

**BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION**

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #: _____

07/05

Section I. Requestor Information					
NAME General Super Plating, Co., Inc. (GSP)					
ADDRESS 5762 Celi Dr.					
CITY/TOWN E. Syracuse (Town of Dewitt), NY		ZIP CODE 13057			
PHONE (315) 446-2264	FAX (315) 251-1550	E-MAIL wsouthwell@4gsp.com			
NAME OF REQUESTOR'S REPRESENTATIVE William Southwell					
ADDRESS 5762 Celi Dr.					
CITY/TOWN E. Syracuse, NY		ZIP CODE 13057			
PHONE (315) 446-2264	FAX (315) 251-1550	E-MAIL wsouthwell@4gsp.com			
NAME OF REQUESTOR'S CONSULTANT Edward Hinchey/ERM					
ADDRESS 5788 Widewaters Parkway					
CITY/TOWN Dewitt, NY		ZIP CODE 13214			
PHONE (315) 445-2554	FAX (315) 445-2543	E-MAIL ed_hinchey@erm.com			
NAME OF REQUESTOR'S ATTORNEY Doreen A. Simmons, Esq./Hancock & Estabrook, LLP					
ADDRESS 1500 MONY Tower I, P.O. Box 4976					
CITY/TOWN Syracuse, NY		ZIP CODE 13221-4976			
PHONE (315) 471-3151 [Ext. 256]	FAX (315) 471-3167	E-MAIL dsimmons@hancocklaw.com			
<p>THE REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL § 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:</p> <table border="0"><tr><td><input checked="" type="checkbox"/> 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.</td><td><input type="checkbox"/> 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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.</td></tr></table>				<input checked="" type="checkbox"/> 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.	<input type="checkbox"/> 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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.
<input checked="" type="checkbox"/> 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.	<input type="checkbox"/> 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, the requestor 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; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.				
Requestor Relationship to Property (check one): <input type="checkbox"/> Previous Owner <input type="checkbox"/> Current Owner <input type="checkbox"/> Potential /Future Purchaser <input checked="" type="checkbox"/> Other <u>Current Operator</u>					
If requestor is not the site owner, requestor will have access to the property throughout the BCP project. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Note: proof of site access must be submitted for non-owners) See Attached					

Section II. Site Information Summary Sheet					
SITE /PROPERTY NAME: Celi Drive Site					
ADDRESS/LOCATION 5762 Celi Dr.		CITY/TOWN E. Syracuse (T/Dewitt)		ZIP CODE 13057	
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Town of Dewitt					
COUNTY Onondaga		SITE SIZE (ACRES) 1.3 acres			
LATITUDE (degrees/minutes/seconds) 5762-N.43-03-00.53 "			LONGITUDE (degrees/minutes/seconds) 5762-W.76-04-08.32 "		
HORIZONTAL COLLECTION METHOD: N/A (WGS84)			HORIZONTAL REFERENCE DATUM: N/A		
FOR EACH PARCEL, FILL OUT THE FOLLOWING TAX MAP INFORMATION (if more than three parcels, attach additional information)					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
5762 Celi Dr.		053	02	17.2	1.3
<div> <div>1. Do the site boundaries correspond to tax map metes and bounds?</div> <div> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> <div> <div>If no, please attach a metes and bounds description of the site.</div> </div> <div> <div>2. Is the required site map attached to the application? (application will not be processed without site map)</div> <div> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> <div> <div>3. Is the site part of a designated En-zone pursuant to Tax Law § 21(b)(6)?</div> <div> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> </div> <div> <div>For more information go to:</div> <div> http://www.nylovesbiz.com/Productivity_Energy_and_Environment/BrownField_Redevelopment/default.asp </div> </div> <div> <div>If yes, identify area (name)</div> <div> <input type="checkbox"/> 50% <input type="checkbox"/> 100% of the site is in the En-zone (check one) </div> </div>					
SITE DESCRIPTION NARRATIVE: Industrial - Historically Plating Operations					
List of Existing Easements (type here or attach information)					
<u>Easement Holder</u>		<u>Description</u>			
Town of Dewitt		Sanitary Sewer			
List of Permits Relating to the Proposed Site (type here or attach information)					
<u>Type</u>		<u>Issuing Agency</u>		<u>Description</u>	
Air		NYSDEC		Cert. of Registration	
Industrial Wastewater		Onondaga County DWEP		Industrial Discharge Permit	

Initials of each Requestor: WJ _____

Section III. Current Site Owner/Operator Information			
OWNER'S NAME (if different from requestor) Robert G. Bennett, Jr., Trustee, et al.			
ADDRESS c/o Evans & Bennett, LLP, 135 Dewitt Street			
CITY/TOWN Syracuse, NY		ZIP CODE 13203	
PHONE (315) 474-3986	FAX (315) 474-0716	E-MAIL N/A	
OPERATOR'S NAME (if different from requestor or owner) Same as Requestor			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section IV. 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
2. Is the site subject to an existing order for the contamination?	<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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
4. Has the requestor violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
5. Has the requestor been previously denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
6. Has the requestor committed a negligent or intentionally tortuous act regarding hazardous waste or petroleum?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
8. Has the requestor knowingly falsified statements or concealed material facts in a matter related to the Department?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
9. Has the requestor, based on the provisions of ECL Article 27-1407 (or a similar provision of federal or state law), committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Section V. Site Eligibility Information (Please refer to ECL § 27-1405)			
1. Is the site listed on the National Priorities List?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
2. Is the site listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If yes, please provide: Site # _____ Class # _____			
3. Is the site subject to a permit under ECL article 27, title 9, other than an Interim Status facility?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If yes, please provide: Permit type: _____ EPA ID Number: _____			
Date permit issued: _____ Permit expiration date: _____			
4. Is the site subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If yes, please provide: Order # _____			
5. Is the site subject to a state or federal enforcement action related to hazardous waste or petroleum?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
If yes, please provide explanation as an attachment.			
Section VI. Project Description			
Please attach a description of the project which includes the following components:			
<ul style="list-style-type: none"> Purpose and scope of the project Estimated project schedule 			

Section VII. Site's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site.

If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): ☐ Yes ☐ No

2. Sampling Data: Indicate known contaminants and the media which are known to have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	✓	✓	✓	✓	✓
Pesticides					
PCBs					
Other*					

*Please describe: See Comprehensive Site Investigation Report

3. Suspected Contaminants: Indicate suspected contaminants and the media which may have been affected:

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs					
Metals	✓	✓	✓	✓	✓
Pesticides					
PCBs					
Other*					

*Please describe: See Comprehensive Site Investigation Report

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS:

- | | | | |
|---|--|---|--|
| <input checked="" type="checkbox"/> Above Ground Pipeline or Tank | <input type="checkbox"/> Lagoons or Ponds | <input type="checkbox"/> Underground Pipeline or Tank | <input checked="" type="checkbox"/> Surface Spill or Discharge |
| <input type="checkbox"/> Routine Industrial Operations | <input type="checkbox"/> Dumping or Burial of Wastes | <input type="checkbox"/> Septic tank/lateral field | <input type="checkbox"/> Drums or Storage Containers |
| <input type="checkbox"/> Adjacent Property | <input type="checkbox"/> Seepage Pit or Dry Well | <input type="checkbox"/> Foundry Sand | <input type="checkbox"/> Electroplating |
| <input type="checkbox"/> Coal Gas Manufacture | <input type="checkbox"/> Industrial Accident | <input type="checkbox"/> Unknown | |
- Other: _____

5. INDICATE PAST LAND USES:

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

6. Owners

A list of previous owners with names, last known addresses and telephone numbers (describe requestor's relationship, if any, to each previous owner listed. If no relationship, put "none").

7. Operators

A list of previous operators with names, last known addresses and telephone number (describe requestor's relationship, if any, to each previous operator listed. If no relationship, put "none").

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following:

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

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

Current Use: ☐ Residential ☐ Commercial ☒ Industrial ☐ Vacant ☐ Recreational (check all that apply)

Intended Use: ☐ Unrestricted ☐ Residential ☐ Commercial ☒ Industrial

Please check the appropriate box and provide an explanation as an attachment if appropriate. Provide a copy of the local zoning classifications, comprehensive zoning plan designations, and/or current land use approvals.

Yes No

1. Do current historical and/or recent development patterns support the proposed use? (See #12 below re: discussion of area land uses)

☒ ☐

2. Is the proposed use consistent with applicable zoning laws/maps?

☒ ☐

3. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?

☒ ☐

4. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).

☐ ☒

5. Are there any federal or State land use designations relating to this site?

☐ ☒

6. Do the population growth patterns and projections support the proposed use?

☒ ☐

7. Is the site accessible to existing infrastructure?

☒ ☐

8. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites proximate to the site?

☐ ☒

9. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species proximate to the site?

☐ ☒

10. Are there floodplains proximate to the site?

☐ ☒

11. Are there any institutional controls currently applicable to the site?

☐ ☒

12. Describe on attachment the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas.

13. Describe on attachment the potential vulnerability of groundwater to contamination that might migrate from the site, including proximity to wellhead protection and groundwater recharge areas.

14. Describe on attachment the geography and geology of the site.

Statement of Certification and Signatures

(By requestor who is an individual)

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 an requestor other than an individual)

I certify that I am president (title) of BSP (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and 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: 11/29/05 Signature: [Signature] Print Name: Thomas A. Bonham

SUBMITTAL INFORMATION

Three (3) complete copies are required.

- **Two (2)** copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD or diskette, 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

- **One (1)** hard copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check our website for the address of our regional offices: <http://www.dec.state.ny.us/website/der/index.html>

FOR DEPARTMENT USE ONLY

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

EXHIBIT I

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

I. Requestor Information

See attached Access Agreement.

ACCESS AGREEMENT

This Access Agreement is effective this 29 day of November, 2005, by and between Robert Evans, as Trustee, et. al. ("Owner") and General Super Plating Co., Inc. ("GSP").

WHEREAS, GSP as Requestor has submitted an Application to the New York State Department of Environmental Conservation ("NYSDEC") for the New York State Brownfield Program ("BCP"); and

WHEREAS, GSP will require access to the property for the purposes of conducting any and all studies and remediation as proposed by GSP and/or requested by NYSDEC; and

WHEREAS, GSP may be required to file certain environmental easements associated with BCP for property located at 5762 Celi Drive, East Syracuse, New York 13057 (tax map number 0530217.21.3) ("Property"); and

WHEREAS, Owner has received legal authorization from all necessary parties to provide access and to permit the filing of environmental easements relative to the Property;

NOW, THEREFORE, Owner hereby grants access to the Property to GSP and its representatives, contractors, agents, including, but not limited to, representatives from NYSDEC and other regulatory agencies (collectively "GSP Group") on the following terms and conditions:

1. The GSP Group shall have full access to the subject Property to conduct any investigations, cleanup or removal activities associated with the BCP

and to take any and all other actions on the Property as may be required in connection with the performance of GSP's obligations under the BCP.

2. GSP shall have the authority to negotiate an appropriate environmental easement to be filed as part of the BCP, which easement shall be executed by Owner as may be required.
3. This Agreement does not nullify or otherwise change any rights of GSP as Lessor to operate or access the Property.
4. Owner understands it will receive notices and shall be provided copies of communications and reports with NYSDEC concerning GSP's activities at the Property associated with the BCP.
5. Unless GSP shall withdraw from the BCP program, this Agreement shall terminate upon GSP's receipt of a Certificate of Completion under the BCP.
6. Any notice or communication to be given or made under this Agreement shall be in writing and may be delivered by hand, air mail, facsimile or courier service to the addresses specified below:

Owner: Robert Evans, as Trustee
c/o Evans & Bennett
135 Dewitt Street
Syracuse, NY 13203

GSP: Mr. William Southwell
General Super Plating Co., Inc.
5762 Celi Drive
East Syracuse, NY 13057

With a copy to: Doreen A. Simmons, Esq.
Hancock & Estabrook, LLP
P. O. Box 4976
Syracuse, NY 13221-4976

7. This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without reference to principles of conflicts of law.

8. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

IN WITNESS WHEREOF, duly authorized representatives of the Parties have executed this Access Agreement as of the date first written.

ROBERT EVANS, as Trustee, et. al.
(Owner)

Robert Evans

Trustee

GENERAL SUPER PLATING CO, INC.

By: 

Title: Pres.

EXHIBIT II

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

II. Site Information Summary Sheet

1. See attached site map.
2. See attached USGS 7.5 minute quad map in which the site is located.
3. See attached tax map with corresponding numbers and the Celi Drive Site.
4. See attached copy of the deed on file in Onondaga County for 5762 Celi Drive.



Bridge Street

Commercial Building

Commercial Building

Commercial Building

Commercial Building

Commercial Building

Industrial Building

Industrial Building

Commercial Building

Celi Drive

Industrial Building
Tax Parcel 17.2
47,089+- Sq Ft
General Super Plotting

1.125+- Acres
Terrie

Industrial Building

Whirly Bird Lane

Commercial Building

Tow Path Road

Industrial Building

Commercial Building

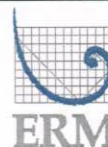
Legend

- Property Line
- Easement Line

Celi Drive Site

PREPARED FOR:

BCP / GSP



SCALE

1"=120'

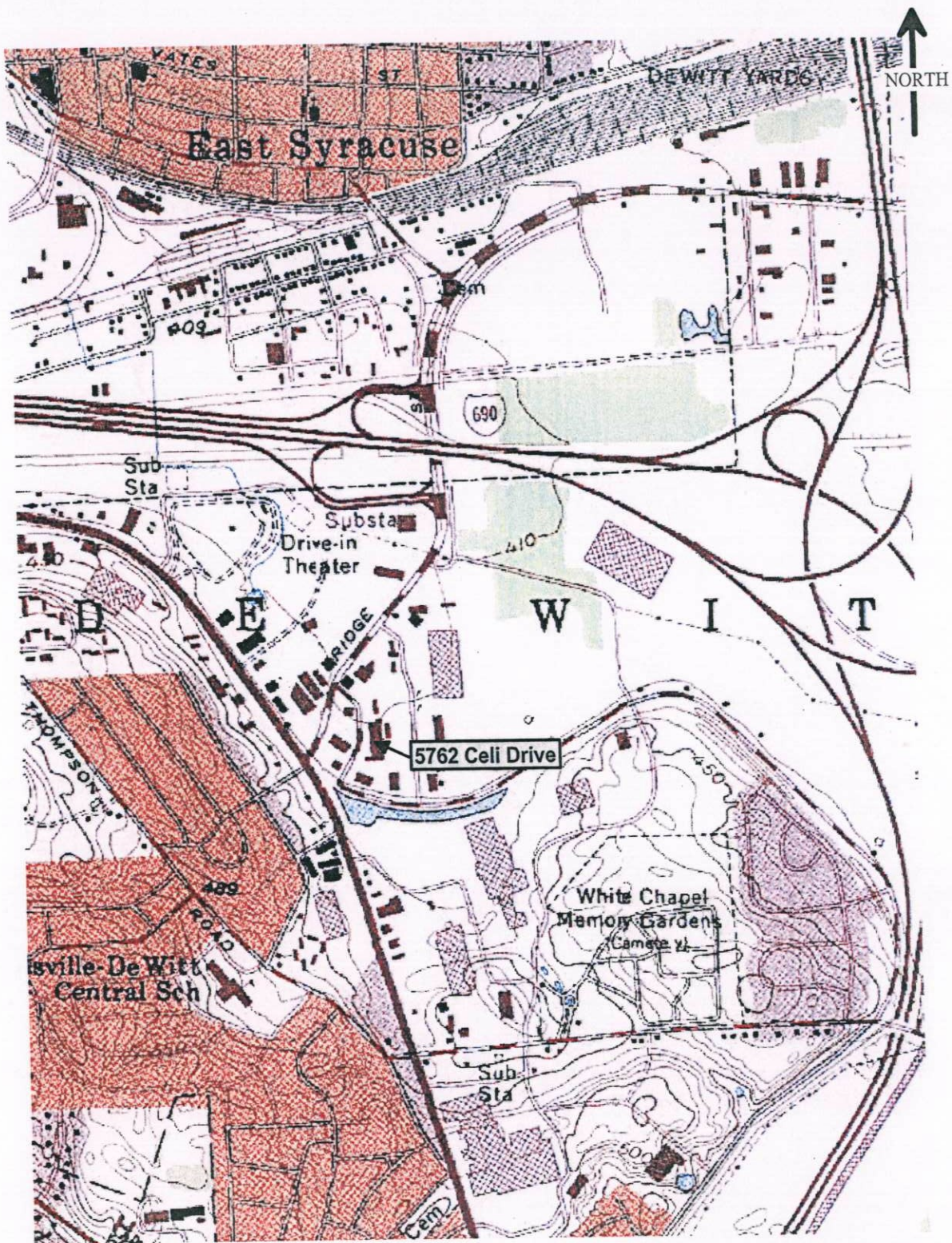
DATE

NOVEMBER 2005

FIGURE

1

BCP
Application



SITE LOCATION MAP

PREPARED FOR: BCP / GSP



ERM

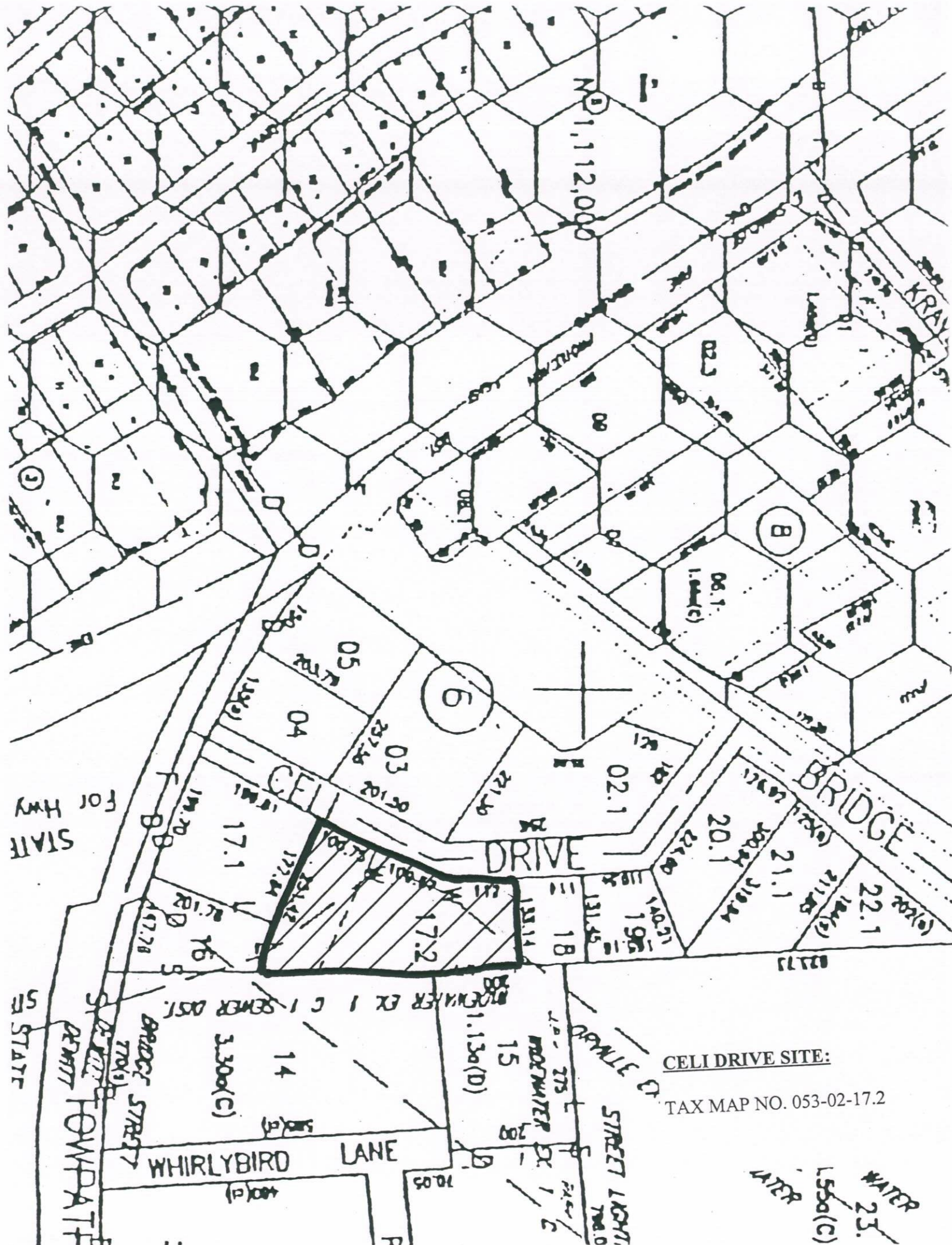
SCALE
1" ~ 2000'

DATE
November 2005

FIGURE

2

BCP
APPLICATION



CELI DRIVE SITE:

TAX MAP NO. 053-02-17.2

WATER 23.1
WATER 15.50(C)

THIS INDENTURE, made the 4 day of April, 2005

BETWEEN,

General Super Plating Co. Inc.
5762 Coll Drive
East Syracuse, New York 13057

party of the first part, and

Robert G. Evans, Jr., as Trustee of the Trust under Article Third
of the Last Will and Testament of Herbert N. Gerhardt
135 Dewitt Street, Syracuse, New York 13203, with respect to an
undivided 45.0% interest as tenant in common
Marjorie S. Gerhardt
6302 Hamlet Crest, Jamesville, New York 13078, with respect to an
undivided 45.0% interest as tenant in common
Thomas N. Gerhardt
7575 Ashland Circle, Manlius, New York 13104, with respect to an
undivided 2.5% interest as tenant in common
Kimberly G. Jeffery
8788 Horsehoe Lane, Chittenango, New York 13037, with respect to an
undivided 2.5% interest as tenant in common
Herbert N. Gerhardt
129 Marina Del Ray, Clearwater, Florida 33767, with respect to an
undivided 5.0% interest as tenant in common
party of the second part

WITNESSETH, that the part of the first part in consideration of One and 00/100 Dollars (\$1.00), paid by the party of the
second part does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns
of the party of the second part forever, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Dewitt, County of
Onondaga and State of New York, more specifically described in Schedule A attached hereto.

SUBJECT to easements, covenants and restrictions of record, if any.

BEING THE SAME PREMISES conveyed to the party of the first part by deed dated
the Onondaga County Clerk's Office In Book of Deeds, Page

and recorded in

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises.

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns
forever. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires. This
deed is subject to the trust provisions of Section 13 of the Lien Law.

IN WITNESS WHEREOF, the part of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

General Super Plating Co. Inc.
By: [Signature]
Its: [Signature]

STATE OF NEW YORK
COUNTY OF ONONDAGA } ss.:

On this 4th day of April, 2005, before me, the undersigned, a Notary Public in and for said state, personally
appeared Thomas N. Gerhardt, personally known to me or proved to me on the basis of satisfactory evidence
to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or
the person upon behalf of which the individual(s) acted, executed the same.

[Signature]
Notary Public

Notary
County
My Comm.

... York
...
... 18, 2006

#07735
L.H. to: Mary Black
99 Broadway St.
Syracuse, NY 13201
Attn: Cathy King, Esq.

14:40 04/19/05 0436935 DW DB -04800P-704

EXHIBIT III

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

III. Current Site Owner/Operator Information

There are no attachments that correspond with this section of the Brownfields Application.

EXHIBIT IV

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

IV. Requestor Eligibility Information

There are no attachments that correspond with this section of the Brownfields Application.

EXHIBIT V

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

V. Site Eligibility Information

There are no attachments that correspond with this section of the Brownfields Application.

EXHIBIT VI

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

VI. Project Description/Estimated Project Schedule

The purpose of the project is to address recently identified contamination at the property in order to maintain the site's viability and opportunity to expand and continue expanding its operations as an industrial metal finishing facility. The Brownfield Program investigation will commence in the first quarter of 2006 and continue through the fourth quarter of 2006. The remedy selected will be implemented in 2007, with probable site closure in 2008.

EXHIBIT VII

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

VII. Site's Environmental History

1. Environmental Reports –

See attached copy of the Comprehensive Site Investigation Report dated October 2005.

2. See attached summary sampling chart.

6. See attached Owner/Operator chart.

**Summary Sampling Data
Maximum Concentration - Compounds of Potential Concern
Celi Drive facility**

Contaminant Category	Soil (mg/kg)		Ground Water (mg/l)		Surface Water (mg/l)		Sediment		Soil Gas
	Max. Conc.	SCG *	Max. Conc.	SCG *	Max. Conc.	SCG *	Max. Conc.	SCG *	
Contaminant Category									
Petroleum									
Chlorinated Solvents									
Other VOCs									
SVOCs									
Metals									
<i>total chromium</i>	3,830	10 or SB	389	0.05	26	0.05	4,100	TBD	na
<i>copper</i>	87,400	25 or SB	0.0155	0.2	110	0.2	7,200	TBD	na
<i>nickel</i>	5,780	13 or SB	1.88	0.1	110	0.1	399	TBD	na
<i>zinc</i>	745	20 or SB	0.371	2	0.68	2	69	TBD	na
Pesticides									
PCBs									
Other									
<i>cymide</i>	903	NS	ND	0.2	ND	0.2	ND	TBD	na

*SCG = TAGM 4046 (soil); TOGS 1.1.1 (water);

"Technical Guidance for Screening Contaminated Sediment, 1993 (sediment)

TBD = to be determined based on physical properties of the sediment

na = due to the nature of the contaminants, not applicable to this site

NS = no standard or guidance available for this compound

ND = not detected

SB = site background

BROWNFIELD CLEANUP PROGRAM APPLICATION

Celi Drive Site

VII. 6. Previous Owners

7. Previous Operators

Celi Drive Site
5762 Celi Drive
East Syracuse, NY 13057

PREVIOUS OWNER/OPERATOR CHART

OWNER Last Known address/telephone number	OPERATOR Last known address/telephone number	RELATIONSHIP TO REQUESTOR
Louise R. Weingand RD # 3 East Syracuse, NY	Unknown	None
Sam Celi 400 Revere Road Dewitt, NY Dominic Celi 409 Revere Road Dewitt, NY	Unknown	None
David Martin Sales Corporation Celi Drive East Syracuse, NY	Unknown	None
Merit Properties by Joseph J. Jackler 5223 Duane Drive Fayetteville, NY and Eugene F. Bersani 216 Ridgcrest Road Dewitt, NY, individually and as managing partners for Merit Properties	Gerber Music Company c/o William Gerber Wellesley Island Office 19105 Rock Baie Road, Box 666 Wellesley Island, NY 13640	None
Herbert N. Gerhardt/ Marjorie Gerhardt (various ownerships) 3119 Tiffany Drive Belair Beach, FL 33786 727-595-4514	GSP	Owner/Herbert N. Gerhardt was former officer of GSP otherwise, none.

*Note – Miscellaneous owner/operator periods by Onondaga County Industrial Development Agency/GSP and current owner not above reflected.

{H0532964.1}

BROWNFIELD CLEANUP PROGRAM APPLICATION
Celi Drive Site

VIII. Contact List Information

Contact List Information	
Onondaga County:	
Chief Executive Officer	Nicholas J. Pirro, County Executive 14th Floor John H. Mulroy Civic Center 411 Montgomery Street Syracuse, NY 13202 315-435-3516
Planning Agency	Karen B. Kitney, Director 11th Floor John H. Mulroy Civic Center 411 Montgomery Street Syracuse, NY 13202 315-435-2611
Town of Dewitt:	
Town Supervisor	James DiStefano, Supervisor 5400 Butternut Dr. East Syracuse, NY 13057-8509 315-446-3428
Zoning Board Chairperson (Building, Planning and Zoning)	Richard T. Robb, Commissioner 5400 Butternut Drive East Syracuse, NY 13057 315-446-3768
Adjacent Properties:	
North	Syracuse Artist Pianos 5780 Celi Drive East Syracuse, NY 13057 315-446-5660
South	G&G Fitness Syracuse 6511 Towpath Road East Syracuse, NY 13057 315-449-1538
East	6601 Towpath Road Co. LLC 5786 Widewaters Parkway Dewitt, NY 13214
West	Property owned by GSP

Local News Media:	WSTM 3 (NBC) 1030 James Street Syracuse, NY 13203 315-474-5000
	WTVH 5 (CBS) 980 James Street Syracuse, NY 13203 315-425-5555
	WSYR 9 (ABC) 5904 Bridge Street East Syracuse, NY 13057 315-446-9999
	WCNY 24 (PBS) 506 Old Liverpool Road P.O. Box 2400 Syracuse, NY 13220-2400 315-453-2424
	WSYT 68 (FOX) 1000 James Street Syracuse, NY 13203 315-472-6800
Public Water Supplier:	Town of Dewitt Mathew Reynolds, Water Superintendent 5400 Butternut Drive East Syracuse, NY 13057-8509 (315) 446-3734
Persons requesting to be placed on site contact list:	None
School or day care facility located on or near the site:	None
Document repository for the project:	Dewitt Community Library Susan Reckhow, Director 3649 Erie Boulevard East Shoppingtown Mall Dewitt, NY 13214 315-446-3578

7. Attached please find a copy of the letter sent to Susan Reckhow, of the Dewitt Community Library acknowledging that they agree to act as the document repository for the site.

Environmental
Resources
Management

5788 Widewaters Parkway
Dewitt, NY 13214
(315) 445-2554
(315) 445-2543 (fax)

16 November 2005

Ms. Susan Reckhow, Director
Dewitt Community Library
3649 Erie Boulevard East
Shoppingtown Mall
Dewitt, NY 13214



RE: Document Repository for Celi Drive Site Brownfields Program

Dear Ms. Recklow:

This letter confirms our conversation today that the Dewitt Community Library will be the document repository for the Celi Drive Brownfields Program.

Environmental Resources Management (ERM) will forward copies of relevant environmental reports and documents to you for public access in the near future as required.

I thank you for your assistance in this matter.

Please forward all questions or comments to me directly.

Sincerely,

Edward Hinchey, P.G.
Partner In Charge

C: Doreen Simmons – Hancock & Estabrook, LLP

EXHIBIT IX

BROWNFIELD CLEANUP PROGRAM APPLICATION

Celi Drive Site

IX. Land Use Factors

Current/future intended use of the property is to continue use as an industrial metal finishing facility, to maintain site viability and accommodate recent and future expansions.

The property is zoned "Business", see attached copy of the Dewitt Zoning Classification for business, and the Dewitt Zoning map with the property outlined in black. There is no comprehensive plan for the Town of Dewitt.

12. Proximal Property Use

The Property is situated in a mixed Industrial and Commercial use area. The nearest residential property is located upgradient approximately .25 miles to the west, on the west side of Erie Boulevard, another Business district. The nearest public access park is located approximately 1.0 mile to the east cross and up gradient of the Site.

13. Ground Water Vulnerability

The release of metals to the soil has affected ground water in the vicinity of the release area only. Ground water monitoring wells located approximately 200-feet down gradient of the release area show no signs of being affected by metals.

At this time, there are no known wellhead protection areas within the area of potential impact.

14. Site Geology and Geography

The Site is located at the following coordinates - N.43 03-00.53, W.76 04-08.32 in the Town of Dewitt, Onondaga County, New York.












Topographic map coverage of the site and vicinity is provided by the United States Department of Transportation 7.5-minute topographic map for Syracuse East quadrangle, New York, dated 1990. The average ground surface elevation of the site is approximately 420-feet above mean sea level (MSL). The topography of the facility and surrounding area is generally flat with surface water drainage to the north.

The Site is situated in the Ontario Lowlands (lake plain) at the northern edge Appalachian Plateau in Central New York. The site is underlain by the Upper Silurian /Lower Devonian, Vernon and Salina Group shales and evaporites. The surficial deposits are composed of the glacio-lacustrine silt and clay from Pleistocene ice sheet that retreated from the area about 12,000 years ago.

Soil in the immediate vicinity of the subject facility is classified as Urban Land (Ub) in the *Soil Survey of Onondaga County, New York*, produced by the USDA Natural Resources Conservation Service, dated October 1977. Ub consists of large built-up areas that have been so altered or obscured by urban works and structures that identification for the soils is not feasible.

Typical soils in the area of the RDA and swale located east of the facility generally consist of black organic rich silt and clay. Soil at the Site is generally composed of "fill" underlain by 3 to 5-feet of a silty-clay. A grey, fine to coarse sand with gravel and silt has been identified beneath the clay horizon.

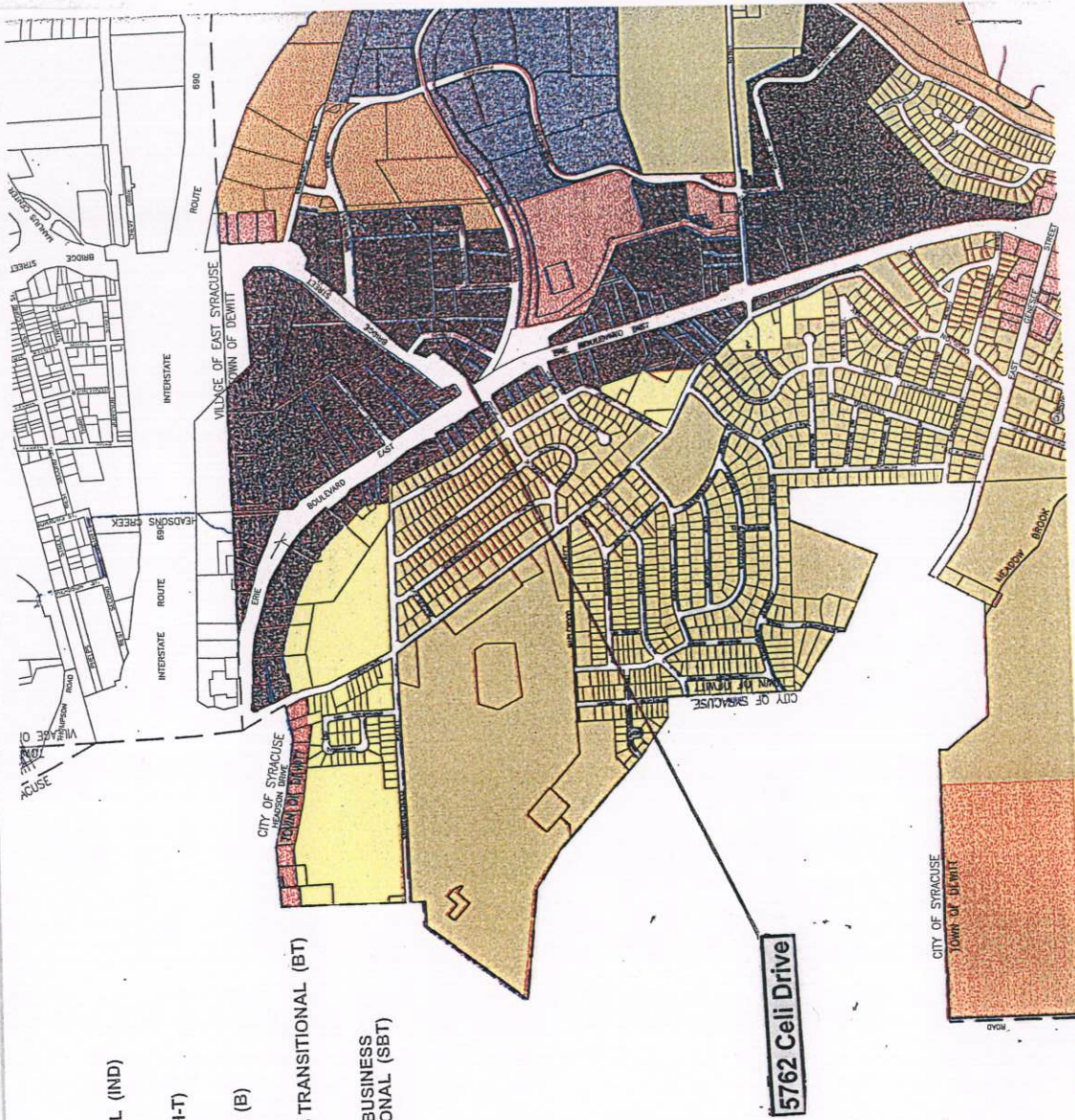
LEGEND

	RESIDENTIAL ZERO (R-0)		INDUSTRIAL (IND)
	RESIDENTIAL ONE (R-1)		HI-TECH (H-T)
	RESIDENTIAL ONE-A (R-1A)		BUSINESS (B)
	RESIDENTIAL TWO (R-2)		BUSINESS TRANSITIONAL (BT)
	RESIDENTIAL THREE (R-3)		SPECIAL BUSINESS TRANSITIONAL (SBT)
	OFFICE & PROFESSIONAL (O & P)		

* AREA WITH SPECIAL ZONING LIMITATIONS



SCALE IN FEET



TOWN OF DEWITT, N.Y. ZONING MAP 2002

THE 1967, 1984, AND 1989 ZONING MAPS OF TOWN OF DEWITT WERE AMENDED AND SUPPLEMENTED BY THE 2002 ZONING MAP OF THE TOWN OF DEWITT WHICH TOGETHER WITH THE TAX MAPS PERTAINING TO THE TOWN OF DEWITT AND THE 2002 ZONING MAP OF THE TOWN OF DEWITT MAY BE RELIED UPON PURSUANT TO TOWN OF DEWITT RULES OF ZONING, CHAPTER 192.

ATTESTED
Barbara Klein TOWN CLERK
James H. W. Stegner SUPERVISOR

SEPT. 8, 2003
SEPT. 8, 2003

ALL CHANGES THROUGH SEPTEMBER 2003, AS AMENDED,

Chapter 192: ZONING

[HISTORY: Adopted by the Town Board of the Town of DeWitt as Ch. 53 of the 1969 Code. Sections 192-4 and 192-53 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

GENERAL REFERENCES

Appearance tickets — See Ch. 4.
Conservation Commission — See Ch. 8.
Commission for Economic Development — See Ch. 18.
Planning Board — See Ch. 37.
Environmental quality review — See Ch. 83.
Excavating, grading and filling — See Ch. 86.
Building construction — See Ch. 94.
Fireworks and explosives — See Ch. 97.
Flood damage prevention — See Ch. 100.
Junkyards — See Ch. 114.
Mobile home parks — See Ch. 122.
Noise — See Ch. 126.
Nursery schools and day nurseries — See Ch. 130.
Parks and recreation areas — See Ch. 137.
Signs — See Ch. 151.
Streets and sidewalks — See Ch. 161.
Subdivision of land — See Ch. 164.
Swimming pools — See Ch. 167.
Water — See Ch. 186.
Board of Appeals Rules of Procedure — See Ch. A196.

ARTICLE I General Provisions

§ 192-1. Title.

This chapter shall be known as the "1967 Zoning Ordinance of the Town of DeWitt, New York."

§ 192-2. Rules of interpretation.

In the interpretation of this chapter, the following rules shall apply:

- A. Words used in the present tense include the future tense.
- B. The singular includes the plural.
- C. The word "person" includes a corporation as well as an individual.
- D. The word "lot" includes the word "plot" or "parcel."
- E. The term "used" or "occupied," as applied to any land or structure, shall be construed to include the words "intended, arranged or designed to be used or occupied."

§ 192-3. Definitions.

The following shall define the words used in this chapter:

ACCESSORY BUILDING — A building, the use of which is customarily incidental to that of the principal building and which is located on the same lot with the principal building, such as a private garage, private swimming pool, private stable and toolhouse or children's playhouse.

ACCESSORY USE, OTHER THAN RESIDENTIAL — A use, not otherwise contrary to law, customarily incidental and subordinate to the principal use and located on the same lot with the principal use.

ACCESSORY USE, RESIDENTIAL

- A. A use, not otherwise contrary to law, customarily incidental to the use of a building for dwelling purposes, and including:
 - (1) Home workshops and hobbies engaged in and conducted solely by the residents of the dwelling and which do not constitute a nuisance by reason of smoke, odor, vibration, radioactive disturbance, traffic, dust, noise, heat or glare, provided that there are no paid employees or assistants. Additionally, no sales or services shall be conducted requiring members of the public to come to the dwelling or building, and no goods, wares, materials, merchandise or services shall be sold or displayed in the dwelling or accessory building which require or cause customers or

members of the public to come to the dwelling for purchase and/or viewing of such goods, wares, materials merchandise or services. **[Amended 8-13-2001 by L.L. No. 7-2001]**

- (2) Except in Residential R-O, R-1, R-1-A and R-2 Districts, offices in the residence of a physician, dentist, lawyer, architect, accountant, engineer and/or insurance or real estate salesman. There shall be no more than two paid employees or assistants, and additional parking spaces shall be provided as required for offices. **[Amended 10-26-1987]**

- (3) Except in Residential R-O, R-1 and R-2 Districts, customary home occupations.

- B. An "accessory use" may be conducted in the main building or in an accessory building but in either case shall not occupy a floor area greater than that of 1/2 the area of the first floor of the main building. There shall be no exterior alterations reflecting such "accessory use" and no commercial or advertising display visible from the street, except a small nonilluminated professional nameplate or an announcement sign not larger than 50 square inches.
- C. The keeping of swine, goats, rabbits, pigeons, poultry, foxes, minks, skunks, reptiles and like animals shall not be considered an "accessory use" and shall not be allowed in residential districts. All uses which do not conform to the regulations of this subsection shall be brought into conformity or removed by January 1, 1990. **[Added 10-22-1984]**

ADULT ARCADE — An establishment where, for any form of consideration, one or more still or motion-picture projectors, slide projectors or similar machines, or other image-producing machines, for viewing for five or fewer persons each, are regularly used to show films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual anatomical activities. **[Added 4-24-2000 by L.L. No. 5-2000]**

ADULT BOOKSTORE OR VIDEO STORE — A business which derives 25% or more of its gross income from the sale or rental of, or utilizes 25% or more of its retail selling area for, any one of the following: books, magazines, periodicals, films, motion pictures, videocassettes, slides, compact discs and/or computer-generated or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. **[Added 4-24-2000 by L.L. No. 5-2000]**

ADULT CABARET — A nightclub, bar, restaurant, bottle club, juice bar, club or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: **[Added 4-24-2000 by L.L. No. 5-2000]**

- A. Persons who appear nude or in a state of nudity or seminudity; or
- B. Live performances which are characterized by the exposure of specified anatomical activities or by specified sexual activities; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical activities.

ADULT LIVE ENTERTAINMENT — A business where an adult male or female exposes parts of his or her body identified in the definition of "specified anatomical activities." **[Added 4-24-2000 by L.L. No. 5-2000]**

ADULT MOTEL — A hotel, motel or similar business which: **[Added 4-24-2000 by L.L. No. 5-2000]**

- A. Offers public accommodations, for any form of consideration, which provide patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the depiction or description of specified sexual activities or specified anatomical activities and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B. Offers a sleeping room for rent for a period of time less than 10 hours; or
- C. Allows a tenant or occupant to subrent the sleeping room for a period of time less than 10 hours.

ADULT MOTION-PICTURE THEATER — An enclosed or unenclosed building or structure or portion of a building or structure or drive-in theater used for presenting materials having, as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities for observations by patrons therein. **[Added 4-24-2000 by L.L. No. 5-2000]**

ADULT NOVELTY STORE — A business which for any form of consideration, derives 25% or more of its gross income from the sale or rental of, or utilizes 25% or more of its retail selling area, for instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomachistic use or abuse of themselves or others. **[Added 4-24-2000 by L.L. No. 5-2000]**

ADULT USE — Any business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or anatomical activities, including but not limited to adult arcades, adult bookstores or video stores, adult cabarets, adult live entertainment, adult motels, adult motion picture theaters, adult novelty stores and massage establishments. **[Added 4-24-2000 by L.L. No. 5-2000]**

ALTERATION OF BUILDING — Any change in supporting members of a building, any addition to a building or removal of a building from one location to another.

ANIMAL SHELTER — Any facility operated for the purpose of boarding, harboring and/or caring for dogs, cats and/or other like domestic animals in excess of 10 in number. **[Added 8-8-1994]**

APARTMENT HOUSE — A multifamily dwelling.

AREA, BUILDING — The minimum first-floor area used for living purposes shall be the horizontal area of a building measured at the ground level along the exterior of the foundation walls, excluding accessory buildings, open porches, terraces, steps and garages, whether attached or unattached.

AUTOMOBILE SALES AREA — An area of open land, with accessory buildings, used for the display, sale or rental of new or used automobiles and where no repair work is done.

BLOCK — The length of a street between two street intersections.

BOARDER — A person, other than a servant, resident with a family furnishing lodging or board and lodging to him in its dwelling for gain on other than a daily or transient basis.

BOARDINGHOUSE OR ROOMING HOUSE — A dwelling, other than a hotel or motel, wherein more than three persons are sheltered or fed for profit.

BUILDING — Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels, including open or enclosed porches, attached garages and carports.

BUILDING HEIGHT — The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

BUSINESS — Any commercial enterprise, association or arrangement for profit. **[Added 4-24-2000 by L.L. No. 5-2000]**

CLUBHOUSE — A building to house a club or social organization not conducted for profit and which is not an adjunct to or operated by or in connection with a public tavern, cafe or other public place.

CODE — The Code of the Town of DeWitt, as amended **[Added 4-24-2000 by L.L. No. 5-2000]**

COURT — An unoccupied open space other than a yard. An "outer court" is one which extends to the street or to the front of the rear yard. An "inner court" is any other court.

DISSEMINATION — The transfer of possession, custody, control or ownership of or the exhibition or presentation of any performance to a person, customer, member of the public or business invitee of any material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical activities. **[Added 4-24-2000 by L.L. No. 5-2000]**

DOG KENNEL — The keeping of more than two dogs that are more than six months old.

DWELLING — A building designed or used exclusively as the living quarters for one or more families.

DWELLING, MULTIPLE-FAMILY — A dwelling occupied by three or more families living independently of each other and by not more than one boarder with each family and having separate kitchen and bathroom facilities for each family.

DWELLING, SINGLE-FAMILY — A detached dwelling occupied exclusively by one family and not more than three boarders.

DWELLING, TWO-FAMILY — A detached dwelling occupied exclusively by two families living independently of each other and by not more than three boarders with each family and having separate kitchen and bathroom facilities for each family.

FAMILY — One or more persons, including servants but excluding boarders, living as a single, nonprofit housekeeping unit.

FARM — A parcel of land of three or more acres used principally in the raising or production of agricultural products and the necessary farm structures and storage of equipment used on the premises.

FILLING STATION — A building or premises or portion thereof used for the retail sale of fuel for motor vehicles.

GARAGE, COMMERCIAL OR PUBLIC — A building or premises used for the storage, repair, rental, sale and/or servicing of motor vehicles and/or for the retail sale of fuel for such vehicles.

GARAGE, PRIVATE — An enclosed area for the storage of one or more motor vehicles in which no business, occupation or service is conducted for profit other than the rental of space for not more than two cars.

GROSS FLOOR AREA — The sum of the gross horizontal areas of each floor of a building or buildings measured from the exterior faces of exterior walls and the center line of a common wall separating two buildings, including basements and attics having structural headroom of at least seven feet, enclosed porches, stairwells and elevator shafts at each floor, balconies and mezzanines, but excluding interior malls and arcades in shopping centers, provided that no merchandise is displayed or sold in such areas. **[Added 4-26-1971]**

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling, provided that such use is carried on solely by the residents of the dwelling and is clearly incidental and secondary to the use of the dwelling for dwelling purposes, with no paid employees or assistants. Editor's Note: The former definition of "hospital," which immediately followed this definition, was superseded 3-24-1997.

HOTEL — A building used primarily to provide sleeping accommodations for the transient public in which more than six rooms are available for hire.

LODGING HOUSE, TOURIST — A dwelling occupied exclusively by one family and not more than three boarders in which not more than six rooms are rented to the transient public on a daily basis and food is served only to lodgers.

LOT — A parcel of land occupied or capable of being occupied exclusively by one principal building and/or use and the accessory building or uses to such building or use and having as a minimum such open spaces as are required by this chapter.

LOT, CORNER — A lot fronting on two streets at their intersection.

LOT, COVERAGE — The aggregate area of the lot covered by principal buildings plus each accessory building.

LOT DEPTH — The mean horizontal distance from its front line to its rear lot line, measured in the general direction of its side lot lines.

LOT WIDTH — Its mean width measured at right angles to its depth.

MASSAGE — A method of treating the external part of the human body by rubbing, stroking, kneading or vibrating with the hand or any instrument or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes his or her specified anatomical areas. **[Added 4-24-2000 by L.L. No. 5-2000]**

MASSAGE ESTABLISHMENT — Any business where body rubs, body shampoos, massages (as defined above) or similar services are administered. This definition shall not include persons licensed or authorized pursuant to Article 155 of the Education Law or specifically exempt from Article 155 of the Education Law. (See Education Law § 7800 et seq.) **[Added 4-24-2000 by L.L. No. 5-2000]**

MOTEL — A building or group of buildings containing individual sleeping units, each with direct out-of-door access, and designed primarily to serve automobile travelers.

NURSING HOME — A building used for the treatment or other care of human ailments, which term includes a sanitarium, sanatorium, clinic, rest home and convalescent home. **[Added 3-24-1997]**

PARKING SPACE — Except as may be allowed by the Planning Board pursuant to and § 192-39E, a "parking space" shall be defined as an area for the temporary parking of a motor vehicle, capable of containing a rectangle nine feet six inches wide by 19 feet long and clear to a height of seven feet, together with access aisles for maneuvering and passage to and from the public street. If "parking spaces" are aligned at between 65° and 90° to the aisle, the minimum width of the aisle shall be 24 feet. If "parking spaces" are aligned at less than 65° to the aisle, the minimum width of the aisle shall be 20 feet. **[Amended 4-26-1971; 4-8-1991]**

PERSON — Any individual, firm, partnership, corporation, association, business entity or legal representative, acting individually or jointly. **[Added 4-24-2000 by L.L. No. 5-2000]**

PRINCIPAL BUILDING — A building in which is conducted the main or principal use of the lot on which said building is located.

RESTAURANT — A building or portion thereof where food and beverages, whether or not alcoholic, are sold to the public for consumption on the premises.

SIGN — Any material, structure or device, or part thereof, composed of lettered or pictorial matter or upon which lettered or pictorial matter is placed when used or located out of doors or on the exterior of any building, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. **[Added 3-26-1973]**

SPECIFIED ANATOMICAL ACTIVITIES**[Added 4-24-2000 by L.L. No. 5-2000]:**

- A. Less than completely and opaquely covered human genitals, pubic region, pubic hair or buttocks or female breast or breasts below a point immediately above the top of the areola.
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES**[Added 4-24-2000 by L.L. No. 5-2000]:**

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of actual or simulated human masturbation, sexual intercourse, oral copulation or sodomy.
- C. Fondling or other intentional erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A through C of this definition.

STABLE, PRIVATE — An accessory building where horses are kept for private use and not for hire, remuneration or sale.

STABLE, PUBLIC — A building where horses are kept for hire, remuneration or sale.

STREET LINE — The right-of-way line of the street.

STRUCTURE — Anything constructed or erected with a fixed location on the ground or attached to something having a fixed

§ 192-22. Regulations.

In Office and Professional Districts, all structures and uses shall be subject to the following regulations:

- A. All structures and uses shall conform to the regulations in Business Districts and such additional requirements as shall be fixed by the Planning Board under the provisions of Article XIV.

ARTICLE IX Business Transitional Districts

§ 192-23. Permitted structures and uses.

In Business Transitional Districts, only the following structures and uses shall be permitted:

- A. The structures and uses permitted in Residential R-3 Districts, except residential uses. Residential uses shall be permitted only upon issuance of a specific permit, as provided in Article XV. **[Amended 6-22-1970]**
- B. The controlled site uses specified in Article XIV, § 192-33D, upon the issuance of a permit, as provided in Article XIV.

§ 192-24. Regulations.

In Business Transitional Districts, all structures and uses shall be subject to the following regulations:

- A. Residential R-3 District structures and uses. All Residential R-3 structures and uses shall conform to regulations in Residential R-3 Districts.
- B. Business Transitional District structures and uses. All Business Transitional structures and uses shall conform to the regulations in Business Districts and such additional requirements as shall be fixed by the Planning Board under the provisions of Article XIV.

ARTICLE X Special Business Transitional Districts [Added 7-23-1973]

§ 192-25. Permitted structures and uses.

In Special Business Transitional Districts, only the following structures and uses shall be permitted:

- A. The structures and uses permitted in Residential R-3 Districts.
- B. The controlled site uses specified in Article XIV, § 192-33E, upon the issuance of a permit as provided in Article XIV.
- C. The specific permit uses as specified in Article XV upon approval of the Board of Appeals as therein provided.

§ 192-26. Regulations.

In Special Business Transitional Districts, all structures and uses shall be subject to the following regulations:

- A. Residential R-3 District structures and uses. All Residential R-3 structures and uses shall conform to regulations in Residential R-3 Districts.
- B. Special Business Transitional District structures and uses. All Special Business Transitional structures and uses shall conform to the regulations in Business Districts and such additional requirements as shall be fixed by the Planning Board under the provisions of Article XIV and by the Board of Appeals under the provisions of Article XV.

ARTICLE XI Business Districts

§ 192-27. Permitted structures and uses. [Amended 6-22-1970; 10-23-1972]

In Business Districts, only the following structures and uses shall be permitted:

- A. The structures and uses permitted in Residential R-3 Districts, except residential uses. Residential uses shall be permitted only upon issuance of a special permit, as provided in Article XV.
- B. The controlled site uses specified in Article XIV, § 192-33F, upon the issuance of a permit, as provided in Article XIV.

§ 192-28. Regulations.

In Business Districts, all structures and uses shall be subject to the following regulations:

- A. Minimum lot size. There shall be no minimum lot area or width, except that if any structure is used wholly or partly for dwelling purposes other than by one person acting as a janitor or caretaker, the lot shall have the area and width required in Residential R-3 Districts.
- B. Percentage of lot coverage. All structures, including accessory structures, shall not cover more than 75% of the area of the lot, except that all such structures shall not cover more than 25% of the lot if any of them is used wholly or partly for dwelling purposes other than by one person acting as a janitor or caretaker.
- C. Front yards. Each lot shall have a front yard of the minimum depth required in Residential R-2 Districts, but if the lot has no structure used for dwelling purposes other than by one person acting as a janitor or caretaker, there may be on-site parking in the front yard except within 15 feet of the street line.
- D. Rear yards. Each lot shall have a rear yard not less than 20 feet in depth, except that if the lot abuts a residential district or is occupied by a structure used wholly or partly for dwelling purposes other than by one person acting as a janitor or caretaker, it shall have a rear yard not less than 40 feet in depth.
- E. Side yards. Each lot shall have the side yards required in Residential R-3 Districts.
- F. Height. There shall be no limit on the height of structures, except that for each foot the height of a structure exceeds 55 feet, the total width of the two side yards shall be increased by two feet.
- G. All business structures and uses shall conform to the regulations in Business Districts and such additional requirements as shall be fixed by the Planning Board under the provisions of Article XIV. **[Added 10-23-1972]**

ARTICLE XII High Tech Districts [Added 5-11-1987]

§ 192-29. Permitted structures and uses.

In High Tech Districts, only the following structures and uses shall be permitted:

- A. The structures and uses permitted in Office and Professional Districts.
- B. Light manufacturing, i.e., the assembly, fabrication or packaging of previously prepared lightweight materials such as cloth, paper, plastic, leather or precious or semiprecious stones or metals.
- C. The manufacture or assembly of electric, electronic, technical or optical equipment, instruments, devices or products.
- D. The packaging of pharmaceutical or food products.
- E. Research, testing, experimental development and engineering service.
- F. Warehouse, service and sales establishments, where integrated with and supportive of one of the above High Tech District structures and uses and upon specific findings of the Planning Board that such establishment is in keeping with the spirit and intent of the High Tech District and is not unreasonably detrimental to neighboring properties, areas and districts. **[Amended 9-9-1991]**

§ 192-30. Regulations.

In High Tech Districts, all structures and uses shall be subject to the following regulations:

- A. Minimum lot size. There shall be no minimum lot area or width.
- B. Percentage of lot coverage. All structures, including accessory structures, shall not cover more than 25% of the area of the lot.
- C. Front yards. Each lot shall have a front yard with a minimum depth of 50 feet.
- D. Side yards. Each lot shall have two side yards with a total width of not less than 35 feet, neither one of which may be less than 15 feet.
- E. Rear yards. Each lot shall have a rear yard not less than 40 feet in depth.
- F. Height. There shall be no limit on the height of structures, except that no structure shall be higher than any plane from the lot lines inclining upward at a slope of one foot vertically for each foot horizontally.
- G. Parking requirements. All structures shall conform to the parking requirements set forth in Article XVI, § 192-39. **[Amended 7-24-1989]**
- H. Signs shall conform to the regulations in Business Districts.
- I. All structures shall conform to such additional requirements as shall be fixed by the Planning Board pursuant to the provisions of Article XIV.