

June 23, 2021

Site Control Section
Attn: Lexy Servis
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, NY 12233-7020

Re: Revised BCP Application and RIWP for 19 & 21 Erie Blvd. Site

Dear Ms. Servis:

On behalf of 21 Erie Assoc., LLC, JMT of New York, Inc. is submitting this Brownfield Cleanup Program (BCP) Application Revision and a Remedial Investigation Work Plan (RIWP) for the proposed 19 & 21 Erie Blvd. Site located in Albany, New York. The application was originally submitted May 19, 2021. NYSDEC issued a letter of Incompleteness on June 18, 2021. We have addressed your comments and this re-submittal should complete the BCP application.

As specified in the BCP Application instructions, one paper copy of the Application form with original signatures, a table of contents, and one complete electronic copy (on a compact disc) is provided. The complete electronic copy (on a compact disc) also includes a RIWP. Once the Application is determined to be complete, we will provide a copy of it and the RIWP to the Albany Public Library.

If you have any questions, do not hesitate to reach out to me.

Yours truly,

JMT of New York, Inc.

A handwritten signature in black ink that reads "John D. Ciampa". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John D. Ciampa, P.G.
Section Head
Natural & Cultural Resources

Enclosure

Cc via email: J. Perniciaro, 21 Erie Assoc., LLC
J. Blackburn, 21 Erie Assoc., LLC
A. Schultz, Esq., Couch White, LLP

Table of Contents

NYSDEC Brownfield Cleanup Program Application Form.....	1
Supplemental Application Responses.....	13
Section I, Requestor Information.....	14
Section II, Project Description.....	18
Section III, Property’s Environmental History.....	19
Section IV, Property Information.....	20
Section VI, Current Property Owner/Operator Information.....	23
Section VII, Requestor Eligibility Information.....	24
Section IX, Contact List Information.....	26
Repository Agreement Letter.....	30
Section X, Land Use Factors.....	31
Figures.....	32
Tables.....	37
Phase II Reports.....	Seperate File
RIWP.....	Seperate File



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. Is this an application to amend an existing BCA?

Yes No If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) BCP App Rev 11

Section I. Requestor Information - See Instructions for Further Guidance DEC USE ONLY BCP SITE #: NAME 21 Erie Assoc., LLC ADDRESS 204 Lafayette St. CITY/TOWN Schenectady ZIP CODE 12305 PHONE (518) 225-2401 FAX (518) 836-0210 E-MAIL jperniciaro@redburndev.com Is the requestor authorized to conduct business in New York State (NYS)? Do all individuals that will be certifying documents meet the requirements detailed below?

Section II. Project Description 1. What stage is the project starting at? Investigation Remediation NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required. 2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No N/A 3. Please attach a short description of the overall development project, including: See attached

Section III. Property's Environmental History

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X	X	
Chlorinated Solvents			X
Other VOCs	X	X	X
SVOCs	X	X	
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: An indoor air sample in the basement had TCE

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION** See attached
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Paper Factory from 1916-1964, storage from 1965-1985, trucking facility/miscellaneous from 1985-2005

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 19 & 21 Erie Blvd.

ADDRESS/LOCATION 19 & 21 Erie Blvd.

CITY/TOWN Albany ZIP CODE 12204

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Albany

COUNTY Albany SITE SIZE (ACRES) 9

LATITUDE (degrees/minutes/seconds) 42 ° 39 ' 49.39 "	LONGITUDE (degrees/minutes/seconds) 73 ° 44 ' 17.81 "
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Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
19 Erie Blvd. Albany, NY	65.16	5	4.1	7.97
21 Erie Blvd. Albany, NY	65.16	5	4.2	1.06

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? Yes No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : 1
Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

None that we are aware of, see supplemental information.

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

N/A

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

N/A

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

N/A

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

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE **Joseph Perniciaro**

ADDRESS **204 Lafayette St.**

CITY/TOWN **Schenectady** ZIP CODE **12305**

PHONE (518) 225-2401	FAX (518) 836-0210	E-MAIL jperniciaro@redburndev.com
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NAME OF REQUESTOR'S CONSULTANT **John Ciampa (Johnson, Mirmiran & Thompson)**

ADDRESS **19 British American Blvd.**

CITY/TOWN **Latham** ZIP CODE **12110**

PHONE (518) 782-0882	FAX (518) 782-0973	E-MAIL jciampa@jmt.com
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NAME OF REQUESTOR'S ATTORNEY **Adam Schultz, Esq.**

ADDRESS **540 Broadway**

CITY/TOWN **Albany** ZIP CODE **12201**

PHONE (518) 426-4600	FAX	E-MAIL aschultz@couchwhite.com
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Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME **Jeff Sperber (Huckleberry Finn Potter)** OWNERSHIP START DATE: **2/2/2005**

ADDRESS **25 Erie Blvd.**

CITY/TOWN **Albany** ZIP CODE **12204**

PHONE (518) 495-2435	FAX	E-MAIL jsperber@yahoo.com
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CURRENT OPERATOR'S NAME **Huckleberry Finn Potter**

ADDRESS **25 Erie Blvd.**

CITY/TOWN **Albany** ZIP CODE **12204**

PHONE (518) 495-2435	FAX	E-MAIL jsperber@yahoo.com
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PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".

IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site? Yes No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes No See Attached

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

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

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? Mixed Use - FW

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? Yes No

4. Do current historical and/or recent development patterns support the proposed use?

Yes No

Mixed residential/commercial use is expanding in the N. Albany Warehouse District

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

Municiple zoning for the site is mixed use.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

The proposed residential/commercial use of the property is consistent with the Unified Sustainable Development Ordinance's(USDO) official zoning maps for MU-FW use.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

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

Date: 6/22/2021 Signature: _____

Print Name: JOHN BLACKBURN - Authorized Signatory

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 11

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
From ECL 27-1405(31):	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p>	
<p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

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

- Project is an Affordable Housing Project - Regulatory Agreement Attached;
- Project is Planned as Affordable Housing, But Agreement is Not Yet Available* (*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- This is Not an Affordable Housing Project.

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

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

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

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: 19 & 21 Erie Blvd.
City: Albany

Site Address: 19 & 21 Erie Blvd.
County: Albany **Zip:** 12204

Tax Block & Lot
Section (if applicable): 65.16 **Block:** 5 **Lot:** 4.1

Requestor Name: 21 Erie Assoc., LLC **Requestor Address:** 204 Lafayette St.
City: Schenectady **Zip:** 12305 **Email:** jperniciaro@redburndev.com

Requestor's Representative (for billing purposes)
Name: Joseph Perniciaro **Address:** 204 Lafayette St.
City: Schenectady **Zip:** 12305 **Email:** jperniciaro@redburndev.com

Requestor's Attorney
Name: Adam Schultz, Esq. **Address:** 540 Broadway
City: Albany **Zip:** 12201 **Email:** aschultz@couchwhite.com

Requestor's Consultant
Name: John Ciampa (Johnson, Mirmiran & Thompson) **Address:** 19 British American Blvd.
City: Latham **Zip:** 12110 **Email:** jciampa@jmt.com

Percentage claimed within an En-Zone: 0% <50% 50-99% 100%

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: Yes No

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

DER/OGC Determination: Agree Disagree Undetermined

Notes:

SUPPLEMENTAL APPLICATION RESPONSES

NYSDEC BROWFIELD CLEANUP PROGRAM
SUPPLEMENTAL APPLICATION RESPONSES

PART A, Section I, Requestor Information

- See attached printout of NYSDOS Entity Information
- Members of the LLC entity are provided below

Jeff Buell
John Blackburn
Tom Rossi

Department of State

Existing Corporations and Businesses ▶ **Corporation & Business Entity Database Search**

Selected Entity Name: 21 ERIE ASSOC., LLC
Selected Entity Status Information

Current Entity Name: 21 ERIE ASSOC., LLC
DOS ID #: 5917235
Initial DOS Filing Date: JANUARY 13, 2021
County: SCHENECTADY
Jurisdiction: NEW YORK
Entity Type: DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

21 ERIE ASSOC., LLC
204 LAFAYETTE STREET
SUITE 2
SCHENECTADY, NEW YORK, 12305

Registered Agent

NONE

This office does not require or maintain information
regarding the names and addresses of members or

managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

*Stock Information

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JAN 13, 2021	Actual	21 ERIE ASSOC., LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

PART A, Section II, Project Description (Item 3)

The project site currently contains one existing building that is used for a commercial use. It is a well-known Albany business – Huck Finn Furniture Warehouse. 21 Erie Associates intends to purchase the property and has completed Phase I and Phase II Environmental Assessments. The future intended use is to a mixture of commercial and residential. A portion of the building will be converted into residential apartments, including a section of the basement. We anticipate conducting the remedial investigation as soon as BCP Application and workplan are approved. Once the remedial investigation is complete, a remedial workplan will be prepared. Our goal is to complete any remedial work this fall and receive a Certificate of Completion in November 2021.

NYSDEC BROWFIELD CLEANUP PROGRAM
SUPPLEMENTAL APPLICATION RESPONSES

PART A, Section III, Property Environmental History (Item 1)

- Attached are two Phase II ESAs prepared by Labella Associates in February and March 2021

NYSDEC BROWFIELD CLEANUP PROGRAM
SUPPLEMENTAL APPLICATION RESPONSES

PART A, Section IV, Property Information (Item 8)

8. Easement Narrative

As shown on Figure 4, there are multiple easements that exist at the property. These include utility easements from Niagara Mohawk Company on the west side of the property, as well as water, sewer, storm water and gas easements from the City of Albany on the north, south and east sides of the property. In addition, there are railroad easements on the southwest and east side of the property, including one from D&H railroad. No rail lines exist on the site and the rail easements are associated with past industrial uses on the property. Since the site investigation is not complete and a remedial work plan has not been prepared, it is unknown if any of these easements would preclude remedial activities. It is very unlikely that installation of a cap would be precluded by any of the easements. If soil excavation is necessary, there could be some restrictions in the immediate vicinity of existing subsurface utilities. However, any potential excavation restrictions will likely be relatively localized and would not be expected to significantly affect a selected remedy.

PART A, Section IV, Property Information (Item 10)

10. Property Description and Environmental Assessment Narrative

Location

The Site is located at 19 and 21 Erie Boulevard, Albany NY, 12204. The property is located southwest of the intersection of I-90 and I-787 and just east off of Erie Boulevard. The site is located in an urban setting just west of the Hudson River and is surrounded by industrial and commercial properties. A USGS topographic map is provided (see Figure 1)

Site Features

The Site consists of two contiguous tax parcels totaling approximately 9.0 acres (Parcel IDs: 65.16-5-4.1 and 65.16-5-4.2) located to the east of Erie Boulevard, Albany, NY (see Figure 2). The Site is currently developed with a two-story 238,480 square foot warehouse (Site Building) that was constructed in approximately 1935. The Site is currently utilized as a furniture store and warehouse. The exterior of the Site consists of vegetative areas, asphalt paved parking/roadway areas and concrete paved walkways. The Site is located within an urban area. According to the 7.5-minute Albany, New York Quadrangle United States Geological Society (USGS) Map, the Site is generally level.

Current Zoning and Land Use

The site currently contains one building which is used for a commercial use. It is a furniture

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

store, Huck Finns Warehouse. The property is currently active and zoned for mixed-use. The surrounding parcels are also zoned for mixed use and are currently used for a combination of commercial, light industrial. The parcel to the north of the property is an amusement park, Huck Finns Playland. I-787 is East of the property. Eleven Cousins limited owns the parcel south of the property and is categorized as a warehouse and distribution facility. D&H railroad tracks are located to the west of the property.

Past Use of the Site

The Site was occupied by a paper factory from approximately 1916 to 1964. The Site Building included many machine rooms and machine shops, as well as a boiler room. Railroad spurs were present on the Site from at least 1908 to at least 1995. The Site was occupied by a trucking facility from at least 1992 to at least 1993. The site previously had multiple tanks, the majority of which were removed, including: a 9,000 gallon fuel oil UST located on the southeast side of the building; a 10,000 gallon fuel oil UST located on the southeast corner of the building; a 2,000-gallon kerosene UST located on the southeast portion of the Site; a 1,000-gallon kerosene tank located in a vault under the southwest corner of the Site Building; a 1,000-gallon sulfuric acid AST on the east side of the building; and a 1,000 gallon gasoline UST on the northeast corner of the building. All of these were reportedly removed. A 1935 Sanborn map of the Site notes the presence of underground "stock tanks" within the east portion of the Site Building. The nature of these tanks is unknown, although they likely contained paper pulp. Metal piping was observed on the south and southeast exterior of the Site Building. The pipes are believed to be related to a former heating system for the Site Building. A 100,000-gallon AST and associated piping are still located on the southeast portion of the Site. This AST has been located on the Site since at least 1951 and is currently empty. The AST formerly held fuel oil and liquid fertilizer. Fuel oil contaminated soil was removed from the area of the AST to the satisfaction of the New York State Department of Environmental Conservation (NYSDEC) in 2005. Two empty ASTs are also located in the basement. Previous transformers were located along the south and east sides of the Site Building. Prior use relating to fuel storage resulted in three DEC Spill Numbers associated with the site. Spill 84-01275 (closed) relating to a tank overflow and impacted soil; Spill 00-05947 (closed) was reported due to a diesel fuel leak from a truck; Spill 20-09142 was established based on analytical sampling results and field observations from Labella's 2021 Phase II ESA

Site Geology and Hydrogeology

The soil borings suggest that native soils at the Site generally consist of sand and clayey silt ranging in depth from approximately 0.5 ft to 15 ft bgs. During advancement of borings, the apparent water table was observed ranging in depth from 10 ft bgs to 15 ft bgs. The

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

nearest body of water is the Hudson River, located approximately 1,000 ft. east of the site. No bedrock was encountered during the Phase II ESA drilling activities.

Environmental Assessment

Based upon the Phase II ESAs (February and March 2021), petroleum related compounds are the primary contaminants at this site. See Figure 3: Soil, Groundwater and Vapor Exceedance Map.

Soil - Petroleum related soil impacts have been identified in multiple soil samples. Petroleum odors, staining, and elevated PID readings were observed in the soils on site. SB-5 (13.5 14' bgs) and SB-6(10-14') had PID readings over 15,000 ppm. Laboratory soil analytical results identified four boring locations exceeding the NYSDEC Residential SCOs. See table 1 for soil analytical results. SB-6(10-14') had a VOC (1,2,4 Trimethylbenzene) reading of 59 ppm, exceeding the NYSDEC Residential SCO of 47 ppm. SB-16 had six SVOC readings for compounds in the polycyclic aromatic hydrocarbons class (PAHs) ranging from 0.96 to 2.1 ppm, exceeding NYSDEC Residential SCOs (0.5-1 ppm). SB-21 and SB-22 (located in the basement, where apartments are planned) had three total SVOC readings for PAH compounds (0.6 to 1.1 ppm) exceeding NYSDEC Residential SCO.

Groundwater - Laboratory groundwater analytical results from site groundwater monitoring wells identified four locations with VOC and SVOC contamination above regulatory limits. Eight VOCs were found over the groundwater standards at three well locations, and five SVOCs exceeded standards at two locations. Elevated VOCs included n-propylbenzene (92 ppb), 1,2,4 Trimethylbenzene (75 ppb), xylene (53 ppb) and Ethylbenzene (34 ppb). Petroleum related VOCs were seen in MW-1 above applicable NYSDEC TOGS 1.1.1 AWQS. Six petroleum related VOCs and one SVOC were above applicable NYSDEC TOGS 1.1.1 AWQS in MW-2. Five SVOCs were identified above applicable NYSDEC TOGS 1.1.1 AWQS in MW-4. Three VOCs were identified above the applicable NYSDEC TOGS 1.1.1 AWQS in MW-5. See Table 2 for groundwater analytical results. Based on the analytical results, NYSDEC Spill #20-09142 was assigned to the Site on February 1, 2021.

Soil Vapor and Indoor Air - Laboratory soil vapor analytical results identified Trichloroethene contamination in a sub-slab sample SS-1(14.9 ug/m³) and an indoor air sample IA-1 (1.32 ug/m³). These results exceed NYSDOH Guidance for Indoor Air (Matrix A) and may require mitigation. See Table 3 for soil vapor and indoor air analytical results.

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

PART B, Section VI, Current Property Owner/Operator Information – if not a Requestor

Previous Property Owners/Operators		
Time Period	Owner/Operator	Relationship to Requestor
2005 to Present (current owner)	Huckleberry Finn Potter, inc. 25 Erie Blvd. Albany, NY, 12204 (518) 465-3373	None
1985 to 2005	Brookford Corporation 401 Brookford Rd. Syracuse, NY, 13224 (315) 446-9599	None
1965 to 1985	Montgomery Ward Corp 1112 7th Avenue Monroe, WI 53566-1364 (866) 233-7890	None
1964 to 1965	Unknown	N/A
1916 to 1964	Albany Paper Works No existing contact information.	None

Requestor's Relationship to Current Owner: None

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

PART B, Section VII, Requestor Eligibility Information

See attached access letter.

The requestor, 21 Erie Assoc., LLC, should be considered a volunteer because their liability arises solely as a result of future ownership of the site subsequent to the disposal of hazardous waste or discharge of petroleum. The requestor has conducted due diligence studies at the site (Phase I/II ESAs) and has no knowledge of any continued releases at the site. The Applicant has the resources to conduct the required studies and any necessary remediation within the BCP Program.

With regard to the affirmative answer for item 11, two Aboveground Storage Tanks exist in the basement of the property that appear to be unregistered and empty. At least one of the tanks appears to have a capacity of 1,100 gallons or more and will need to be registered before it is removed.

5/12/2021

21 Erie Assoc, LLC
204 Lafayette St.
Schenectady, NY
12305

I, Jeffrey Sperber, confirm that I am the President of Huckleberry Finn Pottery, Inc. ("Huck Finn"), the current owner of 19-21 Erie Blvd in Albany, NY. This letter confirms Huck Finn has an active purchase and sale agreement for the property located at 19-21 Erie Blvd. It is my understanding that 21 Erie Assoc, LLC is requesting acceptance into the New York State Department of Environmental Conservation Brownfield Cleanup Program.

Please accept this letter as proof of site access. I agree to grant 21 Erie Assoc., LLC and its consultants sufficient site access to conduct any remedial investigations and complete remedial activities, including the ability to place an easement on the site. Access will continue throughout the Brownfield Cleanup Project.

Thank you,

A handwritten signature in dark ink, appearing to read "Jeffrey Sperber", with a long, sweeping horizontal flourish extending to the right.

Jeffrey Sperber
Huckleberry Finn Potter, Inc.

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

PART B, Section IX, Contact List Information

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.

Daniel P. McCoy, County Executive
Albany County Executive
Harold L. Joyce Albany County Office Building
112 State St., Room 1200
Albany, NY 12207

Laura Trivison, Planning and Land Use
Albany County Economic Development, Conservation and Planning
Harold L. Joyce Albany County Office Building
112 State St., Room 1310
Albany, NY 12207

Kathy M. Sheehan, Mayor
City of Albany
City Hall, Room 102
Albany, NY 12207

Brad Glass, Planning Director
Albany Department of Planning & Development
First Floor, Suite 3
200 Henry Johnson Boulevard
Albany, NY 12210

2. Residents, owners, and occupants of the property and properties adjacent to the property.

Subject Site currently owned by Huckleberry Finn pottery. The site consists of two tax parcels 65.16-5-4.1 and 4.2 totaling approx. 9 + - acres.

Adjacent Properties

17 Erie Blvd. (65.16-5-5)
Eleven Cousins Limited
158 Syracuse Street
Syracuse, NY 13204

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

25 Erie Blvd. (65.16-5-3)
Huck Finn's Playland
25 Erie Blvd.
Albany, New York 12204

79 Mill street. (65.16-4-34)
D&H Corporation
120 S 6th St. 7th floor
Minneapolis, MN 55402

I-787
New York State Department of Transportation
50 Wolf Road
Colonie, NY 12205

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

Newspaper

Times Union
News Plaza Box 15000
Albany, New York 12212
(518) 454-5420
www.timesunion.com

Television

WTEN - Channel 10
341 Northern Blvd.
Albany, New York 12204
(518) 436-4822
www.news10.com

WRGB -Channel 6
CBS6 Albany
1400 Balltown Rd.
Schenectady, NY 12309
(518) 346-6666
www.cbs6albany.com

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

WNYT – Channel 13
715 N. Pearl St.
Albany, NY 12204
1-800-999-WNYT
www.wnyt.com

Radio - AM

WGY (810)
iheartradio
1203 Troy-Schenectady Road
Latham, NY 12110

Radio - FM

WAMC (90.3)
P.O. Box 66600
Albany, New York 12206

WPYX (106.3)
1203 Troy-Schenectady Road
Latham, NY 12110

WRVE (99.5)
1203 Troy-Schenectady Road
Latham, NY 12110

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

Charles G. Houghton, III, Chairperson
Albany Department of Water
Albany Water & Water Supply
10 N Enterprise Drive
Albany, NY 12204

5. Any person who has requested to be placed on the contact list.

No additional person has requested to be put on the contact list.

NYSDEC BROWFIELD CLEANUP PROGRAM

SUPPLEMENTAL APPLICATION RESPONSES

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

Creative Kids Family Daycare, LLC
(518) 599-0882
64 Emmet St., Albany, NY 12204
Distance from site ~ 0.5 miles

Victory Child Care, Inc.
(518) 431-4338
11A Clinton Ave., Albany, NY 12207
Distance from site ~ 0.8 miles

Arbor Park Child Care
(518) 465-8466
96 2nd St., Albany, NY 12210
Distance from site ~ 0.9 miles

Rosalind Gaines-Harrell, Principal
Arbor Hill Elementary School
(518) 475-6625
1 Arbor Dr., Albany, NY 12207
Distance from site ~ 0.6 miles

7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.

Albany Public Library – Arbor Hill/West Hill Branch
148 Henry Johnson Blvd.
Albany, NY 12210
(518) 427-4300

See attached repository agreement letter

8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Not Applicable.



Albany Public Library

www.albanypubliclibrary.org

148 Henry Johnson Blvd
Albany, New York 12210

P: 518.427.4300

May 11, 2021

Mr. Joseph Perniciaro, Development Associate
21 Erie Associates, LLC
204 Lafayette St.
Schenectady, NY 12305

To whom it may concern,

This is to acknowledge that the Albany Public Library, Arbor Hill/West Hill Branch, will serve as a repository for public records for the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program site that is located at 19 and 21 Erie Blvd. Albany, NY 12204.

Sincerely,

Alexandra Bernat Cardinal, Branch Manager
Arbor Hill/West Hill Branch
Albany Public Library

NYSDEC BROWFIELD CLEANUP PROGRAM

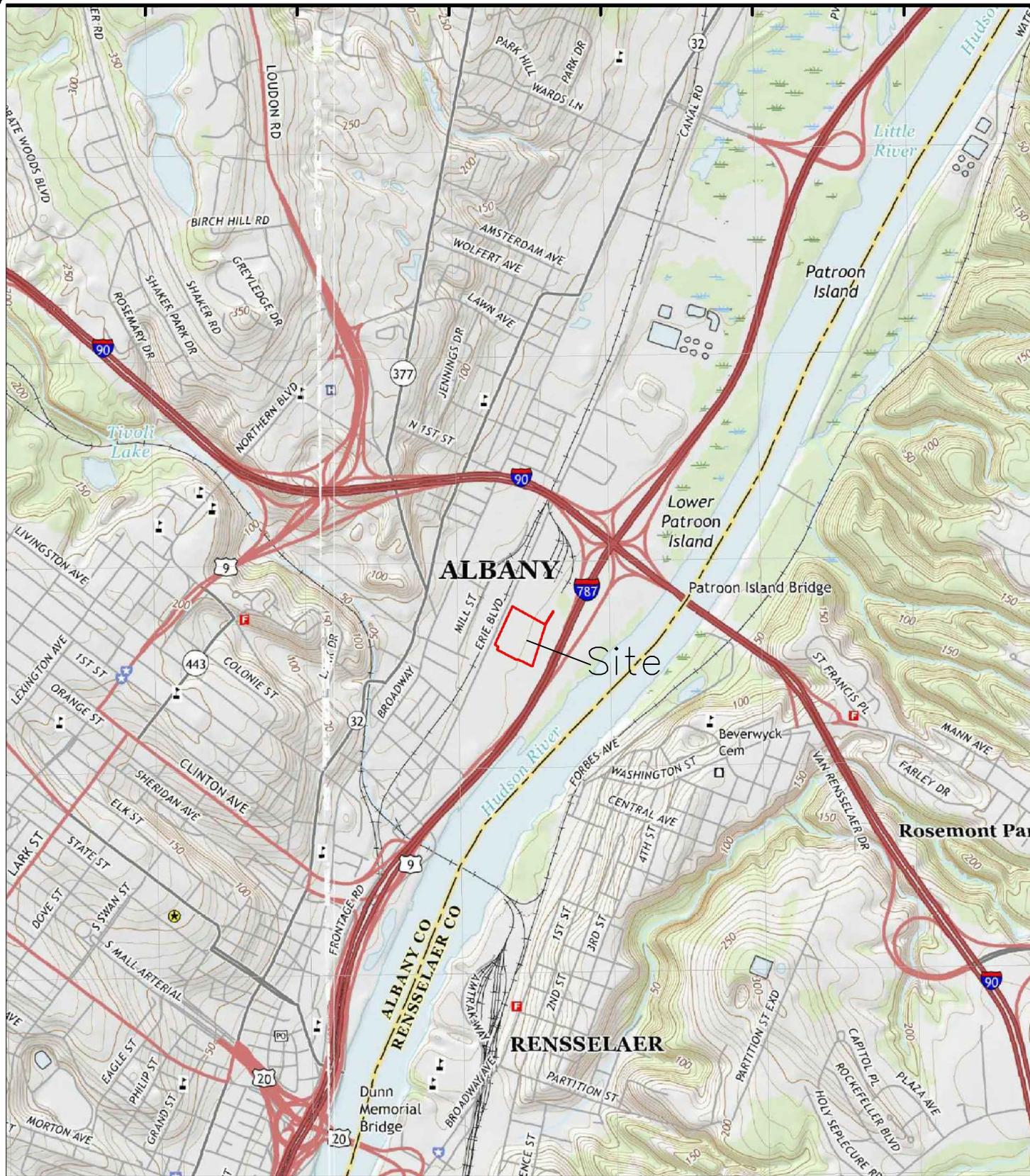
SUPPLEMENTAL APPLICATION RESPONSES

PART B, Section X, Land Use Factors (Items 2 and 3)

2. Current use is a furniture store that is open to the public. It has been used for this since 2005. Prior uses included a paper manufacturer (ceased in 1964) and a trucking facility/warehouse (1965-2005). Past activities included petroleum storage and reported spills.

3. Reasonably anticipated use includes apartments and commercial use. Outdoor community garden and walking paths are being considered. Basement level apartments may be constructed.

FIGURES

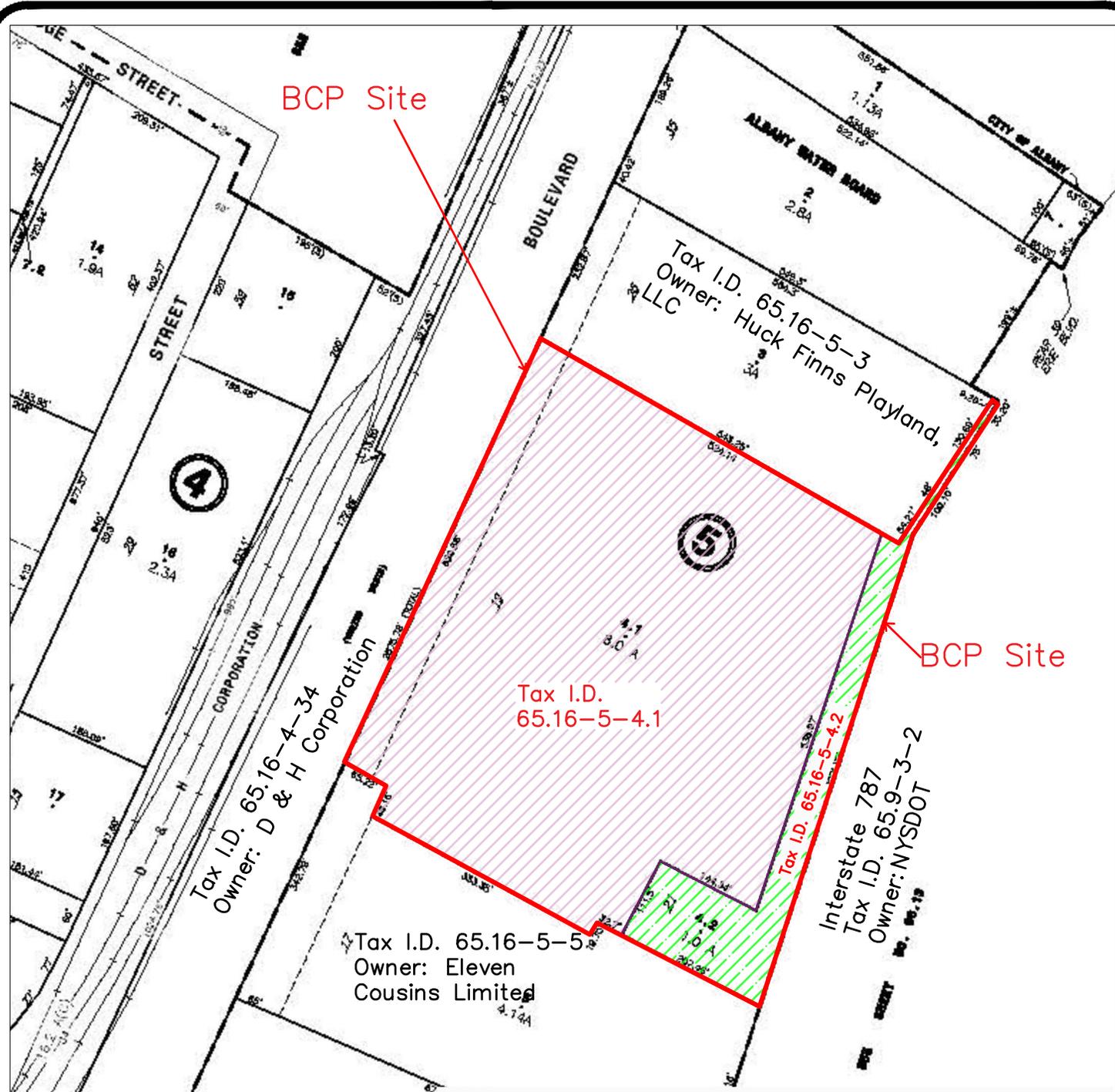


19 British American Blvd., Latham, New York 12110
 P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

USGS Topographic Map
 21 Erie Associates, LLC
 19 and 21 Erie Blvd.

TOWN OF COLONIE

ALBANY CO., NY



BCP Site

BCP Site

Legend

- Proposed Brownfield Property Boundary
- Tax I.D. 65.16-5-4.1
- Tax I.D. 65.16-5-4.2

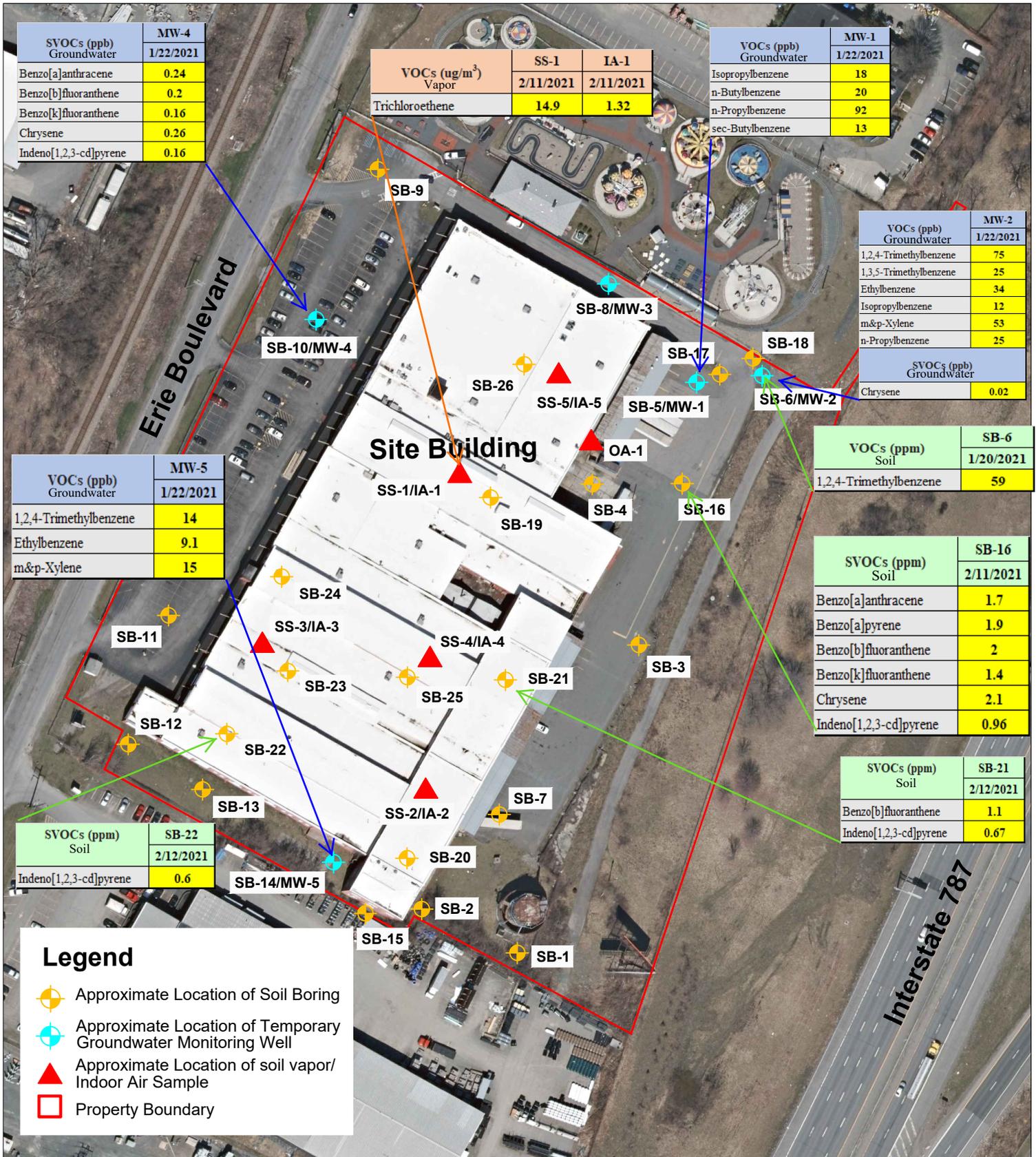
*Source Map from Albany County Tax Maps



19 British American Blvd., Latham, New York 12110
 P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

Site Location Map
 21 Erie Assoc., LLC
 19 & 21 Erie Blvd

City of Albany Albany Co., NY



Legend

- Approximate Location of Soil Boring
- Approximate Location of Temporary Groundwater Monitoring Well
- Approximate Location of soil vapor/ Indoor Air Sample
- Property Boundary



19 British American Blvd., Latham, New York 12110
 P: (518) 782-0882 F: (518) 782-0973 www.jmt.com

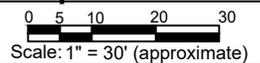
Note: Source Map from Labella Phase II ESA 2021

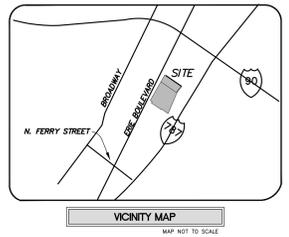


21 Erie Assoc., LLC
 19-21 Erie Boulevard
 Albany, New York

**FIGURE 3
 Soil and Groundwater
 Exceedance Map**

Date: May 7, 2021





FLOOD NOTE: By graphic plotting only, this property is in Zone(s) of the Flood Insurance Rate Map, Community Panel No. 380202020D, which bears an effective date of 12/22/2020, and is not in a Special Flood Hazard Area. By telephone call dated 12/22/2020, to the National Flood Insurance Program (800-638-6620) we have learned this community does not currently participate in the program. No field surveying was performed to determine the zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency. AREA A-E OF 100-YEAR FLOOD; BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS DETERMINED.

NOTES CORRESPONDING TO SCHEDULE B SECTION 2 ITEMS

- 10 GRANT OF RAILROAD RIGHT OF WAY TO OPERATE & MAINTAIN RAILROAD L.184 P.510. R.O.W. IS NORTH FROM NORTH FERRY THROUGH LUMBER DIST. EXACT LOCATION CANNOT BE PLOTTED FROM DESCRIPTION IN DOCUMENT.
- 11 RESTRICTION CONTAINED IN L.334 P.89. DOES NOT AFFECT SUBJECT PARCEL.
- 12 RIGHT OF WAY FOR OPERATION OF STREET RAILROAD IN L.623 P.199. DOES NOT AFFECT SUBJECT PARCEL.
- 13 RESERVATION OF CROSSING RIGHTS CONTAINED IN CONVEYANCE TO THE DELAWARE & HUDSON COMPANY, L.627 P.95. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.
- 14 GRANT OF PROPERTY WITH RELEASED OBLIGATIONS AND RESERVATIONS OF RIGHTS CONTAINED IN L.833 P.374. PROPERTY DESCRIBED FALLS TO THE SOUTH OF SUBJECT PARCEL AND DOES NOT AFFECT.
- 15 CONDITIONS AND LIMITATIONS AS CONTAINED IN A GRANT TO THE MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY IN L.660 P.1. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.
- 16 RIGHTS AND EASEMENTS, COVENANTS AND RESTRICTIONS IN L.728 P.158. DOES NOT AFFECT SUBJECT PARCEL.
- 17 UTILITY EASEMENTS IN
- 18 L.803 P.133. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.
- 19 L.1805 P.365. DOES NOT AFFECT SUBJECT PARCEL.
- 20 LETTERS PATENT GRANTED TO THE CITY OF ALBANY FOR HIGHWAY PURPOSES WITH POSSIBILITY OF REVERTER IN L.2007 P.863. FALLS NORTH OF SUBJECT PARCEL AND DOES NOT AFFECT.
- 21 RESERVATION AND EASEMENTS INCLUDED IN L.2476 P.144. BLANKET IN NATURE. CANNOT PLOT.
- 22 RESERVATION AND EASEMENT RIGHT OF WAY INCLUDED IN L.2971 P.692. BLANKET IN NATURE. APPROXIMATE LOCATION NOTED.
- 23 RECIPROCAL EASEMENT, L.3118 P.469. BLANKET IN NATURE. APPROXIMATE LOCATIONS HAVE BEEN NOTED.
- 24 CONVEYANCE CONTAINING RIGHT OF WAYS IN L.872 P.510.
- 25 GRANT OF EASEMENTS RIGHTS AND SUBJECT TO RESERVATION IN L.1209 P.375. AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.
- 26 NOTICE OF APPROPRIATION
- 27 (MAP 5118) L.1973 P.245. DOES NOT AFFECT SUBJECT PARCEL.
- 28 (MAP 5175) AFFECTS SUBJECT PARCEL AND HAS BEEN SHOWN.
- 29 (MAP 5485) L.2021 P.339. AFFECTS PLAYLAND PARCEL AND HAS BEEN SHOWN.
- 30 UTILITY EASEMENTS IN
- 31 L.2290 P.689. DOES NOT AFFECT SUBJECT PARCEL.
- 32 L.2611 P.1013. DOES NOT AFFECT SUBJECT PARCEL.

LEGEND

R.O.W.	RIGHT OF WAY	○	CAPPED IRON ROD FOUND
No.	NUMBER	⊗	HYDRANT
en.c.	ENDROACHMENT	⊙	MANHOLE
P.O.B.	POINT OF BEGINNING	⊞	CATCH-BASIN
S.F.	SQUARE FEET	—	SIGN
N/F	NOW OR FORMERLY	●	BOLLARD
FL	FEET	—	FENCE LINE
Dep.	DEGREE	—	GUARD RAIL
M	MEASURED	—	OVERHEAD WIRE, UTILITY POLE & CUT WIRE
N	NORTH	↔	TRAFFIC FLOW ACCESS AREA
S	SOUTH	↔	WATER VALVE
E	EAST	⊙	GAS VALVE
W	WEST	⊙	LIGHT POLE
tel.	TELEPHONE	⊙	CONCRETE
elec.	ELECTRIC	⊙	PAVEMENT
L	LIBER		
P.	PAGE		

- GENERAL NOTES**
- UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7200-2, OF THE NEW YORK STATE EDUCATION LAW.
 - ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH THE LAND SURVEYOR'S SIGNATURE AND AN ORIGINAL EMBOSSED OR INK SEAL SHALL BE CONSIDERED VALID. TRUE COPIES.
 - THIS SURVEY WAS PREPARED FOR THE PARTIES AND PURPOSE INDICATED HEREON. ANY EXTENSION OF THE USE BEYOND THE PARTIES OR PURPOSE INDICATED IS EXPRESSLY FORBIDDEN WITHOUT WRITTEN RELEASE OR PERMISSION OF FRANCIS C. MCGLOTHLY, LICENSE No. 049441.
 - THERE IS NO EVIDENCE OF CEMETERIES ON SUBJECT PARCEL.
 - NOTE: INFORMATION IN PARENTHESES IS OF RECORD DEED REFERENCE: LIBER 1856 PAGE 323
 - TITLE PROVIDED BY FIRST CHICAGO TITLE INSURANCE COMPANY/TITLE COMMITMENT #21030 DATED NOVEMBER 18, 2020.
 - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY.

PARKING TABLE

REGULAR PARKING	109
HANDICAPPED PARKING	8
TOTAL PARKING SPACES	117

ZONING INFORMATION

MJ-FW MIXED-USE, FORM-BASED WAREHOUSE DISTRICT

MIN. FRONT YARD	0 FEET MINIMUM
MIN. SIDE YARD	0 FEET MINIMUM
MIN. REAR YARD	0 FEET MINIMUM
MAX. BUILDING HEIGHT	2 STORIES MINIMUM 15 STORIES MAX.

ZONING INFORMATION ADOPTED FROM THE CODE OF CITY OF ALBANY
ZONING ORDINANCE ADOPTED APRIL 2017

SURVEYOR'S CERTIFICATE

TO:
 1. REDBURN HOLDINGS, LLC
 2. SPOCCHETTI ABBOTT TABER, PLLC D/B/A AAA TITLE AGENCY AS AGENT FOR CHICAGO TITLE INSURANCE COMPANY
 3. CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALBANY'S LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS 2, 3, 4, 6(a), 7(a), 10(a), 11, 13, 14, 16, 17, 18, 19 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/19/2020.

DATE OF PLAT: 11/23/2020
 SIGNED: *J. G. McElroy*
 Registration No. 59471



VICINITY MAP
MAP NOT TO SCALE

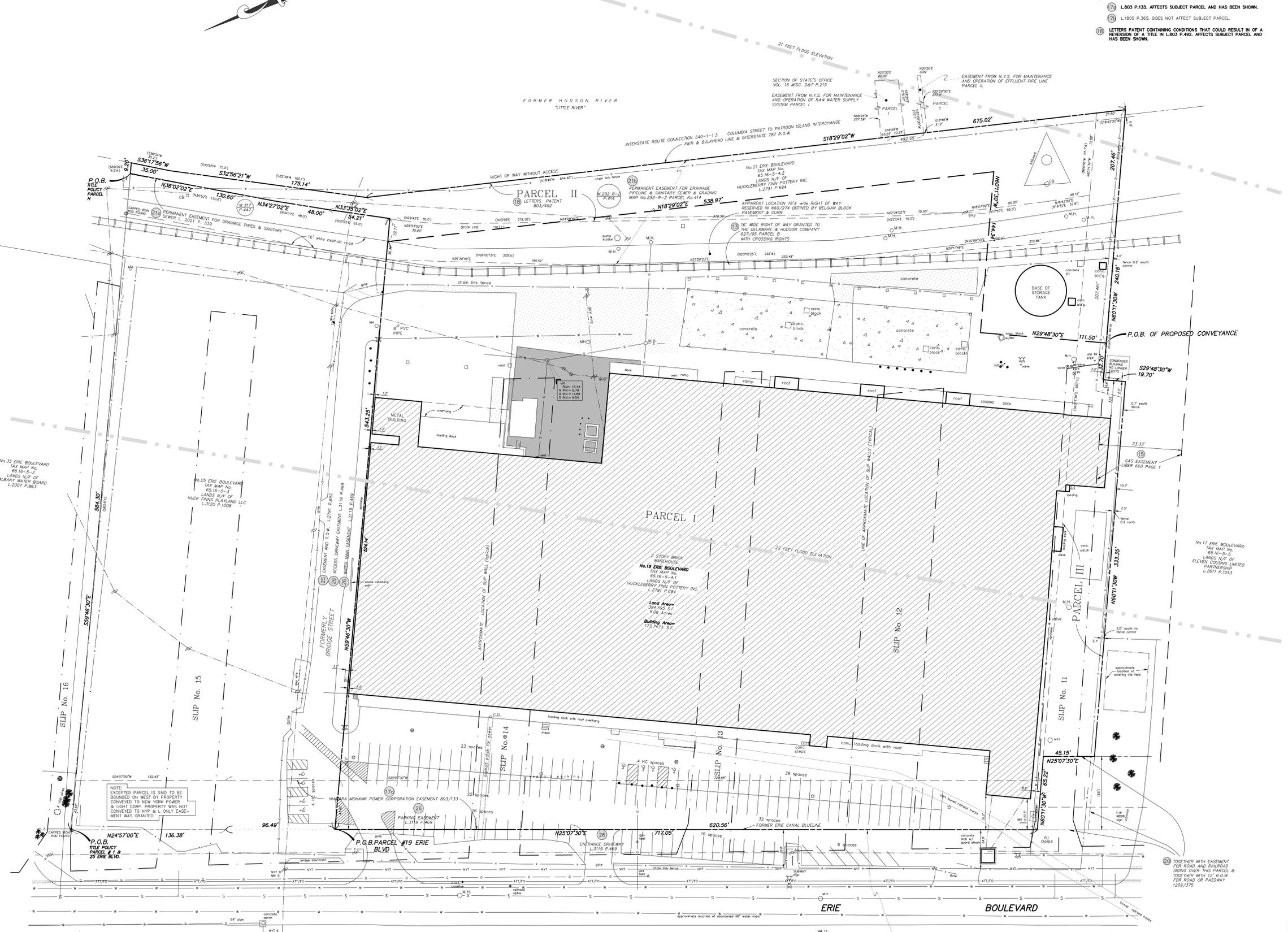


FIGURE 4

ALTA/ACSM LAND TITLE SURVEY
 MAP SHOWING LOCATION OF BUILDINGS AND IMPROVEMENTS WITH REFERENCE TO PROPERTY LINES OF

No. 19
ERIE BOULEVARD

CITY OF ALBANY COUNTY OF ALBANY, STATE OF NEW YORK

Consulting Engineers and Land Surveyors
 40 Colvin Avenue
 Albany, New York 12206
 Ph. (518) 459-3096
 Fax (518) 459-5683
 E-mail: tithears@altd.com

ALTERATION OF THIS DOCUMENT, EXCEPT BY A LICENSED SURVEYOR, ENGINEER OR LAND SURVEYOR, IS ILLEGAL.

REVISIONS:
 DATE: 11/23/2020 SCALE: 1"=30' BY: AVC CM: GRT MAP NO: 200297

TABLES

Table 1
Summary of Subsurface Soil Analytical Results
 (Detected Analytes Only)
 19-21 Erie Boulevard, Albany, NY

Sample ID	SB-1	SB-2	SB-3	SB-4	SB-5	SB-6	SB-7	SB-8	SB-9	SB-10	SB-11	SB-12	SB-13	SB-14	SB-15	CP-51 Soil Cleanup Guidance	Unrestricted Use Soil Cleanup Objectives	Residential Use Soil Cleanup Objectives	Restricted-Residential Use Soil Cleanup Objectives	Protection of Groundwater Soil Cleanup Objectives
Depth (ft bgs)	10'-10.5'	1'-2'	10'-12'	14'-15'	10.5'-14'	10'-14'	6'-7'	13'-14'	10'-11.5'	10'-14'	10'-12'	13'-14.5'	10'-12'	14'-15'	13'-14'					
Sample Date	1/20/2021	1/20/2021	1/20/2021	1/20/2021	1/20/2021	1/20/2021	1/20/2021	1/21/2021	1/21/2021	1/21/2021	1/21/2021	1/21/2021	1/21/2021	1/21/2021	1/21/2021					
Volatile Organic Compounds (µg/kg)																				
Acetone	<	<	<	42 SL	<	<	<	260 SL	<	<	130 SL	<	<	92 SL	85 SL	NL	50	100,000	100,000	50
n-Butylbenzene	<	16 L	<	<	1,200 L	4,000 L	<	<	<	<	<	<	<	<	<	12,000	12,000	NL	NL	NL
sec-Butylbenzene	<	6.8 L	<	<	510 L	1,300 L	<	<	<	<	<	<	<	<	<	11,000	11,000	100,000	100,000	11,000
Ethylbenzene	<	430 L	8.1 L	19 L	<	24,000 L	6.6 L	15 L	11 L	<	6.9 L	<	<	16 L	18 L	1,000	1,000	30,000	41,000	1,000
Isopropylbenzene	<	19 L	<	<	250 L	3,400 L	<	<	<	<	<	<	<	<	<	2,300	NL	NL	NL	NL
p-Isopropyltoluene	<	<	<	<	<	460 L	<	<	<	<	<	<	<	<	<	10,000	NL	NL	NL	NL
Methyl ethyl ketone (2-Butanone)	<	<	<	<	<	<	<	79 L	<	<	39 L	<	<	<	<	NL	120	100,000	100,000	120
Naphthalene	<	20 L	<	<	<	4,900 L	<	<	<	<	<	<	<	<	<	12,000	12,000	100,000	100,000	12,000
n-Propylbenzene	<	310 L	<	<	1,700 L	16,000 L	<	<	<	<	<	<	<	<	<	3,900	3,900	100,000	100,000	3,900
1,2,4-Trimethylbenzene	<	860 L	<	12 L	<	59,000 L	<	<	<	<	<	<	<	7.4 L	9.0 L	3,600	3,600	47,000	52,000	3,600
1,3,5-Trimethylbenzene	<	380 L	<	<	<	18,000 L	<	<	<	<	<	<	<	<	<	8,400	8,400	47,000	52,000	8,400
m/p Xylenes	<	600 L	12 L	29 L	<	23,000 L	11 L	21 L	15 L	<	9.7 L	<	<	24 L	27 L	260*	260*	100,000*	100,000*	1,600*
o Xylenes	<	26 L	<	<	<	1,100 L	<	<	<	<	<	<	<	<	<	260*	260*	100,000*	100,000*	1,600*
Semi-Volatile Organic Compounds (µg/kg)																				
Benz(a)anthracene	<	550	<	<	<	<	<	<	<	<	<	<	<	<	<	1,000	NL	1,000	1,000	1,000
Benzo(a)pyrene	<	600	<	<	<	<	<	<	<	<	<	<	<	<	<	1,000	NL	1,000	1,000	22,000
Benzo(b)fluoranthene	<	510	<	<	<	<	<	<	<	<	<	<	<	<	<	1,000	NL	1,000	1,000	1,700
Benzo(ghi)perylene	<	520	<	<	<	<	<	<	<	<	<	<	<	<	<	NL	NL	NL	NL	NL
Benzo(k)fluoranthene	<	440	<	<	<	<	<	<	<	<	<	<	<	<	<	800	NL	1,000	1,000	1,700
Chrysene	<	580	<	<	<	<	<	<	<	<	<	<	<	<	<	1,000	NL	1,000	3,900	1,000
Fluoranthene	<	1,000	<	<	<	<	<	<	<	<	<	<	<	<	<	100,000	100,000	100,000	100,000	1,000,000
Indeno(1,2,3-cd)pyrene	<	340	<	<	<	<	<	<	<	<	<	<	<	<	<	500	NL	500	500	8,200
Naphthalene	<	<	<	<	<	960	<	<	<	<	<	<	<	<	<	12,000	12,000	100,000	100,000	12,000
Phenanthrene	<	510	<	<	<	<	<	<	<	<	<	<	<	<	<	100,000	100,000	100,000	100,000	1,000,000
Pyrene	<	900	<	<	<	<	<	<	<	<	<	<	<	<	<	100,000	100,000	100,000	100,000	1,000,000

New York State Department of Environmental Conservation (NYSDEC) Commissioner Policy, 51 (CP-51) Soil Cleanup Guidance (SCG) for Gasoline and Fuel Oil Contaminated Soils, Tables 2 and 3 (December 2010)

NYSDEC Part 375 Residential Use Soil Cleanup Objectives (SCOs), Table 375-6.8(b) (December 2006)

NL=Not listed

ft bgs = Feet below the ground surface

< = Not detected

µg/kg = Micrograms per kilogram

L = The analyte was positively identified; the associated numerical value is an approximate concentration of the analyte in the sample

Concentrations in yellow exceed the NYSDEC Part 375 Residential SCO

Concentrations in bold exceed the NYSDEC Part 375 Restricted-Residential, Unrestricted Use SCOs, and/or Protection of Groundwater SCO

* = Guidance value for total xylenes

Table 1
Summary of Subsurface Soil Analytical Results
(Detected Analytes Only)
19-21 Erie Boulevard, Albany, NY

Sample ID	SB-16	SB-18	SB-19	SB-20	SB-21	SB-22	SB-23	SB-24	SB-26	NYSDEC CP-51/Unrestricted Use Soil Cleanup Objectives	Residential Use Soil Cleanup Objectives	Restricted-Residential Use Soil Cleanup Objectives	Protection of Groundwater Soil Cleanup Objectives	Commercial Use Soil Cleanup Objectives
Sample Date	2/11/2021	2/11/2021	2/11/2021	2/11/2021	2/12/2021	2/12/2021	2/12/2021	2/12/2021	2/12/2021					
Volatile Organic Compounds (µg/kg)														
Benzene	ND	60	2,900	4,800	60	44,000								
n-Butylbenzene	ND	12,000	100,000	100,000	NL	500,000								
sec-Butylbenzene	ND	11,000	100,000	100,000	11,000	500,000								
tert-Butylbenzene	ND	5,900	100,000	100,000	500,000	500,000								
Ethylbenzene	ND	1,000	30,000	41,000	1,000	390,000								
Isopropylbenzene	ND	2,300	100,000	100,000	NL	500,000								
p-Isopropyltoluene	ND	10,000	100,000	100,000	NL	500,000								
Methyl-tert-butyl-ether	ND	930	62,000	100,000	930	500,000								
Naphthalene	440	ND	12,000	100,000	100,000	12,000	100,000							
n-propylbenzene	ND	3,900	100,000	100,000	3,900	500,000								
Toluene	ND	700	100,000	100,000	700	500,000								
1,2,4-Trimethylbenzene	ND	3,600	47,000	52,000	3,600	190,000								
1,3,5-Trimethylbenzene	ND	8,400	47,000	52,000	8,400	190,000								
m/p Xylenes	ND	260*	100,000*	100,000*	1,600*	500,000*								
o Xylenes	ND	260*	100,000*	100,000*	1,600*	500,000*								
Semi-Volatile Organic Compounds (µg/kg)														
Acenaphthene	1,200	ND	20,000	100,000	100,000	98,000	500,000							
Acenaphthylene	290	ND	100,000	100,000	100,000	107,000	500,000							
Anthracene	2,700	ND	100,000	100,000	100,000	1,000,000	500,000							
Benz(a)anthracene	1,700	ND	ND	ND	820	600	ND	ND	ND	1,000	1,000	1,000	1,000	56,000
Benzo(a)pyrene	1,900	ND	ND	ND	980	810	ND	ND	ND	1,000	1,000	1,000	22,000	1,000
Benzo(b)fluoranthene	2,000	ND	ND	ND	1,100	740	270	ND	ND	1,000	1,000	1,000	1,700	56,000
Benzo(ghi)perylene	890	ND	ND	360	630	560	ND	ND	ND	100,000	100,000	100,000	1,000,000	500,000
Benzo(k)fluoranthene	1,400	ND	ND	ND	750	630	ND	ND	ND	800	1,000	1,000	1,700	56,000
Chrysene	2,100	ND	ND	300	1,000	620	260	ND	ND	1,000	1,000	3,900	1,000	110,000
Dibenzo(a,h)anthracene	ND	330	330	330	1,000,000	560								
Fluoranthene	4,800	ND	ND	330	1,300	1,100	400	ND	ND	100,000	100,000	100,000	1,000,000	500,000
Fluorene	1,600	ND	30,000	100,000	100,000	386,000	500,000							
Indeno(1,2,3-cd)pyrene	960	ND	ND	ND	670	600	ND	ND	ND	500	500	500	8,200	5,600
Naphthalene	590	ND	12,000	100,000	100,000	12,000	500,000							
Phenanthrene	4,900	ND	ND	ND	820	560	ND	ND	ND	100,000	100,000	100,000	1,000,000	500,000
Pyrene	3,800	ND	ND	300	1,200	950	390	ND	ND	100,000	100,000	100,000	1,000,000	500,000

New York State Department of Environmental Conservation (NYSDEC) Commissioner Policy, 51 (CP-51) Soil Cleanup Guidance (SCG) for Gasoline and Fuel Oil Contaminated Soils, Tables 2 and 3 (December 2010)
NYSDEC Part 375 Residential, Restricted Residential, Protection of Groundwater and Commercial Use Soil Cleanup Objectives (SCOs) Table 375-6.8(b) (December 2006)

NL=Not listed

ND = Not detected

µg/kg = Micrograms per kilogram

Concentrations in yellow exceed the NYSDEC Part 375 Residential SCO

Concentrations in **Bold** are concentrations above the laboratory detection limits

Concentrations that are underlined exceed the Eastern US Background Concentrations

* = Guidance value for total xylenes

Table 2
Summary of Water Analytical Results
 (Detected Analytes Only)
 19-21 Erie Boulevard, Albany, NY

Sample ID	MW-1	MW-2	MW-3	MW-4	MW-5	NYSDEC TOGS
Sample Date	1/22/2021	1/22/2021	1/22/2021	1/22/2021	1/22/2021	
Volatile Organic Compounds (µg/L)						
1,2,4-Trimethylbenzene	<	75	<	<	14	5
1,3,5-Trimethylbenzene	<	25	<	<	4.3	5
Acetone	<		<	<	29 S	50
Ethylbenzene	<	34	<	<	9.1	5
Isopropylbenzene	18	12	<	<	<	5
m&p-Xylene	<	53	<	<	15	5
Methyl ethyl ketone	<	<	<	<	15	50
n-Butylbenzene	20	<	<	<	<	5
n-Propylbenzene	92	25	<	<	3.5	5
sec-Butylbenzene	13	<	<	<	<	5
Total Xylenes	<	53	<	<	15	NL
Semi-Volatile Organic Compounds (µg/L)						
2-Methylnaphthalene	<	1.4	<	<	<	NL
Benzo(a)anthracene	<	<	<	0.24	<	0.002
Benzo(a)pyrene	<	<	<	0.18	<	NL
Benzo(b)fluoranthene	<	<	<	0.20	<	0.002
Benzo(k)fluoranthene	<	<	<	0.16	<	0.002
Chrysene	<	0.02	<	0.26	<	0.002
Fluoranthene	<	<	<	0.76	<	50
Indeno(1,2,3-cd)pyrene	<	<	<	0.16	<	0.002
Naphthalene	<	2.6	<	<	<	NL
Phenanthrene	<	<	<	0.70	<	50
Pyrene	<	<	<	0.64	<	50

New York State Department of Environmental Conservation (NYSDEC) Division of
 Water Technical and Operational Guidance Series (TOGS) (1.1.1), Ambient Water
 Quality Standards and Guidance Values and Groundwater Effluent Limitations (June 1998)

< = Not detected

NL = Not listed

µg/L = Micrograms per liter

Concentrations in gray exceed NYSDEC TOGS

Table 3
Soil Vapor Intrusion Assessment
19-21 Erie Blvd, Albany, NY
Summary of Sub-Slab, Indoor Air and Outdoor Air Results - Detected Compounds Only

Sample ID	NYSDOH Sub-Slab Vapor Concentration Decision Matrix (minimum action level) ⁽¹⁾	NYSDOH Indoor Air Concentration (minimum action level) ⁽¹⁾	NYSDOH Guidance Table C2. USEPA BASE Database - 90th Percentile ⁽²⁾	SS-1	IA-1	SS-3	IA-3	SS-4	IA-4	SS-5	IA-5	OA-01
				Sub-Slab	Indoor Air	Outdoor Air						
				2/11/2021	2/11/2021	2/11/2021	2/11/2021	2/11/2021	2/11/2021	2/11/2021	2/11/2021	
1,1,1-Trichloroethane	100***	3***	20.6	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,1-Dichloroethene	6**	0.2**	1.4	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,2,4-Trimethylbenzene	NL	NL	9.5	1.94	5.06	1.65	ND	3.57	ND	2.45	ND	ND
1,3,5-Trimethylbenzene	NL	NL	3.7	ND	1.43	ND	ND	2.13	ND	ND	ND	ND
1,3-butadiene	NL	NL	<3.0	ND	ND	ND	ND	ND	ND	ND	ND	ND
1,4-Dioxane	NL	NL	NL	ND	ND	ND	ND	ND	ND	ND	ND	ND
4-ethyltoluene	NL	NL	3.6	1.47	3.39	1.16	ND	2.57	ND	2.21	ND	ND
Methyl Isobutyl Ketone	NL	NL	6.0	ND	ND	ND	ND	ND	ND	ND	ND	ND
Acetone	NL	NL	98.9	9.8	5.46	ND	2.64	ND	1.79	ND	2.78	5.86
Benzene	NL	NL	9.4	3.77	ND	1.18	ND	ND	ND	ND	ND	ND
Carbon disulfide	NL	NL	4.2	15.3	ND	6.10	ND	ND	ND	ND	ND	ND
Carbon tetrachloride	6 **	0.2**	<1.3	44.2	0.47	0.67	0.48	0.40	0.47	0.76	0.46	0.44
Chloroform	NL	NL	1.1	17.4	ND	3.16	ND	ND	ND	ND	ND	ND
Chloromethane	NL	NL	3.7	ND	ND	ND	ND	ND	ND	ND	ND	1.04
cis-1,2-Dichloroethene	6**	0.2**	<1.9	ND	ND	ND	ND	ND	ND	ND	ND	ND
Dichlorodifluoromethane	NL	NL	16.5	1.38	1.82	1.47	1.48	1.60	1.64	1.49	1.80	1.81
Ethanol	NL	NL	210	3.82	81.5	2.28	6.20	4.76	2.50	2.20	3.77	5.95
Ethylbenzene	NL	NL	5.7	1.29	ND	ND	ND	ND	ND	ND	ND	ND
Heptane	NL	NL	NL	9.13	ND	ND	ND	ND	ND	ND	ND	ND
Hexane	NL	NL	NL	13.5	ND	ND	ND	ND	ND	ND	ND	ND
Isopropyl alcohol	NL	NL	16.5	8.25	9.6	23500	15.4	4690	1.63	18300	3.93	14.9
m&p-Xylene	NL	NL	22.5	2.32	1.48	2.00	ND	1.56	ND	3.58	ND	ND
Methyl Ethyl Ketone	NL	NL	11.3	1.79	ND	10.0	ND	1.63	ND	ND	ND	ND
Methylene chloride	100***	3***/60*	10.0	5.14	ND	13.4	ND	ND	ND	ND	ND	ND
o-Xylene	NL	NL	7.9	ND	ND	ND	ND	ND	ND	1.45	ND	ND
Propylene	NL	NL	NL	ND	ND	ND	ND	1.32	ND	ND	ND	ND
Tetrachloroethene	100***	3***/30*	15.9	68.5	ND	3.21	ND	1.99	ND	3.00	ND	0.48
Toluene	NL	NL	43.0	4.86	ND	3.19	ND	1.76	ND	2.62	ND	ND
Trichloroethene	6**	0.2**/2*	4.2	14.9	1.32	ND	ND	0.32	ND	ND	ND	ND
Trichlorofluoromethane	NL	NL	18.1	1.10	1.27	1.25	1.22	1.11	1.25	1.28	1.21	1.31
Vinyl chloride	6****	NL	<1.9	ND	ND	ND	ND	ND	ND	ND	ND	ND

Notes:

Concentrations in micrograms per cubic meter (ug/m³)

NL = not listed

J = estimated concentration

E = exceed calibration range

Samples analyzed for VOCs by USEPA Method TO-15

< indicates the concentration was not detected above the reporting limit

(1) New York State Department of Health (NYSDOH), *Guidance for Evaluating Soil Vapor Intrusion in the State of New York*, October 2006 and subsequent updates. [Note: This Guidance uses a combination of indoor air and sub-slab soil vapor when comparing to the matrices.

In addition, for compounds not listed in the matrices an overall site approach is employed which utilizes the USEPA BASE Database

(see 2. below) as typical background for commercial buildings and also uses the outdoor air sample, refer to Guidance document for details.]

(2) USEPA Building Assessment and Survey Evaluation (BASE) Database (90th Percentile). As recommended in Section 3.2.4 of the NYSDOH Guidance (Refer to Footnote "1") this database is referenced for the indoor air sampling results. This database is also referenced to

provide initial benchmarks for comparison to the air sampling data and does not represent regulatory standards or compliance values.

* = Air Guideline Values obtained from Table 3.1, NYSDOH, *Guidance for Evaluating Soil Vapor Intrusion in the State of New York* and updates in September 2013 for PCE and August 2015 for TCE.

** = Guideline Value obtained from Soil Vapor/Indoor Air Matrix A (minimum action level), NYSDOH, *Guidance for Evaluating Soil Vapor Intrusion in the State of New York* May 2017.

*** = Guidance Value obtained from Soil Vapor/Indoor Air Matrix B (minimum action level), NYSDOH *Guidance for Evaluating Soil Vapor Intrusion in the State of New York* May 2017.

**** = Guidance Value obtained from Soil Vapor/Indoor Air Matrix C (minimum action level), NYSDOH *Guidance for Evaluating Soil Vapor Intrusion in the State of New York* May 2017.

NYSDOH Guidance for Evaluating Soil Vapor Intrusion in the State of New York, May 2017 Decision Matrices Notes:

NO FURTHER ACTION:

No additional actions are recommended to address human exposures

IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE:

We recommend that reasonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air concentrations to within background ranges. For example, if an indoor or outdoor air source is identified, we recommend the appropriate party implement actions to reduce the levels. In the event that indoor or outdoor sources are not readily identified or confirmed, resampling (which might include additional sub-slab vapor and indoor air sampling locations) is

MONITOR:

We recommend monitoring (sampling on a recurring basis), including but not necessarily limited to sub-slab vapor, basement air and outdoor air sampling, to determine whether concentrations in the indoor air or sub-slab vapor have changed and/or to evaluate temporal influences. Monitoring might also be recommend to determine whether existing building conditions (e.g., positive pressure heating, ventilation and air-conditioning systems) are maintaining the desired mitigation endpoint and to determine whether changes are needed. The type and frequency of monitoring is determined based on site-, building-, and analyte-specific information, taking into account applicable environmental data and building operating conditions. Monitoring is an interim measure required to evaluate exposures related to soil vapor intrusion until contaminated environmental media are remediated.

MITIGATE:

We recommend mitigation to minimize current or potential exposures associated with soil vapor intrusion. The most common mitigation methods are sealing preferential pathways in conjunction with installing a sub-slab depressurization system and changing the pressurization of the building in conjunction with monitoring. The type, or combination of types, of mitigation is determined on a building-specific basis, taking into account building construction and operating conditions. Mitigation is considered a temporary measure implemented to address exposures related to soil vapor intrusion until contaminated environmental media are remediated.