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June 16, 2021

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

**Re: *Application Resubmission-Brownfield Cleanup Program
Former Nathan's Waste and Paper Stock Site
111 Erie Terrace
City of Amsterdam, Montgomery County***

Dear Section Chief:

On behalf of the applicants Mike and Mary Keegan and in relation to the above referenced site in the City of Amsterdam, enclosed please find one (1) paper copy of the revised application form and the revised full table of contents only (without supporting narrative or attachments).

A .pdf of the full application package and the stand-alone supporting environmental reports were submitted to Lexy Servis (NYSDEC) via File Transfer Service. It is our opinion that all the comments from the NYSDEC included in the June 2, 2021 Letter of Incompleteness have been addressed in the appropriate sections of the application and the supporting documents.

If you have any questions or require any additional information please contact me at your convenience at c.koenig@ctmale.com and/or 518-786-7649

Respectfully submitted,
C.T. MALE ASSOCIATES

A handwritten signature in black ink, appearing to read "Chris Koenig".

Chris Koenig
Environmental Scientist &
Redevelopment Specialist

Att.

Cc: Mike and Mary Keegan

Brownfield Cleanup Program Application
Former Nathan's Waste and Paper Stock Site
111 Erie Terrace
City of Amsterdam, Montgomery County

Applicant:

Mike Keegan and Mary Keegan
405 Danna Joelle Drive
Schenectady, New York 12303

Prepared for:
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233



APRIL 2021
(REVISED JUNE 2021)

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¹ See next page for report references. The reports listed are provided as separate stand-alone documents.

² Site Survey. Prepared by Shumaker Consulting Engineering and Land Surveying P.C. Dated January 11, 2010.

Report References

Attachment III-1: Site Characterization Report (2010) (RIR)

Site Characterization Report. Nathan's Waste & Paper Stock, Erie Terrace, Amsterdam, NY. Prepared for New York State Department of Environmental Conservation. Prepared by HRP Associates, Inc. Dated February 24, 2010. Base maps depicted in Attachment III: Figures 1-5 prepared by HRP Associates, Inc. as components of the referenced Site Characterization Report.

Attachment III-2: Site Characterization Recommendations (2010)

Site Characterization Report Recommendations. Nathan's Waste & Paper Stock (Site ID#429012), Erie Terrace, Amsterdam, NY. Prepared for New York State Department of Environmental Conservation. Prepared by HRP Associates, Inc. Dated July 9, 2010.

Attachment III-3: Phase I Environmental Site Assessment (ESA) (1993)

Phase I Environmental Site Assessment. Nathan's Waste and Paper Stock Company, Inc, Erie Terrace, Amsterdam, NY. Prepared for, Nathan's Waste & Paper Stock Company, Inc. Prepared by Empire Soils Investigations, Inc. Dated, June 7, 1993.

Attachment III-4: Phase II ESA (1993)

Phase II Environmental Site Assessment. Nathan's Waste and Paper Stock Company, Inc, Erie Terrace, Amsterdam, NY. Prepared for, Nathan's Waste & Paper Stock Company, Inc. Prepared by Empire Soils Investigations, Inc. Dated July 19, 1993.

Attachment III-5: Site Investigation (2000)

Site Investigation of the Nathan's Waste & Paper Stock Company, Inc. Site, Amsterdam, NY. Prepared for Amsterdam Waterfront Foundation. Prepared by Malcom Pirnie, Inc. Dated October 5, 2000.

Attachment III-6: Phase I ESA (2020)

Phase I Environmental Site Assessment. 111 Erie Terrace, City of Amsterdam, Montgomery County, NY. Prepared for Mike and Mary Keegan. Prepared by C.T. Male Associates. Dated January 30, 2020.



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 Mike Keegan and Mary Keegan ADDRESS 405 Danna Joelle Drive CITY/TOWN Schenectady ZIP CODE 12303 PHONE 518-801-4284 FAX E-MAIL mike.keegan83@gmail.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 3. Please attach a short description of the overall development project, including: the date that the remedial program is to start; and See Attachment II the date the Certificate of Completion is anticipated.

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. See Attachment III**

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			
Chlorinated Solvents			
Other VOCs			
SVOCs	X	X	
Metals	X	X	
Pesticides	X		
PCBs	X		
Other*	X (Sediment)		

*Please describe: SED-3 sample is Class B sediment from the detection of PCBs. SED-3 is off-site.

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

- SAMPLE LOCATION
- 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?*

(*answering No will result in an incomplete application)

Yes No See Attachment III

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 checked="" 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: Junk yard; Automotive battery recycling; 55-gallon drum storage

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME Former Nathan's Waste and Paper Stock

ADDRESS/LOCATION 111 Erie Terrace

CITY/TOWN Amsterdam

ZIP CODE 12010

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of Amsterdam

COUNTY Montgomery

SITE SIZE (ACRES) 2.64

LATITUDE (degrees/minutes/seconds)

42 ° 56 ' 12 "

LONGITUDE (degrees/minutes/seconds)

- 74 ° 11 ' 59 "

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
111 Erie Terrace, Amsterdam, NY 12010	55.7	1	40	2.64

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) See Attachments IV-3 and IV-4

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 : 702

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

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information) **None**

Type

Issuing Agency

Description

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**? **See Attachment IV** 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.

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

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

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: MK MK _____ _____ _____ _____

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 **Mike Keegan**

ADDRESS **405 Danna Joelle Drive**

CITY/TOWN **Schenectady** ZIP CODE **12303**

PHONE 518-801-4284	FAX	E-MAIL mike.keegan83@gmail.com
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NAME OF REQUESTOR'S CONSULTANT **C.T. Male Associates (Mr. Chris Koenig)**

ADDRESS **50 Century Hill Drive**

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

PHONE 518-786-7649	FAX	E-MAIL c.koenig@ctmale.com
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NAME OF REQUESTOR'S ATTORNEY **Hodgson Russ LLP (Mr. Thomas Collura)**

ADDRESS **677 Broadway**

CITY/TOWN **Albany** ZIP CODE **12207**

PHONE 518-433-2443	FAX	E-MAIL tcollura@hodgsonruss.com
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Section VI. Current Property Owner/Operator Information – if not a Requestor

CURRENT OWNER'S NAME **City of Amsterdam (c/o Amanda Bearcroft)** OWNERSHIP START DATE: **Feb. 2010**

ADDRESS **61 Church Street**

CITY/TOWN **Amsterdam** ZIP CODE **12010**

PHONE 518-841-4300	FAX	E-MAIL abearcroft@amsterdamny.gov
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CURRENT OPERATOR'S NAME **Same as Owner - Vacant Property**

ADDRESS

CITY/TOWN ZIP CODE

PHONE	FAX	E-MAIL
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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. *See Attachment VI*

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. **See Attachment VII**

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 Attachment VII**

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?
If yes, please provide: Site # _____ Class # _____ **See Attachment VIII** Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
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. **N/A** Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

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: **See Attachment IX**

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 See Attachment X

1. What is the current municipal zoning designation for the site? Downtown Core (DC)

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

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

Yes No

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

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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: 4/18/2021

Signature: 

Print Name: Mike Keegan and Mary Keegan

(By a requestor other than an individual)

I hereby affirm that I am _____ (title) of _____ (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: _____

Signature: _____

Print Name: _____

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 Not Applicable - The Site is not Located in New York City

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: Former Nathan's Waste and Paper Stock **Site Address:** 111 Erie Terrace
City: Amsterdam **County:** Montgomery **Zip:** 12010

Tax Block & Lot
Section (if applicable): 55.7 **Block:** 1 **Lot:** 40

Requestor Name: Mike Keegan and Mary Keegan **Requestor Address:** 405 Danna Joelle Drive
City: Schenectady **Zip:** 12303 **Email:** mike.keegan83@gmail.com

Requestor's Representative (for billing purposes)
Name: Mike Keegan **Address:** 405 Danna Joelle Drive
City: Schenectady **Zip:** 12303 **Email:** mike.keegan83@gmail.com

Requestor's Attorney
Name: Hodgson Russ LLP (Mr.Thomas Collura) **Address:** 677 Broadway
City: Albany **Zip:** 12207 **Email:** tcollura@hodgsonruss.com

Requestor's Consultant
Name: C.T. Male Associates (Mr. Chris Koenig) **Address:** 50 Century Hill Drive
City: Latham **Zip:** 12110 **Email:** c.koenig@ctmale.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:

ATTACHMENT I: REQUESTOR INFORMATION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section I of Part A of the BCP Application)

The requestor is a married couple. For the purposes of this BCP application, the requestor is an individual resident New York State taxpayer, not a corporation, LLC, LLP or other entity authorized to conduct business in New York State.

ATTACHMENT II: PROJECT DESCRIPTION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section II of Part A of the BCP Application)

Question 3 - Please attach a short description of the overall development project, including the date the remedial program is to start, and the date the Certificate of Completion is anticipated.

The purpose of the project is to remediate the site to Restricted-Residential Use with the intent that the site will be redeveloped into an outdoor recreational hub that utilizes the site's location adjacent to the Empire State Trail, a municipal park, and a boat launch into the Mohawk River. The project may include a variety of uses that are appropriate for the Restricted-Residential Use including a commercial-retail space, storage space, a vending lot (farmer's market), parkland with passive recreational facilities, surface parking, and (potentially) at least one (1) short-term rental residential unit. These uses are consistent with the City of Amsterdam zoning regulations for the Downtown Core (DC) District.

The majority of the site was reportedly utilized as a storage junk yard for waste and recyclable materials from approximately 1971 until 1993, and was known as Nathan's Waste and Paper Stock Co. Prior to this use, the site was a lumber planing mill and lumber yard dating back to the late-1800s. The site has been a vacant industrial site since 1993, and is listed as a Class N remedial site (Site No. 429012). The site is currently vacant and overgrown with grass and shrubs, and contains one (1) dilapidated brick building, one (1) timber-framed storage barn, as well as piles of brick and other debris.

The inclusion of the Nathan's Waste and Paper Stock Co. site into the Brownfield Cleanup Program (BCP) will be for the purpose of conducting the necessary remediation to attain Restricted-Residential Use status as defined in DEC's Part 375 regulations, which will facilitate the redevelopment of the site. Data from previous site investigations conducted to date will be utilized for the development of a Remedial Action Work Plan (RAWP) for NYSDEC review and approval to cleanup and redevelop the site to Restricted-Residential Use criteria. It is anticipated that the remedial program will begin in summer 2021 with the Certificate of Completion anticipated in summer 2022.

ATTACHMENT III: PROPERTY'S ENVIRONMENTAL HISTORY

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section III of Part A of the BCP Application)

Question 1 - Environmental Reports

The following environmental reports are known to have been completed for the site:

- Phase I Environmental Site Assessment. Nathan's Waste and Paper Stock Company, Inc, Erie Terrace, Amsterdam, NY. Prepared for, Nathan's Waste & Paper Stock Company, Inc. Prepared by Empire Soils Investigations, Inc. Dated, June 7, 1993.
- Phase II Environmental Site Assessment. Nathan's Waste and Paper Stock Company, Inc, Erie Terrace, Amsterdam, NY. Prepared for, Nathan's Waste & Paper Stock Company, Inc. Prepared by Empire Soils Investigations, Inc. Dated July 19, 1993.
- Site Investigation of the Nathan's Waste & Paper Stock Company, Inc. Site, Amsterdam, NY. Prepared for Amsterdam Waterfront Foundation. Prepared by Malcom Pirnie, Inc. Dated October 5, 2000.
- Site Characterization Report. Nathan's Waste & Paper Stock, Erie Terrace, Amsterdam, NY. Prepared for New York State Department of Environmental Conservation. Prepared by HRP Associates, Inc. Dated February 24, 2010.
- Site Characterization Report Recommendations. Nathan's Waste & Paper Stock (Site ID#429012), Erie Terrace, Amsterdam, NY. Prepared for New York State Department of Environmental Conservation. Prepared by HRP Associates, Inc. Dated July 9, 2010.
- Phase I Environmental Site Assessment. 111 Erie Terrace, City of Amsterdam, Montgomery County, NY. Prepared for Mike and Mary Keegan. Prepared by C.T. Male Associates. Dated January 30, 2020.

The *2010 Site Characterization Report* is the most recent and comprehensive environmental investigation of the site, and it is the report from which conclusions about the existing conditions of the site are drawn, and shall be used as the Remedial Investigation Report (RIR) for the purposes of this BCP application and for the purposes of developing a Remedial Action Work Plan (RAWP) under the BCP. It is noted that a Fish & Wildlife Resource Impact Analysis (FWRIA) is not included in the *2010 Site Characterization Report*. A FWRIA will be completed prior to the preparation of the RAWP, as needed, to determine whether the Protection of Ecological Resource Soil

Cleanup Objectives (SCOs) apply to the site or portions of the site where ecological resources are identified. However, it is possible based on the existing analytical data and the anticipated clean-up activities at the site (soil cover) that the Protection of Ecological Resources SCOs may be applied where applicable as a default, in lieu of completing a full FWRIA. Both SCOs have similar soil cover standards. It is proposed that this course will be determined after entry into the BCP under consultation with the NYSDEC, and prior to finalizing a RAWP.

The *2010 Site Characterization Report* and attachments therein are provided as a stand-alone document as Attachment III-1. In addition, the other reports listed above are provided as stand-alone documents as Attachments III-2 to III-6. With the exception of the 2020 Phase I ESA, the reports were provided by the NYSDEC.

Question 2 - Sampling Data

Laboratory analytical reports for sampling data affiliated with the aforementioned *2010 Site Characterization Report* are provided within that report itself as Attachment III-1.

Question 3 - Site Drawings for Impacted Site Media

Attachment III, Figure 1 displays all the sampling locations on the site as documented in the *2010 Site Characterization Report*. Attachment III, Figures 2-5 identify contaminants in the site's surface soil, subsurface soil, groundwater, and sediment that exceed SCOs from 6 NYCRR Part 375 based on the reasonably anticipated use of the property, which is for Restricted-Residential Use. This data was reported in the *2010 Site Characterization Report*. It is noted that the base maps for Figures 1-5 included herein were prepared by HRP Associates as a component of the *2010 Site Characterization Report*.

Question 4 - Indicate Past Land Uses

The site was historically used for industrial purposes. From approximately the late-1800s until the mid-1960s, the site was used as a lumber planing mill and lumber yard (Grieme Lumber). A planing mill processes seasoned boards from a sawmill into dimensional lumber. From 1971 until 1993, the site was occupied by Nathan's Waste and Paper Stock Co., which was a storage junk yard for waste and recyclable materials including paper and scrap metal, and for antiques. Historical records indicate that automotive battery recycling and 55-gallon drum storage also occurred on the site when it was occupied by Nathan's Waste and Paper Stock. The site has been a vacant industrial site since 1993. The City of Amsterdam acquired the site through tax foreclosure in 2010, and currently owns the site.

**ATTACHMENT III - FIGURE 1
SAMPLE LOCATIONS**



NOTE:
SITE PLAN DEVELOPED AND SURVEYED
BY SCHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, P.C., COMPLETED IN
JANUARY 2010. SITE IS HEAVILY FORESTED
& OVERGROWN WITH GRASS AND SHRUBS.
SCATTERED PILES OF CONSTRUCTION &
DEMOLITION DEBRIS AND WOOD ACROSS SITE.

Legend

- ⊕ Monitoring Wells
- Sediment Samples
- + Surface Soil Samples
- Background Soil Samples
- ▲ Subsurface Soil Samples
- Fences
- Buildings
- - - Areas of Concern
- · - · - Property Boundary
- Forested Area Edge

0 37.5 75 150 Feet
1 inch = 54 feet
1:650

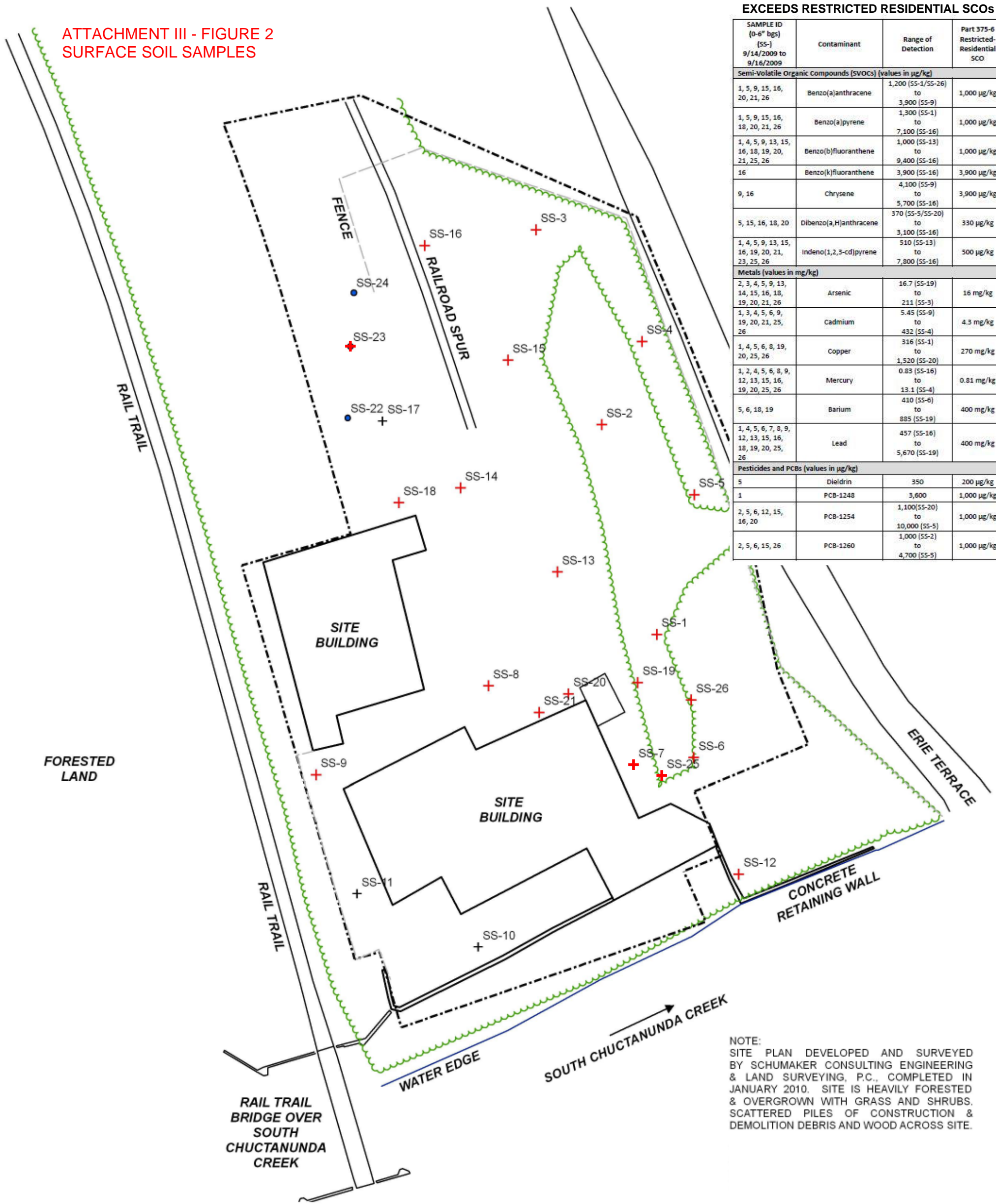
**BASE MAP FROM 2010 SITE
CHARACTERIZATION REPORT**

**FIGURE 3
SAMPLE LOCATIONS
NATHAN'S WASTE & PAPER STOCK
ERIE TERRACE
AMSTERDAM, NEW YORK
HRP # NEW9506.P2
SCALE 1:650**



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ATTACHMENT III - FIGURE 2
SURFACE SOIL SAMPLES

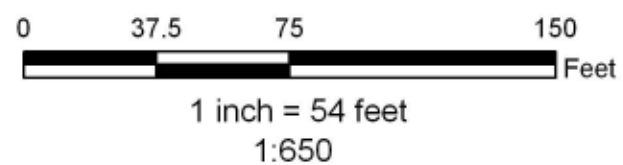


SAMPLE ID (0-6" bgs) (SS-)	Contaminant	Range of Detection	Part 375-6 Restricted-Residential SCO
Semi-Volatile Organic Compounds (SVOCs) (values in µg/kg)			
1, 5, 9, 15, 16, 20, 21, 26	Benzo(a)anthracene	1,200 (SS-1/SS-26) to 3,900 (SS-9)	1,000 µg/kg
1, 5, 9, 15, 16, 18, 20, 21, 26	Benzo(a)pyrene	1,300 (SS-1) to 7,100 (SS-16)	1,000 µg/kg
1, 4, 5, 9, 13, 15, 16, 18, 19, 20, 21, 25, 26	Benzo(b)fluoranthene	1,000 (SS-13) to 9,400 (SS-16)	1,000 µg/kg
16	Benzo(k)fluoranthene	3,900 (SS-16)	3,900 µg/kg
9, 16	Chrysene	4,100 (SS-9) to 5,700 (SS-16)	3,900 µg/kg
5, 15, 16, 18, 20	Dibenzo(a,h)anthracene	370 (SS-5/SS-20) to 3,100 (SS-16)	330 µg/kg
1, 4, 5, 9, 13, 15, 16, 19, 20, 21, 23, 25, 26	Indeno(1,2,3-cd)pyrene	510 (SS-13) to 7,800 (SS-16)	500 µg/kg
Metals (values in mg/kg)			
2, 3, 4, 5, 9, 13, 14, 15, 16, 18, 19, 20, 21, 26	Arsenic	16.7 (SS-19) to 211 (SS-3)	16 mg/kg
1, 3, 4, 5, 6, 9, 19, 20, 21, 25, 26	Cadmium	5.45 (SS-9) to 432 (SS-4)	4.3 mg/kg
1, 4, 5, 6, 8, 19, 20, 25, 26	Copper	316 (SS-1) to 1,520 (SS-20)	270 mg/kg
1, 2, 4, 5, 6, 8, 9, 12, 13, 15, 16, 19, 20, 25, 26	Mercury	0.83 (SS-16) to 13.1 (SS-4)	0.81 mg/kg
5, 6, 18, 19	Barium	410 (SS-6) to 885 (SS-19)	400 mg/kg
1, 4, 5, 6, 7, 8, 9, 12, 13, 15, 16, 18, 19, 20, 25, 26	Lead	457 (SS-16) to 5,670 (SS-19)	400 mg/kg
Pesticides and PCBs (values in µg/kg)			
5	Dieldrin	350	200 µg/kg
1	PCB-1248	3,600	1,000 µg/kg
2, 5, 6, 12, 15, 16, 20	PCB-1254	1,100(SS-20) to 10,000 (SS-5)	1,000 µg/kg
2, 5, 6, 15, 26	PCB-1260	1,000 (SS-2) to 4,700 (SS-5)	1,000 µg/kg

NOTE:
SITE PLAN DEVELOPED AND SURVEYED BY SCHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C., COMPLETED IN JANUARY 2010. SITE IS HEAVILY FORESTED & OVERGROWN WITH GRASS AND SHRUBS. SCATTERED PILES OF CONSTRUCTION & DEMOLITION DEBRIS AND WOOD ACROSS SITE.

Legend

- + Surface Soil Samples
- Background Soil Samples
- + Surface Soil Samples Exceedances *
- Fences
- Buildings
- - - - Property Boundary
- Forested Area Edge



BASE MAP FROM 2010 SITE CHARACTERIZATION REPORT

FIGURE 4 SURFACE SOIL SAMPLES
NATHAN'S WASTE & PAPER STOCK
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HRP # NEW9506.P2
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**ATTACHMENT III - FIGURE 3
SUBSURFACE SOIL SAMPLES**

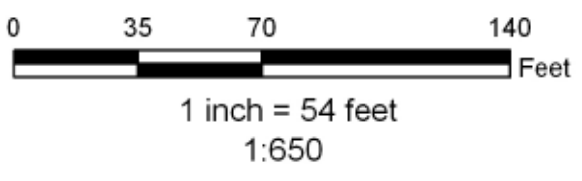


EXCEEDS RESTRICTED RESIDENTIAL SCOS			
SAMPLE ID 0-2' bgs (SB-) 9/14/2009 to 9/16/2009	Contaminant	Range of Detection	Part 375-6 Restricted- Residential SCO
Semi-Volatile Organic Compounds (SVOCs) (values in µg/kg)			
1, 17	Benzo(a)anthracene	2,800 (SB-1) to 13,000 (SB-17)	1,000 µg/kg
17, 22	Benzo(a)pyrene	1,100 (SB-22) to 13,000 (SB-17)	1,000 µg/kg
1, 17, 22	Benzo(b)fluoranthene	1,700 (SB-22) to 17,000 (SB-17)	1,000 µg/kg
17	Benzo(k)fluoranthene	6,700	3,900 µg/kg
17	Chrysene	15,000	3,900 µg/kg
1, 17, 22	Dibenzo(a,h)anthracene	330 (SB-22) to 2,800 (SB-17)	330 µg/kg
1, 17, 22	Indeno(1,2,3-cd)pyrene	900 (SB-22) to 9,400 (SB-17)	500 µg/kg
Metals (values in mg/kg)			
2, 3, 5, 6, 17	Arsenic	27.2 (SB-6) to 176 (SB-5)	16 mg/kg
5, 9	Copper	299 (SB-5) to 349 (SB-9)	270 mg/kg
2, 5, 15	Mercury	1.32 (SB-2) to 4.4 (SB-15, 9'-12' bgs)	0.81 mg/kg
5, 6, 15	Lead	511 (SB-6) to 909 (SB-5)	400 mg/kg
Pesticides and PCBs (values in µg/kg)			
2	PCB-1254	4,300	1,000 µg/kg

NOTE:
SITE PLAN DEVELOPED AND SURVEYED BY SCHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C., COMPLETED IN JANUARY 2010. SITE IS HEAVILY FORESTED & OVERGROWN WITH GRASS AND SHRUBS. SCATTERED PILES OF CONSTRUCTION & DEMOLITION DEBRIS AND WOOD ACROSS SITE.

Legend

- ▲ Subsurface Soil Samples
- ▲ Subsurface Soil Exceedances *
- Fences
- Buildings
- - - - Property Boundary
- Forested Area Edge



**BASE MAP FROM 2010 SITE
FIGURE 5 CHARACTERIZATION REPORT
SUBSURFACE SOIL SAMPLES
NATHAN'S WASTE & PAPER STOCK
ERIE TERRACE
AMSTERDAM, NEW YORK
HRP # NEW9506.P2
SCALE 1:650**

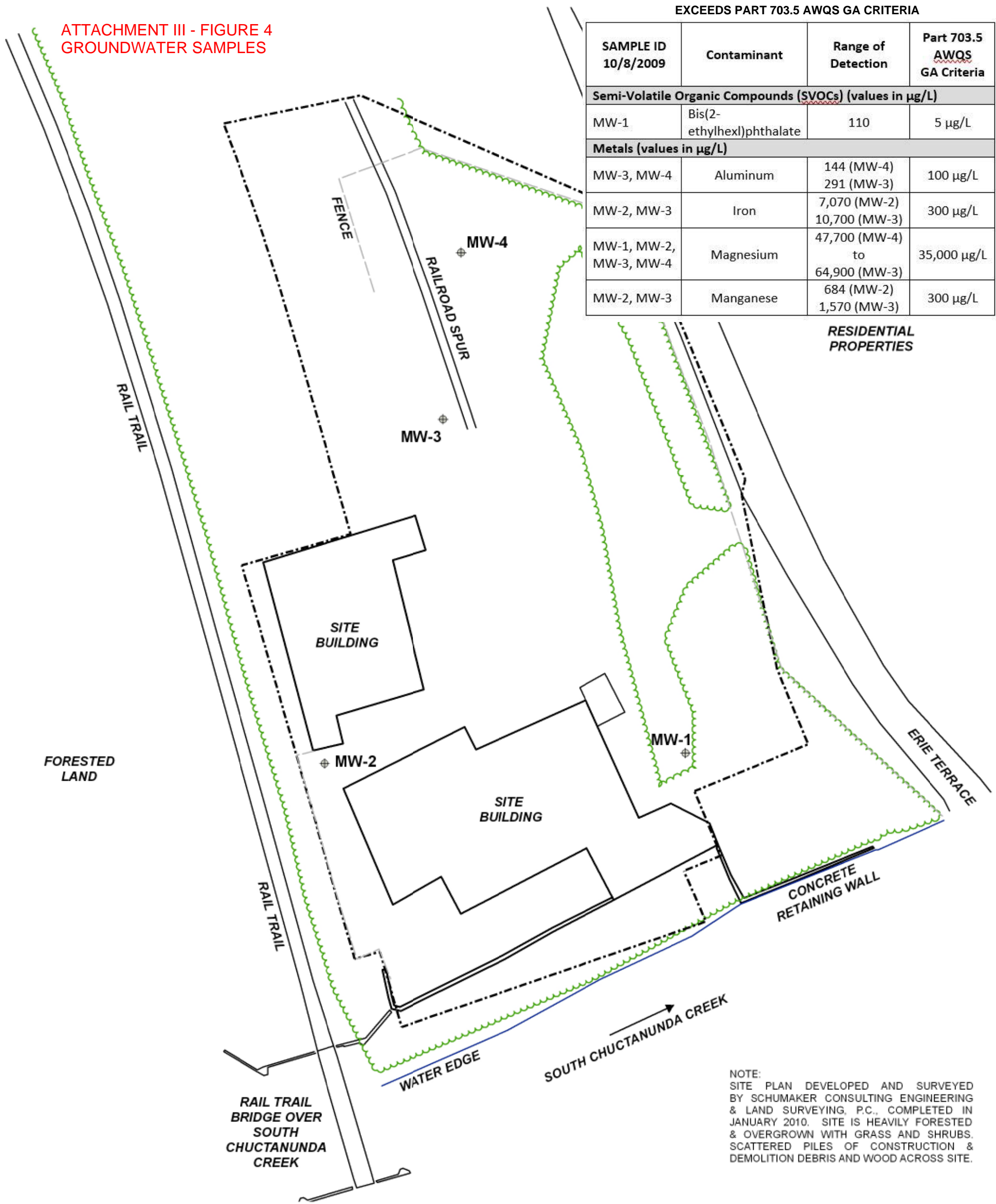


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**ATTACHMENT III - FIGURE 4
GROUNDWATER SAMPLES**

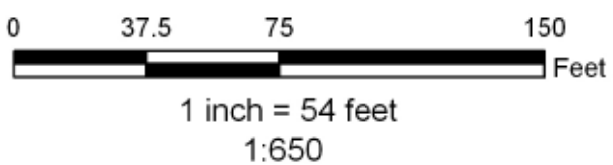
EXCEEDS PART 703.5 AWQS GA CRITERIA

SAMPLE ID 10/8/2009	Contaminant	Range of Detection	Part 703.5 AWQS GA Criteria
Semi-Volatile Organic Compounds (SVOCs) (values in µg/L)			
MW-1	Bis(2-ethylhexyl)phthalate	110	5 µg/L
Metals (values in µg/L)			
MW-3, MW-4	Aluminum	144 (MW-4) 291 (MW-3)	100 µg/L
MW-2, MW-3	Iron	7,070 (MW-2) 10,700 (MW-3)	300 µg/L
MW-1, MW-2, MW-3, MW-4	Magnesium	47,700 (MW-4) to 64,900 (MW-3)	35,000 µg/L
MW-2, MW-3	Manganese	684 (MW-2) 1,570 (MW-3)	300 µg/L



**RESIDENTIAL
PROPERTIES**

NOTE:
SITE PLAN DEVELOPED AND SURVEYED
BY SCHUMAKER CONSULTING ENGINEERING
& LAND SURVEYING, P.C., COMPLETED IN
JANUARY 2010. SITE IS HEAVILY FORESTED
& OVERGROWN WITH GRASS AND SHRUBS.
SCATTERED PILES OF CONSTRUCTION &
DEMOLITION DEBRIS AND WOOD ACROSS SITE.



Legend

- ⊕ Monitoring Wells
- Property Boundary
- Fences
- Buildings
- Forested Area Edge



**BASE MAP FROM 2010 SITE
FIGURE 6 CHARACTERIZATION REPORT**
MONITORING WELLS
NATHAN'S WASTE & PAPER STOCK
ERIE TERRACE
AMSTERDAM, NEW YORK
HRP # NEW9506.P2
SCALE 1:650

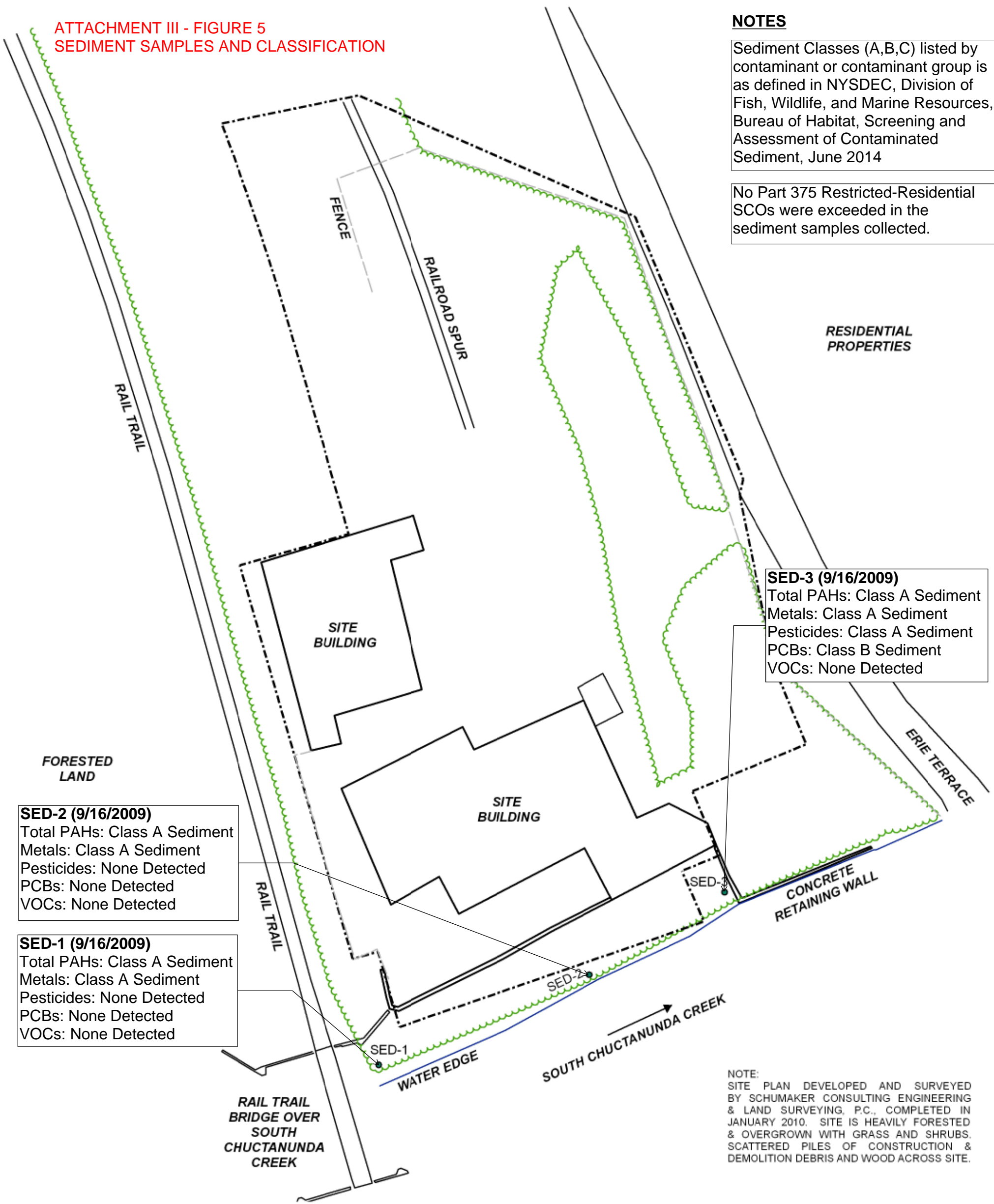
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**ATTACHMENT III - FIGURE 5
SEDIMENT SAMPLES AND CLASSIFICATION**

NOTES

Sediment Classes (A,B,C) listed by contaminant or contaminant group is as defined in NYSDEC, Division of Fish, Wildlife, and Marine Resources, Bureau of Habitat, Screening and Assessment of Contaminated Sediment, June 2014

No Part 375 Restricted-Residential SCOs were exceeded in the sediment samples collected.

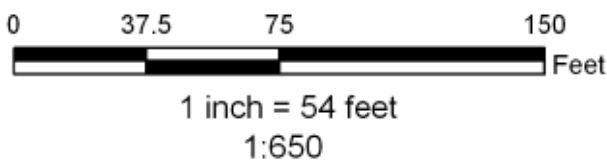


SED-2 (9/16/2009)
 Total PAHs: Class A Sediment
 Metals: Class A Sediment
 Pesticides: None Detected
 PCBs: None Detected
 VOCs: None Detected

SED-1 (9/16/2009)
 Total PAHs: Class A Sediment
 Metals: Class A Sediment
 Pesticides: None Detected
 PCBs: None Detected
 VOCs: None Detected

SED-3 (9/16/2009)
 Total PAHs: Class A Sediment
 Metals: Class A Sediment
 Pesticides: Class A Sediment
 PCBs: Class B Sediment
 VOCs: None Detected

NOTE:
 SITE PLAN DEVELOPED AND SURVEYED BY SCHUMAKER CONSULTING ENGINEERING & LAND SURVEYING, P.C., COMPLETED IN JANUARY 2010. SITE IS HEAVILY FORESTED & OVERGROWN WITH GRASS AND SHRUBS. SCATTERED PILES OF CONSTRUCTION & DEMOLITION DEBRIS AND WOOD ACROSS SITE.



Legend

- Sediment Samples
- Property Boundary
- Fences
- Buildings
- Forested Area Edge



BASE MAP FROM 2010 SITE CHARACTERIZATION REPORT
FIGURE 7
 SEDIMENT SAMPLES
 NATHAN'S WASTE & PAPER STOCK
 ERIE TERRACE
 AMSTERDAM, NEW YORK
 HRP # NEW9506.P2
 SCALE 1:650

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ATTACHMENT IV: PROPERTY INFORMATION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section IV of Part A of the BCP Application)

Maps

- See Attached Site Location Map (Attachment IV-1).
- See Attached City of Amsterdam Tax Map (Attachment IV-2).
- See Attached Property Base Map (Attachment IV-3).
- See Attached Site Survey, prepared by Shumaker Consulting Engineering and Land Surveying P.C., dated January 11, 2010 (Attachment IV-4).
- See Attached City of Amsterdam Zoning Map (Attachment IV-5).

Property Description Narrative

Location

The site is a single parcel located in a commercial-residential area in the south side (south of the Mohawk River) of the City of Amsterdam, Montgomery County, New York. The site is situated directly to the north of the South Chuctanunda Creek, to the east of the Erie Canalway Bike Trail (Empire State Trail), and to the west of Erie Terrace, which is a City-owned dead-end street. The site address is 111 Erie Terrace. See Site Location Map in Attachment IV-1 and City of Amsterdam Tax Map in Attachment IV-2.

Site Features

The site contains two (2) abandoned dilapidated buildings. Building A is a two-story, masonry and wood structure that was observed to be vacant and in dilapidated condition. Building A was previously used for industrial purposes, and previously had a large area of its west side demolished or collapse. A truck scale was observed in the ground outside the northeast corner of Building A. Building B is a two-story wood barn that was also observed to be vacant and in dilapidated condition. Building B appears to have been used for lumber storage. A former railroad spur is located in the northern

portion of the property that was likely used in conjunction with the historical industrial/lumber use of the site. A stone retaining wall is located on the southern portion of the site near the bank of the South Chuctanunda Creek. The remainder of the site contains unimproved vegetated surfaces and large piles of construction and demolition debris and other solid waste. Four (4) steel monitoring well riser pipes with welded-shut caps are located on the site. The wells were reportedly installed in 2009, and their viability is unknown. The site is partially encompassed by a chain-link fence. See Property Base Map in Attachment IV-3 and Site Survey in Attachment IV-4.

Current Zoning and Land Use

The site is a vacant industrial property that is located within the Downtown Core (DC) zoning district. Portions of the eastern and southern boundaries of the site are also located within the Greenway Corridor Overlay (GW-O) zone. The GW-O zone includes areas within the 100-year flood plain, as depicted in the Federal Emergency Management Agency's Flood Insurance Rate Map and the City of Amsterdam Zoning Map. Residential and commercial properties to the south and east of the site are also located within the DC zoning district, with some nearby areas also located in the GW-O zone. Properties to the north and west of the site are located within the Medium Density Neighborhood (MDN) zoning district. The nearest residential development is a row of four (4) detached single-family dwellings located across Erie Terrace to the east-northeast of the site. See Property Base Map in Attachment IV-3 and Zoning Map in Attachment IV-5.

Past Use of the Site

The site was historically used for industrial purposes. From approximately the late-1800s until the mid-1960s, the site was used as a lumber planing mill and lumber yard (Grieme Lumber). A planing mill processes seasoned boards from a sawmill into dimensional lumber. It is noted that the old Erie Canal extended though the east side of the site, and was likely used in conjunction with the lumber yard and planing mill. The Erie Canal was subsequently abandoned and filled. A railroad spur also extended into the north side of the site from the west-adjointing railroad (now a bike path) that was likely used in conjunction with the historical industrial/lumber use.

From 1971 until 1993, the site was occupied by Nathan's Waste and Paper Stock Co., which was a storage junk yard for waste and recyclable materials including paper and scrap metal, and for antiques. Historical records indicate that automotive battery

recycling and 55-gallon drum storage also occurred on the site when it was occupied by Nathan's Waste and Paper Stock. The site has been a vacant industrial site since 1993. The City of Amsterdam acquired the site through tax foreclosure in 2010, and currently owns the site.

The site was initially listed in the New York State Registry of Inactive Hazardous Waste Sites (the Registry) as a "Class P" site in May 2006 based on the findings of previous environmental investigations completed at the site. In September 2010, the NYSDEC Division of Environmental Remediation (DER) determined that the site was not eligible for listing on the Registry, and the site was issued "Class N" status. This determination was made based on the results of the February 2010 Site Characterization Report that was conducted for the NYSDEC under the State Superfund program.

While the site was not eligible for listing on the Registry, the site contamination as documented in the *2010 Site Characterization Report* creates a brownfield condition, whereby the redevelopment of the site has been and is still complicated by the presence of environmental contamination. Also in 2010, the previous owner abandoned the site, and the City of Amsterdam acquired the property through tax foreclosure. No remedial action is known to have occurred at the site. The suspected sources of contamination on the site are the historical industrial and commercial activities that occurred on the site.

In addition, two (2) spill incidents are listed for the site and are summarized as follows:

- Spill No. 9214194. The NYSDEC spill fact sheet and narrative in the database report states "Oil migrating toward stream. Long-term but marginal housekeeping problem." The description then refers to Spill No. 9304951 (below) and other reports related to the hazardous waste site file (Site Code 429012) that was issued to the subject site. The spill incident was issued closed status in November 1993.
- Spill No. 9304951. According to the database report, contamination was discovered on the site during environmental site assessments conducted in June/July 1993. A subsequent investigation in 2000 revealed elevated lead contamination in surface soils, and the spill incident was re-opened. In 2006, the site was listed and managed as a Class P or "Potential" State hazardous waste site (Site Code 429012) and the spill incident was closed, and managed under the hazardous waste site file issued to the subject site.

Site Geology and Hydrogeology

Surficial geology underlying the site is mapped as alluvial deposits (al), and soils at the site are mapped as cut and fill land (CFL). Soils underlying the site that were documented in previous environmental reports were characterized as native and disturbed clay and silty loam, fine to medium-grained sandy soils, occasional lenses of fine to medium grained sand, and fine-grained fill soils with trace rock fragments.

Bedrock beneath the site is mapped as Amsterdam Limestone of the Ordovician aged Trenton and Black River Groups (Otrb). Amsterdam Limestone is described as a thinly bedded, fossiliferous, crystalline limestone. Bedrock was not encountered at or above 25 feet below ground surface (bgs) during previous environmental investigations that occurred on the site.

Groundwater beneath the site was previously observed in four (4) on-site overburden monitoring wells at depths ranging from 20 to 25 feet bgs. Groundwater is inferred to flow to the east, toward the Mohawk River.

Environmental Assessment

Based upon the investigations conducted to date, the primary contaminants of concern at the site include metals, polychlorinated biphenyls (PCBs), and polycyclic aromatic hydrocarbons (PAHs) in soil, as well as (to a lesser extent) metals and semi-volatile organic compounds (SVOCs) in groundwater. In general, the anticipated remedial action will focus on surface and near-surface soils located on the site. The information presented below was documented in the *2010 Site Characterization Report*, as referenced in Attachment III of this BCP Application (Property's Environmental History). This report is the most recent known environmental investigation that has occurred on the site (except for the 2020 Phase I ESA). This report shall be used as the Remedial Investigation Report (RIR) for the purposes of this BCP application and for the purposes of developing a Remedial Action Work Plan (RAWP) under the BCP. A drawing depicting the sampling locations on the site from the *2010 Site Characterization Report* (surface soil, subsurface soil, groundwater, sediment) is included as Figure 1 in Attachment III.

Soil

The Standards, Criteria, and Guidance (SCGs) for soil sampling results are the Soil Cleanup Objectives (SCOs) for Restricted-Residential Use Sites promulgated at 6

NYCRR Part 375, which is consistent with the site's intended future use. A drawing depicting the sampling locations where surface soil exceeded Restricted-Residential SCOs is included as Figure 2 in Attachment III, and a drawing depicting the sampling locations where sub-surface soil exceeded Restricted-Residential SCOs is included as Figure 3 in Attachment III.

Surface Soil

Surface soil samples were collected from the 0-6 inch below ground surface (bgs) interval at 26 locations across the site and are summarized as follows:

- Various PAH compounds were detected in the surface soil at concentrations exceeding the Restricted-Residential SCOs in 14 locations across the site.
- Metals including arsenic, barium, cadmium, copper, lead, and mercury were detected at concentrations above the Restricted-Residential SCOs. At least one (1) metal exceeded its corresponding Restricted-Residential SCO at 20 surface soil sampling locations across the site. Notably, the US Environmental Protection Agency (EPA) Toxicity Characteristic Leaching Procedure (TCLP) regulatory level for lead (5.0 mg/L) was exceeded in a sample collected from SS-1 (6.47 mg/L), which was a surface sample collected to the northeast of Building A and the in-ground truck scale. SS-1 was reportedly in the former automotive battery storage area. No other EPA TCLP regulatory levels were exceeded for the other analyte groups.
- PCBs were detected at concentrations exceeding the Restricted-Residential SCOs in nine (9) surface soil sample locations. The pesticide dieldrin was detected in SS-5 at 350 µg/kg, which exceeds the SCG of 200 µg/kg.

Subsurface Soil

Subsurface soil samples were collected from various depths at 24 locations across the site and are summarized as follows:

- Various PAH compounds were detected in the subsurface soil at concentrations exceeding the Restricted-Residential SCOs in three (3) locations in the central and western areas of the site. These three (3) samples were collected from the 0-2 foot bgs interval.

- Metals including arsenic, copper, lead, and mercury were detected at concentrations above the Restricted-Residential SCOs. At least one (1) metal exceeded its corresponding Restricted-Residential SCO at seven (7) subsurface sampling locations across the site. With the exception of elevated detections of mercury and lead at a depth of 9-12 feet bgs in SB-15, the Restricted-Residential SCO exceedances for metals were detected in the 0-2 foot bgs interval.
- PCB Aroclor-1254 was detected at 4,300 µg/kg in SB-2 (0-2 feet bgs), which exceeds the Restricted-Residential SCO of 1,000 µg/kg. SB-2 is located in the northeastern portion of the site.

Groundwater

Four (4) monitoring wells were installed at the site and sampled in October 2009. The SCGs for groundwater samples are the New York State (NYS) Ambient Water Quality Standard and Guidance Values (AWQS), (Part 703.5 AWQS GA Criteria) as promulgated in June 1998 inclusive of all addendums. A drawing depicting the sampling locations where groundwater exceeded NYS AWQS is included as Figure 4 in Attachment III. The groundwater results are summarized as follows:

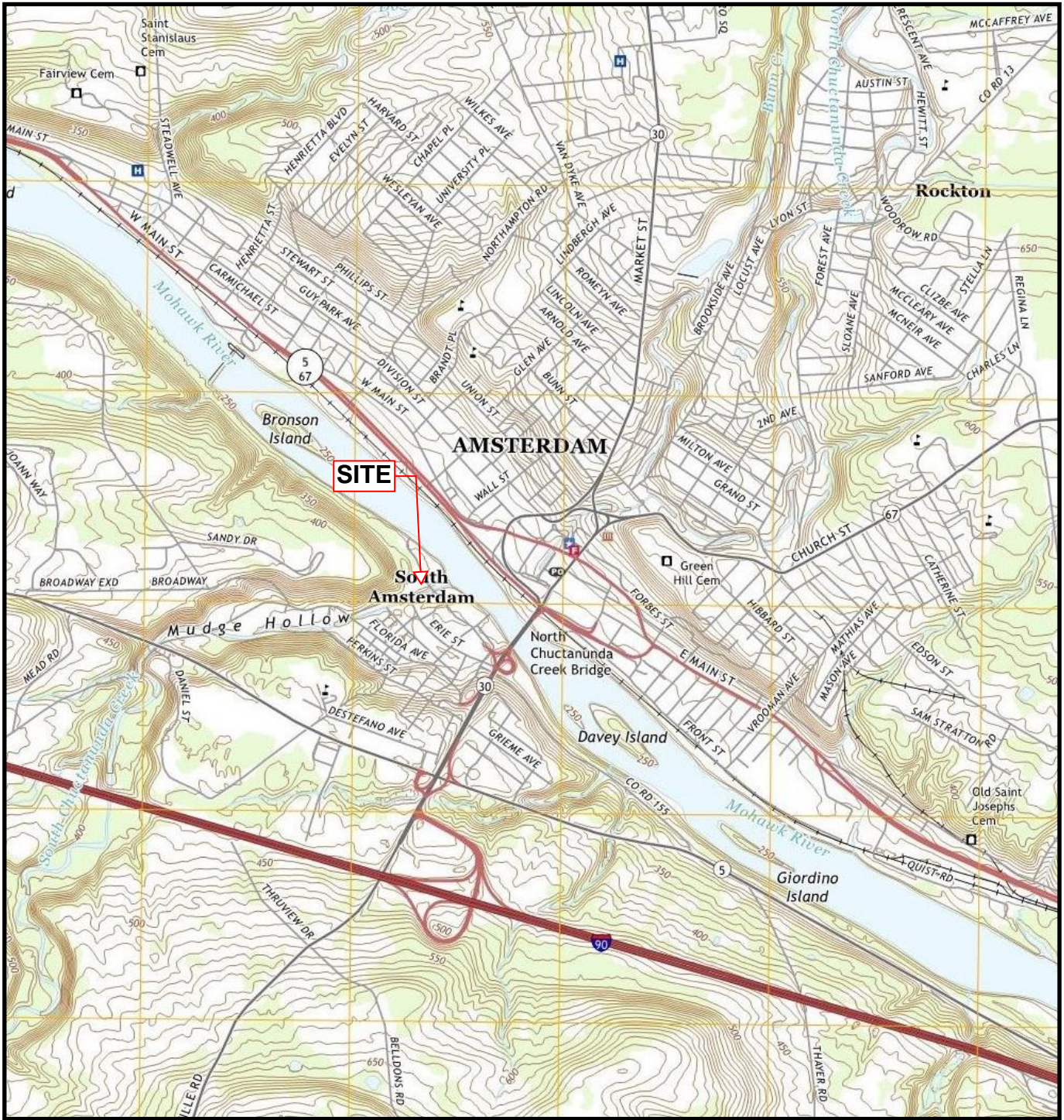
- Bis(2-ethylhexyl)phthalate was detected at 110 µg/L in the sample collected from MW-1, which is above NYS AWQS of 5 µg/L. Bis(2-ethylhexyl)phthalate is a SVOC.
- Aluminum, iron, magnesium, and manganese were detected at concentrations above NYS AWQS in the on-site monitoring wells. The detections represent total metals concentrations. The NYS AWQS for magnesium (35,000 µg/L) was exceeded in all four (4) monitoring wells at concentrations ranging between 47,700 µg/L and 64,900 µg/L. The NYS AWQS for aluminum (100 µg/L) was exceeded in MW-3 (291 µg/L) and MW-4 (144 µg/L). The NYS AWQS for iron (300 µg/L) and manganese (300 µg/L) were both exceeded in MW-2 and MW-3. Iron was detected in MW-2 at 7,070 µg/L and in MW-3 at 10,700 µg/L. Manganese was detected in MW-2 at 684 µg/L and in MW-3 at 1,570 µg/L.

Sediment

Sediment samples were collected from three (3) off-site locations on the north bank of the South Chuctanunda Creek, adjoining the site. The SCGs for sediment samples are the SCOs for Restricted-Residential Use Sites promulgated at 6 NYCRR Part 375, which is consistent with the site's intended future use. The analytical results were also

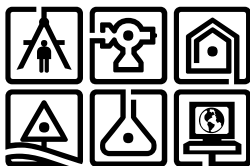
compared to the standards outlined in NYSDEC, Division of Fish, Wildlife, and Marine Resources, Bureau of Habitat, Screening and Assessment of Contaminated Sediment, June 2014. The location of the sediment samples are shown on Figure 5 in Attachment III. The results of the sediment sampling are summarized as follows:

- PAHs were detected in all three (3) sediment samples at concentrations below the corresponding Restricted-Residential SCOs. In addition, based on NYSDEC Screening and Assessment of Contaminated Sediment, June 2014, the concentrations of total PAHs in each sample would classify the sediment as Class A (<4,000 µg/kg).
- Metals were detected in all three (3) sediment samples at concentrations below the corresponding Restricted-Residential SCOs. In addition, based on NYSDEC Screening and Assessment of Contaminated Sediment, June 2014, the concentrations of each metal detected in each sample would classify the sediment as Class A.
- The pesticide 4, 4'-DDT was detected in the SED-3 sample at 37 µg/kg, which is below the Restricted-Residential SCO of 1,700 µg/kg, but above the Unrestricted SCO of 3.3 µg/kg. In addition, based on NYSDEC Screening and Assessment of Contaminated Sediment, June 2014, this detection of 4, 4'-DDT would classify the sediment as Class A (<44 µg/kg).
- PCB Aroclor-1260 was detected in the SED-3 sample at 310 µg/kg, which is below the Restricted-Residential SCO of 1,000 µg/kg, but above the Unrestricted SCO of 100 µg/kg. In addition, based on NYSDEC Screening and Assessment of Contaminated Sediment, June 2014, this detection of PCB Aroclor-1260 at this concentration would classify the sediment as Class B (100-1,000 µg/kg) .



MAP REFERENCE

United States Geological Survey
 7.5 Minute Series Topographic Map
 Quadrangle: Amsterdam, NY
 Date: 2019



C.T. MALE ASSOCIATES

ENGINEERING, SURVEYING, ARCHITECTURE & LANDSCAPE ARCHITECTURE & GEOLOGY, D.P.C.

50 CENTURY HILL DRIVE
 LATHAM, NY 12110

ATTACHMENT IV-1 – SITE LOCATION MAP

CITY OF AMSTERDAM

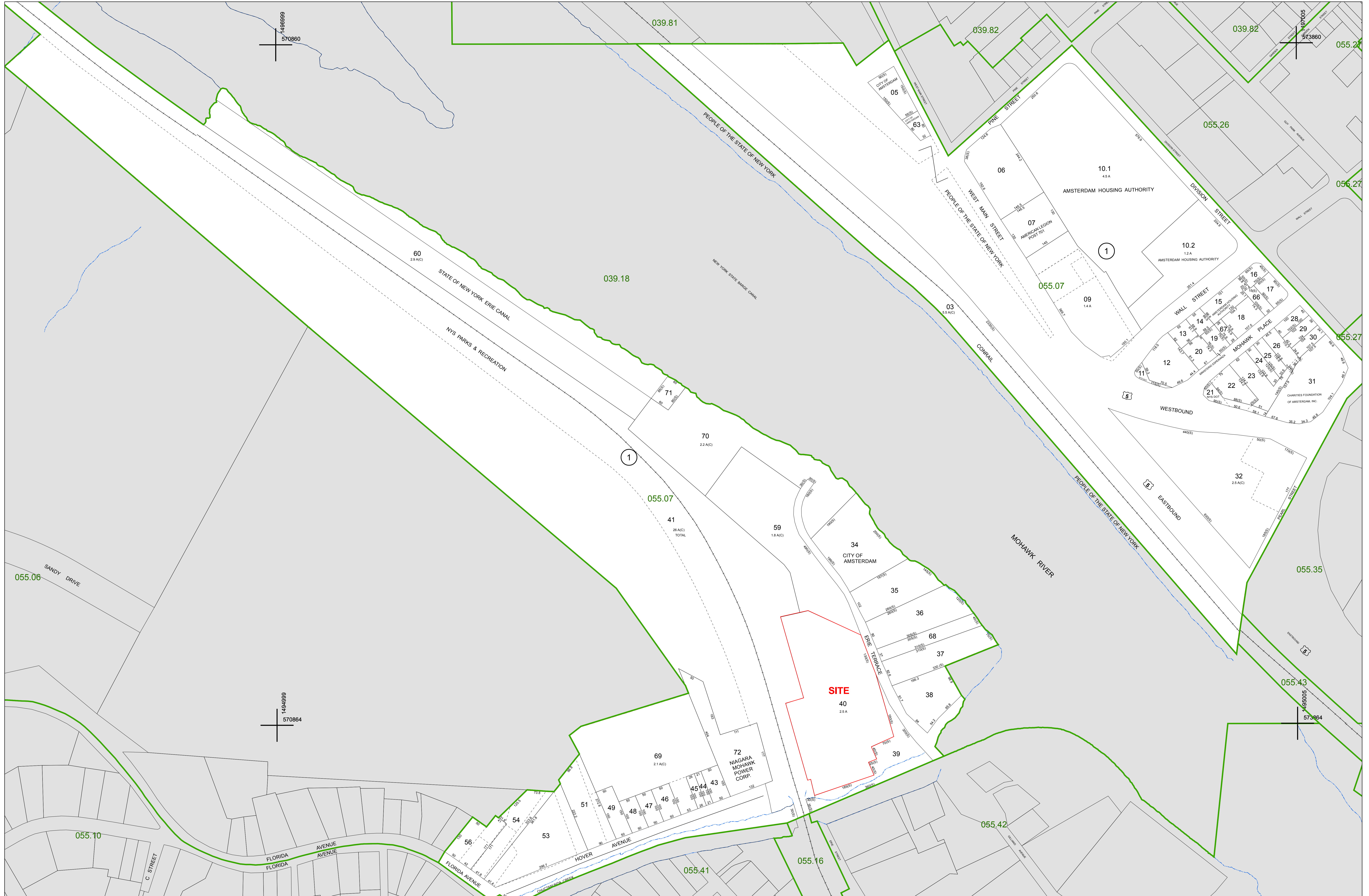
MONTGOMERY COUNTY, NY


SCALE: NOT TO SCALE

DRAFTER: CCK

PROJECT No: 20.0685

The locations and features depicted on this map are approximate and do not represent an actual survey.





MAP PREPARED BY:
MONTGOMERY COUNTY
Real Property Tax Service Agency
Christine DePasquale, Director

Revision Table			
Date	Made by	Changes Made	Date
3/25/2020	MB	2020 UPDATES	4/19/2013
9/9/2019	MB	2019 UPDATES	1/11/2010
11/2/2017	CD	2017 UPDATES	11/19/2009
8/5/2016	CD	2016 UPDATES	4/17/2008
3/18/2015	CD	2015 UPDATES	

SPECIAL DISTRICTS	
GP900: GP900	Garbage user fee
SC900: SC900	Amst sewer rent 1
MC900: MC900	Amst water rent
EF: AF08D	Empire zone
SC900S: 270100	AMSTERDAM CITY SCHOOL DISTRICT

LEGEND	
PROPERTY LINE	—
ORIGINAL LOT LINE	- - - - -
DENOTES COMMON OWNER	—+—+—+—
BLOCK LIMIT	- - - - -
SECTION LINE	—+—+—+—
PUBLIC RIGHT OF WAY	—+—+—+—
PRIVATE RIGHT OF WAY	- - - - -
TOWN/VILLAGE CITY	—+—+—+—
RAILROAD	—+—+—+—
HYDROLOGY	—+—+—+—
SCHOOL DISTRICT LINE	—+—+—+—
FIRE DISTRICT	—+—+—+—
AGRICULTURAL DISTRICT	—+—+—+—
MONUMENT LOCATOR	+
COORDINATE LOCATOR	+

SHEET INDEX	
039.18	039.19
055.04	055.08
055.10	055.12

SECT. NO. 055.07

These maps are intended for tax administration only, and not for the conveyance of property.

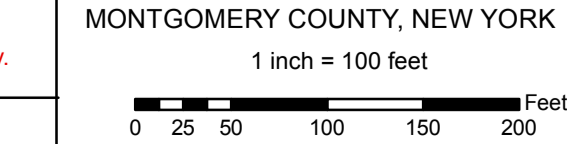
Date: 12/3/2020

TAX MAP

CITY OF AMSTERDAM

MONTGOMERY COUNTY, NEW YORK

1 inch = 100 feet





MOHAWK RIVER

55.7-1-70
CRANESVILLE BLOCK CO.
(PORT JACKSON BOAT LAUNCH)

55.7-1-34
CITY OF AMSTERDAM
(PORT JACKSON PARK)

55.7-1-59
CRANESVILLE CEMENT CO.
(COMMERCIAL)

55.7-1-35
VIGLIOTTI
(RESIDENTIAL)

55.7-1-36
IANNOTTI & BENNETT
(RESIDENTIAL)

55.7-1-68
IANNOTTI & BENNETT
(RESIDENTIAL)

55.7-1-37
RIEGER FAMILY TRUST
(VACANT RESIDENTIAL)

55.7-1-38
O'BRIEN
(RESIDENTIAL)

SUBJECT SITE
BROWNFIELD BOUNDARY
55.7-1-40
CITY OF AMSTERDAM
(VACANT)

55.7-1-39
NYS
(FLOOD CONTROL)

55.7-1-41
NYS OPRHP
(EMPIRE STATE TRAIL)

CANALWAY RAIL TRAIL

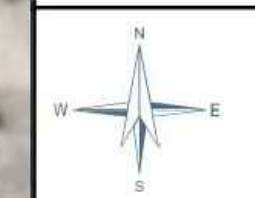
ERIE TERRACE

HOVER AVE.

CHUCTANUNDA CREEK

**ATTACHMENT IV-3
PROPERTY BASE MAP
111 ERIE TERRACE**

City of Amsterdam Montgomery County, New York



Project Number: PROPOSAL
Data Source: NYS GIS Clearinghouse
Projection: State Plane NAD83 NYE (Feet)
Date: March 03, 2020
File: 111ErieTerrace22x34_2.mxd
GIS: C. Secor

Map Note: The locations and features depicted on this map are approximate and do not represent a field survey.

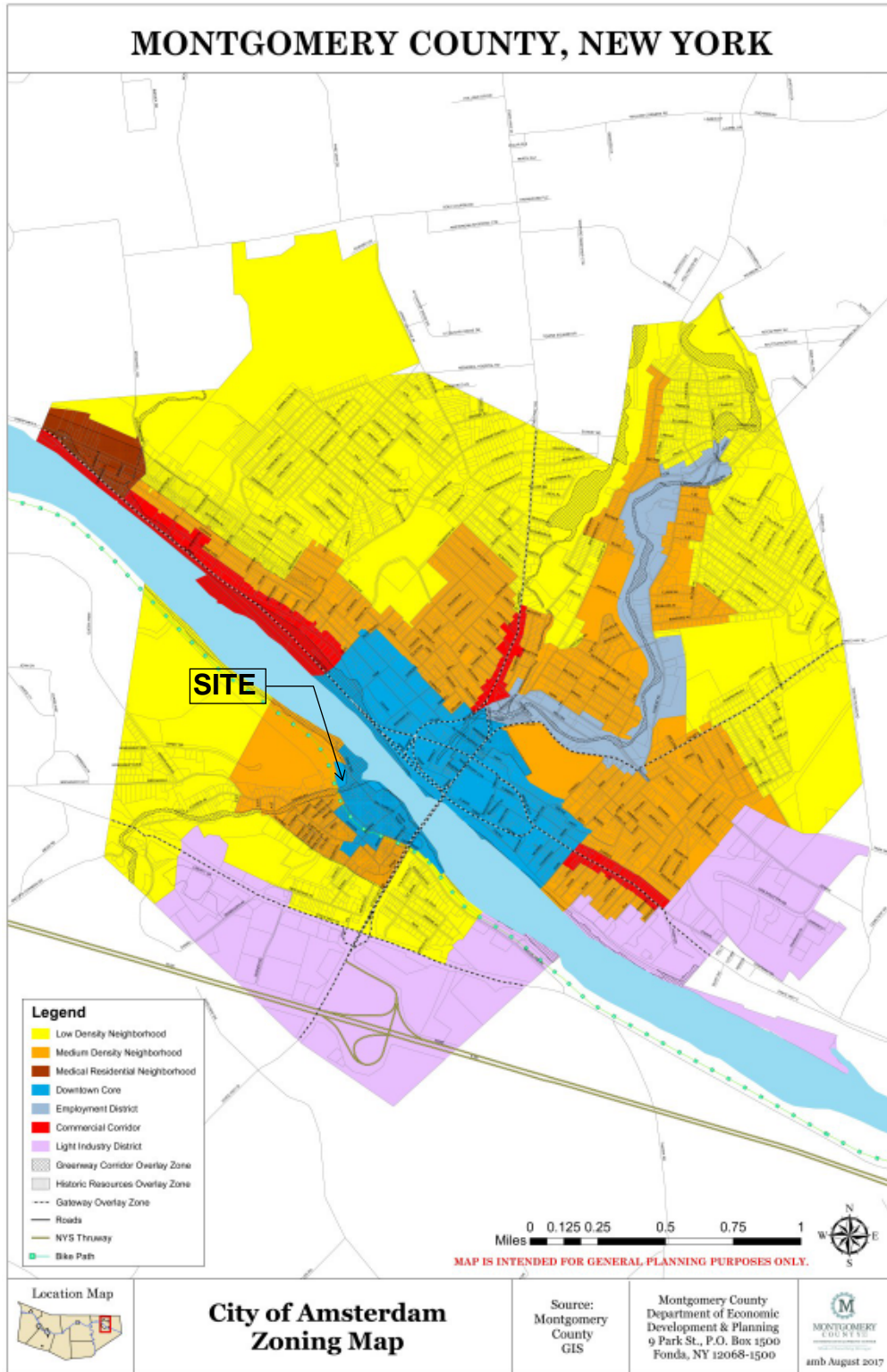
C.T. MALE ASSOCIATES
Engineering, Surveying, Architecture, Landscape Architecture & Geology, D.P.C.

50 CENTURY HILL DRIVE, LATHAM, NY 12110
518.786.7400 * FAX 518.786.7299



ZONING

250 Attachment 4



ATTACHMENT V: ADDITIONAL REQUESTOR INFORMATION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section V of Part B of the BCP Application)

Additional Requestor Information

No additional information is needed in this attachment.

**ATTACHMENT VI: CURRENT PROPERTY OWNER/OPERATOR
INFORMATION**

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section VI of Part B of the BCP Application)

Owner and Operator Information

The site is currently owned and operated by the City of Amsterdam. The Requestor does not own the site, but holds an option to purchase the site that was approved by the Amsterdam Common Council on April 20, 2021. The Requestor does not have any relationship with the current owner or any past site owners/operators.

Previous Site Owners and Operators

(The operation of the site during each ownership tenure is noted)

2010 to Present (Vacant site)

City of Amsterdam
61 Church Street
Amsterdam, NY 12010
Tel: (518) 841-4300
Email: abearcroft@amsterdampny.gov

1997 to 2010 (Vacant site)

Nathan's Waste and Paper Stock Co., Inc.
524 Fanshaw N.
Boca Raton, FL 33434
Telephone: Unknown
Email: Unknown

1972 to 1997 (Operated as Nathan's Waste and Paper Stock Co. until c. 1993)

Annette T. Lessick
49 ½ Phillips Street
Amsterdam, NY
Telephone: Unknown
Email: Unknown

1965 to 1972 (Operated as Nathan's Waste and Paper Stock Co. c. 1971)

Harry Nathan
49 ½ Phillips Street
Amsterdam, NY
Telephone: Unknown
Email: Did not exist

Prior to 1965 (Possibly the on-site railroad spur)

New York Central Railroad owned a strip of land on the site that was 10'x 235', which lies 35' northeast of the centerline of the former West Shore Railroad.

Address: Unknown
Telephone: Unknown
Email: Did not exist

1909 to 1965

Grieme Lumber & Supply Co., Inc. (operated as such)

Address: Unknown
Telephone: Unknown
Email: Did not exist

1890 to 1909 (Operated as Grieme Lumber and the planing mill)

Henry C. Grieme
Address: Unknown
Telephone: Unknown
Email: Did not exist

ATTACHMENT VII: REQUESTOR ELIGIBILITY INFORMATION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section VII of Part B of the BCP Application)

The Requestor does not meet the definition of a participant and is a volunteer. The Requestor does not currently own the site and has had no prior operation on or involvement with the site (with the exception of ordering a Phase I ESA in 2020 and exploring redevelopment feasibility). The Requestor currently has no liability in association with the site, nor has had any obligation or power to exercise appropriate care on the site. The Requestor holds a purchase option agreement with the current site owner (City of Amsterdam).

The City of Amsterdam acquired the site through tax foreclosure in 2010 after the site had been vacant for nearly 17 years. Proof that the Requestor may access the site to complete remediation is attached as ATTACHMENT VII-1.

Site Access Agreement for the Brownfield Cleanup Program (BCP)

Between

City of Amsterdam
61 Church Street
Amsterdam, NY 12010

And

Mike and Mary Keegan
405 Danna Joelle Drive
Schenectady, NY 12303

The following provision is deemed mandatory in order to successfully take part in the New York State Brownfield Cleanup Program (BCP).

Pursuant to your request and the requirements of the New York State Department of Environmental Conservation (NYSDEC) in connection with an application being made by Mike and Mary Keegan as a volunteer in the BCP, please be advised that the City of Amsterdam is the owner of the property at 111 Erie Terrace, located off the west side of Erie Terrace in the City of Amsterdam, Montgomery County, New York (SBL #55.7-1-40).

To that end, the City of Amsterdam does hereby give Mike and Mary Keegan and their representatives authorization to access the aforementioned property immediately and throughout the BCP process. Additionally, the City of Amsterdam accepts that an environmental easement may be placed on 111 Erie Terrace by the NYSDEC as a result of work on the property that may occur under the BCP.

Agreed to by:

City of Amsterdam

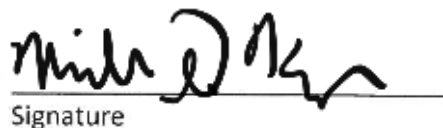
Date:


Authorized Representative Signature

Michael Ciquanti
Printed Name

Mike Keegan

Date:


Signature

ATTACHMENT VIII: PROPERTY ELIGIBILITY INFORMATION

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section VIII of Part B of the BCP Application)

Property Eligibility Information

Question 2

The site is a Class N (Non-Registry) site. It was listed as a Class N site beginning in September 2010. Previously, it was listed as a Class P (Non-Registry) site beginning in May 2006. Based on this history and the site codes, the site is not currently or has not historically been listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites.

The site code is 429012. See ATTACHMENT VIII-1 for the site's Non-Registry Class N site listing. Within the site description of the attached online site listing, the Department states about the site *"It would probably make a good candidate for the BCP."*

ATTACHMENT VIII-1



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

Administrative Information

Site Name: Nathan's Waste and Paper Stock Co.

Site Code: 429012

Program: State Superfund Program

Classification: N *

EPA ID Number:

Location

DEC Region: 4

Address: Erie Terrace

City:Amsterdam Zip: 12010

County:Montgomery

Latitude: 42.938160729

Longitude: -74.200149428

Site Type:

Estimated Size: 2.54 Acres

Site Owner(s) and Operator(s)

Site Description

This 2.5-acre property in the City of Amsterdam, Montgomery County, was a scrap metal and paper storage facility from 1971 to around 1992. Prior to 1971, it was a lumber yard which had been in operation since the late 1800s. It is located north of South Chuctanunda Creek and southwest of the Mohawk River. There are several residences between the site and the Mohawk River. A rail spur served the property off of the now-abandoned rail line (now a bike trail) immediately west of the site. There are two wood frame buildings on site, both of which are now in dilapidated condition. A considerable amount of waste had accumulated at the site over the years. An initial site

investigation (Phase I) was conducted for the owner in May 1993. At that time, much of the property had been cleared, however, there were still at least fifteen 55-gallon drums, piles of wood, concrete, scrap metal, and other assorted wastes on the site. An area of soil staining was observed near one of the drums. In June 1993, a Phase II investigation was conducted for the owner. Test pits were excavated and soil samples were taken. Additional work, including soil borings and groundwater sampling, was completed in August 2000 when the owner wanted to donate the property to the Amsterdam Waterfront Foundation. Analysis of the groundwater did not reveal evidence of contamination. The soil was found to be contaminated with 2-butanone and lead. The level of 2-butanone in one of the soil samples was 518 ppm, which exceeds the unrestricted use soil cleanup objective of 0.12 ppm. Lead levels ranged from 4,065 to 8,400 ppm, exceeding the unrestricted use soil cleanup objective of 63 ppm. Field work for a Site Characterization (SC) was done in September and October 2009. The SC found concentrations of contaminants (SVOCs, metals, pesticides, PCBs) widespread across the site soil at concentrations above Part 375 soil cleanup objectives, but no evidence of disposal of consequential quantities of hazardous substances. Groundwater was not impacted by site contamination. The site was reclassified to an N based on the SC. It would probably make a good candidate for the BCP.

Site Environmental Assessment

Analytical data has confirmed soil contamination by 2-butanone (a.k.a. methylethyl ketone) and lead at concentrations exceeding unrestricted use soil cleanup objectives. There is a potential for contaminants to migrate off-site. The site is adjacent to S. Chuctanunda Creek and the Mohawk River. Several residences are nearby. The Site Characterization found soil contaminants above the Part 375 SCOs, but found no reason to qualify the site for the Registry at this time.

*** Class N Sites:** "DEC offers this information with the caution that the amount of information provided for Class N sites is highly variable, not necessarily based on any DEC investigation, sometimes of unknown origin, and sometimes is many years old. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

For more Information: [E-mail Us](#)

[Return To Results](#)

[Refine This Search](#)

ATTACHMENT IX: CONTACT LIST INFORMATION

FORMER NATHAN’S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section IX of Part B of the BCP Application)

Contact List Information

Site Owner
City of Amsterdam (c/o Amanda Bearcroft) 61 Church Street Amsterdam, NY 12010 abearcroft@amsterdamny.gov 518-841-4300

Chief Executive Officer and Planning Board Chairperson of County and Town	
Montgomery County	City of Amsterdam
County Chief Executive Officer Matthew L. Ossenfort County Annex Building PO Box 1500, 20 Park Street Fonda, NY 12068	City Chief Executive Officer Mayor Michael Ciquanti City of Amsterdam 61 Church Street Amsterdam, NY 12010
County Planning Board Chairperson Wayne DeMallie Old County Courthouse PO Box 1500, 9 Park Street Fonda, NY 12068	City Planning Commission Chairperson Paul Gavry City of Amsterdam Planning Commission 61 Church Street Amsterdam, NY 12010

Public Water Supplier
City of Amsterdam Public Works Department 61 Church Street Amsterdam, NY 12010

Local News Media	
The Recorder (Newspaper) Attention: News Director 100 E. Main Street, Suite 100 Amsterdam, NY 12010 (518) 843-1100	The Daily Gazette (Newspaper) Attention: News Director 2345 Maxon Road Ext., PO Box 1090 Schenectady, NY 12301 (518) 374-4141
WNYT-TV Attention: News Director 715 North Pearl Street Albany, NY 12204 (800) 999-9698	WTEN-TV Attention: News Director 341 Northern Boulevard Albany, NY 12204 (518) 436-4822

<p>WRGB-TV Attention: News Director 1400 Balltown Road Schenectady, NY 12309 (518) 346-6666</p>	<p>Spectrum News (TV) Attention: News Director 104 Watervliet Avenue Extension Albany, NY 12206 (518) 641-6397</p>
<p>WMHT-TV Attention: News Director 4 Global View Troy, NY 12180-8375 (518) 880-3400</p>	<p>WGY Radio Attention: News Director 1203 Troy-Schenectady Road Latham, NY 12110 (518) 452-4848</p>
<p>WAMC Northeast Public Radio Attention: News Director PO Box 66600 Albany, NY 12206 (518) 465-5233</p>	

Nearby Schools and Daycare Facilities
<p>Barkley Elementary (GASD) Donna Decker, Principal 66 DeStefano Street Amsterdam, NY 12010</p>

Adjacent Property Owners/Occupants	
<p>Site Tax ID: 55.7-1-41 Property Address: W Shore RR Co. Owner Name/ Address: NYS Office of Parks, Rec, and Historic Preservation 625 Broadway Albany, NY 12207</p>	<p>Site Tax ID: 55.7-1-38 Property Address: 1 Erie Ter Owner Name/ Address: Sherry O'Brien and Vernon O'Brien 157 N. Main Street Broadalbin, NY 12025</p>
<p>Site Tax ID: 55.7-1-59 Property Address: Erie Ter Owner Name/ Address: Cranesville Cement Co. 774 St Hwy 5S Amsterdam, NY 12010</p>	<p>Site Tax ID: 55.7-1-37 Property Address: Erie Ter Owner Name/ Address: Rieger Family Trust 26426 Black Oak Dr. Valencia, CA 91381</p>
<p>Site Tax ID: 55.7-1-39 Property Address: Erie Ter Owner Name/ Address: NYS (flood control parcel) 61 Church Street Amsterdam, NY 12010</p>	<p>Site Tax ID: 55.7-1-68 Property Address: 9 Erie Ter Owner Name/ Address: John Iannotti and Kelly Bennett 11 Erie Terrace Amsterdam, NY 12010</p>
<p>Site Tax ID: 55.7-1-36 Property Address: 11 Erie Ter Owner Name/ Address: John Iannotti and Kelly Bennett 11 Erie Terrace Amsterdam, NY 12010</p>	<p>Site Tax ID: 55.7-1-35 Property Address: 15 Erie Ter Owner Name/ Address: David Vigliotti Giovanni Vigliotti 240 Indian Rd. 12 DeStefano St Fonda, NY 12068 Amsterdam, NY 12010</p>

Location of the Document Repository for the Project

Amsterdam Free Library
28 Church Street
Amsterdam, New York 12010
(518) 842-1080

The acknowledgement letter from the library stating that it agrees to act as a document repository for the Site is attached as ATTACHMENT IX-1.

ATTACHMENT IX-1

C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology D.P.C.

50 Century Hill Drive, Latham, NY 12110
518.786.7400 FAX 518.786.7299 ctmale@ctmale.com



March 23, 2021

Via Email

Ms. Nicole Hemsley, Director
Amsterdam Free Library
28 Church Street
Amsterdam, New York 12010
Email: nhemsley@mvls.info

Re: *Document Repository*
Former Nathan's Waste and Paper Stock Co.
CTM Project No.: 20.0685

Dear Ms. Hemsley:

Consistent with the requirements of the New York State Department of Environmental Conservation's Brownfields Cleanup Program (NYSDEC's BCP), the Amsterdam Free Library has been selected as an appropriate public repository for documents associated with the redevelopment of the Former Nathan's Waste and Paper Stock Co. site located on Erie Terrace in the City of Amsterdam.

Please indicate the library's willingness to fulfill the role of public repository for the project documents by signing below. The BCP requires that the documents be maintained for periods of up to 45 days for viewing by the public.

Sincerely,
C.T. MALE ASSOCIATES

Chris Koenig
Environmental Scientist &
Redevelopment Specialist

The Amsterdam Free Library agrees to serve as public document repository as described above.

Nicole Hemsley Director

Signature and Name of Agent for Amsterdam Free Library

ATTACHMENT X: LAND USE FACTORS

FORMER NATHAN'S WASTE AND PAPER STOCK CO.

111 ERIE TERRACE, CITY OF AMSTERDAM

(Section X of Part B of the BCP Application)

Question 1: What is the current zoning for the Site

The site is located within the Downtown Core (DC) zoning district. Portions of the eastern and southern boundaries of the site are also located within the Greenway Corridor Overlay (GW-O) zone. The GW-O zone includes areas within the 100-year flood plain, as depicted in the Federal Emergency Management Agency's Flood Insurance Rate Map and the City of Amsterdam Zoning Map. Downtown Core zoning allows for a mix of commercial and residential uses. See City of Amsterdam zoning map in ATTACHMENT IV-5.

Question 2: Current Use

The site is currently vacant (since 1993), and contains two (2) dilapidated and unoccupied commercial buildings. The ground surface of the site contains multiple piles of construction and demolition debris and is generally vegetated. Most recently, the site was used by Nathan's Waste and Paper Stock Co. as a storage junk yard for waste and recyclable materials including paper and scrap metal, and for antiques from 1971 until 1993. Historical records indicate that automotive battery recycling and 55-gallon drum storage also occurred on the site when it was occupied by Nathan's Waste and Paper Stock. Prior to being a storage junk yard, the site was used as a planing mill and lumber yard dating back to the late-1800s. The primary sources of site contaminants are believed to be the former uses that occurred on the surface of the site including automotive battery recycling, 55-gallon drum storage, and other salvage and scrap operations. Historical industrial uses of the site may have contributed to the site contamination.

Question 3: Reasonably Anticipated Use Post Remediation

The intended use of the site will be an outdoor recreational hub that utilizes the site's location adjacent to the Empire State Trail, a municipal park, and a boat launch into the

Mohawk River. The project may include a variety of uses that are appropriate for the Restricted-Residential Use including a commercial-retail space, storage space, a vending lot (farmer's market), parkland with passive recreational facilities, surface parking, and (potentially) at least one (1) short-term rental residential unit. Single-family housing is not proposed at this time. These uses are consistent with the City of Amsterdam zoning regulations for the Downtown Core (DC) District.

Question 4: Do Historic/Current Development Trends Support the Proposed Use?

The historical development patterns in this area of Amsterdam support the proposed use. With a mix of residential, commercial, and recreational uses surrounding the site, the intended use will blend nicely into the area, and will provide residents and visitors with an indoor/outdoor gathering place to meet and to recreate. The close proximity of the site to the municipal park, the boat launch in the Mohawk River, the Empire State Trail, and the Mohawk Valley Gateway Overlook will designate the site and the project as a recreational "trailhead" or natural meeting place. The intended use does not consist of development that would be considered high intensity or misaligned with the character of the neighborhood.

Question 5: Is the proposed use consistent with applicable zoning laws/maps?

The intended use of the site is consistent with the Downtown Core (DC) zoning regulations. The City of Amsterdam zoning code states: "The Downtown Core District will allow numerous types of uses, including business, retail, residential, cultural, civic, hospitality, educational and other public and private uses". More specifically, the DC zone allows for a mix of residential and commercial uses such as:

- Retail sales establishment
- Community park or playground
- Parking lots (accessory use)
- Sidewalk café (accessory use)
- Second-story residential
- A mix of the permitted uses

The DC zone also permits uses that are "substantially similar" to the allowed uses listed in the code. Based on this information, the intended use of the site is consistent with the DC zoning regulations.

Question 6: Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The proposed use is consistent with the following community plans:

City of Amsterdam Local Waterfront Revitalization Plan (LWRP) (1993)

The site is located within the waterfront revitalization area as mapped in the 1993 LWRP. The proposed use of the site is consistent with the following Waterfront Revitalization Program Policies, as documented in the LWRP:

- Policy 1: Revitalize deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational, and other comparable uses.
- Policy 8: Maximize public access and recreational opportunities to the shoreline and to waterways.
- Policy 10: Protect and improve the visual quality of the waterfront.

City of Amsterdam Comprehensive Plan (2003)

The proposed site development is aligned with the Vision, Goals, and Recommendations of the 2003 Comprehensive Plan. More specifically, the Comprehensive Plan recommends initiatives such as “Redevelop Old Mill Sites and Improve Connections to Neighborhoods”. The proposed use of the site aligns specifically with this Plan Recommendation.

Waterfront Heritage Area Brownfield Opportunity Area (BOA) Nomination Study (2015)

The subject site was identified in the 2015 BOA as a “priority site”, which is defined as a property whose development and reuse has the potential to revitalize the entire Waterfront Heritage Area. The BOA outlined a recreational use as a potential future use for the subject site. Since the intended site use will include a recreational aspect and will directly facilitate the use of the adjacent public recreational facilities, the intended use of the site aligns with the community vision, goals, and recommendations as documented in the BOA.