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Brownfield Cleanup Program Application  
Old Troy Municipal Incinerator Site  
East Side of Oakwood Avenue  
Town of Brunswick, Rensselaer County  
BCP Site #C442001

Applicant:

ATLAS RENEWABLES LLC

7 Stone Clover Drive  
Saratoga Springs, New York 12866

*Prepared for:*

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



NOVEMBER 2020  
(Revised FEBRUARY 2021)

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## 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 10*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Atlas Renewables LLC

ADDRESS 7 Stone Clover Drive

CITY/TOWN Saratoga Springs

ZIP CODE 12866

PHONE (877) 992-8527

FAX

E-MAIL torrent@caero.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Attachment I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### 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 **Not Applicable**

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 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). 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		X	
Chlorinated Solvents		X	
Other VOCs	X	X	
SVOCs			
Metals		X	
Pesticides			
PCBs			
Other*			

**\*Please describe:** Metals exceeding SCGs in Surface Water and Sediment.

**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): See Attachment III**

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input 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 checked="" type="checkbox"/> Landfill    | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Old Troy Municipal Incinerator Site				
ADDRESS/LOCATION East Side of Oakwood Avenue (+/- 800 Feet North of its Intersection with Farrell Road)				
CITY/TOWN Town of Brunswick		ZIP CODE 12180		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Brunswick				
COUNTY Rensselaer		SITE SIZE (ACRES) 25.30		
LATITUDE (degrees/minutes/seconds) 42 ° 46 ' 31.1 "		LONGITUDE (degrees/minutes/seconds) -73 ° 39 ' 24.5 "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
Oakwood Avenue, Town of Brunswick, Rensselaer County	80.	2	P/O 2.2	25.30
1. Do the proposed site boundaries correspond to tax map metes and bounds? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> (application will not be processed without map) <span style="color: red;">See Attachment IV</span>				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) <span style="float: right;">Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></span>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 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)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> If yes, these lands should be clearly delineated on the site map. <span style="color: red;">See Attachment IV</span>				

#### 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: LT \_\_\_\_\_



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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Lluís Torrent			
ADDRESS 7 Stone Clover Drive			
CITY/TOWN Saratoga Springs		ZIP CODE 12866	
PHONE (877) 992-8527	FAX	E-MAIL torrent@caero.com	
NAME OF REQUESTOR'S CONSULTANT Kirk Moline, Project Manager, C.T. Male Associates			
ADDRESS 50 Century Hill Drive			
CITY/TOWN Latham		ZIP CODE 12110	
PHONE 518-786-7400	FAX	E-MAIL k.moline@ctmale.com	
NAME OF REQUESTOR'S ATTORNEY Andreas Escher			
ADDRESS 7 Stone Clover Drive			
CITY/TOWN Saratoga Springs		ZIP CODE 12866	
PHONE (877) 992-8527	FAX	E-MAIL escher@caero.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Matopato LLC		OWNERSHIP START DATE: 2006	
ADDRESS 32 Hialeah Drive			
CITY/TOWN Troy		ZIP CODE 12182	
PHONE (518) 469-8589	FAX	E-MAIL tmurley@nycap.rr.com	
CURRENT OPERATOR'S NAME Same as Current Owner			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>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".</b>			
<b>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</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Lessee of the Property

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 # 4-42-001 Class # 3 ☒ Yes ☐ No **See Attachment VIII**
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. ☒ 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? Light Industrial

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? **Not Applicable** ☐ 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 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 **Lluis Torrent, Auth. Rep.** (title) of **Atlas Renewables 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: 11/23/20

Signature: \_\_\_\_\_

Print Name: Lluis Torrent, Authorized Representative

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in 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

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 10 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
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
2. Is the property upside down or underutilized as defined below? <span style="float: right;">Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
<span style="float: right;">Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
<p><b>From ECL 27-1405(31):</b></p> <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> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <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:** Old Troy Municipal Incinerator Site

**City:** Town of Brunswick

**Site Address:** East Side of Oakwood Avenue (+/- 800 Feet North of its Intersection with Farrell Road)

**County:** Rensselaer

**Zip:** 12180

**Tax Block & Lot**

**Section (if applicable):** 80.

**Block:** 2

**Lot:** P/O 2.2

**Requestor Name:** Atlas Renewables LLC

**City:** Saratoga Springs

**Requestor Address:** 7 Stone Clover Drive

**Zip:** 12866

**Email:** torrent@caero.com

**Requestor's Representative (for billing purposes)**

**Name:** Lluís Torrent

**Address:** 7 Stone Clover Drive

**City:** Saratoga Springs

**Zip:** 12866

**Email:** torrent@caero.com

**Requestor's Attorney**

**Name:** Andreas Escher

**Address:** 7 Stone Clover Drive

**City:** Saratoga Springs

**Zip:** 12866

**Email:** escher@caero.com

**Requestor's Consultant**

**Name:** Kirk Moline, Project Manager, C.T. Male Associates **Address:** 50 Century Hill Drive

**City:** Latham

**Zip:** 12110

**Email:** k.moline@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**

**OLD TROY MUNICIPAL INCINERATOR SITE**

**OAKWOOD AVENUE**

**(Section II of Part A of the BCP Application)**

See Attachment I-1: Entity Information from the NYS Department of State Division of Corporations.

-The sole member of Atlas Renewables LLC is Lluís Torrent.

# NYS Department of State

## Division of Corporations

**\*The sole member of Atlas Renewables LLC is Lluís Torrent**

### Entity Information

The information contained in this database is current through October 27, 2020.

---

Selected Entity Name: ATLAS RENEWABLES LLC

Selected Entity Status Information

**Current Entity Name:** ATLAS RENEWABLES LLC

**DOS ID #:** 5865589

**Initial DOS Filing Date:** OCTOBER 27, 2020

**County:** SARATOGA

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN 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)**

ATLAS RENEWABLES LLC

7 STONE CLOVER DRIVE

SARATOGA SPRINGS, NEW YORK, 12866

**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
OCT 27, 2020	Actual	ATLAS RENEWABLES 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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## **ATTACHMENT II: PROJECT DESCRIPTION**

### **OLD TROY MUNICIPAL INCINERATOR SITE**

#### **OAKWOOD AVENUE**

#### **(Section II of Part A of the BCP Application)**

**Question 3 - Provide complete and detailed information about the project, including the purpose of the project, 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-Industrial Use with the intent that the site will be developed into a solar energy farm; which is consistent with the site's current zoning for light industrial uses.

The majority of the site was reportedly utilized as a solid waste incinerator and landfill from 1947 to 1969 and received partially and wholly incinerated wastes, industrial wastes and solid wastes from the City of Troy and other industrial entities. The site is listed as a Class 3 site in the NYS Registry of Inactive Hazardous Waste Sites (Site No. 4-42-001). The site is currently vacant and heavily overgrown with vegetation.

The inclusion of the Old Troy Municipal Incinerator Site into the Brownfield Cleanup Program (BCP) will be for the purpose of conducting the necessary investigations and remediation to attain Restricted-Industrial Use status as defined in DEC's Part 375 regulations. Data from previous site investigations conducted to date will be utilized for the development of a Remedial Investigation Work Plan (RIWP) for NYSDEC review and approval to further delineate the nature and extent of site contaminants with the end-goal of remediating the Site to Restricted-Industrial Use cleanup levels.

It is anticipated that the remedial program will begin in early 2021 with the Certificate of Completion anticipated in early 2022.

## **ATTACHMENT III: PROPERTY'S ENVIRONMENTAL HISTORY**

### **OLD TROY MUNICIPAL INCINERATOR SITE**

### **OAKWOOD AVENUE**

#### **(Section III of Part A of the BCP Application)**

##### **Question 1 - Environmental Reports**

The following environmental report was completed for the Site. The report is included as a separate submittal.

- Site Characterization Report for the Old Troy Municipal Incinerator Site, Site No. 4-42-001, Brunswick, New York, dated November 2008. The report was prepared for the New York State Department of Environmental Conservation by Ecology and Environment Engineering, P.C.

##### **Question 2 - Sampling Data**

Laboratory analytical reports for sampling data affiliated with the aforementioned Site Characterization Report are provided as a separate submittal.

##### **Question 3 - Site Drawings for Impacted Site Media**

Figures 1 to 4 identify contaminants in the site's soil, groundwater, surface water and sediment media that exceed Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property, which is for Restricted-Industrial Use.

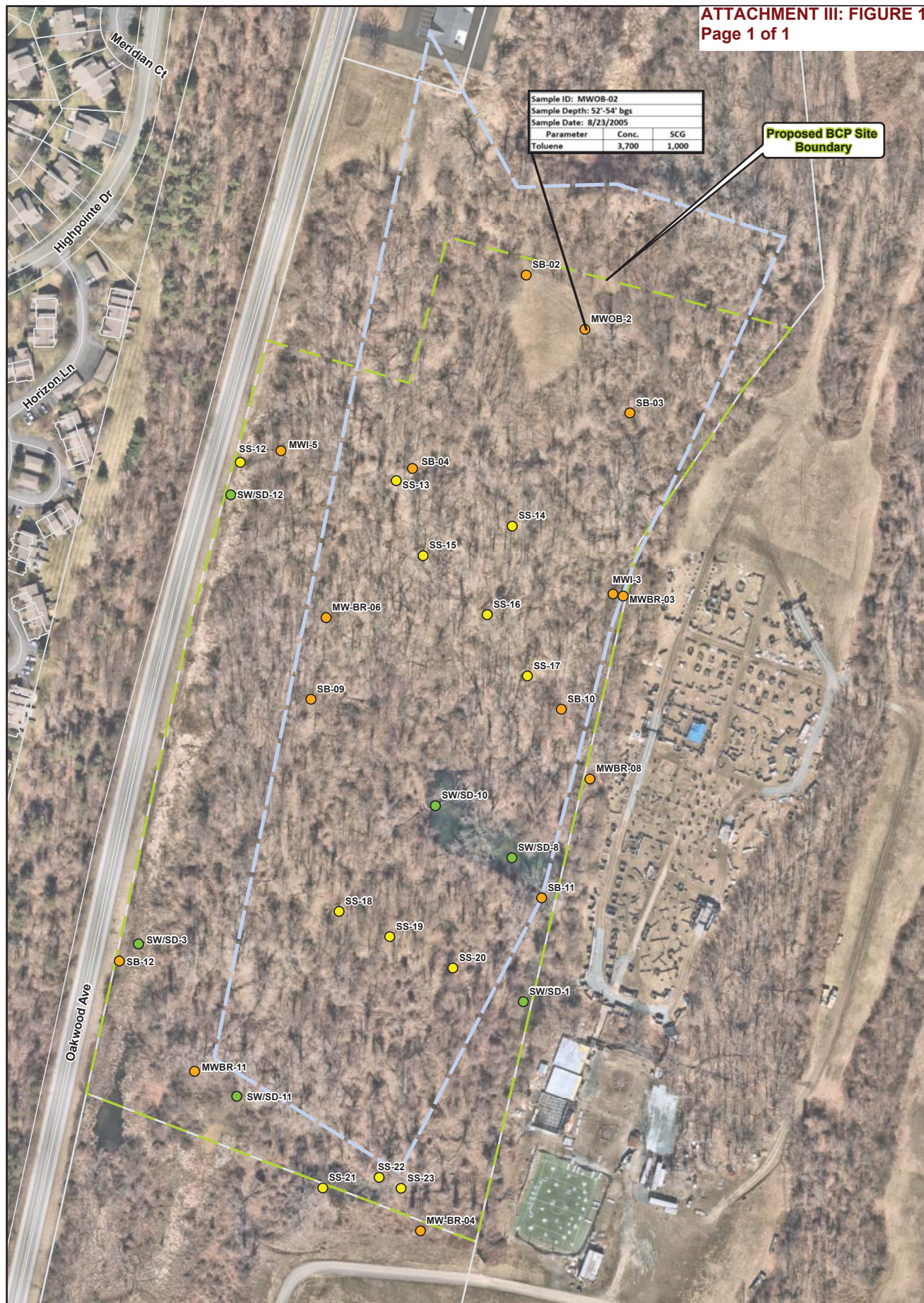
##### **Question 4 - Indicate Past Land Uses**

The site was used from 1947 to 1962 for the disposal of residues from the Troy municipal incinerator operation. That incinerator reportedly operated inefficiently, resulting in the waste being only partially combusted. In addition to municipal solid waste from the City of Troy, the facility reportedly processed 2,000 tons of waste from the General Electric Company's (GE's) silicone products facility in Waterford, New York. These wastes included facility trash (98%), and a sludge containing heavy metals, organic chemicals, and paint (2%). After the incinerator closed, the site was used until 1969 for municipal and industrial waste disposal. Historical records indicate an unknown quantity of F001 (halogenated solvents) waste generated by Paris Cleaners (presumably a business operating in the Troy, New York area) were disposed of at the



site from 1966 to 1969, and that 1.5 tons of paint waste scrapings from Garden Way Manufacturing, Inc., were disposed of there every year from 1962 to 1969.

The site is currently owned by Matopato LLC of Troy, New York. Matopato LLC obtained the property in 2006 from the estate of the late Vincent Ingenos of Averill Park, who had acquired the property after it had been placed on the NYSDEC Registry of Inactive Hazardous Waste Sites.



**Contaminants in Soil Exceeding SCGs  
Old Troy Municipal Incinerator Site**

Town of Brunswick

Rensselaer County, NY

**C.T. MALE ASSOCIATES**  
Engineering, Surveying, Architecture, Landscape Architecture & Geology, B.C.E.  
50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7868 • FAX 518.786.7708



**Map Notes:**  
1) The locations and features depicted on this map are approximate and do not represent a field survey.

2) Standards, Criteria and Guidance (SCGs) for Soil Sampling Results are the Soil Cleanup Objectives (SCOs) for Restricted Industrial Use Sites Promulgated at 6 NYCRR Part 375

3) Concentrations and SCGs for Soil Sampling Results are in Parts Per Million (ppm)

Project Number: 20.0611  
Data Source: NYSGIS Clearinghouse  
Projection: State Plane NAD83 NYS (Feet)  
Date: October 25, 2020  
File: Old Troy Municipal Incinerator Site\_11x17.mxd  
GIS: D Landreville

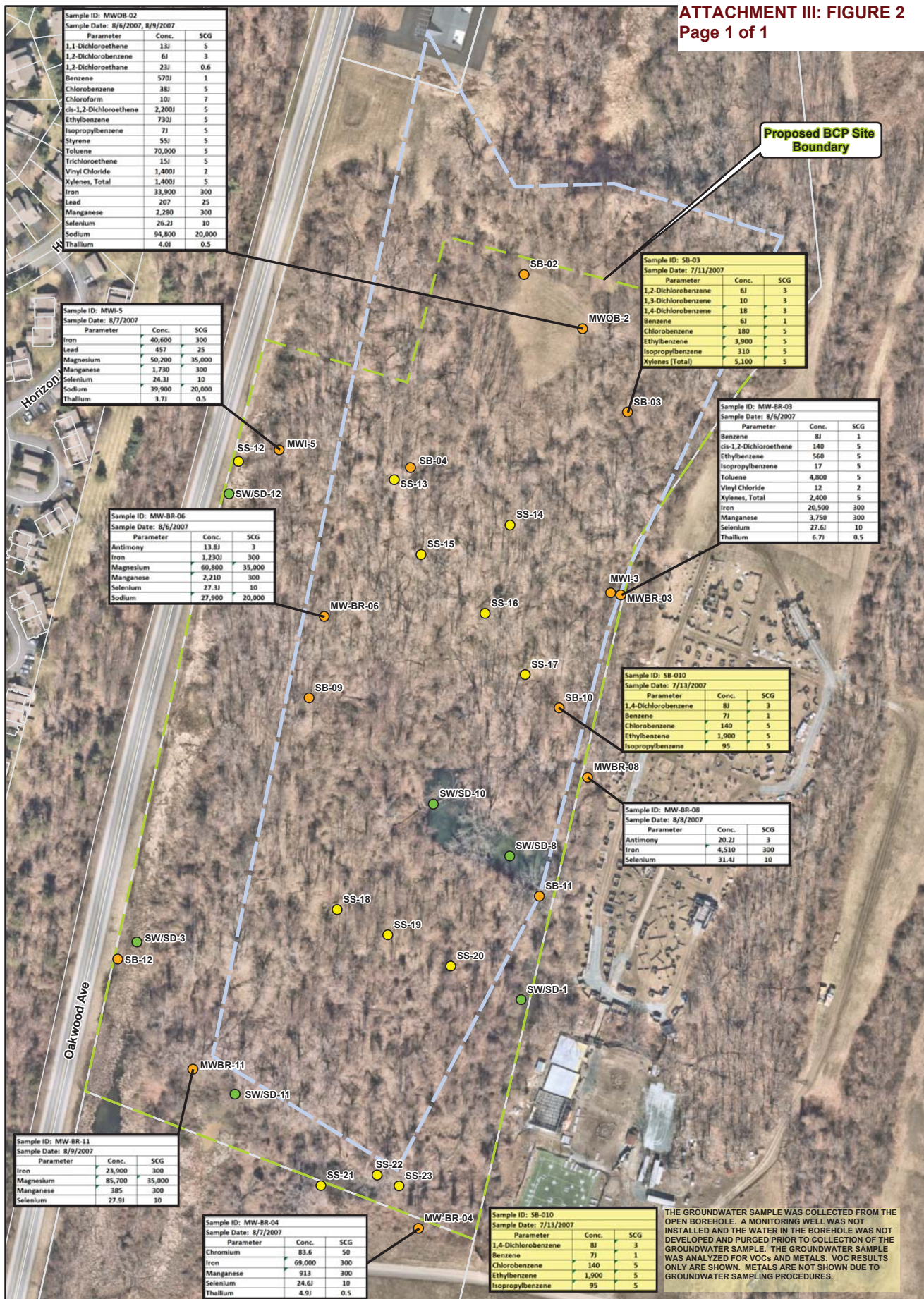


**Legend**

**Historic Sampling Locations**

- Approximate Location of Surface Water/Sediment Sample
- Approximate Location of Subsurface Soil/Groundwater Sample
- Approximate Location of Surface Soil Sample
- Approximate Landfill Boundary
- Proposed BCP Site Boundary
- Tax Parcels
- Roads





# Contaminants in Groundwater Exceeding SCGs Old Troy Municipal Incinerator Site

Town of Brunswick Rensselaer County, NY

## C.T. MALE ASSOCIATES

Engineering, Surveying, Architecture, Landscape Architecture & Geology, S.P.C.  
50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7860 FAX 518.716.7755



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

2) Standards, Criteria and Guidance (SCGs) for Groundwater Sampling Results are the NY SDEC Technical and Operational Guidance #1.1.1: Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations, 1998 Table 1 (with addendums)

3) Concentrations and SCGs for Groundwater Sampling Results are in Parts Per Billion (ppb)

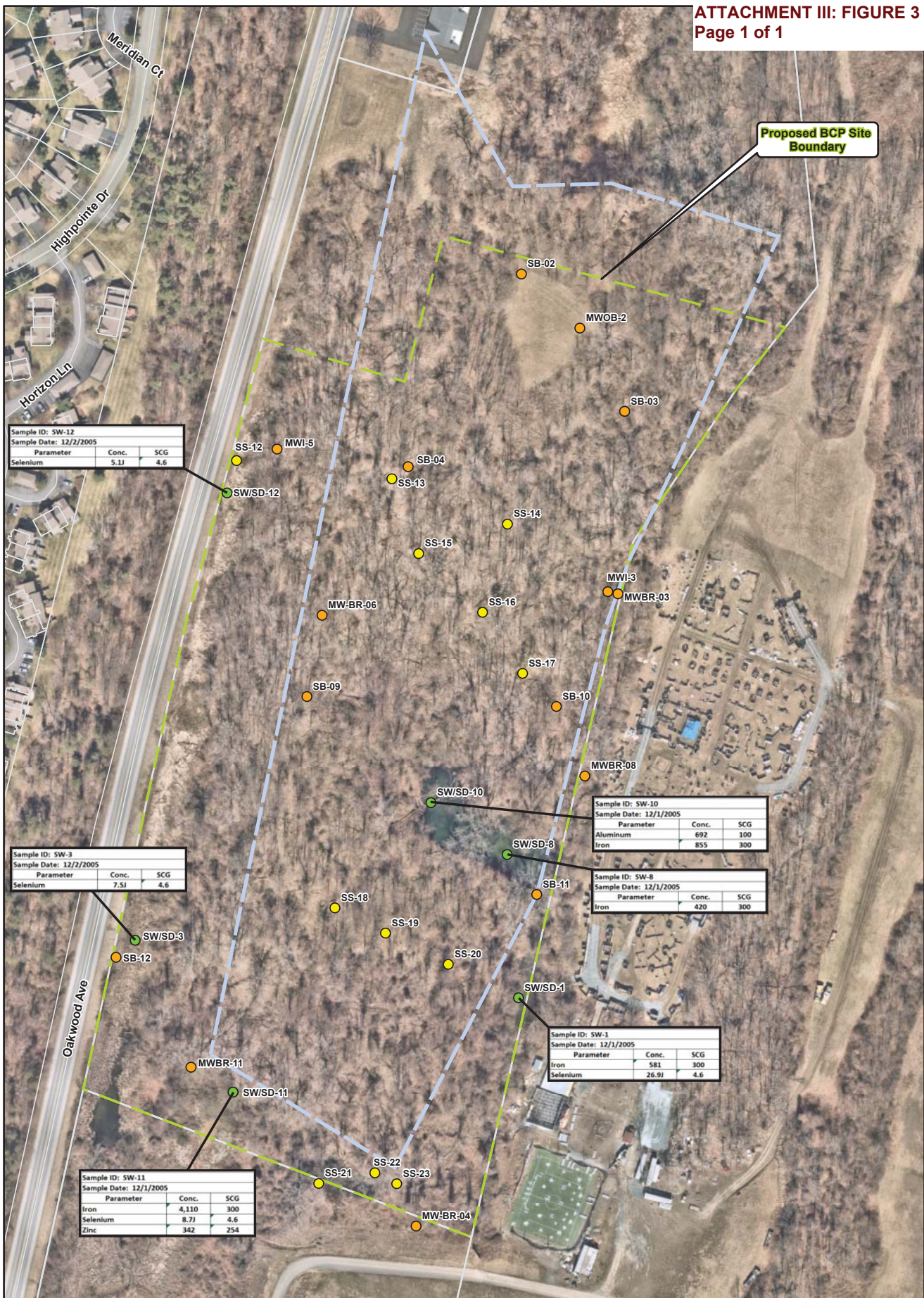
Project Number: 20.06.11  
Data Source: NYSG IS Clearinghouse  
Projection: State Plane NAD83 NYS (Feet)  
Date: October 29, 2020  
File: Old Troy Municipal Incinerator Site\_11x17.mxd  
GIS: D. Landre ville

## Legend

### Historic Sampling Locations

- Approximate Location of Surface Water/Sediment Sample
- Approximate Location of Subsurface Soil/Groundwater Sample
- Approximate Location of Surface Soil Sample
- Approximate Landfill Boundary
- Proposed BCP Site Boundary
- Tax Parcels
- Roads





**Contaminants in Surface Water Exceeding SCGs**  
**Old Troy Municipal Incinerator Site**

Town of Brunswick      Rensselaer County, NY

**C.T. MALE ASSOCIATES**  
Engineering, Surveying, Architecture, Landscape Architecture & Geology, P.E.  
50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.786.7880 • FAX 518.776.7788

**Map Notes:**

1) The locations and features depicted on this map are approximate and do not represent a field survey.

2) Standards, Criteria and Guidance (SCGs) for Surface Water Samples are the NY SDEC Technical and Operational Guidance #1.1.1: Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations, 1998 Table 1 (with addendums), Most Stringent Non-H(W) Type Freshwater Class.

3) Concentrations and SCGs for Surface Water Sampling Results are in Parts Per Billion (ppb)

0 75 150 300  
1 inch = 150 feet

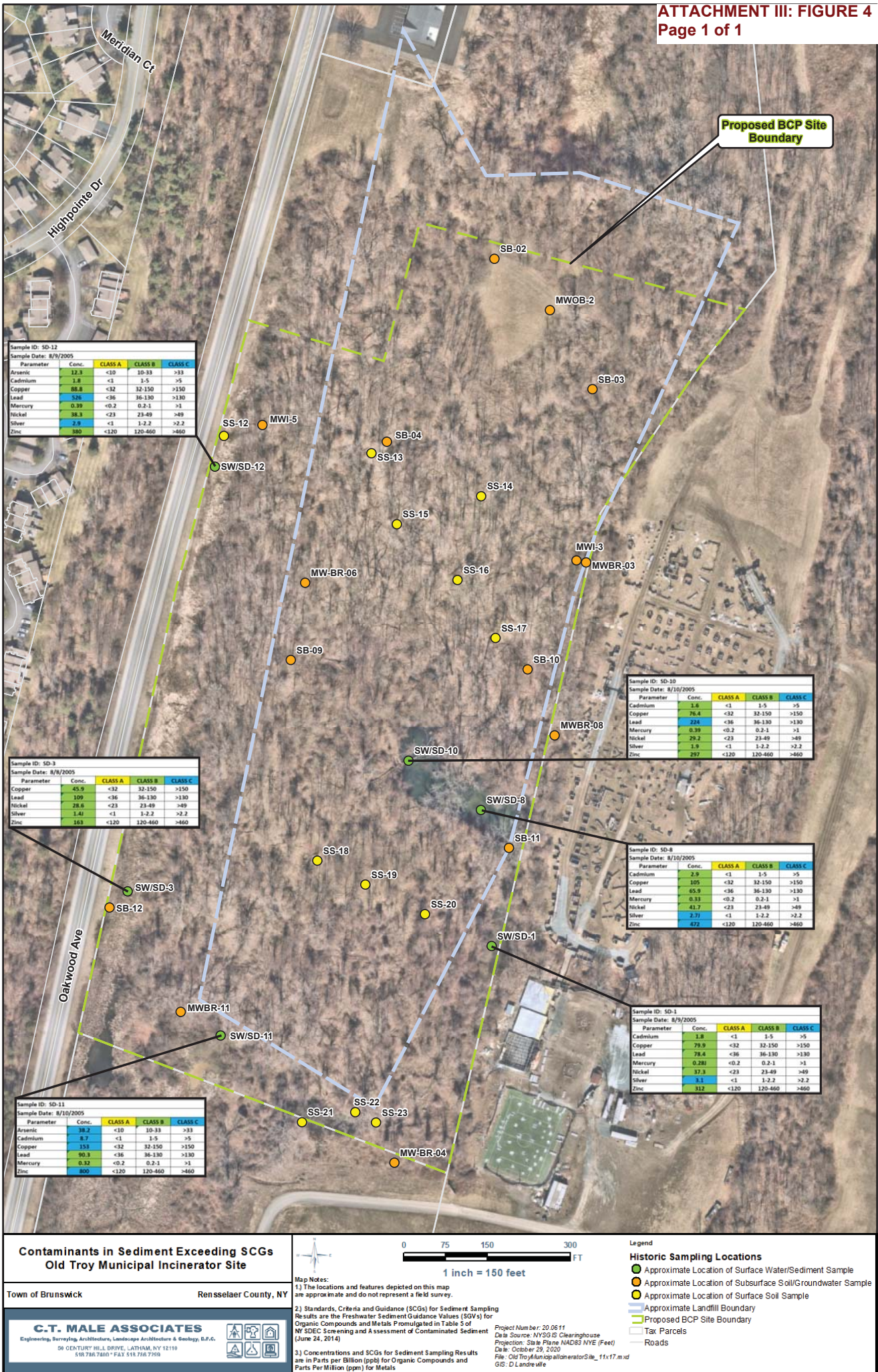
**Legend**

**Historic Sampling Locations**

- Approximate Location of Surface Water/Sediment Sample
- Approximate Location of Subsurface Soil/Groundwater Sample
- Approximate Location of Surface Soil Sample
- Approximate Landfill Boundary
- Proposed BCP Site Boundary
- Tax Parcels
- Roads

Project Number: 20.0611  
Data Source: NYSGIS Clearinghouse  
Projection: State Plane MADS NYE (Feet)  
Date: October 29, 2020  
File: OldTroyMunicipalIncineratorSite\_11x17.mxd  
GIS: D.Landreville







## **ATTACHMENT IV: PROPERTY INFORMATION**

### **OLD TROY MUNICIPAL INCINERATOR SITE**

### **OAKWOOD AVENUE**

### **(Section IV of Part A of the BCP Application)**

#### **Maps**

- See Attached Site Location Map (Attachment IV-1).
- See Attached Rensselaer County Tax Map (Attachment IV-2).
- See Attached Property Base Map (Attachment IV-3).
- See Attached Zoning Map (Attachment IV-4).

#### **Metes and Bounds Description**

- See Attached Metes and Bounds Description (Attachment IV-5).

#### **Lands Under Water**

Ponded water is visible on eastern portions of the site on the Property Base Map in Attachment IV-3. Also, a drainage ditch is located along the western portion of the Site and flows from north to south. A wetland delineation will be conducted once the site is accepted into the BCP.

#### **Property Description Narrative**

##### **Location**

The Site is located in a rural-residential area within the Town of Brunswick, Rensselaer County, New York. The Site has not been assigned a physical address, but is located along the east side of Oakwood Avenue, approximately 800 feet north of its intersection with Farrell Road. See Site Location Map in Attachment IV-1.

##### **Site Features**

The Site consists of heavily vegetated vacant land that was formerly used as a landfill. An area of ponded water is present within eastern portions of the site and a drainage

ditch is located along the western site boundary. See Property Base Map in Attachment IV-3.

#### Current Zoning and Land Use

The Site is zoned Light Industrial and consists of heavily vegetated vacant land. All lands adjacent to the site are zoned for Light Industrial use with the exception of land adjoining the southern portion of the site's eastern boundary, which is zoned as a Planned Development District and is currently developed as a paintball center and haunted house. The nearest residential development is approximately 250 to the west of the site. See Property Base Map in Attachment IV-3 and Zoning Map in Attachment IV-4.

#### Past Use of the Site

The site was used from 1947 to 1962 for the disposal of residues from the Troy municipal incinerator operation, which was located approximately 300 feet to the northwest of the Site's northwestern boundary. That incinerator reportedly operated inefficiently, resulting in the waste being only partially combusted. In addition to municipal solid waste from the City of Troy, the incinerator facility reportedly processed 2,000 tons of waste from the General Electric Company's (GE's) silicone products facility in Waterford, New York. These wastes included facility trash (98%), and a sludge containing heavy metals, organic chemicals, and paint (2%). After the incinerator closed, the site was used until 1969 for municipal and industrial waste disposal. Historical records indicate an unknown quantity of F001 (halogenated solvents) waste generated by Paris Cleaners (presumably a business operating in the Troy, New York area) were disposed of at the site from 1966 to 1969, and that 1.5 tons of paint waste scrapings from Garden Way Manufacturing, Inc., were disposed of there every year from 1962 to 1969.

The OTMI Site was listed in the New York State Registry of Inactive Hazardous Waste Sites (the Registry) based on the findings of a Preliminary Assessment conducted by the United States Environmental Protection Agency (EPA) in October 1980. The site was originally listed as a Class 3 site, but it was reclassified to a Class 2 site in 1986 based on a Phase II investigation conducted earlier that year. The Phase II investigation documented the disposal of hazardous wastes at the site. In March 1999, the DER Bureau of Hazardous Site Control conducted a review of site records, which resulted in

a reclassification of the site from Class 2 to Class 3 and the addition of the site to NYSDEC's *Hazardous Substance Disposal Site Study* inventory.

Spill 0505715 occurred at the site as a result of equipment failure during site investigation activities on August 9, 2005. The spill was closed (meeting standards) the same day.

### Site Geology and Hydrogeology

The bedrock formations at the site consist of various black and grey shales of marine origin that are parts of the Schaghticoke and/or West Castleton and Schodack formations, which have been highly weathered at the surface as well as fractured and folded. Soils around the site are classified as being in the Bernardston, Manlius and Nassau soil series, which consist of mainly brown, yellowish brown and olive brown silty loams. On-site soils, other than the landfilled materials, include these soils, as well as frequently flooded alluvium in the perennially wet areas of the site and glacial till in the form of grey, olive green or brown clay overlying the bedrock on portions of the site.

An overburden aquifer or perhaps only a perched water bearing zone, exists only within the central part of the site; the uppermost aquifer for the area surrounding the landfill is first encountered at the overburden/bedrock interface. The uppermost 1 to 2 feet of the shale bedrock is highly fractured, thus enabling infiltrating precipitation to enter into the interface aquifer zone.

There are two (2) aquifers within the Site; the overburden aquifer and the bedrock aquifer. In the overburden aquifer, a groundwater divide exists within approximate central portions of the Site whereas the inferred groundwater flow direction is towards the north in the northern portion of the Site and towards the south in the southern portion of the Site. In the bedrock aquifer, a groundwater divide exists within the southern third of the Site whereas the inferred groundwater flow direction is towards the north and east in the northern two thirds of the Site and towards the southwest in the southern one third of the Site.

### Environmental Assessment

Based upon the investigations conducted to date, the primary contaminants of concern at the Site include volatile organic compounds (VOCs) in soil, VOCs and metals in

groundwater, and metals in surface water and sediment. The source of the site contaminants are from landfilled materials within the site boundary.

## **Soil**

The Standards, Criteria and Guidance (SCGs) for soil sampling results are the Soil Cleanup Objectives (SCOs) for Restricted-Industrial Use Sites promulgated at 6 NYCRR Part 375, which is consistent with the site's intended use. A drawing depicting the sampling locations where soil exceeded SCGs is included as Figure 1 in Attachment III.

The surface and subsurface soil samples collected during previous investigations are not representative of landfilled material. For the most part, the soil samples were collected at the surface, bottom and perimeter of the landfilled area.

The VOC toluene was encountered in one (1) subsurface soil sample that was collected at the bottom of the landfilled area. The toluene concentration of 3,700 parts per million (ppm) greatly exceeded its SCG of 1,000 ppm.

## **Groundwater**

The SCGs for groundwater samples are the New York State (NYS) Ambient Water Quality Standard and Guidance Values (AWQS), as promulgated in June 1998 inclusive of all addendums. A drawing depicting the sampling locations where groundwater exceeded SCGs is included as Figure 2 in Attachment III. Groundwater samples were collected for laboratory analyses from both monitoring wells and from drilling boreholes that were not converted into monitoring wells. The monitoring wells were properly developed and purged prior to sample collection. The open boreholes were not developed and purged prior to sample collection. Contaminants in groundwater will first be discussed below for groundwater samples collected from the monitoring wells followed by groundwater samples collected from the open boreholes.

### Groundwater Samples Collected From Monitoring Wells

Petroleum and chlorinated VOCs, and metals, were detected above SCGs in all of the monitoring wells sampled. The VOCs were confined to two (2) monitoring wells that were installed within the footprint and boundary of the landfilled area. At these locations, eight (8) chlorinated VOCs, six (6) petroleum VOCs and six (6) metals were encountered at concentrations exceeding SCGs. The highest concentrations included the chlorinated VOC cis-1,2-dichloroethene which was detected at a concentration of 2,200 parts per billion (ppb) versus its SCG of 5 ppb; the petroleum VOC toluene which

was detected at a concentration of 70,000 ppb versus its SCG of 5 ppb; and the metal lead which was detected at a concentration of 207 ppb versus its SCG of 25 ppb.

Ten (10) metals were detected at varying frequencies above SCGs in all of the monitoring wells. The highest frequency of detections included iron and selenium which were detected above SCGs in all of the wells; magnesium, manganese and sodium which were detected above SCGs in about half of the wells; and antimony, chromium, lead and thallium which were detected above SCGs in less than half of the wells.

The metals above SCGs represent total recoverable metal concentrations and not dissolved metals (i.e., the samples were not filtered in the laboratory). Groundwater samples collected during two (2) previous sampling events in September and November 2005 were analyzed for both total and dissolved metals. Comparison of the most recent 2007 sampling results to the 2005 total/dissolved (unfiltered/filtered) metals sampling results shows that select lead and iron detections above SCGs in the 2007 sampling event may be sediment-bound. The lead detection of 207 ppb at MWOB-02 was non-detect in the 2005 filtered samples. The iron detections of 20,500 ppb and 1,230 ppb at MW-BR-03 and MW-BR-04 were non-detect in the 2005 filtered samples.

#### Groundwater Samples Collected From Open Boreholes

The open boreholes where groundwater samples were collected from are identified as SB-02, SB-03, SB-04, SB-10, SB-11 and SB-12 on Figure 2 in Attachment III. The boreholes were advanced to the top of bedrock; as such, groundwater sampling results represent groundwater in the overburden aquifer.

The samples were analyzed for VOCs and metals. The metals analytical results are not discussed herein because metal detections in the groundwater samples are likely attributed to suspended sediment in groundwater and do not represent groundwater quality because the open boreholes could not be properly purged and developed prior to sample collection.

As depicted on Figure 2 in Attachment III, several petroleum- and chlorinated-type analytes were detected above SCGs at two (2) soil boring locations (SB-03, SB-10) located along both the eastern portion of the approximate landfill boundary and the Site boundary. The highest concentration and frequency of contaminants was at soil boring SB-03, which is located in the vicinity of overburden monitoring well MWOB-2; which also exhibited the highest concentration and frequency of contaminants.



## **Surface Water**

The SCGs for surface water samples are the NYSDEC Technical and Operational Guidance #1.1.1: Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitations, 1998 Table 1 (with addendums), most stringent non-H(Ws) type freshwater class. A drawing depicting the sampling locations where surface water exceeded SCGs is included as Figure 3 in Attachment III.

Six (6) metals were detected above SCGs in surface water samples. The highest frequency of detections were for iron and selenium. Aluminum and zinc were each detected at one (1) sample location.

The metals above SCGs represent total recoverable metal concentrations and not dissolved metals. The samples were not filtered in the laboratory because field parameters obtained from the surface water samples showed turbidity readings below 50 Nephelometric Turbidity Units (NTUs).

## **Sediment**

The SCGs for Sediment Sampling Results are the Freshwater Sediment Guidance Values (SGVs) for Organic Compounds and Metals Promulgated in Table 5 of NYSDEC Screening and Assessment of Contaminated Sediment (June 24, 2014). The SCGs are divided into three (3) groups; Class A, Class B and Class C sediments. Class A sediments are considered to be of low risk to aquatic life. Class B sediments are slightly to moderately contaminated and additional testing is required to evaluate the potential risks to aquatic life. Class C sediments are considered to be highly contaminated and likely to pose a risk to aquatic life. A drawing depicting the sampling locations where sediment samples exceeded SCGs is included as Figure 4 in Attachment III.

Organics did not exceed SCGs. Eight (8) metals were detected above Class B and Class C SCGs. Copper, lead and zinc were detected above SCGs at all sampling locations. Cadmium, mercury, nickel and silver were detected above SCGs at five (5) of six (6) sampling locations. Arsenic was detected above its SCG at two (2) of six (6) sampling locations.

The highest frequency of metal detections exceeding Class C SCGs was at sampling location SD-11, where arsenic, cadmium, copper and zinc were above Class C SCGs.

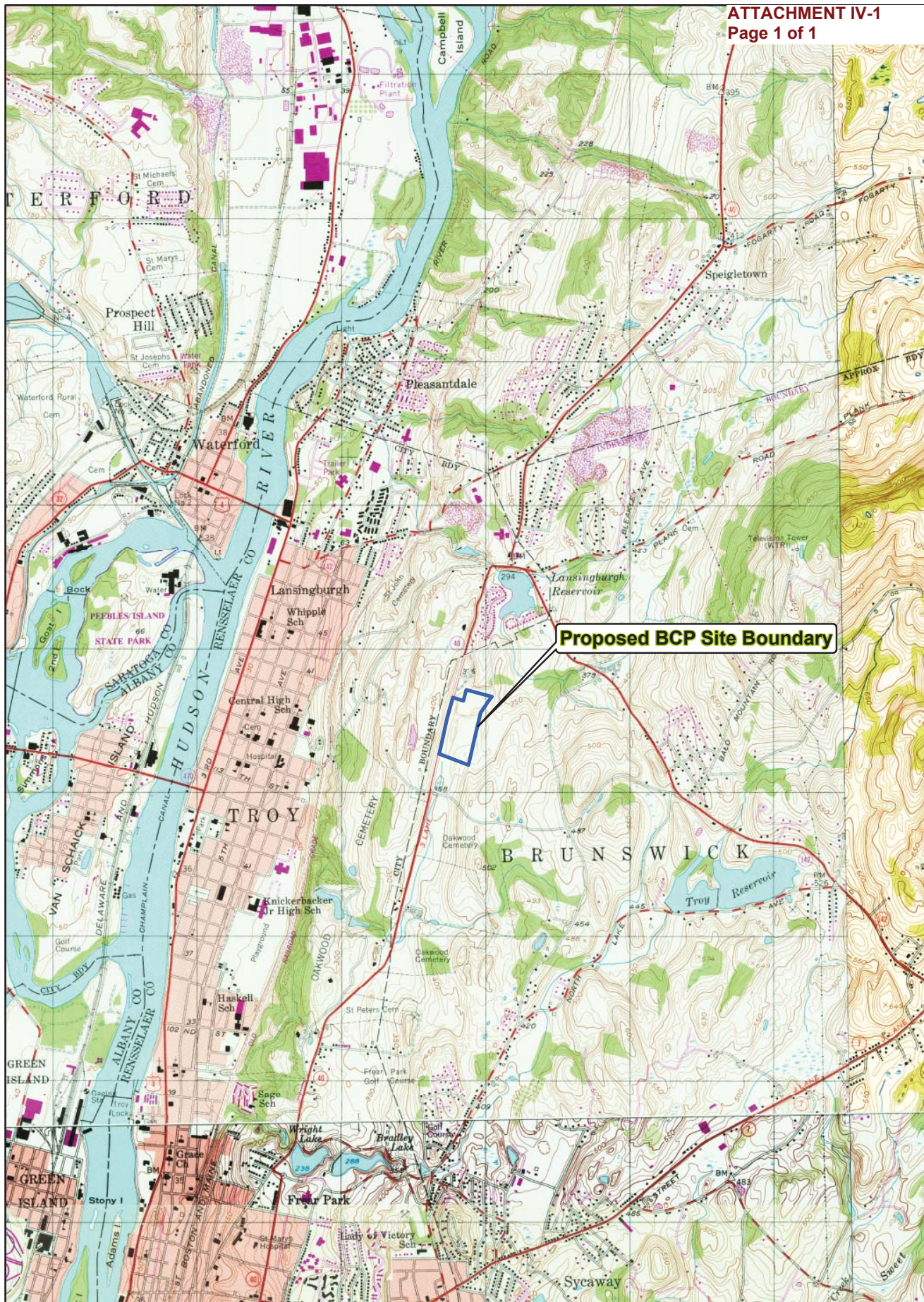
The most frequently detected metal exceeding its Class C SCG was silver, which was detected at three (3) sampling locations (SD-1, SD-8 and SD-12).

## Soil Vapor

Six (6) soil vapor field samples, one (1) duplicate sample, and one (1) background soil vapor sample were collected during past investigations. The soil vapor sampling locations were not identified in the past investigation report. Rather, the past investigation report indicated that five (5) sampling locations were located at the perimeter of the landfilled area and one (1) sampling location was located to the south of a baseball field, which is assumed to lie within the BCP Site boundary.

Of the 60 compounds analyzed under EPA Method TO -15, 25 of them were not detected. There are no New York State or federal soil vapor concentration SCGs against which the soil vapor data can be compared. The soil vapor sample collected to the south of the baseball field (SV-06) within the assumed BCP Site boundary depicted chlorinated solvent contamination (tetrachloroethylene) at 70 µg/m<sup>3</sup>. The results of the ambient air and soil vapor samples collected from the perimeter of the landfilled area, when compared to background results, indicate that the volatile contaminants of concern (benzene, toluene, ethylbenzene and xylene [BTEX]) were not migrating off-site via this pathway at the locations investigated.

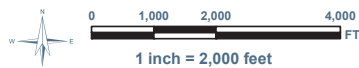




# Old Troy Municipal Incinerator Site Location

Town of Brunswick

Rensselaer County, NY



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, S.P.C.  
50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.384.7400 • FAX 518.785.1299



Project Number: 20.0611  
Data Source: NYS GIS Clearinghouse  
Projection: State Plane NAD83 NYS (Feet)  
Date: October 29, 2020  
File: OldTroyMunicipalIncineratorSite\_LocationTopoMap\_11x17.mxd  
GIS: D Landreville

## Legend

Proposed BCP Site Boundary

on courtesy of the U.S. Geological Survey, Esri



[illegible]



Site Tax ID: 80.-2-2.1  
Property Address: 289-294 Oakwood Avenue  
Owner Name/Address:  
Matopato, LLC  
32 Hialeah Drive  
Troy, NY 12182

Site Tax ID: 80.-2-2.2  
Property Address: Oakwood Avenue  
Owner Name/Address:  
Matopato, LLC  
32 Hialeah Drive  
Troy, NY 12182

Site Tax ID: 80.-2-18  
Property Address: Oakwood Avenue  
Owner Name/Address:  
Highpointe Recreation Association, Inc.  
12 Avis Drive, Suite 9  
Latham, NY 12110

Proposed BCP Site  
Boundary

Site Tax ID: 80.-2-3.11  
Property Address: Liberty Road  
Owner Name/Address:  
Topatoma, LLC  
32 Hialeah Drive  
Troy, NY 12182

Site Tax ID: 80.-2-2.3  
Property Address: 100 Farrell Road  
Owner Name/Address:  
Matopato, LLC  
32 Hialeah Drive  
Troy, NY 12182

Property Base Map  
Old Troy Municipal Incinerator Site

Town of Brunswick

Rensselaer County, NY



0 125 250 500  
FT

1 inch = 250 feet

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

Legend

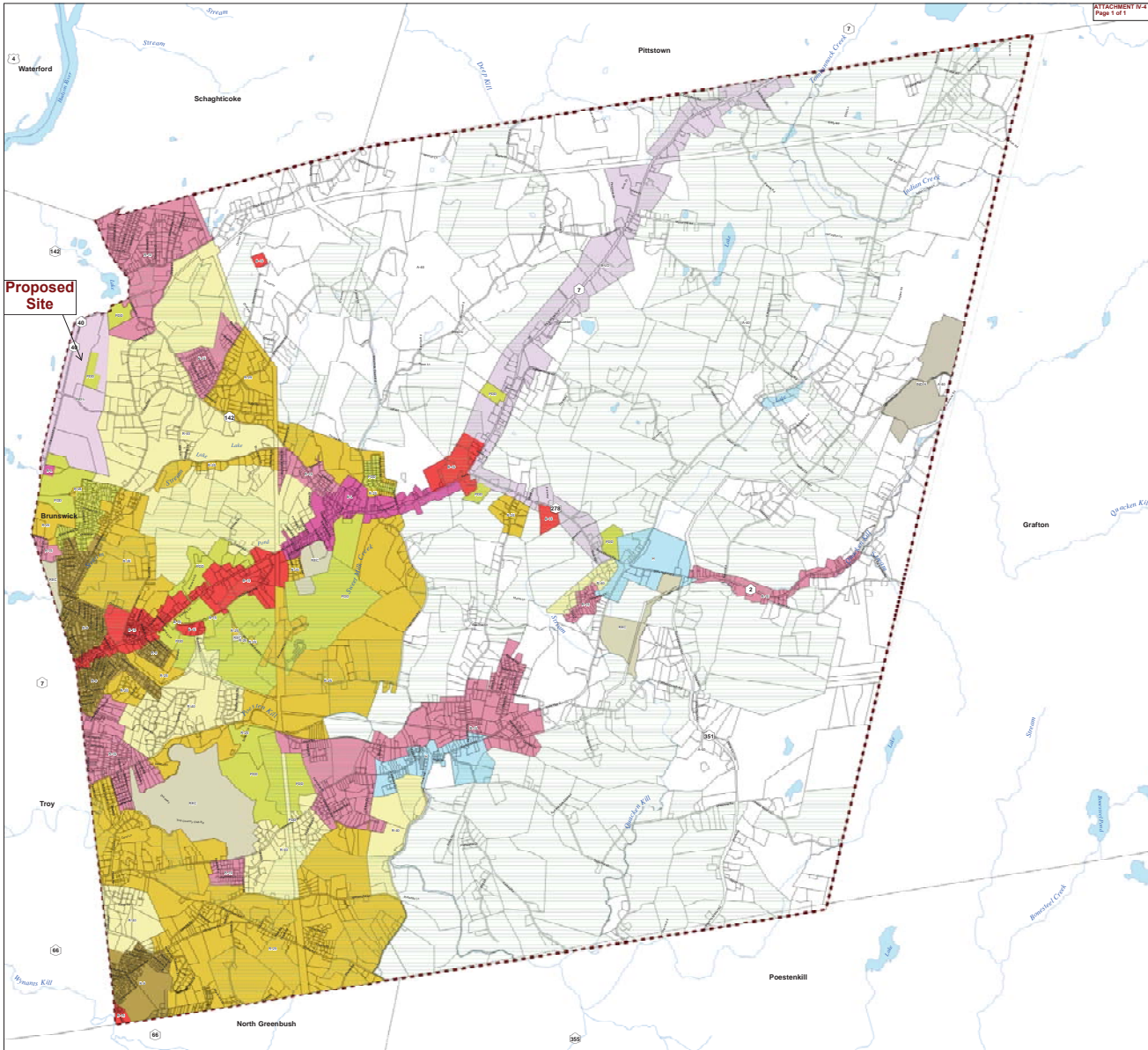
- Proposed BCP Site Boundary
- Tax Parcels
- Roads

**C.T. MALE ASSOCIATES**  
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50 CENTURY HILL DRIVE, LATHAM, NY 12110  
518.384.7400 • FAX 518.785.1299



Project Number: 20.0611  
Data Source: NYSGIS Clearinghouse  
Projection: State Plane NAD83 NYS (Feet)  
Date: October 29, 2020  
File: OldTroyMunicipalIncineratorSite\_11x17.mxd  
GIS: D Landreville





# **Zoning Map 2017** **Town of Brunswick** **Rensselaer County**

- Legend**
- Parcels
  - Zoning Districts 2014**
    - A-40, Agricultural
    - AO, Agriculture Overlay
    - R-40, Residential
    - R-25, Residential
    - R-15, Residential
    - R-9, Residential
    - B-L, Business Light
    - B-LO, Business Light Overlay
    - B-15, Commercial
    - H, Hamlet
    - IND-L, Industrial Light
    - IND-H, Industrial Heavy
    - PDD, Planned Dev. District
    - REC, Recreational

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 Data provided by: Rensselaer County  
 Department of Planning & Development  
 Accuracy or completeness is not guaranteed.  
 Last Modified 2-7-17 Project # 2014009  
 F:\2014009\Cadd\GIS\Map\Zoning\_Proposed\_2014\_Ed07W  
 2:200 6000 C:\GIS\Map\Zoning\_Proposed\_2014\_Ed07W





**C.T. MALE ASSOCIATES**

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

**DESCRIPTION**  
**PORTION OF LANDS NOW OR FORMERLY OF**  
**MATOPATO, LLC**  
**TOWN OF BRUNSWICK, COUNTY OF RENSSELAER, STATE OF NEW YORK**  
**AREA = 25.30± ACRES OF LAND**

All that certain tract, piece or parcel of land situate in the Town of Brunswick, County of Rensselaer, State of New York, lying Southeasterly of Oakwood Avenue and generally Northeast of Farrell Road as shown on a map entitled "Plot Of 3 Lot Subdivision Lands Of Matopato, LLC," Town of Brunswick, Rensselaer County, New York, prepared by RDM Surveying Consultants, dated February 23, 2017 and filed in the Rensselaer County Clerk's Office on July 3, 2017 as Map-File Document No. 02017083, and being more particularly bounded and described as follows:

BEGINNING at a point on the Southeasterly road boundary of Oakwood Avenue at its point of intersection with the division line between Lot 2 lands now or formerly of Matopato, LLC as described in Book 3470 at Page 1 on the Northeast and Lot 3 on the Southwest and runs thence from said point of beginning along said Southeasterly road boundary of Oakwood Avenue the following two (2) courses: 1) North 23 deg. 42 min. 10 sec. East 826.66 feet to a point; and 2) North 26 deg. 26 min. 00 sec. East 500.01 feet to a point; thence through said Lot 2 lands now or formerly of Matopato, LLC the following three (3) courses: 1) South 63 deg. 34 min. 00 sec. East 257.00 feet to a point; 2) North 26 deg. 26 min. 00 sec. East 245.00 feet to a point; and 3) South 64 deg. 36 min. 09 sec. East 596.60 feet to a point on the division line between said Lot 2 lands now or formerly of Matopato, LLC on the Northwest and the lands now or formerly of TOPATOMA, LLC on the Southeast; thence along said division line as established by a boundary line agreement and described in Book 7389 at Page 307 the following three (3) courses: 1) South 49 deg. 34 min. 00 sec. West 132.29 feet to a point; 2) South 45 deg. 11

**C.T. MALE ASSOCIATES**

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

*DESCRIPTION*

*AREA = 25.30± ACRES OF LAND*

*PAGE - 2*

min. 55 sec. West 319.42 feet to a point; and 3) South 24 deg. 06 min. 20 sec. West 1,225.47 feet to its point of intersection with the above first mentioned division line; thence along said above first mentioned division line North 58 deg. 10 min. 00 sec. West 712.34 feet to the point or place of beginning and containing 1,102,023± square feet or 25.30 acres of land, more or less.

Subject to any covenants, easements, or restrictions of record.

October 29, 2020

WJN/meg/amb

C.T. Male Project No. 20.0611



**ATTACHMENT V: ADDITIONAL REQUESTOR INFORMATION**

**OLD TROY MUNICIPAL INCINERATOR SITE**

**OAKWOOD AVENUE**

**(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**

**OLD TROY MUNICIPAL INCINERATOR SITE  
OAKWOOD AVENUE**

**(Section VI of Part B of the BCP Application)**

**Owner and Operator Information**

The site is currently owned and operated by Matopato, LLC. The Requestor does not own the site but will enter into a land lease agreement with the site owner for installation and operation of a solar energy farm.

The Requestor (inclusive of its members) does not have any relationship with the current owner and any past site owners/operators.

**Previous Site Owners and Operators (The operation of the site was concurrent with each previous owner)**

2006 to Present

Matopato LLC  
32 Hialeah Drive  
Troy, NY 12180  
Tel: (518) 469-8589  
Email: [tmurley@nycap.rr.com](mailto:tmurley@nycap.rr.com)

November 1989 to 2006

Estate of Vincent Ingenos (Deceased)  
Averill Park, NY  
Tel: Unknown  
Email: Unknown

1973 to 1989

Garden Way Incorporated, as successor by merger to Garden Way Manufacturing, Inc.  
Out of Business (Bankrupt in 2001)  
Address: Unknown  
Telephone: Unknown  
Email: Unknown

Acquisition Date Unknown to 1973

Carl Grimm

Address: Unknown

Telephone: Unknown

Email: Unknown

1927 to 1948 (Acquisition of three (3) Parcels\*) to Disposition Date Unknown

City of Troy

Oakwood Avenue Dump Site

Address: Unknown

Telephone: Unknown

The City of Troy acquired the Site in three (3) separate transactions, as follows.

Parcel 1: Acquired in 1927 from John J. Farrell, Jr. and Mae U. Farrell  
(Address/Telephone/Email Unknown)

Parcel 2: Acquired in 1927 from Stephen and Augusta Lansing  
(Address/Telephone/Email Unknown).

Parcel 3: Acquired in 1948 from Stephen J. Lansing (Address/Telephone/Email  
Unknown)

**ATTACHMENT VII: REQUESTOR ELIGIBILITY INFORMATION**

**OLD TROY MUNICIPAL INCINERATOR SITE**

**OAKWOOD AVENUE**

**(Section VII of Part B of the BCP Application)**

-The Applicant (Atlas Renewables LLC) is applying to the BCP as a Volunteer. The Applicant does not currently, nor historically, held ownership of the site and has not conducted any operations on the site. The Applicant will enter into a land lease with the site owner (Matopato LLC) to construct and operate a solar energy facility. To the best of the Applicant's knowledge, there are no current discharges of hazardous materials and/or petroleum at the site that would create a human, environmental or natural resource exposure. Upon entering into the BCP, the Applicant will exercise appropriate care in preventing any releases of hazardous materials and/or petroleum into the environment.

-Proof that the Requestor may access the site to complete remediation is attached as ATTACHMENT VII-1.





**Site Access Agreement reg. Brownfield Cleanup Program (BCP)**

Between

Thomas Murley on behalf of Matopato LLC  
32 Hialeah Dr  
Troy NY 12182

And

John J. Watson on behalf of ATLAS RENEWABLES LLC  
7 Stone Clover Dr  
Saratoga Springs NY 12866

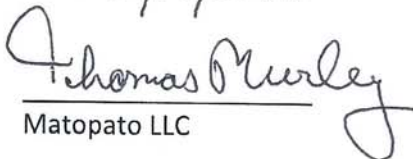
\*\*\*

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 ("DEC") in connection with an application being made by ATLAS RENEWABLES LLC as a volunteer in the Brownfield Cleanup Program ("BCP"), please be advised that Matopato LLC is the owner of the Old Troy Municipal Incinerator Site located along the east side of Oakwood Avenue north of its intersection with Farrell Road in the Town of Brunswick, Rensselaer County, New York (SBL #80.-2-2.2).

To that end, Matopato, LLC does hereby give you and your representatives' authorization to access the aforementioned property immediately and throughout the BCP process. Additionally, Matopato, LLC accepts that an environmental easement may be placed on the Old Troy Municipal Incinerator Site by the New York State Department of Environmental Conservation.

Date: 11/17/2020

  
Matopato LLC

Date: 11/16/2020

  
ATLAS RENEWABLES LLC

**ATTACHMENT VIII: PROPERTY ELIGIBILITY INFORMATION**

**OLD TROY MUNICIPAL INCINERATOR SITE**

**OAKWOOD AVENUE**

**(Section VIII of Part B of the BCP Application)**

**Property Eligibility Information -**

**Question 2**

See ATTACHMENT VIII-1 for the site's listing on the NYS Registry of Inactive Hazardous Waste Disposal Sites.

**Question 4**

Previous owners and operators of the Site are identified in ATTACHMENT VI. The Requestor does not have information regarding the financial viability of past owners and operators of the Site.



Department of  
Environmental  
Conservation

# Environmental Site Remediation Database Search Details

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## Site Record

### Document Repository

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

## Administrative Information

**Site Name:** Old Troy Municipal Incinerator

**Site Code:** 442001

**Program:** State Superfund Program

**Classification:** 03

**EPA ID Number:**

## Location

**DEC Region:** 4

**Address:** Route 40

**City:** Brunswick Zip: 182

**County:** Rensselaer

**Latitude:** 42.7759758

**Longitude:** -73.65646656

**Site Type:** LANDFILL

**Estimated Size:** 43.97 Acres

## Site Owner(s) and Operator(s)

**Current Owner Name:** NA

**Current Owner(s) Address:** 32 HIALEAH DRIVE  
TROY, NY, 12182

**Owner(s) during disposal:** CITY OF TROY

**Current On-Site Operator:** City of Troy

**Stated Operator(s) Address:** City Hall  
Troy, NY 12182

## Hazardous Waste Disposal Period

**From:** 1947 **To:** 1969

## Site Description

Location: The Old Troy Municipal Incinerator site is located along Oakwood Avenue (Route 40) in the Town of Brunswick, Rensselaer County, New York. The site is coincident with the former Troy Municipal Landfill property. Site Features: The site is located on the property identified as follows: County of Rensselaer, Town of Brunswick Tax Map #80.00, Section 2, Parcel 2. This parcel is 56.47 acres in size. In 2010, the property owner requested and was granted a site boundary modification to remove 2.7 acres of the property in northwest corner along Route 40 from the site for possible re-development. Thus, the site is now considered to encompass the remaining 43.97 acres of the parcel. Approximately 35 acres of the property has been impacted from the historical land filling. The predominant features at the site are the aged, exposed fill materials, and landfill like appearance of the site. Remnants of the former incinerator building are present in the northwest section of the parcel. The majority of the site is overgrown and wooded. The site is bound by the steep face of the fill material, a wet area, and further on, a residential development surrounding the Lansingburgh Reservoir to the north, Oakwood Avenue (Rt 40) to the west, Farrel Road to the south and agricultural lands to the east. The northern section includes a seep area , which forms a small stream draining into the Lansingburgh Reservoir. The southern area includes another seep which flows to a wetland area then south into a pond. This system also drains the western side of the landfill and combines into an unnamed tributary of the Hudson River, flowing south from the site. The nearest residential dwelling is located approximately 300 feet from the site. Current Zoning/Use: The site includes portions of the parcel identified on the Rensselaer County, Town of Brunswick Tax Map as Number 80.00, Section 2, Parcel 2. The property is currently zoned industrial and is vacant except for the former incinerator and landfill. Historical Use(s): Prior use of the site from 1947 to 1962 was for the disposal of residues from the incinerator operation located here. The incinerator was located in the northwest section of the property, and reportedly operated inefficiently. In addition, after the incinerator closed, the site was used until 1969 for municipal and industrial waste disposal. Both the incinerator and landfill operations may have contributed to site contamination. Indications are that an unknown quantity of halogenated hydrocarbons generated by Paris Cleaners were disposed at the site from 1966 to 1969 and that 1.5 tons of paint waste scrapings from Garden Way Manufacturing were disposed there every year from 1962 to 1969. There are records that the incinerator processed 2,000 tons of waste from the General Electric Company's Silicone Products facility in Waterford, NY. These wastes included regular trash (98%) and a sludge containing heavy metals, organic chemicals and paint (2%). Phase I and II Investigations were performed in 1983 and 1985 respectively. Various media sampling was conducted between 1985 and 1996. In 1999 the site data was reviewed and evaluated. Based upon the fact that none of the reported wastes (F001 Halogenated Solvents or D008 Paint Wastes) disposed at the site were detected in any media it was determined that the detected contamination at the site were due to hazardous substance disposal, not hazardous waste. This resulted in a reclassification to a class 3 and adding the site to the Hazardous Substance Disposal Site Study inventory. In January, 2005 a state superfund work assignment was prepared to further determine

the nature and extent of the contamination and to identify additional site activities required. The Site Characterization Work Plan was developed and executed in the summer and fall of 2005. The activities included groundwater monitoring well installation, and the sample collection and analysis of subsurface soil, groundwater, surface water, sediment, surficial soil, and drinking water. The site characterization report was submitted in 2006. The results confirmed the historical disposal of the F001 and D008 wastes at the site. Groundwater was found to be contaminated well above SCGs by metals and aromatic and chlorinated volatile compounds. Surface water has been impacted above SCGs by the leaching of metals from the site fill material. Surface and subsurface soils within the former landfill footprint and co-mingled with the fill material have been impacted by metals, volatiles, semi-volatiles and pesticides. There is a significant amount (320,000 cubic yards) of metals rich incinerator ash disposed in one section of the landfill. This area also contains the volatiles contamination. Additional site characterization activities were implemented in August of 2007. The additional field investigation was designed to further define the nature and extent of the contamination, and determine if the contamination in the surface water and groundwater are being mobilized off-site. The final Site Characterization report was completed in November 2008.

**Site Geology and Hydrogeology:** The bedrock formations at the site consist of various black and grey shales of marine origin. The upper 1 to 2 feet of the shale bedrock is highly fractured. A bedrock depression is located between two weathered shale ridges trending approximately north-south, which was used as the fill area for the majority of the generated incinerator ash. On-site soils include brown, yellowish brown and olive brown silty loams, as well as frequently flooded alluvium in the perennially wet areas of the site and glacial till in the form of grey, olive green or brown clay overlying the bedrock. There is approximately 320,000 cubic yards of incinerator ash material, mainly located in the bedrock depression under the former baseball field area, and approximately 1,200,000 cubic yards of total fill material in the landfill. Groundwater occurs in both the separate overburden/fill and bedrock aquifers. Groundwater elevation varies from 4 to 40' below the ground surface. A hydraulic divide is located in the central portion of the site, which controls groundwater flow generally to the north and south. Portions of the site are underlain by a clay layer of varying thickness which is acting as an aquitard at the site.

## Contaminants of Concern (Including Materials Disposed)

### Contaminant Name/Type

AROMATIC HYDROCARBONS (F001)

PAINT WASTES (SCRAPINGS (D008)

## Site Environmental Assessment

Nature and Extent of Contamination: Groundwater, surface water / sediment and soil contamination at this site has been confirmed during the Remedial Investigation. On-site groundwater is

contaminated with volatile aromatic hydrocarbons (Total BTEX of ~ 120,000 ug/l), and to a lesser extent by chlorinated solvents (CVOCs ~ 8,000 ug/l) their degradation products and by metals, primarily aluminum, iron and manganese. The groundwater volatiles and metals contamination is above the class GA and Drinking Water standards. The volatiles groundwater and subsurface soil contamination appears to be primarily confined to the site. However, the discovery of the groundwater contamination helps explain the random historical hits for VOCs in surface water samples. Surface water / sediments, and surficial soils are contaminated above applicable standards by metals. The primary metals contamination is from aluminum, iron and manganese. The surficial soils have been impacted by localized random dumping. The surface water and sediments are affected by groundwater leachate seeps and to a lesser extent by run-off. The landfill portion of the site is underlain by a clay aquitard which combined with site hydrology, and other factors such as the reducing groundwater conditions, appears to be containing the contaminants of concern on-site. The presence on the site of large quantities of iron in the ash materials and as corroded scrap iron, combined with other metals which may be acting as catalysts, has resulted in the degradation of both the aromatic and chlorinated volatiles contamination. Degradation products detected in the groundwater include cyclohexane from the BTEX and TCE, 1,2-DCE and vinyl chloride from the CVOCs. Special Resources Impacted/Threatened: The groundwater resource immediately below certain areas of the site has been impacted by site contaminants. Significant Threat: There were no site related contaminants in any media which exceeded SCGs migrating beyond the site boundary. Based upon investigations to date, a determination has been made that the site in its current conditions does not represent a significant threat to human health and the environment.

## Site Health Assessment

The site is not fenced and persons who enter the site could contact contaminants in the soil by walking on the soil, digging or otherwise disturbing the soil. People may come in contact with contaminants present in wetland sediments. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Volatile organic compounds in the groundwater may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect the indoor air quality. This process, which is similar to the movement of radon gas from the subsurface air into the indoor air of buildings, is referred to as soil vapor intrusion. Because there is no on-site building, inhalation of site contaminants in indoor air due to soil vapor intrusion does not represent a concern for the site in its current condition. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site development.

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



## ATTACHMENT IX: CONTACT LIST INFORMATION

### OLD TROY MUNICIPAL INCINERATOR SITE

#### (Section IX of Part B of the BCP Application)

##### Contact List Information

<b>Chief Executive Officer and Planning Board Chairperson of County and Town</b>	
Rensselaer County	Town of Brunswick
County Chief Executive Officer Steven F. McLaughlin Ned Pattison Government Center 1600 7 <sup>th</sup> Avenue Troy, NY 12180	Chief Executive Officer Supervisor Phil Herrington Town of Brunswick 336 Town Office Road Troy, NY 12180
Planning Board Chairperson Robert Pasinella, Director Rensselaer County Economic Development and Planning 1600 7 <sup>th</sup> Avenue Troy, NY 12180	Planning Board Chairperson Russell Oster Town of Brunswick 336 Town Office Road Troy, NY 12180
<b>Public Water Supplier</b>	
Town of Brunswick Water Department 336 Town Office Road Troy, NY 12180	
<b>Local News Media</b>	
The Record (Newspaper) Attention: News Director 7 Wells Street, Suite 103 Saratoga Springs, NY 12866 (518) 270-1200	Times Union (Newspaper) Attention: News Director Box 15000, News Plaza Albany, NY 12212 (518) 454-5694
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
WRGB-TV Attention: News Director 1400 Balltown Road Schenectady, NY 12309 (518) 346-6666	Spectrum News (TV) Attention: News Director 104 Watervliet Avenue Extension Albany, NY 12206 (518) 641-6397
WMHT-TV Attention: News Director 4 Global View Troy, NY 12180-8375 (518) 880-3400	WGY Radio Attention: News Director 1203 Troy-Schenectady Road Latham, NY 12110 (518) 452-4848

WAMC Northeast Public Radio Attention: News Director PO Box 66600 Albany, NY 12206 (518) 465-5233	
<b>Nearby Schools and Daycare Facilities</b>	
None Identified	
<b>Adjacent Property Owners/Occupants</b>	
Site Tax ID: 80.-2-2.1 Property Address: 289-294 Oakwood Avenue Owner Name/ Address: Matopato, LLC 32 Hialeah Drive Troy, NY 12182	Site Tax ID: 80.-2-2.2 Property Address: Oakwood Avenue Owner Name/ Address: Matopato, LLC 32 Hialeah Drive Troy, NY 12182
Site Tax ID: 80.-2-3.11 Property Address: Liberty Road Owner Name/ Address: Topatoma, LLC 32 Hialeah Drive Troy, NY 12182	Site Tax ID: 80.-2-2.3 Property Address: 100 Farrell Road Owner Name/ Address: Matopato, LLC 32 Hialeah Drive Troy, NY 12182
Site Tax ID: 80.-2-18 Property Address: Oakwood Avenue Owner Name/ Address: Highpointe Recreation Association, Inc. 12 Avis Drive, Suite 9 Latham, NY 12110	

### Location of the Document Repository for the Project

Brunswick Community Library  
4118 Route 2  
Troy, New York 12180  
(518) 279-4023

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.

**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



October 5, 2020

*Via Email*

Ms. Sara Hopkins, Director  
Brunswick Community Library  
4118 Route 2  
Troy, New York 12180  
Email: [director@brunswicklibrary.org](mailto:director@brunswicklibrary.org)

Re: *Repository*  
*Old Troy Municipal Incinerator Site*  
*CTM Project No.: 20.0611*

Dear Ms. Hopkins:

Consistent with the requirements of the New York State Department of Environmental Conservation's Brownfields Cleanup Program (NYSDEC's BCP), the Brunswick Community Library has been selected as an appropriate public repository for documents associated with the redevelopment of the Old Troy Municipal Incinerator Site located along the east side of Oakwood Avenue, just north of its intersection with Farrell Road.

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

Stephen Bieber, CHMM  
Environmental Scientist

The Brunswick Community Library agrees to serve as public repository as described above.

Signature of Agent for Brunswick Community Library

## **ATTACHMENT X: LAND USE FACTORS**

### **OLD TROY MUNICIPAL INCINERATOR SITE**

### **OAKWOOD AVENUE**

### **(Section X of Part B of the BCP Application)**

#### **Question 1: What is the current zoning for the Site**

According to the Town of Brunswick Zoning Map, the property is zoned for Light Industrial use. See zoning map in ATTACHMENT IV-4.

#### **Question 2: Current Use**

The site is currently vacant and is overgrown with vegetation. The site was used as a landfill from 1947 to 1969 and has remained fallow since that time. The primary source of site contaminants is the landfill, which accepted incinerated wastes, solid wastes and industrial wastes during its operation.

#### **Question 3: Reasonably Anticipated Use Post Remediation**

The intended use of the property will be for industrial purposes, which is consistent with the site's zoning for light industrial use. More specifically, the site will be developed into a solar energy farm consisting of ground mounted solar panels.

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

The site was used as a landfill from 1947 to 1969 and has remained fallow since that time. The site is zoned for light industrial use. The intended use of the site as a solar energy farm is consistent with the site's zoning.

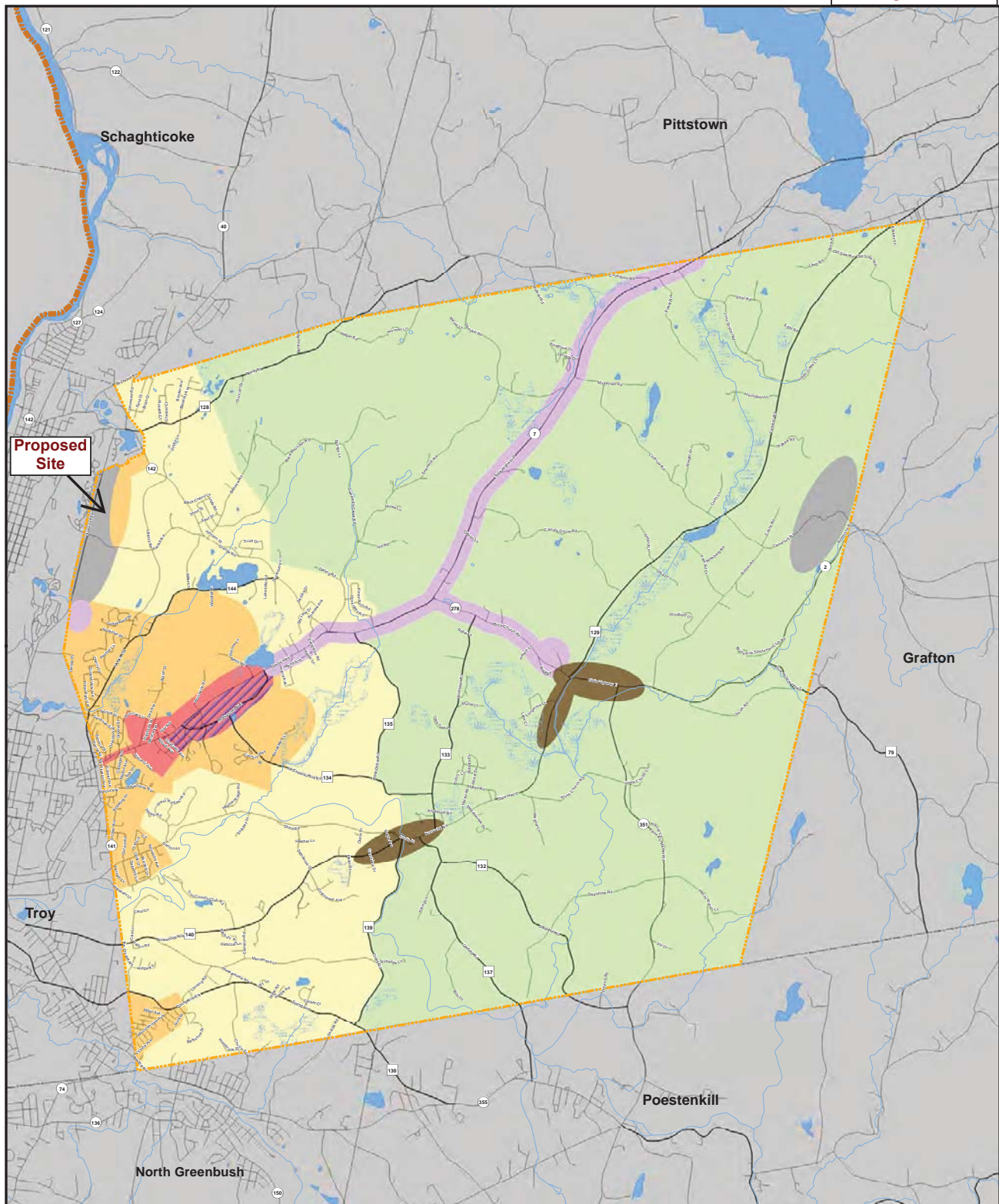
#### **Question 5: Is the proposed use consistent with applicable zoning laws/maps?**

The intended use of the site as a solar energy farm is consistent with the site's zoning for light industrial use. See zoning map in ATTACHMENT IV-4.



**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 Site development into a solar energy farm is consistent with the Town of Brunswick Comprehensive Plan dated August 2013. As depicted on the Plan's excerpted figure in ATTACHMENT X-1, the future land use for the site is Industrial/Light Industrial.



## Conceptual Future Land Use Plan

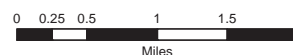
Town of Brunswick  
Rensselaer County, New York

### Legend

- County Boundary
- Town Boundary
- Rivers and Streams
- Water Bodies
- NYSDEC Wetlands
- Local Roads
- State Highway
- County Highway

### Future Land Use

- Town Center Design Guidelines
- General Commercial
- Light Commercial
- Hamlet Mixed-Use
- Industrial/Light Industrial
- High Density Residential
- Moderate Density Residential/Agricultural
- Low Density Residential/Agricultural



Copyright: Laberge Group

Project #: 2011092

Date: 7-31-13

Data Source: Rensselaer County GIS Department and  
NYS GIS Clearinghouse.

Notes: Map is for illustrative  
purposes only. Accuracy or completeness  
is not guaranteed.