

PHASE I
ENVIRONMENTAL
SITE ASSESSMENT

December 22, 2005

Site Identification: 329 Railroad Avenue
City of Peekskill
Westchester County, New York

Tax Lot Identification: 32.12-8-16

Property Description: Approximately 750 square foot property
containing a one-story delicatessen

ESI File: GP04197K.10
GDC #8

Prepared By:
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24 Davis Avenue
Poughkeepsie, New York 12603**

Prepared For:

**Ginsburg Development Corporation
100 Summit Lake Drive
Valhalla, NY 10595**

Services performed by Ecosystems Strategies, Inc. and summarized in this Phase I Environmental Site Assessment have been conducted in accordance with Method E 1527-00 as developed by the American Society for Testing and Materials (ASTM).

The undersigned has reviewed this Phase I Environmental Site Assessment and certifies to Ginsburg Development Corporation that the information provided in this document is accurate as of the date of issuance by this office.



Paul H. Ciminello
President

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1.0 INTRODUCTION

1.1 Purpose of the Investigation

This Phase I Environmental Site Assessment (Phase I ESA) identifies environmental conditions that might represent a financial liability resulting from or associated with the storage, use, transport, or disposal of hazardous or regulated materials on the property located at 329 Railroad Avenue, City of Peekskill, Westchester County, New York (property descriptions are presented in Sections 2.1 and 3.4.2).

1.2 Methodology

This Phase I ESA has been prepared in conformance with guidelines set forth by the American Society for Testing and Materials (ASTM) Method E1527-00. The specific components of this Phase I ESA are as follows:

1. Investigation of the subject property's history and characteristics through the analysis of historic maps, local and regional maps, municipal records, and information provided by subject property representatives. Complete references are provided in Section 5.0 of this Phase I ESA.
2. Review of federal and state computer databases and printed records for documentation of potential liabilities relevant to the subject property. Records reviewed and corresponding search distances are consistent with, or exceed, the requirements set forth by the ASTM.
3. Visual inspection of the subject property conducted on December 19, 2005 by Scott Spitzer of Ecosystems Strategies, Inc. (ESI).

1.3 Limitations

This Phase I ESA is an evaluation of the property described in Section 2.1 below and is not valid for any other property or location. It is a representation of the property analyzed as of the dates that services were provided. This Phase I ESA cannot be held accountable for activities or events resulting in environmental liability after the respective dates of the site inspection or historic and regulatory research.

This Phase I ESA is based in part on certain information provided in writing or verbally by federal, state and local officials (including public records) and other parties referenced herein. The accuracy or completeness of this information was not independently verified. Unless specifically noted, the findings and conclusions contained herein must be considered not as scientific certainties, but as probabilities based on professional judgement.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Description of the Subject Property

The subject property as defined in this Phase I ESA consists of the approximately 750 square foot property located at 329 Railroad Avenue, City of Peekskill, Westchester County, New York (a site location map is provided on Page 4). The subject property comprises one tax lot (City of Peekskill Tax ID: Section 32.18, Block 8, Lot 16).

The subject property has a triangular shape and is located on the eastern side of Railroad Avenue. A one-story delicatessen ("Dave's Deli") occupies the entirety of the parcel. A map illustrating the layout of the property is provided on Page 5 and photographs of the property are provided in Appendix A.

2.1.1 Site Topography

Information on the subject property's topography was obtained from the review of the United States Geological Survey Topographic Map of the Peekskill, New York Quadrangle (a copy of the relevant portion of the Topographic Map, with the subject property indicated, is included in Appendix B). According to this map, the subject property and the surrounding lands in the vicinity of Railroad Avenue and the Hudson River (located to the west of the subject property) are relatively level, and the surrounding area to the east, in the vicinity of South Street and US Route 9, has but moderate to steep downward slopes to the west. The subject property is shown to have surface elevations in the range of approximately 20 to 40 feet above mean sea level. Observations made during the site inspection indicate that the subject property is relatively level.

The topographic map did not indicate the presence of any soil/gravel mining operations or unusual topographic patterns indicative of landfilling activities on the subject property. No on-site structures are noted on the topographic map.

2.1.2 Site Geology

According to the Surficial Geologic Map of New York and the Geologic Map of New York (lower Hudson sheets), soils on the subject property are likely to consist of glacial deposits, overlying hard crystalline bedrock (schist and/or gneiss). The United States Department of Agriculture Soil Conservation Service's Soil Survey of Putnam and Westchester Counties, New York (Soil Survey), indicates that soil on the subject property consists of the Udorthents (wet substratum), soil type. Udorthents are soils that have been altered by cutting and/or filling. On-site Udorthents may be poorly drained (depth to bedrock is not provided for Udorthents soils).

During the course of subsurface investigations conducted by ESI on the adjoining property to the south in November 2004 and January 2005 (see Section 3.2.4, Previous Environmental Reports), subsurface soils exposed during the extension of borings (maximum depth of 12') generally consisted of dark sands (likely to be fill materials) with some deeper layers of silt and organic muck. Bedrock was not encountered during the subsurface investigation. Geotechnical studies in the surrounding area (conducted as part of the City of Peekskill's waterfront redevelopment efforts) indicate that depth to bedrock is likely to be greater than 25 feet below grade. No bedrock was observed on the subject property during the site inspection.

2.1.3 Site Hydrogeology

The Soil Survey notes that groundwater may be near the surface in on-site soils. Saturated soils were encountered at approximately 6' to 8' below grade during the extension of soil borings at the adjoining property to the south in November 2004 and at 4' below grade in January 2005 (see Section 3.2.4, Previous Environmental Reports). Shallow groundwater flow in the vicinity of the subject property is likely to follow surficial topography and be in an overall westerly direction, toward the nearby Hudson River. Deep groundwater flow is likely to be controlled by local bedrock conditions (e.g. fractures) and may be variable.

2.1.4 Surface Hydrology and Wetlands

Information regarding on-site surface hydrology was obtained from the review of applicable maps, including the New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands Map and the United States Department of the Interior National Wetlands Inventory Map, and from observations made during the site inspection. According to these sources, there are no surface waterbodies, wet areas, or regulated wetlands on or in the immediate vicinity of the property. The nearby Hudson River is a federally designated wetland.

2.2 Description of Surrounding Properties

2.2.1 Surrounding Land Uses

The subject property is located in an urban area comprised primarily of commercial properties. A description of the adjoining and nearby properties is provided in Table 1, below.

Table 1: Land Uses in the Vicinity of Subject Property

Direction	Adjoining Use(s)	Vicinity Use(s)
North	• Parking lot	• Small commercial
East	• Residential	• Residential
South	• Parking lot • Commercial building (former filling station)	• Parking lots • Residential
West	• Restaurant • Park	• Park and Hudson River • Railroad tracks

2.2.2 Sensitive Environmental Receptors

Sensitive Environmental Receptors (SERs) are valued physical, biological, and/or man-made features that may be adversely impacted by environmental contamination, and where a discharge or release could pose a greater threat than a discharge or release to other less valued areas. SERs include (but are not limited to) potable supply wells, wetlands, and protected wildlife habitat.

The review of maps and observations made during the site inspection indicate that no sensitive environmental receptors are located on or in the immediate vicinity of the subject property. The Hudson River is located in the surrounding area to the west.



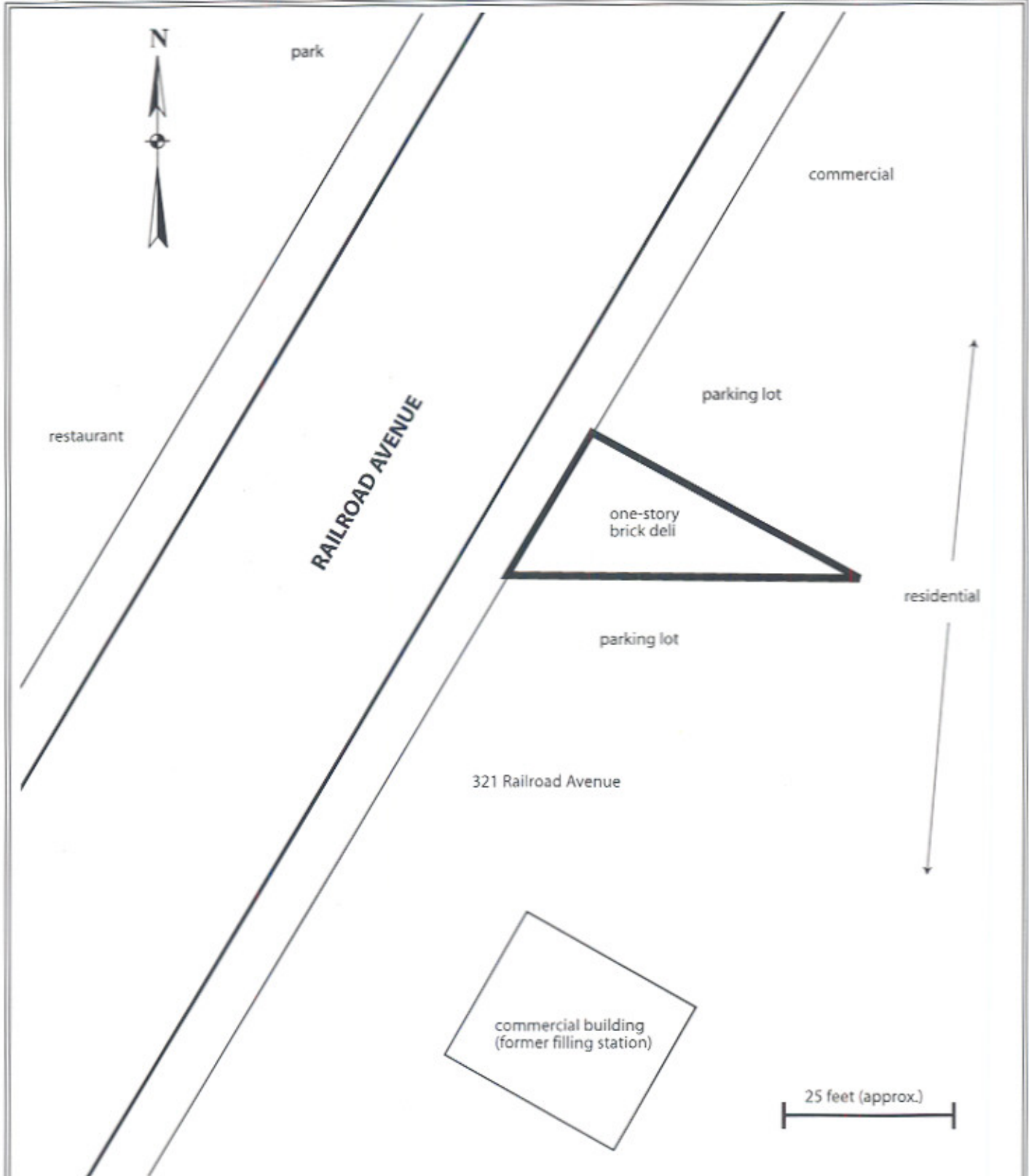
Site Location Map
329 Railroad Avenue
City of Peekskill
Westchester County, New York



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All feature locations are approximate. This map is intended as a schematic to be used in conjunction with the associated report, and it should not be relied upon as a survey for planning or other activities.

Selected Site Features Map

329 Railroad Avenue
 City of Peekskill
 Westchester County, New York

Legend:
 subject property border

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Scale as shown

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3.0 INVESTIGATION

3.1 Ownership Records

Property ownership information is based on a review of City of Peekskill Assessor's Office and Building Department records (this ownership summary does not constitute a title search).

Table 2: Ownership Information

Parcel ID	Owner	Date of Purchase
Section 32.18, Block 8, Lot 16	M. Salerno	11/1964
	J. Nika	11/1965
	R. W. Miller Enterprises, Inc.	5/1973
	C. Miozzi	7/1977
	City of Peekskill	12/1984
	Underhill Associates	2/1985
	329 Railroad Avenue Associates	8/2003

3.2 Site History

The history of the subject property was researched using historic maps, municipal records, and information provided by subject property representatives.

3.2.1 Sanborn Fire Insurance Maps

A summary of the information obtained from the review of historic Sanborn Fire Insurance Company Maps dated 1887, 1895, 1900, 1905, 1911, 1923, 1942, 1950, 1958, 1964, 1971, and 1972 is provided below. Copies of relevant Sanborn maps (with the subject property outlined) are provided in Appendix C.

- 1887: The subject property is vacant, as is the adjoining property to the north and east (only partially shown). The adjoining property to the west contains a railroad station and tracks. The southern adjoining property is not depicted. The surrounding area to the north and northeast contains a mix of small commercial and residential properties, while the area to the northwest, along the Hudson River, generally contains large commercial and industrial properties (e.g., foundries). Municipal water is depicted as being available to the property. No petroleum or chemical bulk storage tanks are noted on the subject property, adjoining properties, or in the surrounding area.
- 1895: The subject property and all adjoining properties are fully shown on the map, and less coverage is provided for surrounding areas to the north. No changes are noted at the subject property or the adjoining properties to the north and west. Adjoining properties to the south and east are vacant, or are vacant portions of larger parcels containing residential or small commercial structures.

1900 to

1911: A stable is now located on the adjoining property to the north and a large stove works located in the area northwest of the property is now gone.

1923: The stable on the adjoining property to the north has been replaced by a large commercial garage.

1950: A one-story restaurant (the size and shape of a mobile diner) is now present on the adjoining property to the south. The surrounding area to the north now includes two facilities with gasoline storage tanks (a filling station and a garage) and a fuel oil terminal (located at the Hudson River).

1958: A one-story building labeled "filling station" is located on the adjoining property to the south, south of the restaurant; no associated storage tanks are depicted on the map. The garage on the adjoining property to the north has a new commercial use, possibly warehousing, which is not clearly labeled on the map.

1964 to

1972: The subject property is now entirely occupied by a one-story restaurant. The small restaurant on the northern portion of the adjoining property to the south is now gone. The adjoining property to the north is now labeled "new car storage".

3.2.2 Local Records

Assessor's Office Records

City of Peekskill Assessor's Office records indicate that the on-site building was constructed in 1958 for use as a restaurant (noted to be the "Station Diner" in 1976). The building is reported to be heated by natural gas and to be serviced by the municipal water and sewer systems. No other information pertinent to the environmental integrity of the property was present in these records. A summary of the readily available property ownership information is provided in Table 2.

Building Department Records

City of Peekskill Building Department files contain a permit (#2236, dated September 15, 1958) for construction of a new diner on a vacant parcel. No other information pertinent to the environmental integrity of the subject property was present in Building Department records provided for review.

Local Agency Interviews

According to Mary Landrigan of the Westchester County Department of Health, that agency maintains no records regarding petroleum or chemical bulk storage, hazardous materials, releases, or other events likely to have impacted the environmental integrity of the subject property.

3.2.3 Subject Property Representative Information

Pertinent information regarding the subject property was provided to this office by Marilee Wright (manager of Dave's Deli, the tenant of the subject property for the last thirteen years). According to Ms. Wright, no past, threatened, or pending environmental liens, violations, governmental notifications, lawsuits, administrative proceedings, or documents relevant to the environmental condition of the property are known to exist. Ms. Wright had no specific knowledge or experience,

regarding previous ownership or uses, that was relevant to identifying recognized environmental conditions. When queried about the potential presence and/or usage of petroleum products or hazardous substances on the subject property, Ms. Wright stated that she was not aware of the former or current presence or usage of these materials.

3.2.4 Previous Environmental Reports

Subsurface investigations were conducted on the adjoining property to the south (321 Railroad Avenue, site of a former filling station) by ESI in November 2004 and January 2005. Two improperly abandoned, 550-gallon underground storage tanks (USTs) were found near the on-site structure. Subsurface soils and groundwater in the vicinity of the USTs were found to have been contaminated by petroleum products and a spill event (#0409835) was reported to the NYSDEC. Groundwater was found to be contaminated with compounds typically associated with gasoline. Data generated during the subsurface investigation were insufficient to fully define the horizontal and vertical extent of petroleum contamination, but suggested that significant petroleum contamination may be restricted to areas near and to the west (downgradient) of the on-site tanks.

3.3 Review of Federal and State Agency Records

3.3.1 Methodology

Federal and state computer databases and printed records were reviewed for documentation of potential liabilities relevant to the subject property. Records reviewed and corresponding search distances are consistent with, or exceed, the requirements set forth by ASTM.

The following ASTM databases were searched at their specified search distances, consistent with ASTM protocol:

- USEPA National Priority List (1.0 mile)
- USEPA CERCLIS List (0.5 mile)
- USEPA CERCLIS NFRAP List (subject/adjoining properties)
- USEPA RCRIS Hazardous Waste Generators List (subject/adjoining properties)
- USEPA RCRIS CORRACTS Hazardous Waste Facilities List (1.0 mile)
- USEPA RCRIS non-CORRACTS Hazardous Waste TSD Facilities List (1.0 mile)
- USEPA Emergency Response Notification System (subject property)
- NYSDEC Registry of Inactive Hazardous Waste Disposal Sites (IHWDS) (1.0 mile)
- NYSDEC List of Sites under Investigation for IHWDS Registry (0.5 mile)
- NYSDEC Leaking Underground Storage Tank (LUST) Records (0.25 mile)*
- NYSDEC Petroleum Bulk Storage Tank Records (subject/adjoining)
- NYSDEC Chemical Bulk Storage Tank Records (subject/adjoining properties)
- NYSDEC Registry of Active and Inactive Landfills (0.5 mile)

* *The search distance for this ASTM database has been reduced due to the high level of development of the area in which the subject property is located.*

The following databases not required by ASTM protocol were also reviewed:

- USEPA RCRIS Hazardous Waste Transporters List (subject/adjoining properties)
- NYSDEC Major Oil Storage Facilities (0.5 mile)
- NYSDEC Petroleum and Chemical Spill Records (0.25 mile)
- NYSDOH Basement Radon Readings (by County and Municipality)
- USEPA and NYSDEC Wastewater Discharge Permits (subject/adjoining properties)

A copy of relevant portions of a database search conducted by Environmental FirstSearch Corporation for ESI is provided in Appendix D. Not all of the sites contained in the attached database search may be referenced in Section 3.3.2 of this Phase I ESA. Some sites may have been excluded based on either ASTM requirements, ESI's scope of services or professional opinion, and/or information obtained during the review of historic records and the site inspection. Sites or additional information not included in the database search may also be referenced based on ESI's knowledge of the subject property area.

3.3.2 Findings of Regulatory Records Review

Federal Hazardous Waste-Contaminated Sites

The subject property is not identified on the United States Environmental Protection Agency's (USEPA) National Priority (NPL) list of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions. These records indicate there are no NPL sites within 1.0 mile of the subject property.

The subject property is not listed on the USEPA's CERCLIS list which details all sites that are proposed to the NPL or are in the screening and assessment phase for possible proposal to the NPL. The CERCLIS list identifies no sites within 0.5 mile of the subject property.

The subject property is not listed on the USEPA's CERCLIS No Further Remedial Action Planned (NFRAP) list. This is a list of former CERCLIS sites that were delisted because no significant hazardous waste contamination was found or because the site has been remediated. The CERCLIS NFRAP list notes no sites that adjoin the subject property.

State Hazardous Waste Sites

The subject property is not listed with the NYSDEC as an inactive hazardous waste disposal (IHWD) site. According to a review of NYSDEC records, there are no NYSDEC IHWD sites located within 1.0 mile of the subject property.

Federal Hazardous Waste Handlers

The USEPA Resource Conservation and Recovery Information System (RCRIS) database details facilities that report treatment, storage or disposal of hazardous waste (TSD facilities) or generation or transportation of hazardous waste. Of these facilities, some have been notified by the USEPA to take corrective action with regard to their handling of hazardous waste, and they are thus classified as CORRACTS facilities.

CORRACTS AND/OR TSD FACILITIES

The subject property is not registered with the USEPA as a CORRACTS and/or TSD facility for hazardous waste or materials. These records identify three TSD facilities, all of which are on the CORRACTS list, within 1.0 mile of the subject property. Based on reported information, local topography and expected groundwater flow, and the intervening distances between these sites and the subject property, no environmental impacts to the subject property from these sites are likely.

GENERATORS OR TRANSPORTERS (NON-CORRACTS)

The subject property is not registered with the USEPA as a generator or transporter of hazardous waste, as per a review of the RCRIS database. This database indicates that there are no generators or transporters of hazardous waste located on adjoining properties.

Landfills and Solid Waste Disposal Facilities

The NYSDEC's Facility Register does not list the subject property as an active or inactive landfill or solid waste disposal facility. No landfills or solid waste disposal facilities are located within 0.5 mile of the subject property according to this register.

Chemical Bulk Storage

A review of NYSDEC records indicates that the subject property is not registered with the NYSDEC as a chemical bulk storage (CBS) facility. Observations made during the site inspection did not indicate the presence of chemical bulk storage on the subject property. No adjoining properties are registered with the NYSDEC as CBS facilities.

Petroleum Bulk Storage (PBS)**SUBJECT PROPERTY**

According to a review of available Westchester County Department of Health (WCDOH) and NYSDEC PBS database records, the subject property is not registered as a PBS facility. No evidence of PBS tanks was observed during the site inspection.

ADJOINING PROPERTIES

According to a review of available WCDOH and NYSDEC PBS database records, no adjoining properties are registered as PBS facilities. No overt evidence of PBS tanks was noted on adjoining properties during the site inspection. Two abandoned, 550-gallon USTs were found on the adjoining property to the south (321 Railroad Avenue) by ESI in 2004. A spill event, possibly associated with these tanks, has been reported for this site (see near the State Chemical and Petroleum Spill and Leaking Underground Storage Tank Events subsection, below).

Major Oil Storage Facilities (MOSFs)

The subject property is not listed with the NYSDEC as a major oil storage facility (MOSF). According to a review of NYSDEC records, there are no MOSFs located within 0.5 mile of the subject property.

Federal Chemical and Petroleum Spills

The USEPA Emergency Response Notification System (ERNS) database details initial reports of releases of oil and hazardous substances as reported to federal authorities. There are currently no chemical or petroleum spills on record for the subject property, according to a review of the USEPA ERNS database.

State Chemical and Petroleum Spill and Leaking Underground Storage Tank Events

A review of the NYSDEC spill database (maintained since 1986) indicates that no spill events are known to have occurred on the subject property. Available information indicates that twenty-three spill events are known to have occurred within 0.25 mile of the subject property. Six of these surrounding events are classified as leaking underground storage tank (LUST) events.

Information in these spill file records was reviewed to determine the possible impact from these releases to the subject property. The data considered included distance and direction from the subject property, cause of the spill, type and quantity of spilled material, and NYSDEC and caller comments.

NYSDEC spill event #0409835 was reported for the adjoining property to the south (321 Railroad Avenue, site of a former filling station) by ESI on December 3, 2004. Subsurface soils in the vicinity of on-site USTs were found to have been contaminated by petroleum products and groundwater was documented to contain gasoline constituents. Data generated during the subsurface investigation were insufficient to fully define the horizontal and vertical extent of petroleum contamination. Impacts to groundwater may be restricted to areas near and to the west (downgradient) of the on-site tanks, but could extend onto the subject property.

Information reported for spill numbers 0507823 and 9802343, active spill events reported (respectively) for the City parking lot on South Water Street and the waterfront property located north of the municipal park, indicates that petroleum impacted soil and groundwater is located in the area north and northwest of the subject property. Given the locations of these spills, no direct impacts to the subject property are likely; reported information, however, supports the conclusion that historic industrial use of the Peekskill waterfront area may have impacted local groundwater quality.

No other spills were identified that might significantly impact the subject property.

Air Discharges

No NYSDEC permits for air discharges from the subject property are known to exist. No operations likely to require a NYSDEC air discharge permit were noted on the subject property during the site inspection.

Groundwater Usage

Observations made during the site inspection and information provided by the property representative indicate that the subject property obtains potable water from the municipal water system. No uses of groundwater were noted on the subject property during the site inspection.

Wastewater Discharges

No USEPA National or NYSDEC State Pollutant Discharge Elimination System (NPDES or SPDES) permit is known to exist for the subject property. No operations likely to require a NPDES or SPDES permit were noted on the subject property during the site inspection. According to observations made during the site inspection and information provided by the property representative, the subject property is connected to the municipal wastewater system. No adjoining properties are registered with the USEPA as NPDES or SPDES facilities.

Radon

Information on radon levels was obtained from New York State Department of Health (NYSDOH) documents. No regulatory standards for radon levels currently exist in New York State. The USEPA has established a guidance value (the level where mitigation measures may be appropriate) for radon concentrations of 4.0 or greater picoCuries/liter (pCi/l). Other regulatory authorities (e.g., OSHA) have established guidance levels that are directly related to specific site activities (a determination as to applicable radon guidance levels is beyond the scope of this Phase I Environmental Site Assessment). A summary of available radon information for the subject property's vicinity is provided below in Table 3.

Table 3: Basement Radon Levels in Vicinity of Subject Property

All radon levels provided in picoCuries/liter (pCi/l)

NYSDOH Radon Information	Westchester County	City of Peekskill
Median Radon Level	1.9	2.3
Percent of Homes >4.0 pCi/l	17.4	18.9
Number of Homes Tested	2141	37

These median radon levels are below the USEPA's guidance value of 4.0 pCi/l and less than 20% of the homes tested in the subject property's vicinity had levels in excess of this guidance value. These data support the conclusion that elevated radon levels are not likely to be present on the subject property. No radon testing is known to have been conducted on the subject property.

3.4 Site Inspection**3.4.1 Protocol**

The site inspection was conducted on December 19, 2005 in order to address any potential concerns raised during the investigation of the site's history (Section 3.2), the regulatory agency records review (Section 3.3) and to identify any additional indications of contamination from the use, storage, or disposal of hazardous or regulated materials. To the extent possible, site structures, vegetation, topography, surface waters, and other relevant site features were examined for any obvious evidence of existing or previous contamination or unusual patterns (e.g., vegetative stress, soil staining, surface water sheen, or the physical presence of contaminants), which would indicate that the environmental integrity had been or could be impacted.

Section 3.4.2 describes the physical characteristics of the subject property. Section 3.4.3 is divided into topics on specific environmental conditions or concerns, actual or potential, noted on the subject property during the site inspection. Section 3.4.4 describes the physical characteristics of adjoining properties as they concern the potential or actual environmental condition of the subject property.

A Selected Site Features Map illustrating the general layout of the subject property and the locations of specific identified concerns discussed specifically in this Section of the Phase I ESA is provided on Page 5. Photographs of the subject property are provided in Appendix A.

3.4.2 Physical Characteristics of Subject Property

3.4.2.1 Property

The subject property is an approximately 750 square foot triangular parcel with 30 feet of frontage on the eastern side of Railroad Avenue, and extends approximately 50 feet to the east. The property is entirely occupied by a one-story building utilized as a delicatessen (see below).

3.4.2.2 Structures

The on-site building is a one-story, brick and concrete block structure with a full basement and a flat roof. Exterior siding is exposed masonry and the roof is likely to be covered by asphaltic materials (note: the roof was not accessible during the site inspection). The basement is concrete block with a poured concrete floor. The western, wider end of the building contains an open, retail area, and the eastern portion of the building contains cooking and storage areas and a bathroom. Interior floors are covered by ceramic tile. Walls and ceiling are covered by gypsum wallboard and stick-on tiles. The basement is accessible from the building exterior and is utilized for site utilities and storage.

Potable Water Supply

According to City of Peekskill Assessor's Office records, the subject property is serviced by the municipal water system. No water supply wells were noted on the subject property during the site inspection and no on-site uses of groundwater are known to exist for the subject property.

Sanitary Waste

According to City of Peekskill Assessor's Office records, the on-site structure is connected to the municipal sewer system.

Heating/Cooling

The on-site structure is heated by a natural-gas furnace located in the basement. Cooling is provided by roof-mounted equipment. Hot water is provided via a natural-gas water heater located near the furnace.

3.4.3 Specific On-Site Environmental Conditions

Debris Areas

Some materials stored in the basement (e.g., restaurant equipment) may be considered to be debris. None of these materials are likely to represent a threat to the environmental integrity of the subject property.

Petroleum Storage

No small quantities of petroleum products, aboveground storage tanks, or indications of underground petroleum bulk storage tanks (e.g., fill ports or vent pipes) were observed on the subject property.

Chemical Storage

No small quantities of chemicals, aboveground chemical bulk storage tanks, or indications of underground chemical bulk storage tanks (e.g., fill ports or vent pipes) were observed on the subject property.

Asbestos-Containing Materials

Asbestos-containing materials (ACMs) are those materials containing over 1% of any type of asbestos. The presence or absence of asbestos within a material can only be determined through the physical analysis of material samples.

No asbestos survey of the subject property is known to have been conducted, however, the date of construction of the on-site building (circa 1958) indicates that asbestos-containing materials could potentially be present. Suspect ACMs noted during the site inspection included gypsum wallboard and stick-on acoustic ceiling tiles (in good condition). Other building construction materials not readily observable during the site inspection (e.g., mastics, pipe insulation present within walls, etc.) could also potentially contain asbestos.

Lead-Based Paint

The presence or absence of lead-based paint (paint containing 0.5% lead by weight) can only be determined through the material analysis of paint samples. However, given that the manufacture of lead-based paint (LBP) has been regulated since 1978, a building's date of construction is often used to help assess the likelihood that LBP was used during initial construction and/or subsequent maintenance work. The presence of deteriorated paint is indicative of a potential health risk in that paint dust and chips containing lead could be inhaled and/or ingested.

No lead-based paint survey of the property's structure is known to have been conducted. The date of construction of the on-site building (circa 1958) indicates that LBP is likely to have been used; however, in the absence of a LBP survey, no definitive statement can be made by this office regarding the presence or absence of LBP on the subject property. No significant areas of poor condition paint were noted during the site inspection.

Floor Drains/Sumps/Conduits

One floor drain is located in the food preparation area and a sump (with associated pump) is present in the basement. The sump pump and floor drain are likely to discharge into the municipal wastewater system. No evidence of contamination was noted in the sump, which contained standing water. No other floor drains, sumps, or conduits to the subsurface were noted on the subject property.

Wastewater Discharges

No evidence of wastewater or other liquid discharges (including storm water) into drains, ditches, or streams on or adjacent to the property was observed.

Staining/Corrosion/Leaks

No evidence of corrosion, leaks, or staining indicative of an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products onto the subject property was observed.

Topographic Irregularities

No overt topographic irregularities (e.g., sinkholes or berms) indicative of the presence of non-natural materials (including debris) in the subsurface were observed on the subject property.

Vegetative Features

No overt areas of stressed or dying vegetation indicative of the presence of contaminants in surface or subsurface soils were observed on the subject property.

Pits, Ponds, or Lagoons

No pits, ponds, or lagoons exhibiting evidence (e.g., discolored water, distressed vegetation, obvious wastewater discharge) of holding liquids or sludge containing hazardous substances or petroleum products were observed on the subject property.

Surface Waters

No surface water bodies are located on the subject property.

Odors

No unusual odors indicative of the presence of contamination were noted.

PCBs (Polychlorinated Biphenyls)

An inspection for the presence of equipment likely to contain PCBs was conducted by this office. PCBs were widely used in equipment such as transformers, capacitors, and hydraulic equipment until 1979 when the USEPA regulated their use in this capacity. No equipment likely to contain PCBs was noted on the subject property.

3.4.4 Observed Environmental Conditions on Adjoining Properties

No overt conditions judged by this office to pose a threat to the environmental integrity of the subject property were noted on adjoining properties.

4.0 CONCLUSIONS AND RECOMMENDATIONS

This Phase I ESA has been performed in conformance with the scope and limitations of ASTM Practice E 1527-00 on the approximately 750 square foot property located at 329 Railroad Avenue, City of Peekskill, Westchester County, New York, as described in Section 2.0. This Phase I ESA has revealed no evidence of potential recognized environmental conditions in connection with the property with the exception of the items detailed below. With respect to these conditions, the following recommendations (in **bold**) are made.

1. Information obtained during a review of historic records indicates that the subject property was vacant from at least 1887 until circa 1958, at which point the current on-site building was constructed for use as a restaurant. The property is not likely to have been used for industrial or other significant commercial uses. No significant impacts from historic site usage are likely.

No further investigation of historic records is recommended.

2. The subject property was not identified during the review of regulatory agency records conducted by this office. The adjoining property to the south (321 Railroad Avenue), however, is the site of an active NYSDEC spill event, which has impacted groundwater in the immediate vicinity of the subject property. Active spill events in the surrounding area may have similarly degraded local groundwater resources. Based on these findings, the potential exists that groundwater contamination may be present at the subject property.

No further investigation of regulatory records is recommended. Site development personnel should be made aware of the potential presence of on-site groundwater contamination, and preparations should be made for the proper handling of any impacted groundwater encountered during excavation activities.

3. Asbestos-containing materials and lead-based paint may be present on the subject property.

No further investigation is recommended. Any suspect material encountered during maintenance, renovation, or demolition activities should be tested for asbestos or lead, or, in the absence of analytical data, be treated as though it contained asbestos or lead. All maintenance, renovation, or demolition activities should be conducted in accordance with applicable regulations.

5.0 SOURCES OF INFORMATION

5.1 Maps and Documents

Ecosystems Strategies, Inc., Combined Phase I and II Environmental Site Assessment (December 2005) and Summary Report of Supplemental Soil and Groundwater Investigation (February 2005), documents publicly accessible through FOIL request to NYSDEC Region III.

Environmental FirstSearch Report, FirstSearch Technology Corporation, December 6, 2005.

New York State Department of Environmental Conservation Freshwater Wetlands Map of the Peekskill Quadrangle dated 1973, second edition.

Sanborn Fire Insurance Company Maps dated 1887, 1895, 1900, 1905, 1911, 1923, 1950, 1958, 1964, and 1972.

United States Department of Agriculture Soil Conservation Service's Soil Survey for Putnam and Westchester Counties dated September 1994.

United States Department of the Interior National Wetlands Inventory Map of the Peekskill, New York Quadrangle dated March 1984.

United States Geological Survey Topographic Map of the Peekskill, New York Quadrangle dated 1957 (photorevised 1981).

University of the State of New York, Geologic Map of New York, Fisher, *et al.*, editors (dated 1970, reprinted 1995) and Surficial Geologic Map of New York, D. Cadwell, editor (dated 1989), Lower Hudson Sheets.

5.2 Local Agency Records

City of Peekskill Assessor's Office

City of Peekskill Building Department

Westchester County Department of Health

5.3 Communications

Marilee Wright, manager of Dave's Deli (subject property tenant), December 19, 2005.

Mary Landrigan, Westchester County Department of Health, February 28, 2005.

APPENDIX A
Site Photographs

PHOTOGRAPHS



1. Subject property, looking east from Railroad Avenue



2. Subject property, looking south from Railroad Avenue

PHOTOGRAPHS



3. Subject property, looking northeast from Railroad Avenue



4. Interior view