

## **1.0 EXECUTIVE SUMMARY**

Team Environmental Consultants, Inc. (TEAM), was authorized by Union State Bank to conduct a Phase I Environmental Site Assessment (ESA) for a commercial property located at 34 State Street in Ossining, New York. The objective of this effort was to identify significant environmental impairments and liability issues associated with the subject properties. The requested scope of work included the following tasks: 1) Review of previously conducted Phase I and II ESA reports; 2) Performance of site interviews and a walk-through property inspection; 3) Review of a federal and state environmental database report; and 4) Documentation of findings in a Phase I ESA Report.

Based on the commercial site setting, availability of a municipal water supply, review of available information, performance of site interviews, and findings of the property walk-through inspection, no significant and immediate environmental liability issues associated with the subject property were identified.

## **2.0 PROPERTY DESCRIPTION**

### **2.1 Site Description**

The subject property is located along the western side of State Street, approximately one-quarter mile west of U.S. Route 9 (South Highland Avenue), in the Village and Town of Ossining, Westchester County, New York (Figures 1 and 2). The site is bordered to the north by a funeral home and private residences, to the east by State Street, residential properties, commercial businesses, and Broad Avenue, to the south by James Street and private residences, and to the west by an undeveloped wooded property (proposed location of a 46-unit condominium complex) and a residential apartment house structure located along James Street. The site topography rises gradually to moderately upwards from State Street and then slopes downwards towards the west/southwest. Photographs obtained during performance of the site inspection are presented within Attachment A.

The irregularly shaped 2.90-acre (~126,000-ft<sup>2</sup>) property is currently operated as Creative Design, Inc. (CDI), a specialty woodworking (inlaid wood pictures) manufacturing business. The property is improved with a one, two, and part three-story approximately 60,000-ft<sup>2</sup> building which was reportedly constructed in three stages. The original three-story structure (~10,000-ft<sup>2</sup>) was built circa 1840 as a private residence (current administrative office area). In 1929, an approximate

29,000-ft<sup>2</sup> three-story addition was completed and operated as a community club. The third building addition (~20,000-ft<sup>2</sup> two-story office/manufacturing area) was constructed in 1968. No documentation detailing historic site development or the performance of building renovation efforts was available for TEAM review. Proposed site development plans call for the demolition of portions of the current building and construction of a 54-unit residential townhouse complex. No site development plans were available for review.

CDI woodworking manufacturing operations are conducted on the first floor level. Also located within the ground floor building sections are assorted warehouse areas and utility rooms. The upper two-stories contain product storage/shipping facilities and office space. Two one-story garage structures are found within the western portion of the site. Paved parking areas are located within the southern and western sections of the property.

The site is located within a Town of Ossining Zoning Class WD-2 (Waterfront Development) district. The property is provided with a municipal water supply and sanitary waste treatment service (Village of Ossining and Westchester County Sewer District, respectively). Electrical service and natural gas are supplied by Consolidated Edison Utilities (ConEd). No site or regulatory information concerning the current onsite presence of any underground petroleum storage tanks was available. Non-hazardous solid waste is removed for offsite disposal by a private hauler. Utility connections are located both aboveground and underground.

## 2.2 Property Ownership

Information obtained from the Town of Ossining Tax Assessor's Office indicates the subject parcel (Tax Map Section 3.12, Block 27, Lot 20) to be owned by Creative Designs International. The property was reportedly formerly owned by Hudson River Inlay. No previously conducted title searches or documentation detailing historic property ownership was available for TEAM review.

## 2.3 Previously Conducted Environmental Site Assessments

TEAM was provided with the following three environmental reports associated with the 34 State Street property.

- January 21, 1994 - Dames & Moore Phase I Environmental Assessment
- May 7, 2003 - Elite Environmental Services Phase I Environmental Assessment
- May 16, 2003 - Elite Environmental Services Phase II Investigative Report

Summarized below for each document are the various findings, conclusions, and recommendations TEAM determined to be of a significant nature. Copies of these reviewed reports (text portions only) are provided within Attachment B.

January 21, 1994 - Phase I Environmental Site Assessment

This report was prepared by Dames & Moore (D&M), of Pearl River, New York, on behalf of Creative Design, Inc. (CDI). The Phase I ESA scope of work included a site description, review of property history and previously conducted 1992 Subsurface Investigations, Inc., Phase I and II environmental reports, performance of a site walkthrough inspection, and review of Sanborn Fire Insurance Maps and a federal/state environmental database report. The following findings and conclusions were presented in the D&M report:

- An asbestos survey was noted to have been conducted by Asbestos Research & Environmental Associates, Inc. (AREA) on September 24, 1992. The D&M report states that, "Based on the findings of this survey, an asbestos removal effort was undertaken by AREA to remove friable asbestos at the site. AREA, a licensed NYS asbestos abatement company, has determined that areas of known friable asbestos have been remediated." The D&M building inspection noted the presence of two areas of suspected asbestos containing materials (ACM), specifically the exterior wall tiles (observed to be in good condition) and sheetrock wallboard (indicated to be deteriorated due to moisture intrusion). D&M recommended that these materials be "managed" during future renovations or demolition;
- A closed in-place 10,000-gallon capacity underground fuel oil storage tank (UST) is situated within the western section of the property. The D&M report indicated that, "Subsequent to the purchase of the property, CDI uncovered and emptied the tank and abandoned it by filling with sand. The area was then back filled and covered with concrete. A subsurface investigation of the UST and other areas of concern was undertaken by Subsurface Investigations Inc. (SII) in a previous Phase II Environmental Assessment prepared for CitiBank. During the investigation of the UST, two borings were advanced to obtain soil samples. These samples were screened for volatile organic chemicals (VOC's) on site and were analyzed for Total Petroleum Hydrocarbons (TPH) by a NYS licensed laboratory. SII stated that the results of this analysis indicated that TPH concentrations were present in the range from 30 ppm to 114 ppm. Subsequently, Dames & Moore was retained by CDI to register this UST with the NYSDEC and apply for formal closure of the tank;"



- In an attempt to locate additional USTs, D&M conducted a ground penetrating radar (GPR) survey in October of 1993. Based on the findings of this investigation, "...two USTs (one 1,000 gallon and one 3,000 gallon) which contained a fuel oil/water mix were identified. In December of 1993, CDI retained Elmendorf Environmental Inc. of Elmsford, New York to perform an in-place closure of these tanks. In addition, CDI retained Dames & Moore to register the tanks with the NYSDEC, conduct the necessary soil sampling for tank closure and apply for tank closure with the NYSDEC. Results of soil sample analyses collected beneath the centerline of these tanks did not indicate the presence of petroleum hydrocarbon constituents in excess of NYSDEC soil cleanup criteria. Both of these USTs are found within the western section of the main manufacturing building;

- A waste treatment lagoon which was utilized by Printex Corp., was reportedly located within the southeastern section of the property. To identify issues of potential environmental concern associated with former use of this lagoon, SII performed a subsurface sampling investigation within this area. D&M indicated that based on review of an SII December 1992 Phase II report that, "SII concluded that the treatment lagoon had not adversely impacted the environmental quality of the property." TEAM was unable to obtain a copy of the SII report;

- The subject property is noted to have been placed on the CERCLIS (Comprehensive Environmental Response, Compensation, and Liability System - Potential hazardous waste sites that U.S. EPA is investigating for an existing or threatened release of hazardous substances) list for potential inclusion on the NPL (National Priority List - National listing of abandoned or uncontrolled hazardous waste sites). A site screening investigation and preliminary assessment of the site were reportedly conducted. The D&M report stated that, "At this time, the regulatory agency data base search lists that no further action has been taken by Federal or State agencies regarding this site. However, based upon information provided by CDI personnel, this site was delisted in 1983 after NYSDEC and EPA investigations failed to identify any potential hazards; and

- During the D&M building inspection, floor drains were identified at various locations. CDI personnel indicated that these drains and all generated wastewater streams discharge to the municipal sewer system. A paint/lacquer spray booth (vented to the outside of the building) and several dust collection devices were also observed. CDI manufacturing operations utilize paint thinners, wood stains, sealants, and glue products. No indications of improper storage or product leakage/spillage were referenced in the D&M report.

#### May 7, 2003 - Phase I Environmental Site Assessment

This report was prepared by Elite Environmental Services, Inc. (EES), of Thornwood, New York, on behalf of proposed property purchaser, Daniel Beaton. The Phase I ESA scope of work included a site description, review of property history and historic Sanborn Fire Insurance Maps (1886-1971), performance of a property walkthrough inspection, and review of a federal/state environmental database report. The following findings and conclusions were presented in the EES report:

- During performance of the EES property inspection, no water supply wells, aboveground petroleum/chemical storage tanks, active underground petroleum storage tanks, septic systems, PCB-containing equipment, hazardous substance use, or suspected onsite wetland areas were identified. A visual asbestos survey noted the presence of suspected asbestos containing floor tiles within the "work areas in the site building." These tiles were reported to be in "good condition at the time of inspection." EES recommended performance of an asbestos survey prior to the performance of any renovation or demolition activities;
- The EES report stated that, "According to the environmental database, concrete storage lagoons for the treatment of process water were located on-site. During the inspection, storage lagoons were not located;" and
- Based on historic site use and the presence of three closed in-place underground petroleum storage tanks, EES recommended performance of a Phase II subsurface investigation. Identified "target areas" included: 1) location of underground storage tanks, 2) areas of concrete storage lagoons, and 3) garage area where automobile and truck repair work is performed.

#### May 16, 2003 - Phase II Environmental Site Assessment

Based on the findings of the Elite Environmental Services, Inc. (EES) Phase I ESA, property purchaser, Daniel Beaton authorized EES to perform a Phase II site investigation. The scope of work included the installation of nine soil borings within the western (vicinity of closed in-place 10,000-gallon UST and storage garages) section of the property utilizing a van mounted Geoprobe system.

Field activities were conducted on May 14, 2003. Collected soil samples were field screened utilizing a portable Mini Rae Photo Ionization Detector (PID) to provide a "direct reading of the

concentration of volatile organic vapors in the sample, reported in ppm" (parts per million). The EES report stated that, "Field screening results indicate no volatile organic vapor compounds were found in the soil samples collected during the soil boring program" No samples are indicated to have been collected for laboratory analysis.

### **3.0 SITE INSPECTION**

On April 28, 2005, TEAM together with proposed property purchaser, Dan Beaton (34 State Street, LLC), conducted an inspection of accessible portions of the site building and surrounding property. The requested scope of work did not include performance of any field sampling activities (e.g., asbestos, soil, radon, or groundwater) or completion of a formal regulatory compliance audit, as it would relate to the use, handling, storage, permitting, or disposal of regulated materials and waste products.

#### **3.1 Property Inspection**

Inspection of accessible property surrounding the building (extremely difficult due to the property terrain and presence of parked vehicles, stored equipment, leaf litter, and vegetation) revealed no unusual odors or visual evidence of significant surface staining that could be indicative of leaking petroleum storage tanks, chemical spills, or industrial waste disposal. No PCB-labeled electrical equipment, aboveground petroleum storage tanks, suspected underground petroleum storage tank fill ports or vent pipes, water supply or groundwater monitoring wells, or industrial waste storage or disposal facilities within the exterior property confines were observed.

No surface water bodies or significant freshwater wetland habitat areas were observed within or proximate to the subject property. The Hudson River is situated approximately one-quarter mile to the west. The requested Phase I ESA scope of work did not include performance of formal wetland or flood plain delineation surveys.

During the April 28, 2005 site inspection, TEAM observed performance of a test pit investigation in the vicinity of the closed in-place 10,000-gallon UST by Elite Environmental Services, Inc. (EES). As part of this investigation, EES uncovered the top portion of the tank and excavated sand/gravel located within the UST. In addition, test pits were advanced on two sides of the tank (below the bottom of the UST). No petroleum odors or visual evidence of soil staining were noted by either TEAM or EES field personnel. At the completion of this effort, the tank and excavated test pits were subsequently backfilled to grade.



### 3.2 Building Inspection

Inspection of accessible interior building sections (extremely difficult due to the size of the structure and the presence of woodworking equipment and supplies) revealed no unusual odors or visual evidence of underground or aboveground petroleum/chemical storage tanks, PCB-labeled electrical equipment, significant chemical spillage/surface stains, or industrial waste storage facilities. According to CDI representatives no commercial vehicle servicing or maintenance operations are conducted onsite. Generally good housekeeping practices were observed throughout the facility.

No exposed suspected friable asbestos containing materials (e.g., pipe wrap, electrical or boiler insulation) were observed during performance of the facility walkthrough inspection. Due to the age of the building, asbestos containing materials (ACM) may be associated within the site structure. The requested scope of work did not include performance of a formal asbestos or lead-based paint sampling survey.

### 3.3 DTCS Phase II Environmental Site Assessment

Based on historic site use and proposed property development plans, TEAM recommended performance of a property-wide Phase II ESA site investigation. Property purchaser, Dan Beaton (34 State Street, LLC) subsequently retained DT Consulting Services (DTCS) to perform a subsurface investigation of the 34 State Street property. DTCS concentrated its investigation in the following areas:

- Known PBS locations found in the northern quadrant of the site;
- Reported location of waste treatment lagoon (utilized by Printex Corp.) situated within the southeastern corner of the property; and
- General equipment maintenance and storage area located within the western portion of the site.

---

As part of this May 10, 2005 site investigation, a track mounted Geoprobe drill rig installed soil borings at seven property locations to depths ranging from approximately eight to twelve feet below grade. A DTCS geologist performed soil screening and classification immediately following collection of subsurface soil samples. Samples were screened for volatile organic compounds

(VOCs) utilizing an HNu photoionization detector (PID). Three composite soil samples were also collected for laboratory analysis of volatile/semi-volatile organic compounds (VOC's/SVOC's) and priority pollutant metals. Groundwater was not encountered during performance of the Phase II field investigation. A May 31, 2005 DTCS Phase II ESA report (copy found in Attachment C) presented the following field observations and conclusions.

- "While performing this investigation, headspace screening yield the non-detect total petroleum hydrocarbons in parts-per-million within each soil profile analyzed. In addition, no visual or olfactory signs of subsurface contamination were encountered while field testing soils from each borehole location;
- Based upon field observations and testing, DTCS can conclude that noticeable signs of subsurface contamination were not detected while collecting samples from each borehole location. Although laboratory analysis revealed the presence of some targeted VOC's/SVOC's and priority metals, all were within New York State Department of Environmental Conservation (NYSDEC) Soil Quality Guidance Values (TAGM #4046, January 1994); and
- Currently, the need to perform additional investigative and/or remedial measures does not appear warranted based upon the findings of this Phase II ESA. Therefore, it is DTCS's opinion that no further action is required at this time within the area of study."

#### **4.0 RECORDS REVIEW AND DOCUMENTATION**

##### **4.1 Federal and State Database Report**

TEAM has obtained an Environmental FirstSearch Network (EFSN) Site Assessment Report which provides information concerning the target property and those sites located within an ASTM established radius and listed in any of the following Federal and State databases:

- National Priority List (NPL);
- Resource Conservation and Recovery Information System (RCRIS),  
Large Quantity Generators and TSD Facilities,  
Small Quantity Generators and Transporters;
- State Spills Database (SPILLS);



- Comprehensive Environmental Response, Compensation, and Liability System (CERCLIS);
- Emergency Response Notification System (ERNS);
- Leaking Storage Tanks (LUST);
- Active Solid Waste Facility Register (SWL); and
- Registered Bulk Storage Tanks (UST/AST).

The EFSN Database Report presented in Attachment D, identifies no NPL, CERCLIS, or SWL sites within the ASTM established survey radius. Two LUST, fourteen SPILLS, one NFRAP, and one STATE site are located within a one-eighth to one-quarter mile distance. The subject 34 State Street property (Printex Corp./Hudson River Inlay) is identified in the NFRAP, RCRIS, and STATE Databases. The NFRAP listing notes performance of a Preliminary Assessment and Site Inspection on November 1, 1980. The STATE Database site description states that, "Westchester County Department of Health investigation has determined that this site has not used lagoons to dispose of hazardous waste, but rather concrete storage lagoons for treatment of process water...No known disposal of hazardous wastes at this time." The RCRIS Database notes the Hudson River Inlay facility to be a small quantity hazardous waste generator. No violations are noted for this business.

The nearest SPILLS site (private residence) is situated approximately 200-feet to the northeast at 6 Broad Avenue. The Spill Date for this property is listed as April 24, 1997 (5-gallon No. 2 fuel oil tank overflow). The remedial status is indicated to be "closed." The closest LUST site (Descon Woodworking) is found approximately 600-feet to the northeast at 100 Spring Street. The Spill Date is identified as October 11, 2002 (gasoline tank failure). The remedial status is noted to be "closed." The proximity of EFSN identified sites would not appear to impact or pose significant environmental liabilities with respect to current property use or water quality issues.

#### 4.2 Regulatory Review - NYSDEC/Westchester County Health Department

The requested Phase I ESA Update scope of work did not include submittal of Freedom of Information Legislation (FOIL) requests to Region 3 of the New York State Department of Environmental Conservation (NYSDEC) or Westchester County Health Department Office of Environmental Health Risk Control, which administers the NYSDEC Petroleum Bulk Storage Program in Westchester County.


## **5.0 CONCLUSIONS**

Based on the commercial site setting, availability of a municipal water supply, review of available information, performance of site interviews, and findings of the property walk-through inspection, no significant and immediate environmental liability issues associated with the subject property were identified. No additional environmental site investigations are recommended at this time.

## **6.0 LIMITATIONS**

The conclusions stated are based on the limits of the investigation described herein. TEAM can offer no assurances and assumes no responsibility for site conditions or activities which were outside the scope of the inquiry requested. In performing its investigations, TEAM has used reasonable care and has performed its work in keeping with industry standards and standard engineering practice, as appropriate. It should be understood that TEAM has relied on the accuracy of documents, oral information, and other material and information provided by sources documented in this report. There can be no assurance, and TEAM offers no assurance, that site conditions do not exist or could not exist in the future which were undetected and which could lead to liability in connection with the site. Similarly, past and present activities on the site indicating potential environmental concerns may not have been discovered by TEAM's inquiries.

The Phase I Environmental Site Assessment Update was prepared for Union State Bank in accordance with all regulatory and good management standards, and to the best of our knowledge, is complete and accurate.

  
\_\_\_\_\_  
Martin C. Wodka  
President