biphenyls (PCBs). Suspect PCB equipment observed included fluorescent light ballasts situated throughout the site building. Suspect equipment should be evaluated for PCBs and removed/disposed accordingly.
- ▶ Structures pre-dating 1980 may be coated with lead based paints (LBP). Although delaminating, peeling painted surfaces were not identified on site, based on the age of the site building (constructed sometime prior to 1892), LBP should be anticipated. Although lead abatement may not be required, regulated management of demolition/renovation wastes may be warranted.
- ▶ The site building currently is connected to the municipal sanitary sewer system. The date that the site was connected to the sanitary sewer system was not readily available, however, based on the age of the site building (constructed between 1887 and 1892), it is possible that the site was formerly serviced by an on-site septic system. No evidence of a septic system was observed during the site reconnaissance, however, it is possible that components of a previous septic system are present on site. Any septic system which may be encountered during site redevelopment will require proper closure in accordance with local regulations.
- ▶ Based on the findings of Whitestone's Phase II Site Investigation activities conducted on September 22, 2004, the subject property is underlain by approximately 4.5 feet of fill material at depths ranging from approximately 1.0 fbs to 5.5 fbs. This fill material generally consisted of variable amounts of brown and orange/brown silt, fine to coarse sand, silty clay, and gravel at depths ranging from approximately 1.0 fbs to 5.5 fbs. In addition, brick fragments were encountered in soil boring B-2 at depths ranging from 1.0 fbs to 2.0 fbs. Evidence of contamination (odor or staining) was not observed within this material. In the event that soil/fill material is excavated during site redevelopment activities and this material exhibits evidence of contamination or is documented to be contaminated, this material should be separated and stockpiled for subsequent waste characterization and off-site disposal or recycling in accordance with federal and state waste management regulations unless contaminant concentrations or institutional controls allow such material to be replaced or remain on-site.
- ▶ Two sumps were observed in the basement portion of the site building. One sump is located in the basement of Fashion Nails II and the second sump is located in the basement of Belle Laundry and

Cleaners. These sumps reportedly discharge to the municipal sanitary sewer system. These sumps should be properly closed in conjunction with the proposed demolition of this building.

- ▶ Based on the number of listed contaminated sites located within close proximity to the subject property, adverse impact to subsurface conditions at the subject property due to contaminant migration from these off-site sources is possible. However, future property owner/tenants would not be liable for contaminant conditions emanating from off-site sources.

9.2 OPINION - PHASE II SITE INVESTIGATION

The primary goal of this Phase II SI was to preliminarily establish subsurface environmental conditions through the collection and analyses of soil and groundwater samples to determine if on-site conditions have been impacted by historic and current site uses. A summary of the findings of this limited SI are summarized as follows:

- ▶ Petroleum-like odors and staining were observed within soil borings B-1 through B-5 installed in the vicinity of the existing dry cleaning operation located at 40 Purchase Street;
- ▶ Laboratory analyses of groundwater sample 7166-B1-GW exhibited select volatile organic compound (VOC) concentrations above New York State Department of Environmental Conservation (NYSDEC) Groundwater Standards/Criteria;
- ▶ Laboratory analyses of soil sample 7166-B4 exhibited select SVOC concentrations above the NYSDEC Recommended Soil Cleanup Objectives (RSCOs); and
- ▶ Laboratory analyses of soil samples 7166-B2, 7166-B4, and 7166-B5 exhibited select VOC and/or SVOC constituents above the laboratory method detection limit (MDL), however, the concentrations did not exceed the applicable NYSDEC RSCOs.

9.3 CONCLUSIONS AND RECOMMENDATIONS

The following activities are recommended to address the RECs listed in Section 9.1.1.

- ▶ Prior to execution of the lease, reliance or verification should be obtained to ensure that the site owner will be responsible for continued management of environmental liabilities associated with the subject property subsequent to execution of the proposed lease.
- ▶ The soil and groundwater contaminant conditions identified above must be reported to NYSDEC by the site owner. These conditions will require additional monitoring, delineation, reporting, and potential remediation in accordance with NYSDEC requirements. Whitestone understands that Commerce Bank will not be responsible for the documented contaminant conditions and will not be conducting earthwork activities as part of the proposed building renovation activities.
- ▶ The appropriate state and federal agencies should be contacted to confirm that all appropriate documents have been filed and maintained for on-site generation of hazardous wastes. Upon

property transfer, the United States Environmental Protection Agency (USEPA) *Notification of Hazardous Waste Activities Form* should be completed and submitted to USEPA to remove the subject site from the RCRIS SQG database. If available, documentation detailing past hazardous waste generation and disposal practices should be provided by the site owner for review.

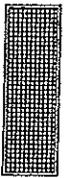
9.4 DEVIATIONS

Whitestone has performed a Phase I Environmental Site Assessment of the subject property in conformance with the scope and limitations of ASTM Practice E1527-00.

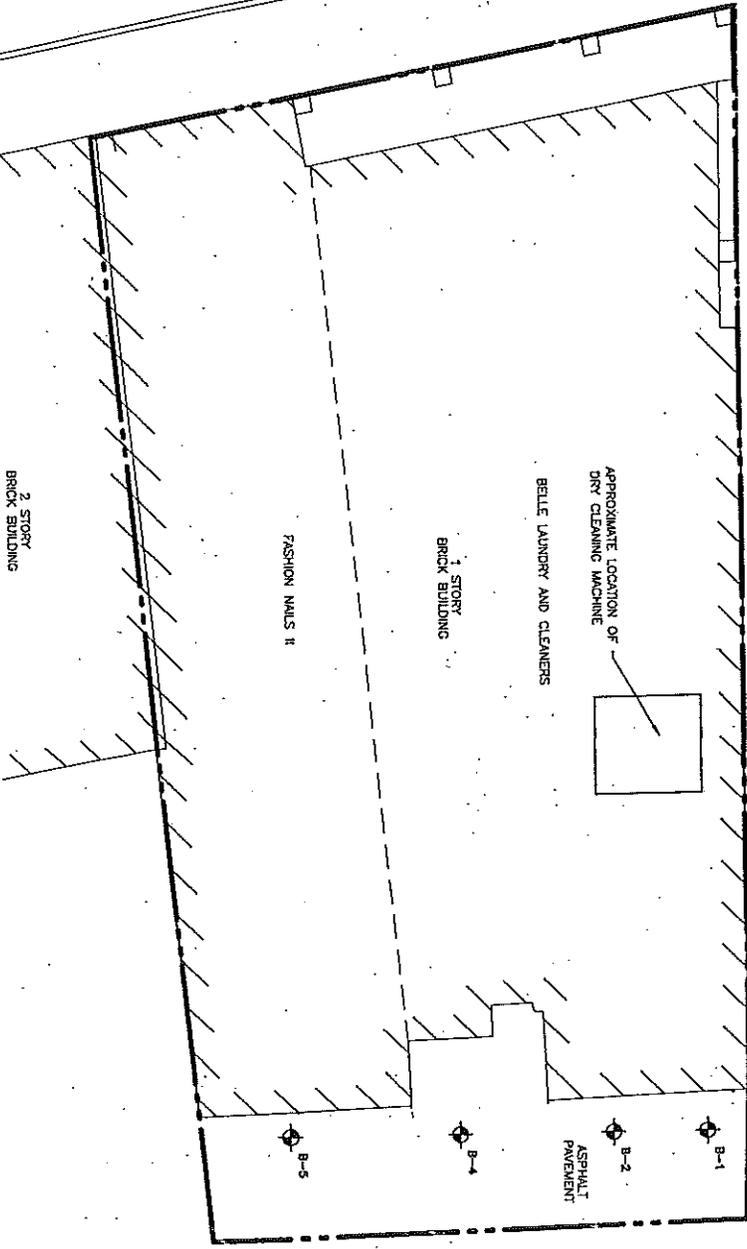
9.5 REFERENCES

1. American Society of Testing Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (E1527-00).
2. Aerial Photographs provided by Environmental Data Resources, Inc. (EDR) for the years 1954, 1966, 1974, 1989, and 1994.
3. Sanborn Fire Insurance Maps for the years 1910, 1916, 1925, 1932, 1942, 1949, and 1971.
4. United States Geological Survey (USGS) *7.5 Minute Topographic Quadrangle - Mamaroneck, New York* dated 1900, 1947, and 1967.
5. *EDR - Radius Map, Belle Laundry and Cleaners, 40 Purchase Street, Rye, New York 10580*, prepared by Environmental Data Resources, Inc., dated August 17, 2004.
6. *EDR - City Directory, Belle Laundry and Cleaners, 40 Purchase Street, Rye, New York 10580*, prepared by Environmental Data Resources, Inc., dated August 19, 2004.
7. U.S. Fish and Wildlife Services *National Wetlands Inventory Interactive Wetlands Database Map*.
8. *ALTA/ASCM Land Title Survey, Commerce Bank/Pennsylvania, N.A., 364-370 White Plains Road, Lots 2 & 4, Block 1, Section 66L, Town of Eastchester, Westchester County, New York* prepared by Control Point Associates, Inc. dated September 2, 2004.
9. *Subsurface Investigation Summary Letter, 40 Purchase Street, Rye, New York 11580* prepared by Merritt Engineering Consultants, P.C. dated July 13, 2001.
10. United States Environmental Protection Agency (USEPA), *Asbestos Hazard Emergency Response Act (AHERA), Final Rule and Notice* (40 CFR Part 763).
11. USEPA, *Guidance for Controlling Asbestos Containing Materials in Buildings* (Office of Pesticides and Toxic Substances, Doc. No. 560/3-85-024, 1985).
12. Part 56 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York (12 NYCRR Part 56).

PURCHASE STREET



SMITH STREET



LEGEND

— SUBJECT PROPERTY BOUNDARY (APPROX)

- - - BOUNDING LOCATION (APPROX)

⊕ B-1 BORING LOCATION

REFERENCE

THIS PLAN IS BASED UPON A JULY 2, 2004, RECONNAISSANCE SURVEY PREPARED BY CONTROL POINT ASSOCIATES, INC.

TITLE:
BORING LOCATION PLAN

CLIENT: COMMERCE BANK, N.A.

PROJECT: PROPOSED COMMERCE BANK SITE
38 AND 40 PURCHASE STREET
RYE, WESTCHESTER COUNTY, NEW YORK



WHITESTONE ASSOCIATES, INC.
1600 Manor Drive, Suite 220
Chalfont, Pennsylvania 18914
Phone (215) 393-8200 Fax (215) 393-8574

PROJECT #:
WP04-7166

BY:
MG

PROJ. MGR.:
KTD

DATE:
9/28/04

SCALE:
1"=10'

FIGURE:
4

SECTION 10.0

Additional Services - Asbestos Survey

In addition to the Phase I ESA activities, Whitestone was retained to conduct a Survey for Asbestos Containing Materials (ACM) in association with the Phase I ESA of the subject property.

The subject structure was surveyed on August 19, 2004 by, Richard McGuire, an AHERA-certified, New York-licensed asbestos inspector (certification #04-03689; copy provided in Appendix 7). Bulk samples of both friable and non-friable suspect ACM were collected, placed into homogeneous groups, quantified, and sampled in accordance with the AHERA protocol. The inspector collected a total of 99 bulk samples which represented each homogeneous material suspected of containing asbestos.

The approximate locations of samples collected during the site survey are indicated on the *Sample Location Plans* provided as Figures 3A through 3C. Laboratory analytical results are presented in Appendix 8 and outlined in Table 1 at the end of this section.

10.1 METHODOLOGY

10.1.1 Inspection Process

The initial phase of the asbestos survey involved a visual evaluation of the subject structure. After compiling the relevant documentation pertaining to the structure, a strategy was developed to enable the subject property to be evaluated in a time-efficient and least-disturbing manner.

During the visual evaluation, accessible areas of the subject structure were observed, and samples were collected of suspicious materials encountered. Suspicious homogenous materials were classified into either Surfacing Materials, Thermal Insulation, or Miscellaneous categories and sampled in accordance with 40 CFR Part 763, Subpart E as follows:

Surfacing Materials:

- ▶ Collect at least three bulk samples from each homogeneous area that is 1,000 square feet or less.
- ▶ Collect at least five bulk samples from each homogeneous area that is greater than 1,000 square feet but less than 5,000 square feet.
- ▶ Collect at least seven bulk samples from each homogeneous area that is greater 5,000 square feet.

Thermal System Insulation:

- ▶ Collect at least three bulk samples from each homogeneous area.
- ▶ Collect at least one bulk sample from each homogeneous area of patched thermal insulation that is less than six linear or six square feet.
- ▶ Collect bulk samples from cement or plaster fittings, tees, elbows, valves, etc. in a manner sufficient to determine whether the material is an ACM.

Miscellaneous and Non-Friable Material:

- ▶ Collect bulk samples from each homogeneous area of friable miscellaneous material and non-friable suspected material in a manner sufficient to determine whether the material is an asbestos containing material.

10.1.2 Bulk Sampling Procedures

Samples were collected of suspect materials with a cork borer, metal spatula, or other sterile sampling tool which was driven through the suspect material to the substrate to obtain a sample containing discrete layers. The sample then was placed in a previously unopened, air-tight bag and assigned a sample identification number which was recorded on the bag, the sample sheet, chain-of-custody, and the *Asbestos Sample Location Plans* (Figures 3A through 3C).

As detailed in Table 4, a total of 99 bulk samples of suspected or possible ACM were collected for laboratory analysis, of which 95 samples were analyzed via Polarized Light Microscopy (PLM) employing "positive stop" methodologies. Of the 95 samples analyzed via PLM, 17 non-friable, organically-bound (NOB) materials subsequently were analyzed via Transmission Electron Microscopy (TEM) methods per New York State guidelines.

10.2 SURVEY FINDINGS

The bulk samples collected during the site inspection were labeled and shipped to E.A.I., Inc., 454 Central Avenue, Jersey City, New Jersey for PLM analyses (U.S. Department of Commerce's National Institute of Standards and Technology certification # 102114 and New York State Department of Health Certification #11230). NOB materials deemed negative for asbestos via PLM methods were re-analyzed by Scientific Laboratories, Inc., 117 East 30th Street, New York, New York, using TEM methods in accordance with New York State regulations (U.S. Department of Commerce National Institute of Standards and Technology Certification #200546 and New York State Department of Health Certification #11480). Laboratory analytical results comprise Appendix 10 and are summarized below.

10.2.1. Laboratory Analysis

Bulk samples collected during the survey and sampling effort (Table 4) were analyzed by the laboratory using PLM¹ in accordance with the December 1982 *Interim Methods for the Determination of Asbestos in Bulk Insulation Samples* USEPA-600/M4-82-020 as adopted by the National Voluntary Laboratory Accreditation Program (NVLAP) per 15 CFR Part 7.

10.2.2 Sampling and Analysis Data Summary

Laboratory analyses of the bulk samples confirmed asbestos present at concentrations equal to or greater than one percent in the following materials:

- ▶ approximately 300 square feet of transite soffit on the exterior facade of the building;
- ▶ approximately 3,000 square feet of black floor tile (bottom layer) in the dry cleaning facility;
- ▶ approximately 400 square feet of coating material on the ceiling in the basement of the dry cleaning facility;
- ▶ approximately 300 square feet roof flashing on the building; and
- ▶ approximately 100 square feet of miscellaneous tar on the roof of the building.

NOTE: Other suspect materials may exist in presently inaccessible areas (i.e., above ceilings, as insulation covering electrical wiring, or behind wall cavities) or beneath fixed equipment, shelving, or other appurtenances. Should future renovations or demolition disturb presently inaccessible areas, additional sampling and related abatement (if asbestos is confirmed) may be warranted.

¹ Polarized Light Microscopy (PLM) is not consistently reliable in the detection of asbestos in non-friable organically bound materials (NOB). Therefore, non-friable, organically-bound (NOB) materials deemed negative for asbestos via PLM are analyzed using Transmission Electron Microscopy (TEM) in accordance with New York State regulations.

TABLE 4
ASBESTOS SURVEY SUMMARY & ESTIMATED ABATEMENT COSTS

Sample Location & Sample Number	No. of Samples & Lab Parameters	Description of Material	Removable or Non-Removable	Condition	Asbestos Containing (Yes/No)	Approximate Volume or Area	Estimated Abatement Costs
Exterior Facade 01, 02, 03	3 PLM	Transite soffit	NF	G	Yes	300 sf	\$1,500.00
Exterior Doors 04, 05, 06	3 PLM 1 TEM	Caulk	NF	G	No	20 sf	---
Exterior Windows 07, 08, 09	3 PLM 1 TEM	Caulk	NF	G	No	30 sf	---
Scattered Throughout 10, 11, 12	3 PLM	Sheetrock	FR	G	No	4,000 sf	---
Scattered Throughout 13, 14, 15	3 PLM	Wall Plaster	FR	G	No	1,000 sf	---
Scattered Throughout 16, 17, 18	3 PLM	2' x 4' Ceiling Tile	FR	G	No	4,000 sf	---
Nail Salon Floor 19, 20, 21	3 PLM 1 ITEM	Mastic to Carpet	NF	G	No	1,500 sf	---
Nail Salon 22, 23, 24	3 PLM 1 ITEM	Green Vinyl Baseboard	NF	G	No	100 sf	---
Nail Salon 25, 26, 27	3 PLM 1 ITEM	Mastic to Green Vinyl Baseboard	NF	G	No	100 sf	---
Kitchen area of Nail Salon 28, 29, 30	3 PLM 1 ITEM	Brown Vinyl Baseboard	NF	G	No	10 sf	---
Kitchen area of Nail Salon 31, 32, 33	3 PLM 1 ITEM	Mastic to Brown Vinyl Baseboard	NF	G	No	10 sf	---
Dry Cleaning Shop 34, 35, 36	3 PLM 1 ITEM	Beige Vinyl Baseboard	NF	G	No	100 sf	---
Dry Cleaning Shop 37, 38, 39	3 PLM 1 ITEM	Mastic to Beige Vinyl Baseboard	NF	G	No	100 sf	---
Entry to Dry Cleaning Shop 40, 41, 42	3 PLM 1 ITEM	Mastic to Carpet	NF	G	No	30 sf	---

TABLE 4 (continued)
ASBESTOS SURVEY SUMMARY & ESTIMATED ABATEMENT COSTS

Sample Location & Sample Number	No. of Samples & Lab Parameters	Description of Material	Friable or Non-Friable	Condition	Asbestos Containing (Yes/No)	Approximate Volume or Area	Estimated Abatement Costs
Dry Cleaning Shop 43, 44, 45, 46, 47	3 PLM 1 ITEM	Gray 12" x 12" Floor Tile	NF	G	No	2,800 sf	—
Dry Cleaning Shop 48, 49, 50, 51, 52	3 PLM 1 ITEM	Mastic to Gray 12" x 12" Floor Tile	NF	G	No	2,800 sf	—
Dry Cleaning Shop 53, 54, 55	3 PLM	Washer Block Base	FR	G	No	3,000 sf	—
Dry Cleaning Shop 56, 57, 58, 59, 60	3 PLM 1 ITEM	Black Floor Tile (bottom layer)	NF	G	Yes	3,000 sf	\$10,500.00
Rear entry of Dry Cleaning Shop 61, 62, 63, 64, 65	3 PLM	Floor Leveling Compound	FR	G	No	200 sf	—
Chemical Room of Dry Cleaning Shop 66, 67, 68, 69, 70	3 PLM	Cement Floor	FR	G	No	150 sf	—
Basement Dry Cleaning Shop 71, 72, 73, 74, 75	3 PLM	Cement Floor	FR	G	No	400 sf	—
Basement Ceiling Dry Cleaning Shop 76, 77, 78	3 PLM	Coating Material	FR	F	Yes	400 sf	\$8,000.00
Basement Dry Cleaning Shop 79, 80, 81	3 PLM	Pipe Insulation	FR	G	No	30 sf	—
Basement Dry Cleaning Shop 82, 83, 84	3 PLM	Wall Pipe Packing	FR	G	No	10 sf	—
Basement Ceiling Dry Cleaning Shop 85, 86, 87	3 PLM	Plaster	FR	G	No	2,000 sf	—
Roof 88, 89, 90	3 PLM 1 ITEM	Roof Top	NF	G	No	5,000 sf	—

TABLE 4 (continued)
ASBESTOS SURVEY SUMMARY & ESTIMATED ABATEMENT COSTS

Sample Location & Sample Number	No. of Samples & Lab Parameters	Description of Material	Friable or Non-Friable	Condition	Asbestos Containing (Yes/No)	Approximate Volume or Area*	Estimated Abatement Costs
Roof 91, 92, 93	3 PLM 1 ITEM	Roof Insulation	NF	G	No	5,000 sf	--
Roof 94, 95, 96	3 PLM 1 ITEM	Roof Flashing	NF	G	Yes	300 sf	\$1,500.00
Roof 97, 98, 99	3 PLM 1 ITEM	Miscellaneous Tar	NF	G	Yes	100 sf	\$1,500.00
TOTAL ESTIMATED ABATEMENT COSTS:							\$ 23,000.00**

NOTES:

PLM = Polarized Light Microscopy
 TEM = Transmission Electron Microscopy
 sf = square feet
 lf = linear feet

FR = Friable
 NF = Non-Friable
 G = Good
 F = Fair
 P = Poor

* The approximated quantities of ACM are estimates based on material visible to the inspector and/or assumed and inferred based on observed site conditions. Such volumes/areas can vary, and obscured materials could be encountered during abatement or demolition.

** Estimated abatement costs assume all abatement activities are completed during a single mobilization effort and are presented for budgetary purposes only. These estimated costs do not represent a proposal to conduct ACM management services.

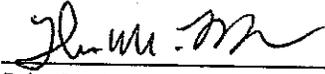
1. Whitestone was not able to evaluate areas beneath existing fixed equipment (such as freezers, shelving units, counters, displays, etc.) which may contain additional layers of ACM floor tile coverings and/or adhesives.

SECTION 11.0 Environmental Professionals

11.1 SIGNATURES

The following Whitestone personnel were responsible for conducting the Phase I ESA of the subject site and preparing the information presented herein.

SITE INSPECTOR:



John M. La Rosa
Environmental Scientist
Whitestone Associates, Inc.

10/8/04

Date

PROJECT MANAGER:



Keith T. D'Ambrosio, P.E.
Director, Environmental Services
Whitestone Associates, Inc.

10/8/04

Date

11.2 QUALIFICATIONS

Resumes for the Whitestone environmental professionals responsible for this Phase I ESA are provided in Appendix 7 of this report.