



# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

**Yes**                      **No**                      **If yes, provide existing site number:** \_\_\_\_\_

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

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
<p>Is the requestor authorized to conduct business in New York State (NYS)?                      Yes      No</p> <ul style="list-style-type: none"> <li>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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. 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. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. <span style="color: red;">See attached</span></li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below?      Yes      No</p> <ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b></li> </ul>		
<b>Section II. Project Description</b>		
1. What stage is the project starting at?	Investigation	Remediation
<p>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.</p>		
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	Yes	No
<p>3. Please attach a short description of the overall development project, including:</p> <ul style="list-style-type: none"> <li>the date that the remedial program is to start; and</li> <li>the date the Certificate of Completion is anticipated. <span style="color: red;">See attached</span></li> </ul>		

### Section III. Property's Environmental History

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

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

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs <span style="color: red;">(in soil below unrestricted use SCOs)</span>			
Other*			

\*Please describe: \_\_\_\_\_

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 attached

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

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

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

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

COUNTY

SITE SIZE (ACRES)

LATITUDE (degrees/minutes/seconds)

LONGITUDE (degrees/minutes/seconds)

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section No.	Block No.	Lot No.	Acreage

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

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

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?  
(See [DEC's website](#) for more information) Yes    No

If yes, identify census tract : \_\_\_\_\_

Percentage of property in En-zone (check one):      0-49%                  50-99%                  100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes    No

If yes, identify name of properties (and site numbers if available) in related BCP applications: \_\_\_\_\_

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

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

If yes, attach relevant supporting documentation.

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

**Section IV. Property Information (continued)**

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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
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9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
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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 attached 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: \_\_\_\_\_

**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 #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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NAME OF REQUESTOR'S CONSULTANT

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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NAME OF REQUESTOR'S ATTORNEY

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME	OWNERSHIP START DATE:
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ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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CURRENT OPERATOR'S NAME

ADDRESS

CITY/TOWN	ZIP CODE
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PHONE	FAX	E-MAIL
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**PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".**

*See attached*

**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 attached*

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

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

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

**Section VII. Requestor Eligibility Information (continued)**

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

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

**PARTICIPANT**

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

**VOLUNTEER**

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

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

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

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other \_\_\_\_\_

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

Yes No See attached

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? Yes No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? Yes No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No  
If yes, please provide explanation as an attachment. **Open spill no. only: 1804927**

**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 attached**

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

**Section X. Land Use Factors**

1. What is the current municipal zoning designation for the site? \_\_\_\_\_ See attached  
 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.** See attached

3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial (check all that apply) **Attach a statement detailing the specific proposed use.** See attached  
 If residential, does it qualify as single family housing? Yes    No

4. Do current historical and/or recent development patterns support the proposed use?	Yes    No
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5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.	Yes    No
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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
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## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

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

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of Fayette Manlius 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: 8-2-21 Signature: \_\_\_\_\_

Print Name: Matt Lester

### SUBMITTAL INFORMATION:

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

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

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

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

**BCP App Rev 11**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	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.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<b>From ECL 27-1405(31):</b>		
<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)**

<b>Site Name:</b>	<b>Site Address:</b>		
<b>City:</b>	<b>County:</b>	<b>Zip:</b>	
<b>Tax Block &amp; Lot Section (if applicable):</b>	<b>Block:</b>	<b>Lot:</b>	
<b>Requestor Name:</b>	<b>Requestor Address:</b>		
<b>City:</b>	<b>Zip:</b>	<b>Email:</b>	
<b>Requestor's Representative (for billing purposes)</b>			
<b>Name:</b>	<b>Address:</b>		
<b>City:</b>	<b>Zip:</b>	<b>Email:</b>	
<b>Requestor's Attorney</b>			
<b>Name:</b>	<b>Address:</b>		
<b>City:</b>	<b>Zip:</b>	<b>Email:</b>	
<b>Requestor's Consultant</b>			
<b>Name:</b>	<b>Address:</b>		
<b>City:</b>	<b>Zip:</b>	<b>Email:</b>	
<b>Percentage claimed within an En-Zone:</b>	<b>0%</b>	<b>&lt;50%</b>	<b>50-99%</b> <b>100%</b>
<b>DER Determination:</b>	Agree	Disagree	
<b>Requestor's Requested Status:</b>	<b>Volunteer</b>	<b>Participant</b>	
<b>DER/OGC Determination:</b>	Agree	Disagree	
Notes:			
<b>For NYC Sites, is the Requestor Seeking Tangible Property Credits:</b>	Yes	No	
<b>Does Requestor Claim Property is Upside Down:</b>	Yes	No	
<b>DER/OGC Determination:</b>	Agree	Disagree	Undetermined
Notes:			
<b>Does Requestor Claim Property is Underutilized:</b>	Yes	No	
<b>DER/OGC Determination:</b>	Agree	Disagree	Undetermined
Notes:			
<b>Does Requestor Claim Affordable Housing Status:</b>	Yes	No	Planned, No Contract
<b>DER/OGC Determination:</b>	Agree	Disagree	Undetermined
Notes:			

## **BCP APPLICATION ATTACHMENTS: TABLE OF CONTENTS**

**FAYETTE MANLIUS LLC**

**SITE NAME: 332 FAYETTE MANLIUS**

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### BCP SUPPORT DOCUMENTS

Section I: Requestor Information (refer to Attachment 1)

Section II: Description (included site development plan map)

Section III. Property Environmental History (Refer to Attachment 3: Environmental Evaluation Documents; 1. Phase I ESA dated 9/4/18 cover page; 2. Limited Site Investigation (LSI) Report dated 9/4/18 cover page; 3. Site drawings indicating sample location, date of sampling event, key contaminants and concentrations detected; 4. Analytical Results Tables)

Section IV. Property Information (Refer to Attachment 4: BCP Site Limits shown on Survey Map, Tax Map, Google Earth Image, Property Description Narrative with Maps)

Section VI. Current Property Owner Information (Refer to Attachment 6: List of Current and Previous Property Owner and Operators)

Section VII. Requestor Eligibility Information (Refer to Attachment 7: PSA and Proof of Access)

Section IX. Contact List Information (Refer to Attachment 8: Site Contact List and letter of agreement from repository)

Section X: Land Use Factors (Refer to Attachment 9: Summary of Current Business Operations and Past Use; and attached PUD approval from Village of Manlius)

### ATTACHMENTS

1. Department of State Entity Information
2. Project Description
3. Environmental Evaluation Documents
4. BCP Site Maps
5. Property Description Narrative
6. Current and Previous Owners and Operators
7. Proof of Access
8. Brownfield Site Contact List, with repository acceptance
9. Development Plan and PUD approval

# **BCP Application Support Documents**

## **332 Fayette Manlius, 332 Fayette Street, Manlius, NY 13104**

### **Section I. Requestor Information**

The Requestor is Fayette Manlius LLC, 1657 East Avenue, Rochester, NY, 14610  
Contact: Matthew Lester; 585.454.4500 [MLester@caliberbrokerage.com](mailto:MLester@caliberbrokerage.com)

Members:

Streamline Real Estate Partners LLC is 100% owner of Fayette Manlius LLC and consists of:

Matt Lester 95 %

Anthony Gizzie 2.5%

Tim Meleca 2.5%

**[Refer to Attachment 1: Dept. of State Entity info.](#)**

### **Section II. Description**

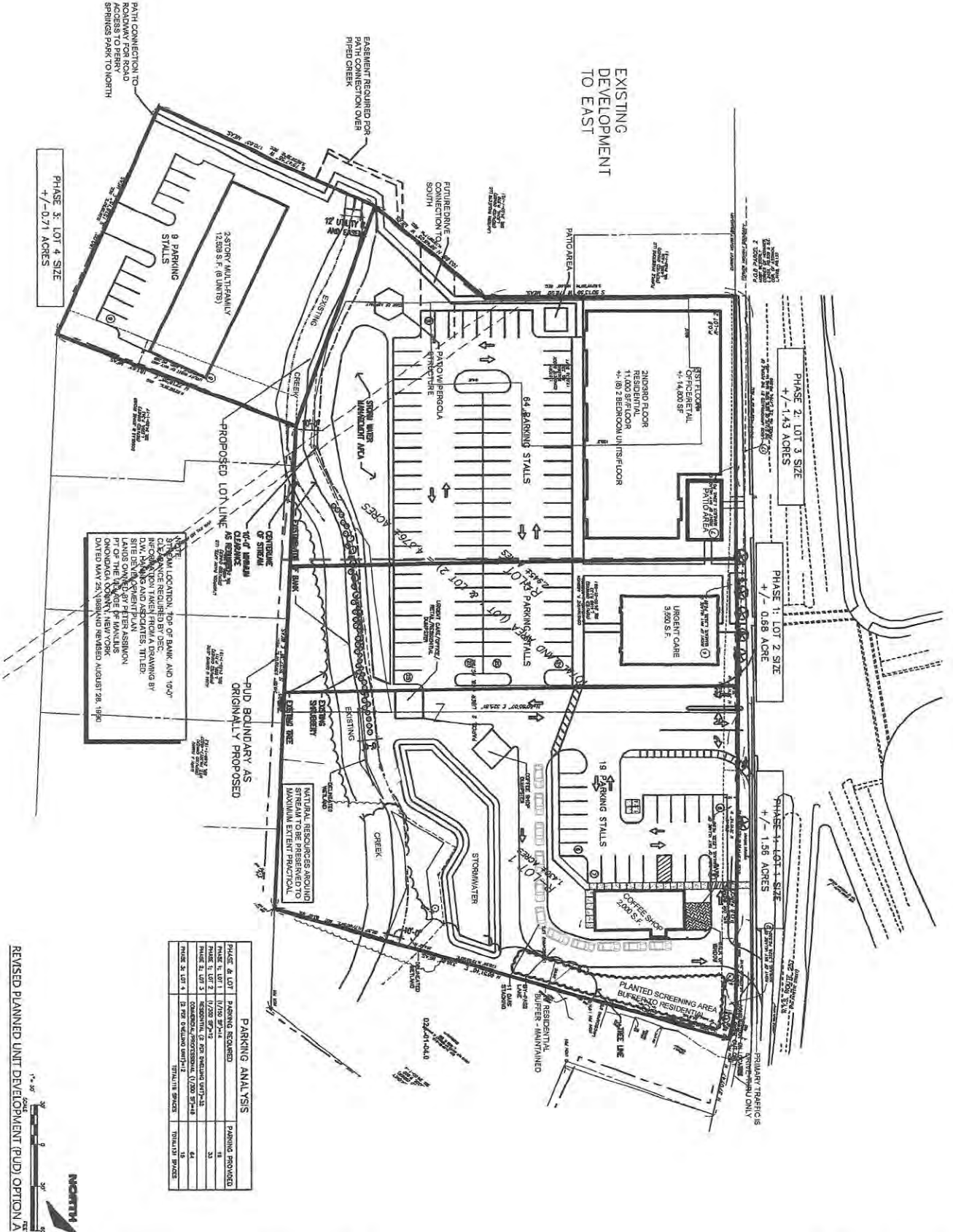
Item 3. Short description of the overall development project.

The existing building will be demolished and the Site will be completely redeveloped and restored to be consistent with land use in the area. One badly-needed urgent care facility (3,550 square feet) will be constructed along Fayette Street in the NW portion of the Site. One three-story, 14,000-square-foot mixed commercial residential building will be constructed along Fayette Street with office and retail on the first floor and residential on the top two floors. Parking will be in the 'rear' away from Fayette Street. Site design includes patios, greenspace and landscaping. Please see attached preliminary design drawing.

Site investigation work will include sampling and analyses of soil, surface water sediment and groundwater as described in the RI Workplan (RIW). IRMs consisting of pit cleaning and waste management are included in the RIW. Remediation work will include asbestos removal (as needed), building demolition to access contamination, remediation of affected media, and site restoration to allow for development.

The Requestor intends to initiate the BCP Remedial Investigation (RI) as soon as the Brownfield Cleanup Agreement (BCA) is executed. Assuming BCA execution and acceptance or RI Work Plan by 1 September 2021, RI work will be completed by 1 October 2021 with the RI Report issued in Mid-October 2021. It is anticipated that the Remedial Action Workplan (RAW) will be approved no later than December 2021. RAW implementation will begin in early 2022 and will be completed spring 2022. The Final Engineering Report will be issued summer 2022 along with other required documents. A Certificate of Completion will be issued by NYSDEC fall/winter 2022.





PHASE 3: LOT 4 SIZE  
+/- 0.71 ACRES

PHASE 2: LOT 3 SIZE  
+/- 1.43 ACRES

PHASE 1: LOT 2 SIZE  
+/- 1.08 ACRE

PHASE 4: LOT 1 SIZE  
+/- 1.96 ACRES

EXISTING LOCATION, TOP OF BANK, AND 190' CLEARANCE REQUIRED BY DEC. BEFORE YOU TAKE FROM A DRAWING BY DAVE HANNA AND ASSOCIATES, TITLE: LANDS OWNED BY PETER ASSINON ONONDAGA COUNTY, NEW YORK ON 12/14/2015, AND REVERSED AUGUST 28, 1980

**PARKING ANALYSIS**

PHASE & LOT	PARKING REQUIRED	PARKING PROVIDED
PHASE 1, LOT 1	17/20 SP+14	18
PHASE 2, LOT 2	11/200 SP+14	33
PHASE 3, LOT 3	9/200 SP+14	42
PHASE 4, LOT 4	18/192 SP+14	18
<b>TOTAL</b>	<b>52/516 SP+14</b>	<b>111</b>

REVISED PLANNED UNIT DEVELOPMENT (PUD) OPTION A



**PUD-A3**

LOT BOUNDARIES  
1948/760

SHEET NUMBER

**NOT FOR CONSTRUCTION**

PRELIMINARY DATES  
DEC 14, 2020  
JAN 5, 2021  
FEB 23, 2021  
MAY 8, 2021  
MAY 15, 2021

PROPOSED TWO BUILDING DEVELOPMENT FOR:  
**FAYETTE MANLIUS, LLC**  
402 FAYETTE STREET • MANLIUS, NY 13104

**EXCEL**

ALWAYS a Better Plan

1000 Central Drive  
Pittsford, NY 14534  
Phone: 820.555.8000  
WWW.EXCELDESIGNERS.COM

PROJECT INFORMATION

### Section III. Property Environmental History

A Phase I Environmental Site Assessment (ESA) conducted in March 2018 identified several potential areas of concern. Two former gasoline tanks may have existed at the Express Sales location beginning in 1929. These tanks were reportedly removed in 1989, but no records of these tanks or their removal were identified. Hydraulic lifts, floor drains, manholes and pits were observed inside the Express Sales garage area. A feature that appears to be a subsurface oil/water separator associated with the garage was observed outside the northeast corner of the former Express Sales building.

Site investigation (SI) activities conducted in August 2018 included advancing 14 soil borings at 332 Fayette Street. PID screening detected VOC vapors at 11 locations including all of the interior boring locations (inside the former auto repair area). This indicates an Area of Concern (AOC) due to the potential for source material under the concrete foundation slab. Soil sample collection and analyses at 332 Fayette Street detected VOCs and SVOCs indicative of petroleum residuals in shallow soil at the Site; the vertical extent appears to be limited by a shallow firm clay unit. Indications of affected soils were encountered in the former gasoline UST area immediately south of the repair area. Concentrations of several VOCs in soil sample SB-11 (including Trimethylbenzene), collected in this area, exceeded Restricted Residential Soil Cleanup Objectives (RRSCOs). Indications of affected soils were encountered adjacent to an interior sump and associated exterior feature assumed to be an oil/water separator, and near hydraulic lift pits in the former auto repair area. Additionally, PCBs were detected in three soil samples collected near interior lift pits; PCB concentrations were below the NYSDEC Unrestricted SCO for total PCBs.

Four temporary well points were installed at 332 Fayette Street. Several VOCs and SVOCs indicative of petroleum residuals were detected in water samples. VOC concentrations (including benzene, toluene, ethylbenzene and xylene) exceeded groundwater standards (GWS) at temporary well location TW-4 in the former gasoline UST location. SVOC concentrations (including Benzo(a)fluoranthene and Benzo(k)fluoranthene) exceeded GWS at temporary well location TW-1 in the suspected oil/water separator location. As a result, NYSDEC assigned petroleum spill number 1804927 to the Site.

Sampling results are shown on the attached figures; data is provided on associated tables.

Please **Refer to Attachment 3: Environmental Evaluation Documents**

- 1. Phase I ESA dated 9/4/18 (insert cover only, refer to report)**
- 2. Limited Site Investigation (LSI) Report dated 9/4/18 (insert letter only, refer to report)**
- 3. Site drawings indicating sample location, date of sampling event, key contaminants and concentrations detected**
- 4. Analytical Results Tables**

Please note that the propose BCP site (332 Fayette Street) is a subset of the properties addressed in the above-referenced Phase I ESA and LSI Report



## **Section IV. Property Information**

Item 2. Map

**[Refer to Attachment 4: BCP Site Limits shown on Survey Map \(with metes and bounds description\), Tax Map, Google Earth Image \(Per NYSDEC Request\)](#)**

Item 10. Property Description Narrative

**[Refer to Attachment 5: Property Description Narrative with Maps](#)**

## **Section VI. Current Property Owner Information**

Refer to Attachment 6: List of Current and Previous Property Owner and Operators

## **Section VII. Requestor Eligibility Information**

The Requestor is a Volunteer.

The Requestor has no relationships with the current and/or past owners/operators, but does have a pending purchase agreement for acquiring the Site.

The contamination detected at the Site has no relationship to the Requestor and occurred well before the Requestor even considered the potential purchase and redevelopment of the Site.

**[Refer to Attachment 7: PSA and Proof of Access](#)**

## **Section IX. Contact List Information**

A detailed contact list is provided. The document repository will be located at: **Manlius Public Library (acceptance email attached)**

**[Refer to Attachment 8: Site Contact List and letter of agreement from repository](#)**

## **Section X: Land Use Factors**

**[Refer to Attachment 9: Summary of Current Business Operations and Past Use; and attached PUD approval from Village of Manlius](#)**

# **ATTACHMENT 1**

**Department of State Entity Information**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through XX/XX/XX

Selected Entity Name: FAYETTE MANLIUS LLC

#### Selected Entity Status Information

Current Entity Name:

DOS ID #:

Initial DOS Filing Date:

County:

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

#### Selected Entity Address Information

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

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
-------------	-----------	-------------

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.

## **ATTACHMENT 2: Project Description**

The existing building will be demolished and the Site will be completely redeveloped and restored to be consistent with land use in the area. One badly-needed urgent care facility (3,550 square feet) will be constructed along Fayette Street in the NW portion of the Site. One three-story, 14,000-square-foot mixed commercial residential building will be constructed along Fayette Street with office and retail on the first floor and residential on the top two floors. Parking will be in the 'rear' away from Fayette Street. Site design includes patios, greenspace and landscaping. Please see attached preliminary design drawing.

**PROJECT INFORMATION**

PROPOSED TWO BUILDING DEVELOPMENT FOR:  
**FAYETTE MANLIUS, LLC**  
 402 FAYETTE STREET • MANLIUS, NY 13104

PROFESSIONAL SEAL

**PRELIMINARY DATES**

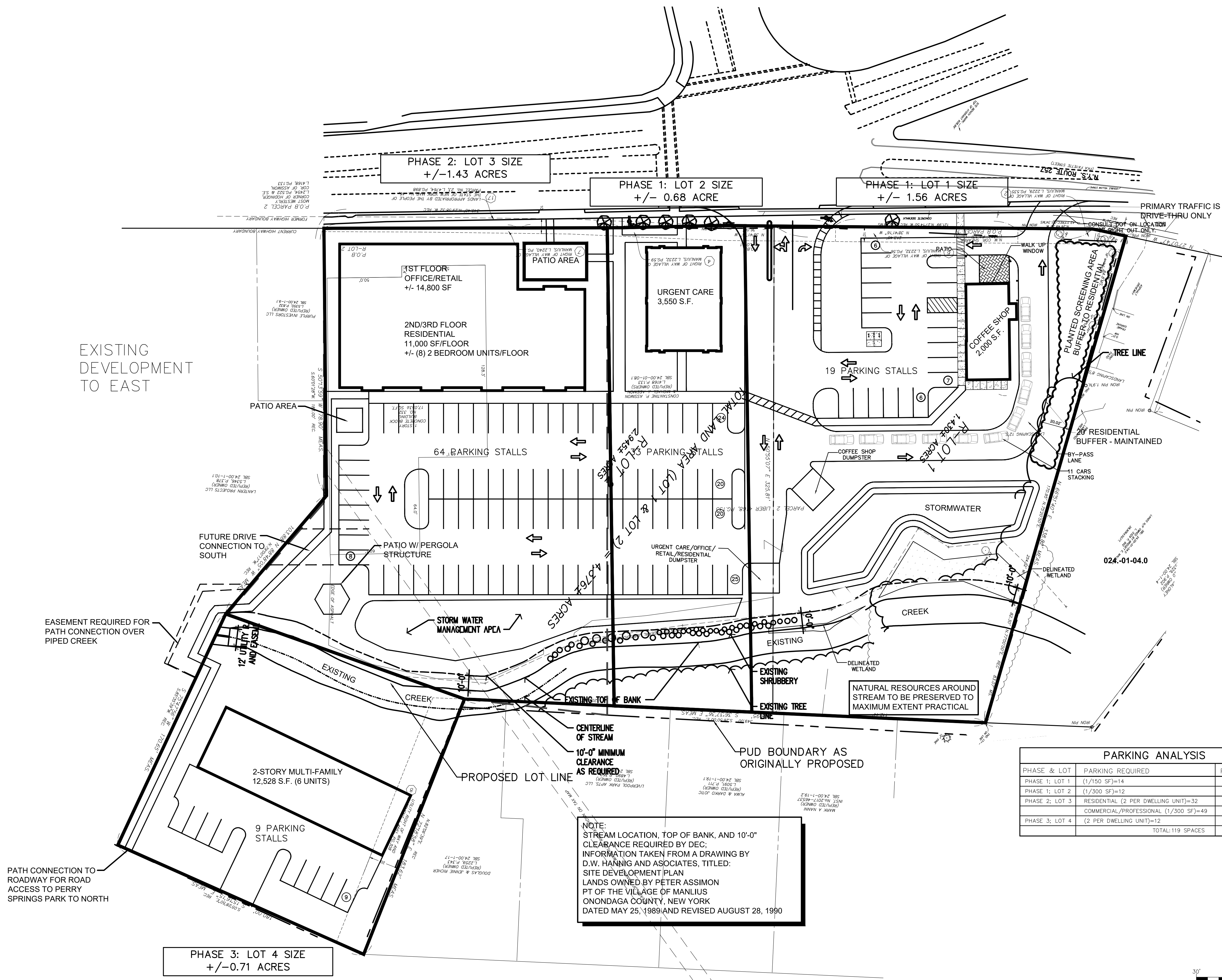
DEC. 14, 2020  
 DEC. 28, 2020  
 JAN. 5, 2021  
 JAN. 29, 2021  
 FEB. 9, 2021  
 MAR. 9, 2021  
 MAY 6, 2021

**JOB NUMBER**

1948760

**SHEET NUMBER**

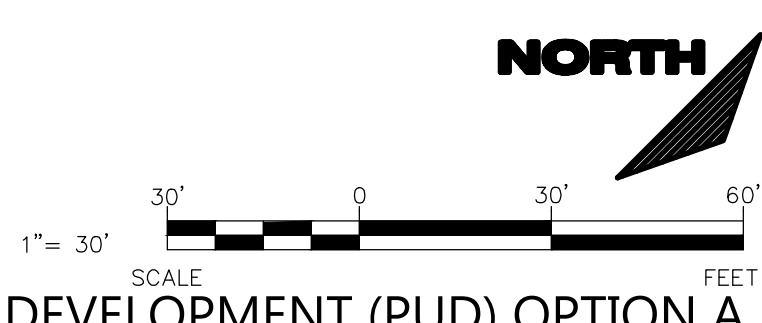
**PUD-A3**



**PARKING ANALYSIS**

PHASE & LOT	PARKING REQUIRED	PARKING PROVIDED
PHASE 1; LOT 1	(1/150 SF)=14	19
PHASE 1; LOT 2	(1/300 SF)=12	33
PHASE 2; LOT 3	RESIDENTIAL (2 PER DWELLING UNIT)=32	
	COMMERCIAL/PROFESSIONAL (1/300 SF)=49	64
PHASE 3; LOT 4	(2 PER DWELLING UNIT)=12	15
	TOTAL: 119 SPACES	TOTAL: 131 SPACES

**NOTE:**  
 STREAM LOCATION, TOP OF BANK, AND 10'-0" CLEARANCE REQUIRED BY DEC; INFORMATION TAKEN FROM A DRAWING BY D.W. HANNIG AND ASSOCIATES, TITLED: SITE DEVELOPMENT PLAN LANDS OWNED BY PETER ASSIMON PT OF THE VILLAGE OF MANLIUS ONONDAGA COUNTY, NEW YORK DATED MAY 25, 1989 AND REVISED AUGUST 28, 1990



REVISED PLANNED UNIT DEVELOPMENT (PUD) OPTION A

## **ATTACHMENT 3**

**Environmental Evaluation Documents (complete documents provided under separate cover)**



**Ambient Environmental, Inc.**

Building Science and EHS Solutions

NYS Certified WBE,  
SBA EDWOSB & DBE

## **Phase I Environmental Site Assessment**

*Site Location: Fayette Street, Manlius, New York*

**Prepared for:**

**RHS Holdings, LLC**  
202 Walton Street, Suite 204  
Syracuse, NY 13202

**Prepared by:**

**Ambient Environmental, Inc.**  
828 Washington Avenue  
Albany, NY 12203

Ambient Project No. 180222ENVA

*September 4, 2018*

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Attachment A: ASTM Standard Practice E1527-13 Definitions

Attachment B: Terms and Conditions, Limitations

Attachment C: Site Figures

Figure 1: Site Location

Attachment D: Photographic Log

Attachment E: EDR Sanborn Fire Insurance Maps

Attachment F: ASTM User Questionnaire

Attachment G: EDR Radius map with Geocheck

Attachment H: Aerial Photographs



**Ambient Environmental, Inc.**

Building Science and EHS Solutions

NYS Certified WBE,  
SBA EDWOSB & DBE

September 4, 2018

Richard H. Sykes, Jr.  
RHS Holdings, LLC  
202 Walton Street, Suite 204  
Syracuse, NY 13202

Via email: [rsykesjr@rhsholdingsllc.com](mailto:rsykesjr@rhsholdingsllc.com)

RE: Limited Environmental Site Investigation Report  
332 and 314 Fayette Street, Manlius, NY  
Ambient Project No. 180222ENVA

Dear Mr. Sykes;

Ambient Environmental, Inc. (Ambient) performed a limited Environmental Site Investigation (SI) at the properties located at 332 Fayette Street and 314 Fayette Street in Manlius, NY (the Site). A Site location map (Figure 1) is attached. The scope of work at the Site was based, in part, on a recently-completed Phase I Environmental Site Assessment (ESA) report prepared by Ambient which identified the portion of the Site at 332 Fayette Street as being the location of an automobile dealership with vehicle repair and maintenance facilities from approximately 1948 to 2009. The Phase I ESA identified several Recognized Environmental Conditions at 332 Fayette Street including current or former petroleum bulk storage tanks located along the western end of the property along Fayette Street, inground lifts and drains inside the former automobile dealership repair area, and a potential oil/water separator outside the former automobile dealership repair area.

The Phase I ESA identified 314 Fayette Street as a former manufacturing location (known as Hollowick, Inc.) with known environmental impairment, based in part on a Subsurface Investigation Report performed by Plumley Engineering dated January 2016. That report identified concentrations of metals, including copper, nickel, and lead, that exceeded NYSDEC Commercial Use Soil Cleanup Objectives (SCOs), as well as Volatile Organic Compound (VOC) concentrations in groundwater samples that exceeded NYSDEC groundwater standards (GWS).

The Phase I ESA report and the Plumley Engineering Report are provided under separate cover for reference

### **SCOPE OF WORK**

Ambient implemented the scope of work summarized below to evaluate all suspected areas of concern at the Site.

**Document Review** Ambient reviewed the Subsurface Investigation Report prepared by Plumley Engineering, readily available NYSDEC files associated with the Site, and any other pertinent information readily available (as provided by the Client) in order to focus the SI field investigation. On behalf of the Client, Ambient filed a Freedom of Information Law (FOIL) requests with NYSDEC to access spill files associate with the Site and surrounding properties. Ambient reviewed and summarized the resulting spill file information and utilized that information to finalize the SI scope of work.

**Utility Clearance.** Ambient utilized the public underground utility locator service (“Digsafe”) and the knowledge of the property owner to establish an underground feature mark-out in the work area prior to any intrusive activity. Ambient also utilized a Schonstedt Magnetic Locator to scan for buried metallic features and clear drilling locations.

**Soil Borings and Well Point Installation: 332 Fayette Street** Ambient advanced 14 soil borings to various depths below ground surface (bgs) based on field screening and site conditions (Figure 2). Soil borings were advanced by NYEG Drilling using ‘direct push’ technology to collect soil samples continuously from grade to total depth. Soil borings were logged and continuously scanned with a PID by Ambient’s on-site geologist. VOC vapors were detected at various depths at all soil boring locations except locations SB-9, SB-13 and SB-14. While almost all soil borings had detectable VOC vapors (as recorded with the PID), only VOC vapor readings of 50 parts per million (ppm) or above are provided below.

- SB-1: 82 ppm at 3.5 feet bgs
- SB-1: 100 ppm at 4.5 feet bgs
- SB-4: 65 ppm at 3 feet bgs
- SB-5: 98 ppm at 2 feet bgs
- SB-5: 300 ppm at 2.5 feet bgs
- SB-6: 80 ppm at 2 feet bgs
- SB-6: 90 ppm at 2.5 feet bgs
- SB-7: 100 ppm at 5 feet bgs
- SB-7: 90 ppm at 6 feet bgs
- SB-10: 80 ppm at 5.5 feet bgs
- SB-10: 400 ppm at 7 feet bgs
- SB-10: 350 ppm at 7.5 feet bgs
- SB-11: 418 ppm at 4 feet bgs
- SB-11: 400 ppm at 6 feet bgs
- SB-11: 847 ppm at 7 feet bgs

In general, borings were advanced to approximately 8 feet below grade. A stiff, reddish-brown clay with angular pebbles was encountered throughout the Site at approximately 4.0 to 5.0 feet bgs. Refusal at SB-12 occurred at 2.5 feet bgs due to wood or an obstruction (SB-12 was moved and advanced to 15 feet bgs). Borings at SB-8, SB-11, SB-12, and SB-14 were advanced to 15 feet below grade to allow for the installation of temporary groundwater monitoring well points at those locations.

One-inch-diameter temporary groundwater monitoring well points were installed at locations SB-8, SB-11, SB-12, and SB-14. The slotted screen at the temporary wells were placed from 5.0 to 15.0 feet bgs. Well points were purged in accordance with standard industry methods, and one groundwater sample was collected from each temporary well point using a bailer. Well points and corresponding boring locations were as follows: TW-1 was installed at SB-12, TW-2 was installed at SB-14, TW-3 was installed at SB-8, and TW-4 was installed at SB-11. Well points were removed upon completion of sample collection and receipt of data.

Soil boring logs are provided as Attachment A.

**Sample Analyses: 332 Fayette Street** A total of nine soil samples were collected for analyses based on field observations and screening as follows:

- Soil sample SB-1 collected from 4.0 to 5.0 feet bgs at boring location SB-1;
- Soil sample SB-3 collected from 2.5 to 4.0 feet bgs at boring location SB-2;
- Soil sample SB-4 collected from 3.0 to 4.0 feet bgs at boring location SB-4;
- Soil sample SB-5 collected from 2.0 to 3.5 feet bgs at boring location SB-5;
- Soil sample SB-7 collected from 5.0 to 6.5 feet bgs at boring location SB-7;
- Soil sample SB-10 collected from 7.0 to 8.0 feet bgs at boring location SB-10;
- Soil sample SB-11 collected from 7.0 to 7.5 feet bgs at boring location SB-11;
- Soil sample SB-12 collected from 2.5 to 4.0 feet bgs at boring location SB-12; and
- Soil sample SB-13 collected from 0.5 to 2.0 feet bgs at boring location SB-13.

The nine samples were collected and analyzed for the following parameters:

- Soil sample SB-1 was analyzed for TCL VOCs, TCL Semivolatile Organic Compounds (SVOCs), PCBs, and total RCRA Metals;
- Soil sample SB-3 was analyzed for TCL VOCs and TCL SVOCs;
- Soil sample SB-4 was analyzed for CP-51 SVOCs and PCBs;
- Soil sample SB-5 was analyzed for CP-51 SVOCs and PCBs;
- Soil sample SB-7 was analyzed for CP-51 SVOCs and PCBs;
- Soil sample SB-10 was analyzed for CP-51 VOCs, CP-51 SVOCs, lead, and PCBs;
- Soil sample SB-11 was analyzed for CP-51 VOCs, CP-51 SVOCs, and lead;
- Soil sample SB-12 was analyzed for CP-51 SVOCs and PCBs; and
- Soil sample SB-13 was analyzed for TCL VOCs.

The four groundwater samples were analyzed TCL VOCs and TCL SVOCs.

All samples were analyzed by ALPHA Analytical, a NYSDOH-certified laboratory. The results of soil sample VOC analyses are compared to unrestricted use and commercial use NYSDEC Soil Cleanup Objectives (SCOs) on the attached Table 1. Table 2 includes the results of soil sample SVOC analyses, Table 3 contains soil sample Metals results, and Table 4 presents the PCB results, including analysis of an oil sample from a hydraulic lift pit present in the auto repair area. The groundwater VOC and SVOC results are present in Table 5 and Table 6, respectively. The VOC results are compared to the NYS Ambient Water Quality Standards, and the SVOCs results are compared to the NYS Ambient Water Quality Guidance Values.

Laboratory reports are provided in Attachment B.

**Soil Sampling: 314 Fayette Street** Ambient collected shallow soil samples at contiguous 314 Fayette Street in Manlius, and also collected groundwater samples from several existing well points that were present on that parcel. Sample collection was based on site observations and on information provided in the previously-referenced Plumley Engineering report, which is summarized as follows:

- Concentrations of metals (copper, nickel, lead) in soil that exceed NYSDEC Commercial Use Soil Cleanup Objectives) SCOs and may indicate the presence of hazardous waste; and
- VOCs in groundwater samples from two temporary monitoring wells that exceed NYSDEC groundwater standards (GWS).

Ambient collected eight shallow soil samples (HSS-1 through HSS-8) from grade to two feet bgs on the 'former Hollowick Lot 1' at 314 Fayette Street using a stainless-steel hand auger. Ambient also collected water samples from three existing wells that had previously been installed, presumably by Plumley in 2016. A sample location map is attached as Figure 3.

**Sample Analyses: 314 Fayette Street** Eight soil samples were analyzed for total Nickel, Copper, Lead and Mercury, while HSS-2 and HSS-7 were additionally analyzed for the remaining RCRA Metals. HSS-7 was also analyzed for hexavalent chromium, which was not detected in that sample. Three existing temporary groundwater monitoring wells HTW-1, HTW-2, and HTW-3 were also sampled for TCL VOCs. Table 7 presents the soil sample metals concentration, while Table 8 presents the groundwater VOC results.

## Findings and Conclusions

### Site Setting

The site is situated in a mixed commercial/residential area in the Village of Manlius, Town of Manlius, Onondaga County. Soil underlying the site generally consists of fill material over fine silty sand with clay intervals over firm reddish-brown clay. Slag is present near the surface at 314 Fayette Street. Groundwater was encountered at various depths below grade, ranging from 1.74 to 5.95 feet below grade at the recently installed temporary well points at 332 Fayette Street, while the depth to water in well points on the former Hollowick Inc. property at 314 Fayette Street ranged from 4.46 to 10.78 feet below grade. Groundwater flow is likely to the west/southwest towards Limestone Creek; however, groundwater flow was not calculated during the Site Investigation.

Several bodies of water are present close to the Site, including a small stream oriented north-south near the eastern border of the Site. A small pond that is part of Perry Springs Park and Fish Hatchery is located about 825 feet northeast of the center of the Site. At its closest point, Limestone Creek is about 2,000 feet west of the center of the Site. Surface water is not expected to be affected by current Site conditions.

### Analytical Results

Of the 14 soil borings advanced at 332 Fayette Street, PID screening detected VOC vapors at 11 location including all of the interior boring locations (inside the former auto repair area). This indicates an Area of Concern (AOC) due to the potential for source material under the concrete foundation slab (AOC-1). Soil sample collection and analyses at 332 Fayette Street detected VOCs and SVOCs indicative of petroleum residuals in shallow soil at the Site; the vertical extent appears to be limited by a shallow firm clay unit. Indications of affected soils were encountered in the former gasoline UST area immediately south of the repair area (AOC-2); VOCs in soil

sample SB-11, collected in this area, exceeded Unrestricted Soil Cleanup Objectives (SCOs). Indications of affected soils were encountered adjacent to an interior sump and associated exterior feature assumed to be an oil/water separator (AOC-3), and near hydraulic lift pits in the former auto repair area (included in AOC-1).

Four temporary well points were installed at 332 Fayette Street. Several VOCs and SVOCs indicative of petroleum residuals were detected in water samples. VOC concentrations exceeded GWS at temporary well location TW-4 in the former gasoline UST location (AOC-2). SVOC concentrations exceeded GWS at temporary well location TW-1 in the suspected oil/water separator location (AOC-3). As a result, NYSDEC assigned petroleum spill number 1804927 to the Site. AOCs 1 - 3 are shown on Figure 4.

Sample collection and analyses at 314 Fayette Street detected several metals, including copper, lead, and mercury above Commercial Use SCOs. Copper exceeded Unrestricted SCOs in seven of eight samples. The concentration of lead in two soil samples exceeded the TCLP limit for lead by at least two orders of magnitude (note: samples were not subject to TCLP extraction and analyses). Shallow (less than two feet) soils at 314 Fayette Street are considered an AOC.

Water samples collected from temporary well points at 314 Fayette Street did not contain VOCs at concentrations exceeding groundwater standards.

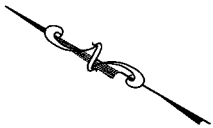
Ambient appreciates the opportunity to provide environmental consulting services. If you have any questions regarding this report, please contact me at (315) 263-3388 or by email ([jimb@ambient-env.com](mailto:jimb@ambient-env.com)). Thank you.

Respectfully;  
Ambient Environmental, Inc.



James F. Blasting, PG  
Senior Consultant

Attachments



SB-1  
 Ethylbenzene- 0.028 J  
 p/m-Xylene- 0.1 J  
 Naphthalene- ND  
 n-Propylbenzene- ND  
 1,3,5-Trimethylbenzene- ND  
 1,2,4-Trimethylbenzene- ND

SB-13  
 SHED

SB-13  
 Ethylbenzene- 0.012 J  
 p/m-Xylene- 0.043 J  
 Naphthalene- ND  
 n-Propylbenzene- ND  
 1,3,5-Trimethylbenzene- ND  
 1,2,4-Trimethylbenzene- ND

SB-12  
 TW-1

SB-1

SB-2

SB-3

SB-3  
 Ethylbenzene- ND  
 p/m-Xylene- ND  
 Naphthalene- ND  
 n-Propylbenzene- ND  
 1,3,5-Trimethylbenzene- ND  
 1,2,4-Trimethylbenzene- ND

SB-7  
 PCB 0.0491

SB-4  
 PCB 0.00522J

SB-14  
 TW-2

SB-6

SB-5  
 PCB 0.0177J

SB-10  
 Ethylbenzene- ND  
 p/m-Xylene- ND  
 Naphthalene- 0.11 J  
 n-Propylbenzene- 0.94  
 1,3,5-Trimethylbenzene- ND  
 1,2,4-Trimethylbenzene- ND

SB-11  
 Ethylbenzene- 3.6  
 p/m-Xylene- 46  
 Naphthalene- 18  
 n-Propylbenzene- 17  
 1,3,5-Trimethylbenzene- 57  
 1,2,4-Trimethylbenzene- 170

SB-8  
 TW-3

SB-9

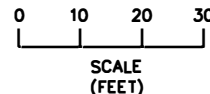
SB-10

SB-11  
 TW-4

- = SOIL BORING
- ⊕ = SOIL BORING/ TEMPORARY WELL
- = FORMER UST
- ⊗ = MANHOLE
- = O/W SEPARATOR
- ▬ = FLOOR TRENCH
- ▬ = LIFTS

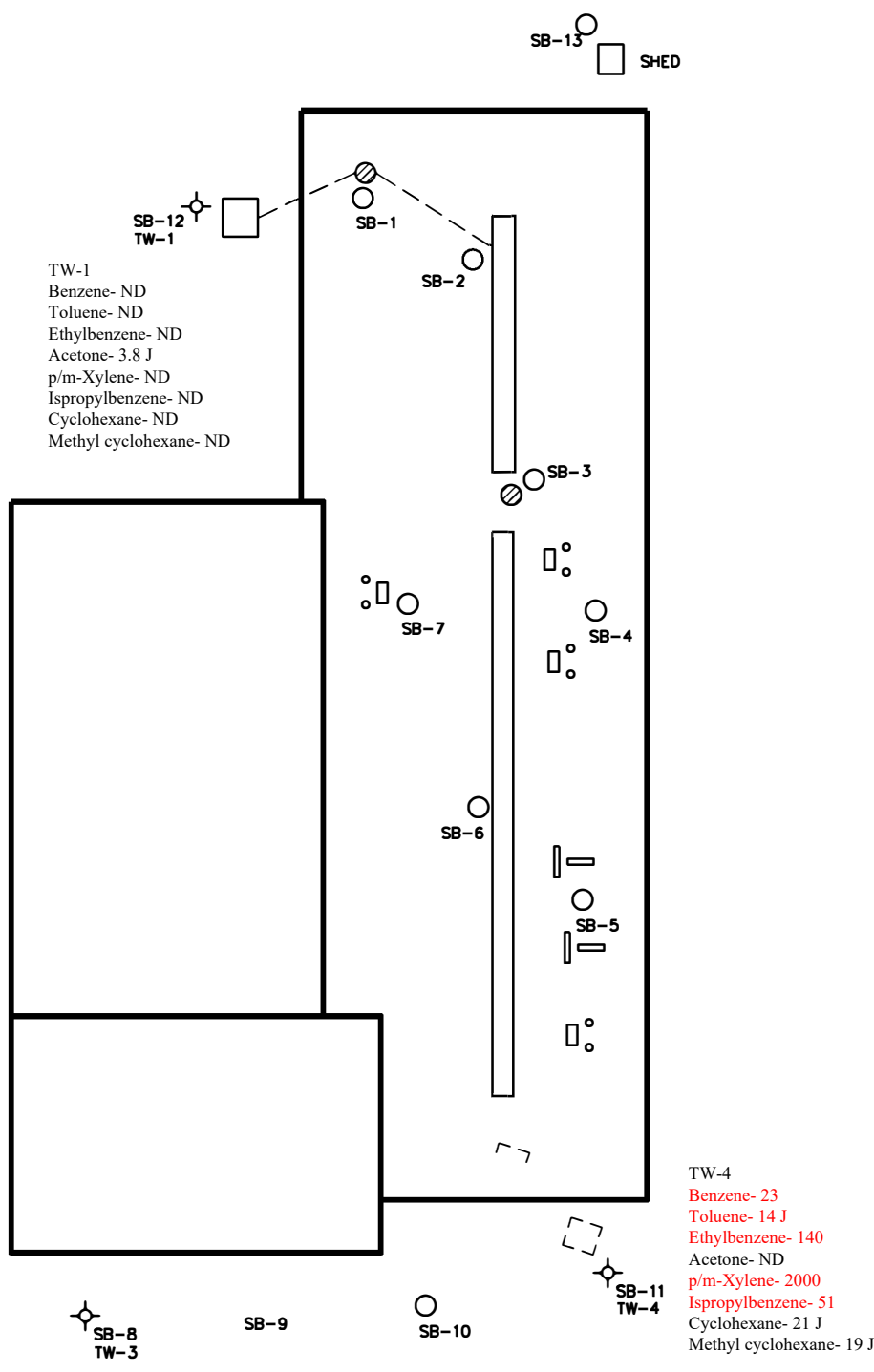
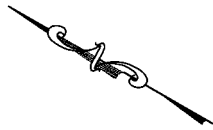
VOC Soil Results (all samples collected 7/26/18) PCB Soil Results (all samples collected 7/26/18)  
 All values shown in ppm  
 Only these compounds exceeding Unrestricted Use Soil Cleanup Objectives in at least one sample are shown  
 Red- Exceeds Restricted- Residential Soil Cleanup Objectives  
 ND- Not present above detection limit

FAYETTE STREET



AMBIENT ENVIRONMENTAL, INC. 828 WASHINGTON AVENUE ALBANY, NEW YORK 12203	PROJECT LOCATION <b>FORMER EXPRESS SALES          332 FAYETTE STREET          MANLIUS, NEW YORK</b>	DRAWING TITLE <b>AREAS OF CONCERN:          332 FAYETTE STREET</b>	DATE: 08/08/18 SCALE: AS NOTED
		PREPARED FOR:	PROJECT No. 180222ENVA
			DRAWN BY: MTG
			CHECKED BY:
			DRAWING NO.





TW-1  
 Benzene- ND  
 Toluene- ND  
 Ethylbenzene- ND  
 Acetone- 3.8 J  
 p/m-Xylene- ND  
 Isopropylbenzene- ND  
 Cyclohexane- ND  
 Methyl cyclohexane- ND

TW-2  
 Benzene- ND  
 Toluene- ND  
 Ethylbenzene- ND  
 Acetone- 2.6 J  
 p/m-Xylene- ND  
 Isopropylbenzene- ND  
 Cyclohexane- ND  
 Methyl cyclohexane- ND

TW-3  
 Benzene- ND  
 Toluene- ND  
 Ethylbenzene- ND  
 Acetone- 2.0 J  
 p/m-Xylene- ND  
 Isopropylbenzene- ND  
 Cyclohexane- ND  
 Methyl cyclohexane- ND

TW-4  
 Benzene- 23  
 Toluene- 14 J  
 Ethylbenzene- 140  
 Acetone- ND  
 p/m-Xylene- 2000  
 Isopropylbenzene- 51  
 Cyclohexane- 21 J  
 Methyl cyclohexane- 19 J

- = SOIL BORING
- ⊕ = SOIL BORING/  
TEMPORARY WELL
- [ ] = FORMER UST
- ⊗ = MANHOLE
- = O/W SEPARATOR
- ▬ = FLOOR TRENCH
- ▬ ○ ▬ = LIFTS

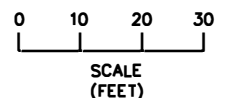
VOC Groundwater Results (all samples collected 7/27/18)

All values shown in parts per billion (ppb)

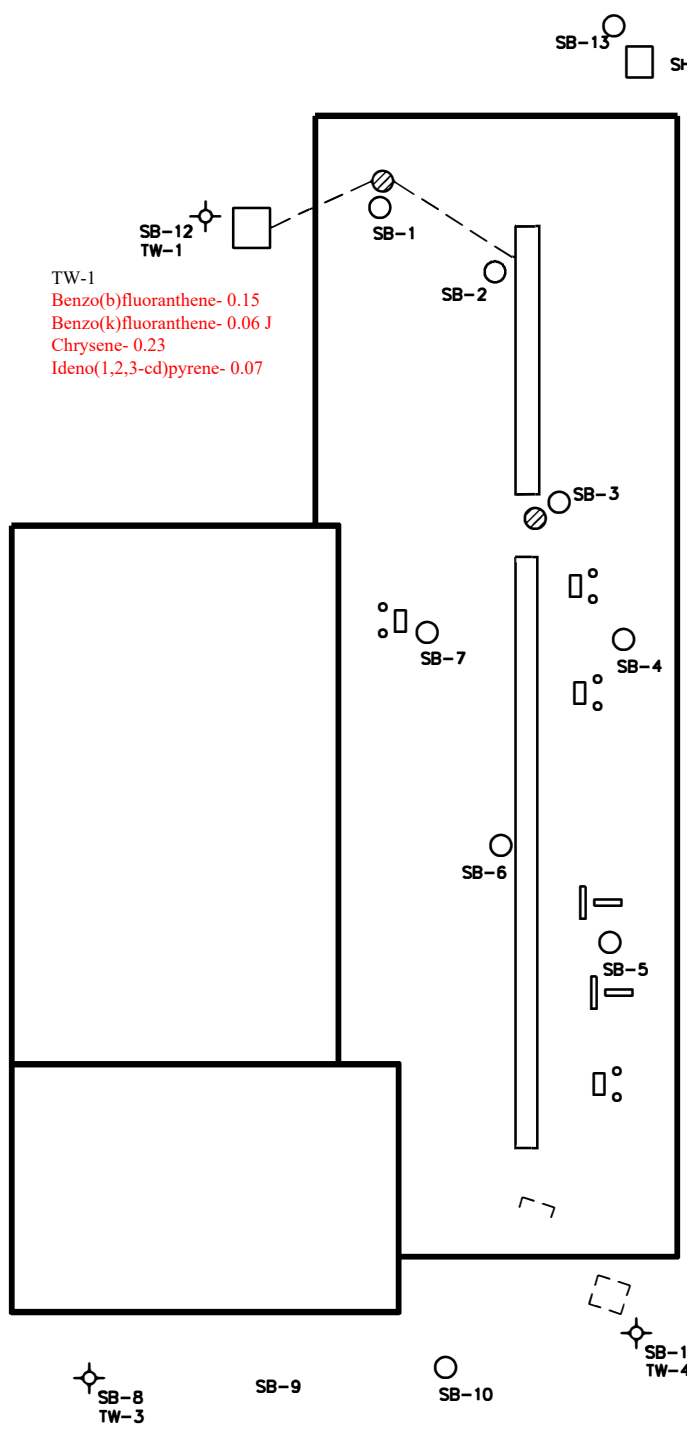
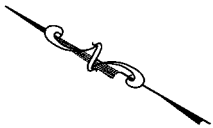
Only these compounds detected in at least one sample are shown

Red- Exceeds New York State Department of Environmental Conservation Groundwater Standards

ND- Not present above detection limit



<b>AMBIENT ENVIRONMENTAL, INC.</b> 828 WASHINGTON AVENUE ALBANY, NEW YORK 12203	PROJECT LOCATION <b>FORMER EXPRESS SALES</b> 332 FAYETTE STREET MANLIUS, NEW YORK	DRAWING TITLE <b>AREAS OF CONCERN:</b> 332 FAYETTE STREET	DATE: 08/08/18 SCALE: AS NOTED
			PROJECT No. 180222ENVA
			DRAWN BY: MTG
			CHECKED BY:
		PREPARED FOR:	DRAWING NO.



TW-1  
 Benzo(b)fluoranthene- 0.15  
 Benzo(k)fluoranthene- 0.06 J  
 Chrysene- 0.23  
 Ideno(1,2,3-cd)pyrene- 0.07

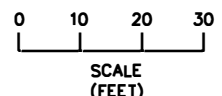
TW-2  
 Benzo(b)fluoranthene- ND  
 Benzo(k)fluoranthene- ND  
 Chrysene- ND  
 Ideno(1,2,3-cd)pyrene- ND

TW-3  
 Benzo(b)fluoranthene- ND  
 Benzo(k)fluoranthene- ND  
 Chrysene- ND  
 Ideno(1,2,3-cd)pyrene- ND

TW-4  
 Benzo(b)fluoranthene- ND  
 Benzo(k)fluoranthene- ND  
 Chrysene- ND  
 Ideno(1,2,3-cd)pyrene- ND

- = SOIL BORING
- ⊕ = SOIL BORING/ TEMPORARY WELL
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- = O/W SEPARATOR
- ▬ = FLOOR TRENCH
- ▬ ○ ▬ = LIFTS

SVOC Groundwater Results (all samples collected 7/27/18)  
 All values shown in parts per billion (ppb)  
 Only these compounds exceeding GWS in at least one sample are shown  
 Red- Exceeds New York State Department of Environmental Conservation Groundwater Standards  
 ND- Not present above detection limit



AMBIENT ENVIRONMENTAL, INC. 828 WASHINGTON AVENUE ALBANY, NEW YORK 12203	PROJECT LOCATION	DRAWING TITLE	DATE: 08/08/18	SCALE: AS NOTED
	FORMER EXPRESS SALES	AREAS OF CONCERN:	PROJECT No.	180222ENVA
	332 FAYETTE STREET	332 FAYETTE STREET	DRAWN BY:	MTG
	MANLIUS, NEW YORK		CHECKED BY:	
		PREPARED FOR:	DRAWING NO.	

**Volatile Organic Compounds Soil Sample Results**  
**332 Fayette Street, Manlius, NY**

Analyte	Unrestricted Use Cleanup Objectives (ppm)	Restricted-Residential Cleanup Objectives (ppm)	Sample ID					
			SB-1	SB-3	SB-10	SB-11	SB-13	
			7/26/2018	7/26/2018	7/26/2018	7/26/2018	7/26/2018	
<b>Volatile Organic Compounds (VOCs)</b>								
Toluene	0.7	100	ND	ND	ND	ND	0.035 J	
Ethylbenzene	1	41	0.028 J	ND	ND	<b>3.6</b>	0.012 J	
p/m-Xylene	0.26	100	0.1 J	ND	ND	<b>46</b>	0.043 J	
o-Xylene	0.26	100	0.064 J	0.02 J	ND	ND	0.029 J	
n-Butylbenzene	12	100	ND	ND	0.11	7.1	ND	
sec-Butylbenzene	11	100	ND	ND	0.12	4.2	ND	
tert-Butylbenzene	5.9	100	ND	ND	0.014 J	0.4 J	ND	
Isopropylbenzene	NS	NS	0.07 J	ND	0.048 J	3.6	ND	
p-Isopropyltoluene	NS	NS	ND	ND	0.1	2.5	ND	
Naphthalene	12	100	ND	ND	0.11 J	<b>18</b>	ND	
n-Propylbenzene	3.9	100	ND	ND	0.94	<b>17</b>	ND	
1,3,5-Trimethylbenzene	8.4	52	ND	ND	ND	<b>57</b>	ND	
1,2,4-Trimethylbenzene	3.6	52	ND	ND	ND	<b>170</b>	ND	
1,2-Dichlorobenzene	1.1	100	ND	0.056 J	ND	ND	ND	
Methyl cyclohexane	NS	NS	0.091 J	ND	ND	ND	0.12 J	

**Notes:**

All results reported in mg/kg - parts per million (ppm).

ND - Compound not detected.

**BOLD**- Unrestricted Use SCO exceedence.

**BOLD**- Restricted- Residential SCO exceedence.

NS- No Part 375 Residential or Commercial SCO.

Only those compounds detected in at least one sample are presented on this table.

**Volatile Organic Compounds Groundwater Sample Results**  
**332 Fayette Street, Manlius, NY**

Analyte	GA STANDARD	Sample ID			
		TW-1	TW-2	TW-3	TW-4
		7/27/2018	7/27/2018	7/27/2018	7/27/2018
<b>Volatile Organic Compounds (VOCs)</b>					
Benzene	1	ND	ND	ND	<b>23</b>
Toluene	5	ND	ND	ND	<b>14 J</b>
Ethylbenzene	5	ND	ND	ND	<b>140</b>
Trichloroethene	5	ND	ND	ND	ND
cis-1,2-Dichloroethene	5	ND	ND	ND	ND
Acetone	50	3.8 J	2.6 J	2.0 J	ND
p/m-Xylene	5	ND	ND	ND	<b>2000</b>
Isopropylbenzene	5	ND	ND	ND	<b>51</b>
Cyclohexane	NS	ND	ND	ND	21 J
Methyl cyclohexane	NS	ND	ND	ND	19 J

**Notes:**

All results reported in mg/kg - parts per billion (ppb).

ND - Compound not detected.

**BOLD**- NYS Groundwater Standard exceeded

NS - No NYS Ambient Water Quality Standard or Guidance Value.

J- Estimated value. The target analyte concentration is below the quantitation limit (RL) but above the Method Detection Limit (MDL) or Estimated Detection Limit (EDL) for SPME-related analysis.

Only those compounds detected in at least one sample are presented on this table.

Semivolatile Organic Compounds Groundwater Sample Results  
332 Fayette Street, Manlius, NY

Analyte	GA GUIDANCE VALUES	Sample ID			
		TW-1	TW-2	TW-3	TW-4
		7/27/2018	7/27/2018	7/27/2018	7/27/2018
<b>Semivolatile Organic Compounds (SVOCs)</b>					
Biphenyl	NS	0.72 J	ND	ND	ND
Dibenzofuran	NS	1.7 J	ND	ND	ND
Carbazole	NS	0.55 J	ND	ND	ND
Acenaphthene	20	2.7	ND	ND	ND
Fluoranthene	50	1.3	ND	0.05 J	1.1 J
Naphthalene	10	5.3	0.05 J	ND	ND
Benzo(a)anthracene	NS	0.22	ND	ND	ND
Benzo(a)pyrene	NS	0.13	ND	ND	ND
Benzo(b)fluoranthene	0.002	<b>0.15</b>	ND	ND	ND
Benzo(k)fluoranthene	0.002	<b>0.06 J</b>	ND	ND	ND
Chrysene	0.002	<b>0.23</b>	ND	ND	ND
Acenaphthylene	NS	0.1	ND	ND	ND
Anthracene	50	0.94	ND	ND	ND
Benzo(ghi)perylene	NS	0.08 J	ND	ND	ND
Fluorene	50	2.2	ND	ND	1.5 J
Phenanthrene	50	3.9	0.07 J	0.07 J	2.1 J
Dibenzo(a,h)anthracene	NS	0.02 J	ND	ND	ND
Inden(1,2,3-cd)pyrene	0.002	<b>0.07</b>	ND	ND	ND
Pyrene	50	0.96	ND	0.06 J	3.5 J
2-Methylnaphthalene	NS	3.9	ND	ND	100

**Notes:**

All results reported in UG/L - parts per billion (ppb).

ND - Compound not detected.

**BOLD**- NYS Guidance Value exceedence.

NS - No NYS Ambient Water Quality Standard or Guidance Value.

J- Estimated value. The target analyte concentration is below the quantitation limit (RL) but above the Method Detection Limit (MDL) or Estimated Detection Limit (EDL) for SPME-related analysis.

Only those compounds detected in at least one sample are presented on this table.

## **ATTACHMENT 4**

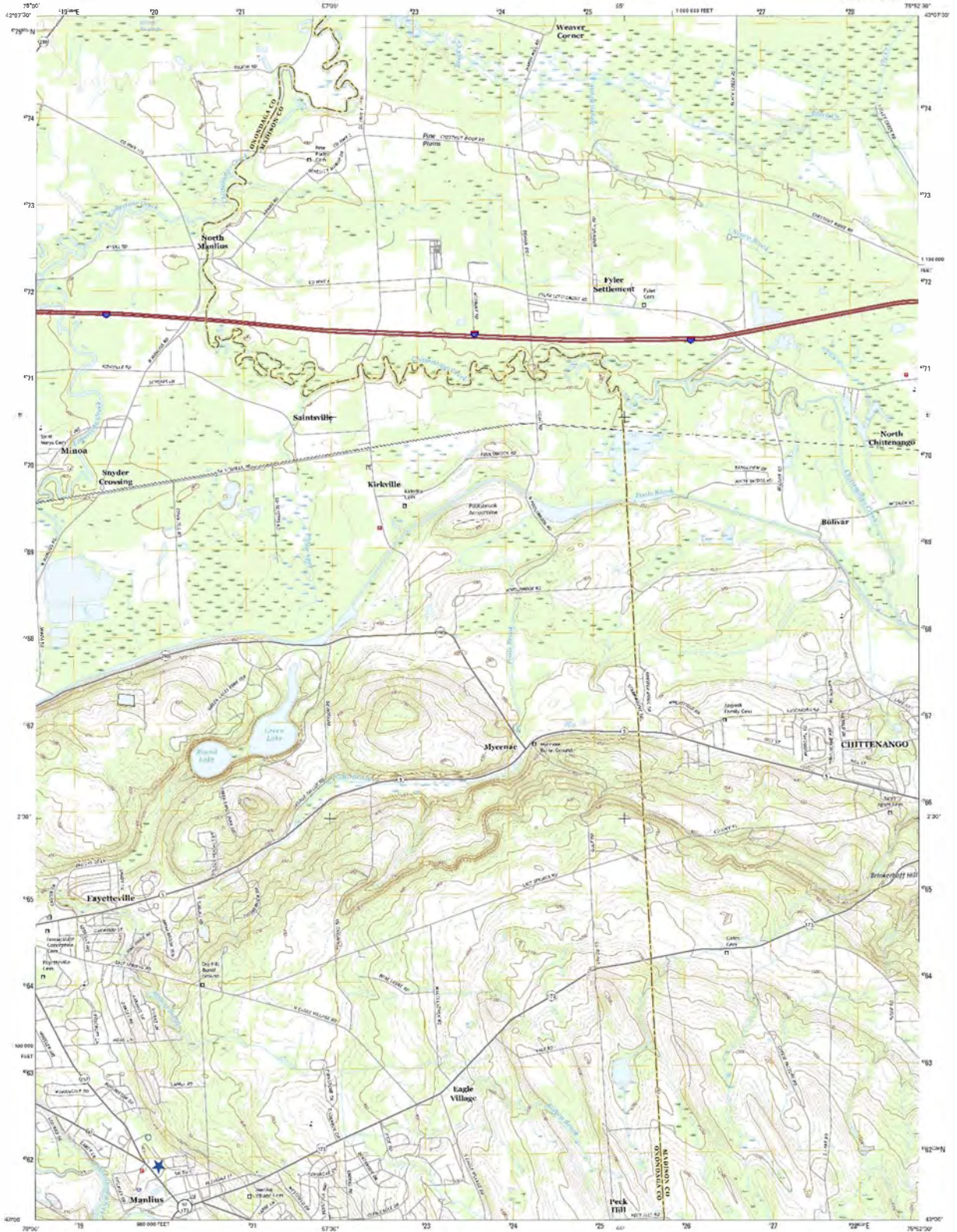
See Attachment 5 for property description



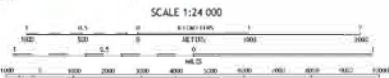
U.S. DEPARTMENT OF THE INTERIOR  
U.S. GEOLOGICAL SURVEY



MANLIUS QUADRANGLE  
NEW YORK  
7.5-MINUTE SERIES



Produced by the United States Geological Survey  
Data sources: National Wetlands Inventory (1977-2014)  
World Geodetic System of 1984 (WGS84). If together and  
1:250,000 scale, horizontal accuracy is better than 1:500  
to 1:100,000 scale. New York Coordinate System of 1983 (NAD83)  
This map is not a legal document. Standards may be  
applied for the map user. Inquiries about standards  
information may be shown. Obtain permission before  
reproducing.  
Base: 2013  
Roads: U.S. Census Bureau, 2013  
Hydrology: National Hydrography Dataset, 2013  
Cultural: National Cultural Dataset, 1998  
Boundaries: Multiple sources see metadata file 1977-2014  
Metadata: FWS National Wetlands Inventory 1977-2014



CONTour INTERVAL 10 FEET  
NEARLY ALL SPACES ON THIS MAP ARE 10 FEET  
This map was produced in accordance with the  
National Geospatial Program US Topographic Standard, 22.1.  
A metadata file associated with this product is available on the USGS website.



ROAD CLASSIFICATION

Hydrology	Local Connector
Secondary Hwy	Local Road
State	MD
Interstate Route	US Route
	State Route

Legend for symbols:  
1 Court  
2 Postcard  
3 Check  
4 Structure East  
5 Contour  
6 Contour  
7 Clear  
8 Contour

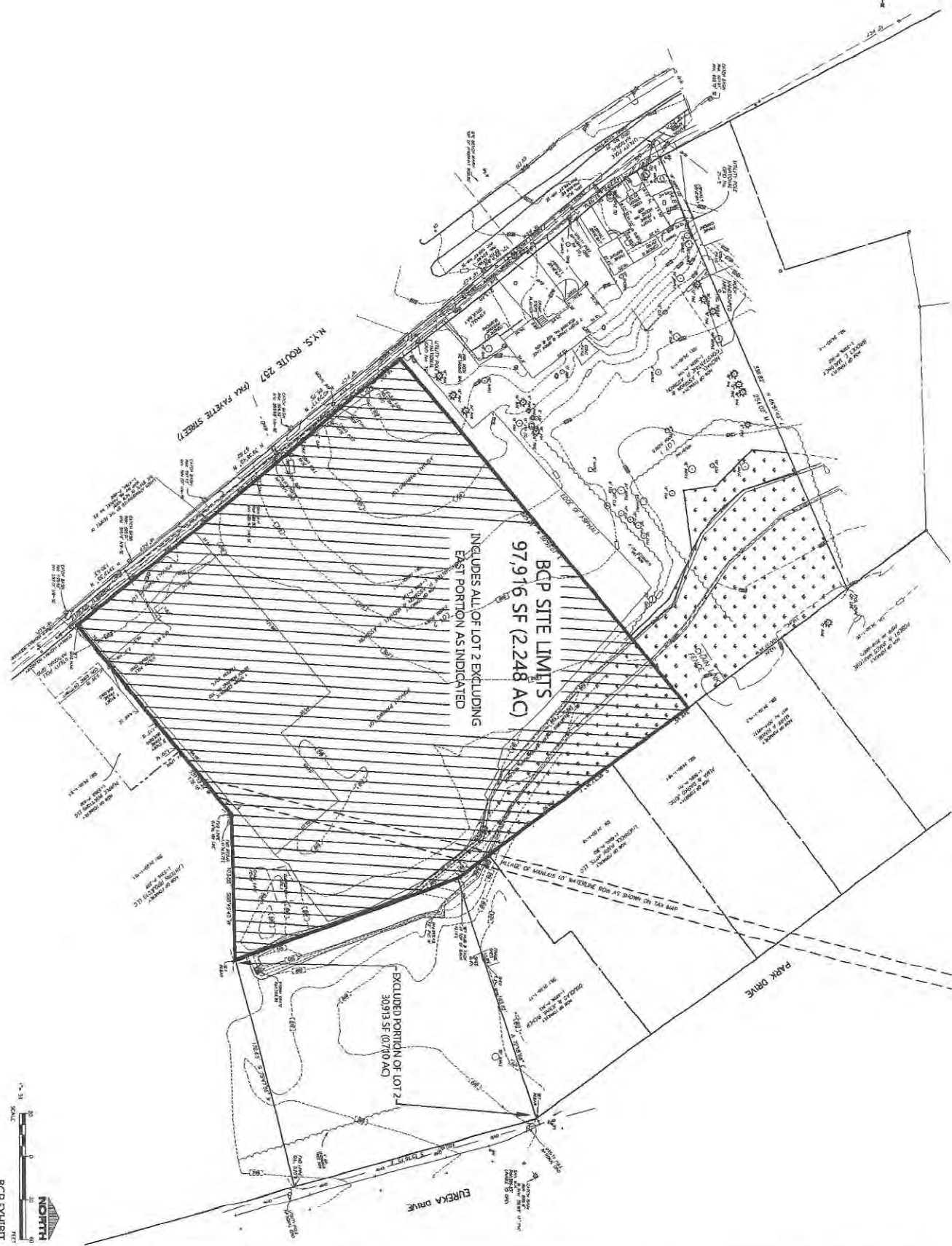
MANLIUS, NY  
2016



★ 332 Fayette Manlius Site Location



DATE: 06/07/2021  
TIME: 10:00 AM



PROPOSED PUD MASTER DEVELOPMENT FOR:  
**FAYETTE MANLIUS, LLC**  
 332 FAYETTE STREET • MANLIUS, NY 13104

**EXCEL**  
 ARCHITECTURE & LANDSCAPE ARCHITECTURE  
 Always a Better Plan  
 100 Courtyard Drive  
 Fayette, NY 13104  
 Phone: (518) 535-5300  
 WWW.EXCELARCHITECTURE.COM

**NOT FOR CONSTRUCTION**

PREPARED BY: [ ]  
 DATE: JUN 7, 2021  
 1948760

**BCP**  
 EXHIBIT



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DATE	10/15/2010
BY	JOHN J. MURPHY
PROJECT	REDEVELOPMENT OF 10000 BLOCK 2, CHENOWETH COUNTY, NEW YORK
CLIENT	CHENOWETH COUNTY, NEW YORK



**GRAPHIC SCALE**

0 10 20 30 40 50 60 70 80 90 100 FEET

**VICINITY MAP**

**LEGEND**

- 1. PROPERTY BOUNDARIES
- 2. EXISTING BUILDINGS
- 3. PROPOSED BUILDINGS
- 4. EXISTING DRIVEWAYS
- 5. PROPOSED DRIVEWAYS
- 6. EXISTING EASEMENTS
- 7. PROPOSED EASEMENTS
- 8. EXISTING UTILITIES
- 9. PROPOSED UTILITIES
- 10. EXISTING STREETS
- 11. PROPOSED STREETS
- 12. EXISTING FENCES
- 13. PROPOSED FENCES
- 14. EXISTING TREES
- 15. PROPOSED TREES
- 16. EXISTING LANDSCAPE
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- 18. EXISTING SIGNAGE
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- 39. PROPOSED LIGHTING
- 40. EXISTING SECURITY
- 41. PROPOSED SECURITY
- 42. EXISTING ACCESSORIES
- 43. PROPOSED ACCESSORIES

**NOTES**

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**DATE** 10/15/2010

**BY** JOHN J. MURPHY

**PROJECT** REDEVELOPMENT OF 10000 BLOCK 2, CHENOWETH COUNTY, NEW YORK

**CLIENT** CHENOWETH COUNTY, NEW YORK

**SCALE** 1" = 50'

**DATE** 10/15/2010

**BY** JOHN J. MURPHY

**PROJECT** REDEVELOPMENT OF 10000 BLOCK 2, CHENOWETH COUNTY, NEW YORK

**CLIENT** CHENOWETH COUNTY, NEW YORK

DESCRIPTION  
LOT 2

June 25, 2021  
332 Fayette Street, Manlius, Onondaga County

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Manlius, Town of Manlius, County of Onondaga, State of New York, being part of Lot 86 in said Town and Village, bounded and described as follows:

COMMENCING at the intersection of the southeasterly line of lands conveyed to Constantine P. Assimon and Michael J. Assimon by deed recorded in the Onondaga County Clerk's Office in Liber 4168 of Deeds at page 133 with the northeasterly line of lands appropriated by the People of the State of New York recorded in the Onondaga County Clerk's Office in Liber 4764 of Deeds at page 898 Map No. 46, Parcel No. 23;

THENCE: Along the northeasterly line of said Map No. 46, Parcel No. 23, the following two (2) courses and distances:

- 1) N-39°-12'-36"-W, a distance of 130.63 feet to a point;
- 2) N-39°-36'-55"-W, a distance of 59.55 feet to the POINT OF BEGINNING;

THENCE: Along the northeasterly line of said Map No. 46, Parcel No. 23, the following two (2) courses and distances:

- 1) N-39°36'-55"-W, a distance of 8.27 feet to a point;
- 2) N-40°-28'-43"-W, a distance of 66.75 feet to a point;

THENCE: N-38°-41'-16"-W along the northeasterly line of New York State Route 257, also known as Fayette Street, a distance of 36.00 feet to a point;

THENCE: N-50°-55'-07"-E, through said lands conveyed to Michael J. Assimon and Constantine P. Assimon by deed aforesaid, a distance of 325.80 feet to the northeasterly line of said Michael J. Assimon and Constantine P. Assimon lands;

THENCE: S-36°-37'-36"-E, along the northeasterly bounds of said Michael J. Assimon and Constantine P. Assimon lands by deed aforesaid, a distance of 111.10 feet to a point;

THENCE: S-50°-55'-07"-W, through said lands conveyed to Michael J. Assimon and Constantine P. Assimon by deed aforesaid, a distance of 319.59 feet to the POINT OR PLACE OF BEGINNING.

DESCRIPTION  
LOT 3

June 25, 2021  
332 Fayette Street, Manlius, Onondaga County

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Manlius, Town of Manlius, County of Onondaga, State of New York, being part of Lot 86 in said Town and Village, bounded and described as follows:

BEGINNING at the intersection of the southeasterly line of lands conveyed to Constantine P. Assimon and Michael J. Assimon by deed recorded in the Onondaga County Clerk's Office in Liber 4168 of Deeds at page 133 with the northeasterly line of lands appropriated by the People of the State of New York recorded in the Onondaga County Clerk's Office in Liber 4764 of Deeds at page 898 Map No. 46, Parcel No. 23;

THENCE: Along the northeasterly line of said Map No. 46, Parcel No. 23, the following two (2) courses and distances:

- 1) N-39°-12'-36"-W, a distance of 130.63 feet to a point;
- 2) N-39°-36'-55"-W, a distance of 59.55 feet to a point;

THENCE: N-50°-55'-07"-E, through said lands conveyed to Michael J. Assimon and Constantine P. Assimon by deed aforesaid, a distance of 319.59 feet to the northeasterly line of said Michael J. Assimon and Constantine P. Assimon lands;

THENCE: S-36°-37'-36"-E, along the northeasterly bounds of said Michael J. Assimon and Constantine P. Assimon lands by deed aforesaid, a distance of 95.40 feet to a point;

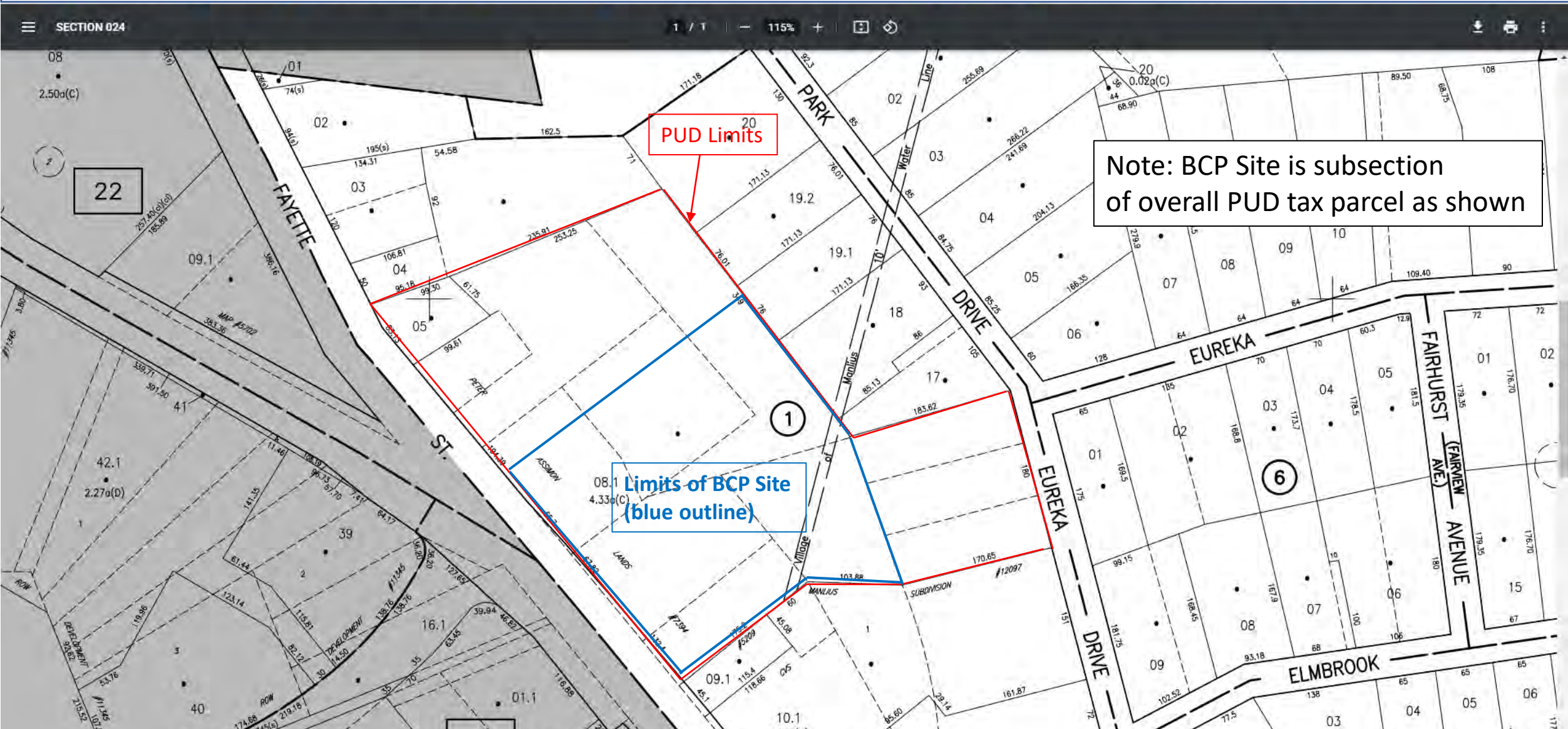
THENCE: S-19°-36'-46"-E, through said lands conveyed to Michael J. Assimon and Constantine P. Assimon by deed aforesaid, a distance of 169.57 feet to the southeasterly line of said Michael J. Assimon and Constantine P. Assimon lands;

THENCE: along the southerly bounds of said Michael J. Assimon and Constantine P. Assimon lands by deed aforesaid, the following two (2) courses and distances;

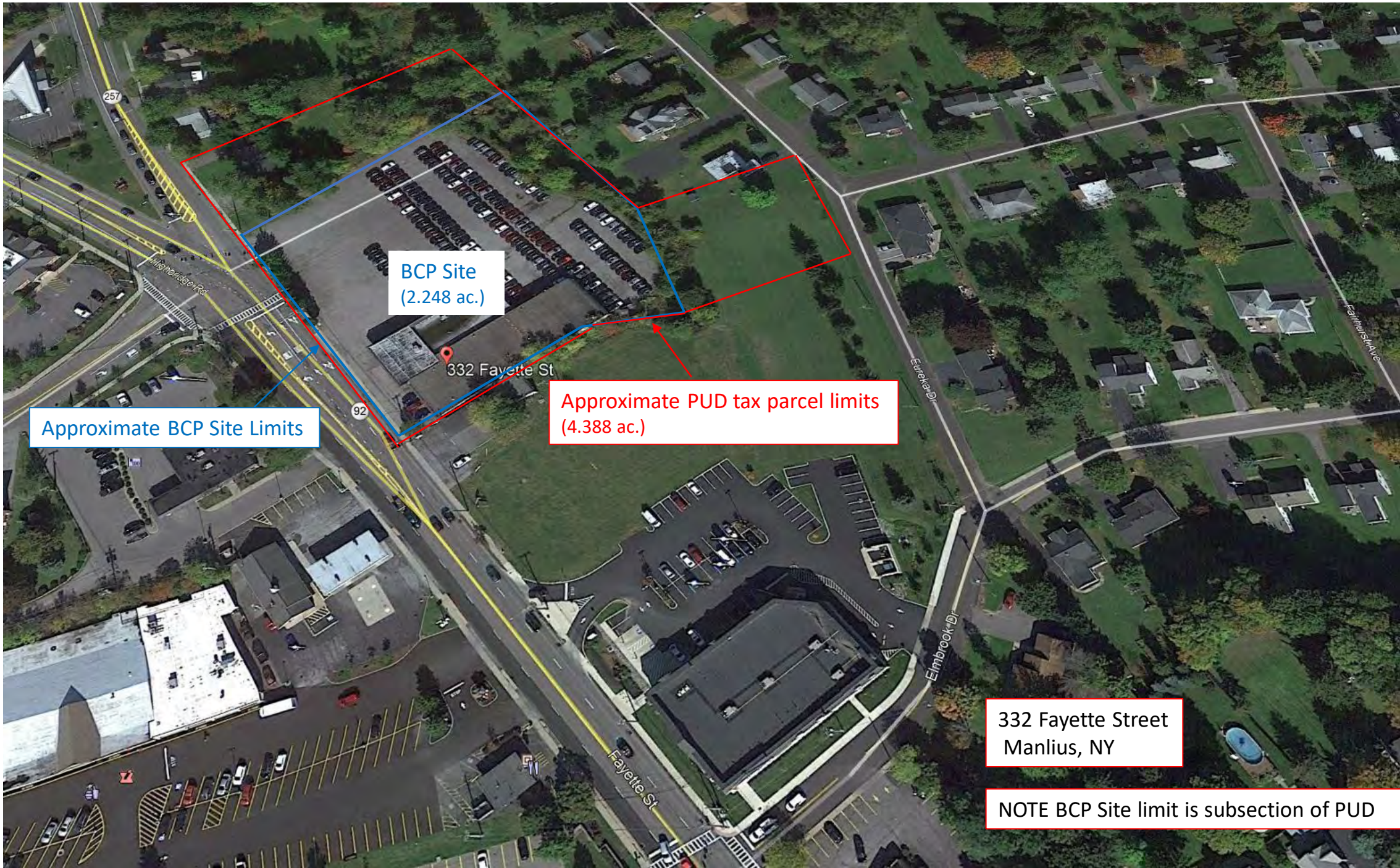
- 1) N-88°-49'-40"-W, a distance of 103.88 feet to a point;
- 2) S-51°-18'-22"-W, a distance of 176.18 feet to the POINT OR PLACE OF BEGINNING.



# Fayette Manlius LLC BCP Tax Parcel Outline and BCP Site Limit







BCP Site  
(2.248 ac.)

Approximate PUD tax parcel limits  
(4.388 ac.)

Approximate BCP Site Limits

332 Fayette St

332 Fayette Street  
Manlius, NY

NOTE BCP Site limit is subsection of PUD



## **ATTACHMENT 5: Property Description Narrative**

**332 FAYETTE MANLIUS, Fayette Street, Manlius, Onondaga County, NY**

### **Location**

The proposed 332 Fayette Manlius Site is comprised of a portion of tax map parcel 024.-01-08.1 and consists of 2.248 acres in a suburban location on Fayette Street in the Village of Manlius, Town of Manlius, Onondaga County ('the Site'). The northern extent of the Site is located at the intersection of Fayette Street and Highbridge Road; the Southern extent is adjacent to a small commercial building and vacant lot; and residential property and a vacant grass field are at the Site's eastern border. The western site border is defined by Fayette Street. A small creek is present in the eastern portion of the Site. A Site location map and Site image are attached, along with a tax map and survey showing the 2.248-acres BCP Site.

### **Site Features**

The commercial building on the Site is the former Express Sales car dealership, auto repair, and garage. The Site is unoccupied and buildings have been vacant since 2009, with the exception of various small retail business that leased part of the space from time to time. Much of the northern portion of the Site is paved. This parcel is owned and operated by Constantine and Michael Assimon and have been owned and operated by the Assimon family since 1948. It has been used as a garage and auto sales/service since 1948 or before.

### **Past Use of the Site**

The Site is situated along Fayette Street, the major thoroughfare in the Village of Manlius. A large parking lot is present to the northwest of the Express Sales building. The Express Sales building is a vacant brick and concrete block building on a concrete slab. It contains a garage with several large floor drains and sumps, hydraulic lifts with oil reservoirs, a paint booth, subsurface oil/water separator, offices, restrooms, kitchen area, and a showroom.

The former Express Sales portion of the Site (currently owned by Constantine and Michael Assimon) was developed in 1929, when a 20-car capacity automobile garage was present (historic maps indicate that two gasoline tanks were associated with the garage). This garage remained on the Site to 1948, when it was reportedly purchased by Peter Assimon and turned into an auto detailer, paint and body shop, and a car dealership. The car dealership expanded over time resulting in its current configuration. The auto dealership closed in 2009.

Sources of contamination at the site include past underground storage tanks (USTs) used to store petroleum products, underground pits and oil/water separators, sub-grade hydraulic lifts in the former auto repair areas, suspected asbestos-containing materials and lead-based paint.

Documented remedial efforts are not known; however, the current owner of 332 Fayette Street (the former car dealer site) stated that USTs may have been removed in the past.

### **Site Geology and Hydrogeology**

The Site is located on a relatively flat portion of a hill that orients from northeast to southwest. The Site sits approximately 599 feet above mean sea level. A small brook is present near the east-northeast border of the Site parcel. A small pond that is part of Perry Springs Park and Fish Hatchery is located about 825 feet northeast of the center of the Site. At its closest point, Limestone Creek is about 2,000 feet west of the center of the Site.

According to published reports, the Site does not lie in the 100-year floodplain as described by the Federal Emergency Management Agency (FEMA). There are no known state or federal mapped wetlands on the Site.

The Site is underlain by variable soil types according to the US Department of Agriculture (USDA) Soil Conservation Survey (SCS). The soil underlying the Site is mainly a silt loam with some gravel and sand that has varied drainage and infiltration rates.

Based on the interpretation of ground surface topography and surface water features, the depth to groundwater ranges from two to six feet below ground surface. Groundwater flow is generally to the southwest.

### **Environmental Assessment**

A Phase I Environmental Site Assessment (ESA) conducted in March 2018 identified several potential areas of concern. Two former gasoline tanks may have existed at the Express Sales location beginning in 1929. These tanks were reportedly removed in 1989, but no records of these tanks or their removal were identified. Hydraulic lifts, floor drains, manholes and pits were observed inside the Express Sales garage area. A feature that appears to be a subsurface oil/water separator associated with the garage was observed outside the northeast corner of the former Express Sales building.

Site investigation (SI) activities conducted in August 2018 included advancing 14 soil borings at 332 Fayette Street. PID screening detected VOC vapors at 11 locations including all of the interior boring locations (inside the former auto repair area). This indicates an Area of Concern (AOC) due to the potential for source material under the concrete foundation slab. Soil sample collection and analyses at 332 Fayette Street detected VOCs and SVOCs indicative of petroleum residuals in shallow soil at the Site; the vertical extent appears to be limited by a shallow firm clay unit. Indications of affected soils were encountered in the former gasoline UST area immediately south of the repair area. Concentrations of several VOCs in soil sample SB-11 (including Trimethylbenzene), collected in this area, exceeded Restricted Residential Soil Cleanup Objectives (RRSCOs). Indications of affected soils were encountered adjacent to an

interior sump and associated exterior feature assumed to be an oil/water separator, and near hydraulic lift pits in the former auto repair area.

Four temporary well points were installed at 332 Fayette Street. Several VOCs and SVOCs indicative of petroleum residuals were detected in water samples. VOC concentrations (including benzene, toluene, ethylbenzene and xylene) exceeded groundwater standards (GWS) at temporary well location TW-4 in the former gasoline UST location. SVOC concentrations (including Benzo(a)fluoranthene and Benzo(k)fluoranthene) exceeded GWS at temporary well location TW-1 in the suspected oil/water separator location. As a result, **NYSDEC assigned petroleum spill number 1804927 to the Site (this is the only 'enforcement issue' associated with the Site: see Spill Database information, next page).**

Sampling results are shown on the attached figures; data is provided on associated tables.



# Spill Incidents Database Search Details

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## Spill Record

### Administrative Information

**DEC Region:** 7

**Spill Number:** 1804927

### Spill Date/Time

**Spill Date:** 08/07/2018    **Spill Time:** 09:43:00 AM

**Call Received Date:** 08/07/2018    **Call Received Time:** 09:43:00 AM

### Location

**Spill Name:** EXPRESS SALES, INC.

**Address:** 332 FAYETTE STREET

**City:** MANLIUS    **County:** Onondaga

### Spill Description

Material Spilled	Amount Spilled	Resource Affected
gasoline	UNKNOWN	Unknown

**Cause:** Other

**Source:** Commercial/Industrial

**Waterbody:**

### Record Close

**Date Spill Closed:** Not closed

## **ATTACHMENT 6: Current and Previous Owners and Operators**

A portion of the following parcel is the proposed BCP Site: 332 Fayette Street, Manlius Tax ID 024.01-08.1 (total 4.28 acres; BCP Site is 2.248 acres).

**332 Fayette Street** is owned and operated by Constantine and Michael Assimon and have been owned and operated by the Assimon family since 1948. 332 Fayette Street has been used as a garage and auto sales/service since 1948 or before. Peter Assimon purchased the property in 1948 and ran an automobile sales and service operation at that location until 1992. His sons, Michael and Constantine, took over the business in 1992 and operated the automobile sales and service there until the business closed in 2009. Constantine and Michael Assimon purchased the property from Peter Assimon in 1997 and currently own the property.

Contact information for the current owner/operator is as follows:

- Michael Assimon, 5136 Muirfield Drive Fayetteville, NY 13066 (this is 'owners rep.')
- Phone: 315-663-5049 email: [michaelassimon@gmail.com](mailto:michaelassimon@gmail.com)
  
- Constantine Assimon, 4892 Hunts Hill Road, Manlius, NY 13104  
(use above phone and email)

Information on prior owners/operators is not available; historic records indicate that an automobile repair shop operated at the site from 1929 to 1948.

NOTE- The Requestor, Fayette Manlius LLC, and all members of Fayette Manlius LLC do not have any relationship with the current and past owners, never owned any part of the proposed Site, and never any business on any part of the proposed Site.

The Requestor intends to purchase the Site from the current owner for Site development.

# **ATTACHMENT 7**

**Proof of Access**

**Michael Assimon**  
5136 Muirfield Drive  
Fayetteville, NY 13066

**Constantine Assimon**  
4892 Hunts Hill Road  
Manlius, NY 13104

Telephone: 315-663-5049

September 9, 2021

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

RE: Site Access to Perform Brownfield Cleanup Program Work  
Brownfield Cleanup Program Application: 332 Fayette Manlius  
332 Fayette Street, Village and Town of Manlius, Onondaga County, New York

Dear NYSDEC Program Representative;

This letter is supplied in conjunction with the application of Fayette Manlius LLC (1657 East Avenue, Rochester, NY 14610 585-454-4500) to the New York State Brownfield Cleanup Program (the "Program") administered by Department of Environmental Conservation ("DEC"). Specifically, we assert, acknowledge and confirm the following:

- We own real property at 332 Fayette Street, Village and Town of Manlius, Onondaga County, New York;
- We have good reason to believe the property will meet the standards required for inclusion in the Program, and we authorize Fayette Manlius LLC, and its agents, attorneys, consultants and other representatives to apply for and otherwise pursue participation in the Program as such;
- Fayette Manlius LLC, as a prospective purchaser, and ourselves, as Owners and Seller, have entered into an Agreement whereby Fayette Manlius LLC can purchase the property; and
- Fayette Manlius LLC, and its agents, attorneys, consultants and other representatives, by way of that Agreement, and by way of other reasonable notice and accommodation, are granted access to the subject property for purposes that include investigation, remediation, survey and related matters in the course of environmental and other general Due Diligence, as well as for purposes related to participation in the Program.

If there are any questions or needs regarding the Program application, our subject property, the aforementioned authorization and access or other matters, then Fayette Manlius LLC and/or their attorneys, agents, consultants and other representatives are welcome to convey those questions or needs, as expressed by DEC. Alternatively, we can be contacted using the information supplied above. Thank you for your consideration.

Sincerely;



Michael Assimon



Constantine Assimon

## **ATTACHMENT 8**

### **Brownfield Site Contact List**

Adjacent Property Owners: 332 Fayette Street, Manlius

330 Fayette Street is owned by:  
Purple Investors Group, LLC  
attn: Gregory F. Wilt  
320 Fayette Street  
Manlius, NY 13104

314 Fayette Street is owned by:  
Lantern Projects LLC  
attn: Jerry Mentor  
100 Fairgrounds Drive  
Manlius, NY 13104

Douglas and Jennie Richer  
119 Park Drive  
Manlius, NY 13104

121 Park Drive is owned by:  
Liverpool Apartments Park, LLC  
1719 Burnet Avenue  
Syracuse NY, 13206

Alma and Darko Jotic  
125 Park Drive  
Manlius, NY 13104

Mark Nanni  
127 Park Drive  
Manlius, NY 13104

129 Park Drive is owned by:  
Robert and James Marlow  
112 Park Drive  
Manlius, 13104

102 Park Drive is owned by:  
Michelle Osterander  
102 Park Drive  
Manlius, NY 13104

Anny Dominguez  
101 Eureka Drive  
Manlius, NY 13104

100 Elmbrook Drive is owned by:  
CVS Albany, LLC  
1 CVS Drive MC 2320  
Woonsocket, RI 02895

Bridget Maloney  
408 Fayette Street  
Manlius, NY 13104

325 Fayette Street is owned by:  
Speedway, LLC  
539 Main Street  
Findlay, OH 45840

329 Fayette Street is owned by:  
JP Morgan Chase  
PO Box 810490  
Dallas, TX 75381

343 Fayette Street was owned by:  
New Plan East LLC  
4306 Genesee Street  
Syracuse, NY 13214

## Municipalities

Town of Manlius  
Edmond Theobald, Town Supervisor  
301 Brooklea Drive  
Fayetteville, NY 13066  
Ph: 315-637-3414      Fax: 315-637-0713  
Email: [etheobald@townofmanlius.org](mailto:etheobald@townofmanlius.org)

Town of Manlius Planning Board  
Joseph Lupia, Chairman  
301 Brooklea Drive  
Fayetteville, NY 13066  
Ph: 315-637-8691      Fax: 315-637-0713

Onondaga County  
Ryan McMahan, County Executive  
421 Montgomery Street, 14<sup>th</sup> Floor  
Syracuse, NY 13202  
Ph: 315-435-3516      Fax: 315-435-8582

Onondaga County Planning Board  
Daniel Cupoli  
421 Montgomery Street, 11<sup>th</sup> Floor  
Fayetteville, NY 13066  
Ph: 315-435-2611      Fax: 315-435-2439  
Email: [countyplanning@ongov.net](mailto:countyplanning@ongov.net)

Village of Manlius  
Paul Whorral, Mayor  
1 Arkie Albanese Ave  
Manlius, NY 13104  
Ph: 315-682-9171      Fax: 315-682-8119  
Email: [paulw@manliusvillage.org](mailto:paulw@manliusvillage.org)

Village of Manlius Planning Board  
John Urciuoli  
1 Arkie Albanese Ave  
Manlius, NY 13104  
Ph: 315-682-9171      Fax: 315-682-8119

Jennifer Milligan  
Director: Manlius Library  
One Arkie Albanese Ave.  
Manlius, NY 13104  
Ph: (315) 682-6400      Fax: 315-682-4490  
[jmilligan@manliuslibrary.org](mailto:jmilligan@manliuslibrary.org)

(NOTE- Manlius Library is document repository)

## Media Contacts

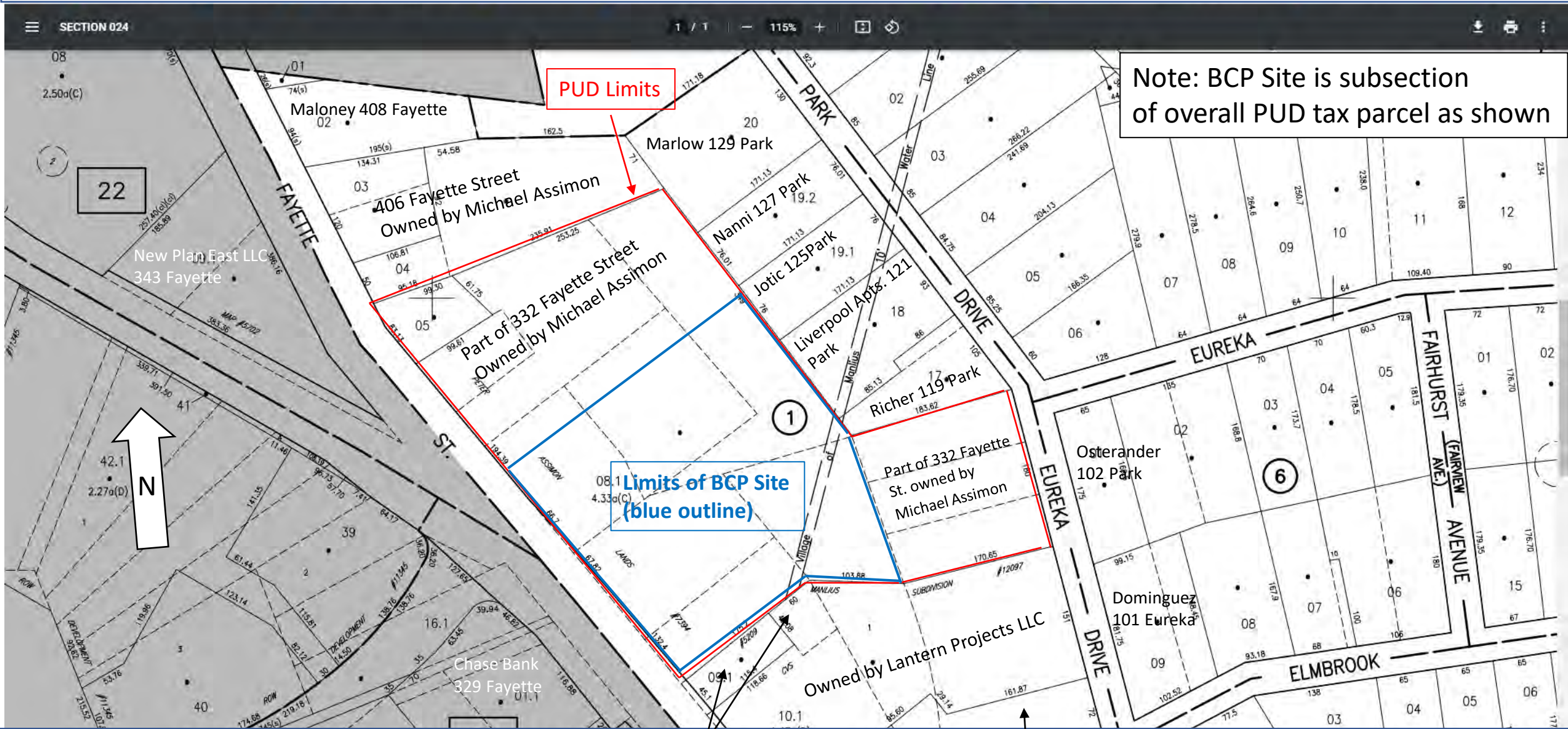
Eagle Bulletin – <https://www.eaglenewsonline.com>  
Post Standard – <https://syracuse.com/poststandard/>

## Public Water Supplier

Onondaga County Water Authority  
200 Northern Concourse  
Syracuse, NY 13212  
Ph: 315-455-7061  
Fax: 315-455-6578



# Fayette Manlius LLC BCP Tax Parcel Outline and BCP Site Limit with Adjacent Owners



Note: BCP Site is subsection of overall PUD tax parcel as shown

100' Scale

Owned by Purple Investors Group, LLC

Owned by CVS Albany, LLC

Prepared by Ambient Environmental, Inc. September 21, 2021

That would be fine.

Thanks  
Jen

Sent via the Samsung Galaxy Note20 Ultra 5G, an AT&T 5G smartphone  
Get [Outlook for Android](#)

---

**From:** Jim Blasting <[jimb@ambient-env.com](mailto:jimb@ambient-env.com)>  
**Sent:** Friday, July 9, 2021 4:05:01 PM  
**To:** Jennifer Milligan <[jmilligan@manliuslibrary.org](mailto:jmilligan@manliuslibrary.org)>  
**Cc:** Marcia Short <[mshort@manliuslibrary.org](mailto:mshort@manliuslibrary.org)>  
**Subject:** document repository

Dear Director Milligan;

Ambient Environmental, Inc. is working on a Brownfield Cleanup project in the Village of Manlius and the New York State Department of Environmental Conservation (NYSDEC) requires that certain documents be available to the public for viewing.

Do we have your approval to house these documents at the Manlius Library? Ultimately, we would ask you to house several binders consisting of application, reports and plans.

Please let me know. Thank you. Best Regards, Jim

James F. Blasting, PG  
Senior Consultant  
**Ambient Environmental, Inc.** (NYS-Certified WBE)  
(315) 263-3388  
[jimb@ambient-env.com](mailto:jimb@ambient-env.com)

## **ATTACHMENT 9**

332 Fayette Street has been used as a garage and auto sales/service since 1948 or before. Peter Assimon purchased the property in 1948 and ran an automobile sales and service operation at that location until 1992. His sons, Michael and Constantine, took over the business in 1992 and operated the automobile sales and service there until the business closed in 2009. The property and buildings are currently vacant.

As stated above, an urgent care facility (3,550 square feet) will be constructed along Fayette Street in the NW portion of the Site. One three-story, 14,000-square-foot mixed commercial residential building will be constructed along Fayette Street with office and retail on the first floor and residential on the top two floors. Parking will be in the 'rear' away from Fayette Street. Site design includes patios, greenspace and landscaping. Please see attached preliminary design drawing.

The Site is approved for the intended use as evidenced by the attached PUD approval.

**VILLAGE OF MANLIUS  
BOARD OF TRUSTEES  
May 11, 2021 Regular Meeting**

**PRESENT:** Mayor Whorrall, Trustee Pilewski, Trustee McGrew, and Trustee Abdo-Rott.

**ABSENT:** Trustee Chapman

**OTHERS:** Martha Dygert, Administrator/Clerk-Treasurer; Brad Hunt, Village Attorney; Mike Decker, Codes Enforcement; Fire Chief Jansen Casscles; Lisa Baker, Deputy Clerk-Treasurer; Tim Carpenter, MRB Group; Sara Bollinger, Town of Manlius; Chaim Jaffe, Village Justice; Bridget Maloney, Village Planning Board; Matt Lester; Ann Smith, MSAC; Carol Rothwell; Anny Dominguez.

Mayor Whorrall opened the meeting at 7:00 p.m. The Pledge of Allegiance was recited and he welcomed those present.

**PUBLIC FORUM**

No one wished to speak for public forum.

**PUBLIC HEARING – Proposed Local Law 1-2021 PUD Fayette Manlius LLC**

Motion by Trustee Pilewski seconded by Trustee McGrew to open the public hearing.

**MOTION CARRIED 3-0**

Prior to any questions or statements from the public, Attorney Brad Hunt explained the PUD local law and the process involved. If the Board were to adopt the Local Law, this project still needs to go through the Planning Board Site Plan review process which is much more in depth than the PUD Zone Change approval.

Matt Lester and his engineering consultant Eric from Excel Engineering spoke regarding the plans for the project and showed the audience the design concept.

Unidentified members of the audience posed questions. One asked if the area could support the increase in traffic this development would cause and whether the NYS DOT could review the heavy traffic situation.

Another asked where the residential units would be located and where the ingress and egress areas would be from the proposed development.

Sara Bollinger of the Manlius Town Council asked how many residential units are proposed above the retail space in the project. Mr. Lester stated that there would be six units on the floor(s) above the retail space.

A question was also posed about the timeframe for development which had been stated they would have the phases completed within three years of site plan approval. They were also questioned on stormwater concerns and whether or not there were committed tenants. The stormwater will be handled at the Planning Board level during site plan and the only tenants currently committed are the coffee shop and urgent care facility.

Trustee McGrew asked if the Fire Department has seen the plan and made any recommendations regarding public safety concerns. Chief Casscles stated that they had already reviewed the original drawing and had no concerns but will review a final plat once it is submitted.

There being no further questions, a motion to close the public hearing was made by Trustee McGrew and seconded by Trustee Pilewski.

**MOTION CARRIED 3-0**

**RESOLUTION OF THE  
VILLAGE BOARD OF TRUSTEES OF THE  
VILLAGE OF MANLIUS: May 11, 2021**

Fayette Manlius LLC, operator of the property located at 332 and 402-06 Fayette Street, Manlius, NY (tax parcel ## 024.-01-08.25 & 024.-01-05.0), has applied to the Village Board of Trustees for a zone change for its property from R-1 and C-1 to PUD. The zone change will allow for this property to be developed with mixed uses including a coffee shop/restaurant, urgent care facility, mixed use building with office/retail and residential, and a multi-family residential building.

The applicant has submitted an application, long Environmental Assessment Form, and PUD plans labeled Turning Movement Exhibit dated March 9, 2021 and PUD-A3 dated May 6, 2021.

The application has been referred to the Onondaga County Planning Board, which determined by resolution dated March 31, 2021 that the zone change will have no significant adverse inter-community or county-wide impact.

The Village Board of Trustees referred this matter to the Village Planning Board for a recommendation. At its April 6, 2021 meeting, the Planning Board passed a resolution making a positive recommendation to the Village Board, in favor of the requested zone change. The report of the Planning Board is attached hereto.

The Village Board of Trustees held a public hearing on this matter at its May 11, 2021 meeting.

At its meeting of May 11, 2021, the Village Board resolved as follows:

1. Pursuant to the New York State Environmental Quality Review Act and its implementing regulations (SEQRA), the Village Board will act as lead agency for an uncoordinated review of this unlisted matter. Based on the environmental assessment form and all relevant information, the Village Board determines that this zone change will have no significant adverse environmental impact, and that all questions in part 2 of the EAF may be answered "No, or small impact." This determination is applicable to the zone change to PUD and is based on all phases of the project as set forth on the PUD plans labeled Turning Movement Exhibit dated March 9, 2021 and PUD-A3 dated May 6, 2021. As noted by the County Planning Board, the zone change to PUD is appropriate for this transitional area.

The Village Board has sufficient information to determine that the zone change to PUD will have no significant adverse environmental impact. The Village Board determines that is appropriate for the Planning Board, upon site plan review, to perform a SEQRA review based on full site plan submissions, as the Planning Board will then have information about the details of the project not currently available to the Village Board.

2. Pursuant to sections 99-11.2 and 99-35 of the Village of Manlius Code, the zone change from R-1 and C-1 to PUD is APPROVED.

3. Local Law number 1 of 2021, which enacts the zone change, is APPROVED. The Village Clerk and Village Attorney are authorized to execute and file the Local Law.

4. The uses shall be as set forth on PUD plans labeled Turning Movement Exhibit dated March 9, 2021 and PUD-A3 dated May 6, 2021.

5. The applicant may not engage in outdoor storage of vehicles on the site, either during or after construction.

6. Subject to the Planning Board's site plan review, the applicant shall provide substantial screening between the drive-through lane in lot 1 and the adjoining residential area.

7. Upon site plan review, the Planning Board may require the posting of adequate performance guaranties and securities to ensure the completion of the project and the installation of all site improvements. Any such requirement shall be subject to Village Board approval pursuant to Village of Manlius Code §99-11.2(C)(7)(d).

8. If the applicant does not meet the conditions set forth in this resolution, and does not obtain site plan approval, building permits, and requisite certificates of occupancy for the development of lots 1, 2, and 3 within three years of the approval of this Local Law by the Village Board of Trustees, the Board of Trustees may at its option pass a resolution revoking the rezoning.

9. After the filing of the Local Law with the Secretary of State, the Village Zoning Map shall be modified to reflect the zone change.

On motion by Trustee Pilewski seconded by Trustee McGrew to adopt the resolution to approve Local Law #1-2021 with roll call vote:

	Aye	Nay	Other	Absent
Paul Whorrall, Mayor	<u>X</u>	___	___	
Janice Abdo-Rott, Trustee	<u>X</u>	___	___	
Scott McGrew, Trustee	<u>X</u>	___	___	
Hank Champan, Trustee	___	___	___	X
Tom Pilewski, Trustee	<u>X</u>	___	___	

**MOTION CARRIED 4-0**

**COMMUNICATIONS**

**OCWA – Ravenswood Water Main Replacement**

Correspondence received from OCWA Engineering office regarding the plan to replace a water main on Ravenswood Lane in the Village. Request authorization for Mayor to sign the approval.

**Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to authorize the Mayor to sign the release from OCWA for water main replacement on Ravenswood Lane.**

**MOTION CARRIED 3-0**

**Together Women Rise – Request for Fee-Exempt Status Facility Reservations**

The Board was provided with a copy of the e-mail communication received by Mrs. Dygert and Mayor Whorrall from representatives of Together Women Rise who are requesting to use Village-owned facilities at no cost for their group meetings. It was explained to them that there are only a few entities who have been granted this fee exemption and the basis for approval has historically been those groups who are directly contributing to quality of life issues for the Village of Manlius residents; i.e. Town of Manlius, Fayetteville-Manlius CSD, Manlius Historical Society, Manlius Senior Activity Centre, F-M Little League; F-M Soccer, etc. The Board discussed the policy and it was stated that approval for this group would open the door to require approval for all 501c-3 entities. A compromise was discussed to allow them to use the space once a month for the period May through August.

**Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to grant limited approval of the request for fee exemption on a temporary basis for four months, May through August 2021.**

**MOTION CARRIED 3-0**

**Resignation – Village Justice Greenman**

The Board was provided with the notice of resignation from longtime Village Justice Joseph Greenman. Mr. Greenman will be moving out of the Village effective July 15, 2021 and therefore will no longer be eligible to serve in the capacity as Village Justice. He made the recommendation to the Village Board that the current Associate Village Justice Chaim Jaffe be appointed by the Mayor to serve the remainder of the current official year.

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to accept the resignation of Justice Greenman effective 7/15/2021 with regret.** **MOTION CARRIED 3-0**

**Appointment – Village Justice Chaim Jaffe**

WHEREAS, the current elected Village Justice Joseph Greenman is leaving his residence and will be residing outside the limits of the Village of Manlius effective July 15, 2021; and

WHEREAS, pursuant to Village Law §3-300(1) and Public Officers Law §3(1), elected officials must be residents of the Village; and

WHEREAS, pursuant to Village Law §3-312 the Mayor of the Village of Manlius has the power to appoint to fill a vacancy without approval of the Board of Trustees, until the end of the current official year; now therefore be it

**Resolved that Mayor Paul Whorrall hereby appoints Chaim Jaffe to fill the vacancy of the Village Justice position from July 15, 2021 through March 31, 2022.**

**Appointment – Associate Justice Joseph Greenman**

As the Associate Village Justice position was vacated with the appointment of Mr. Jaffe to the Justice position, the Mayor recommends appointing Joseph Greenman to the position of Associate Village Justice which is not bound by residency within the Village Limits.

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the appointment of Joseph Greenman to fill the remainder of the appointed term of Associate Village Justice through March 31, 2021.** **MOTION CARRIED 3-0**

**Village Court Room**

Due to the longstanding commitment shown to the residents of the Village of Manlius and the greater Manlius community, the Village Board would like to honor former Village Justice Joseph Greenman for his 42 years of service to the Village by renaming the Village Court to the Honorable Joseph Greenman Court Room with a ceremony to be held in July.

**Motion to approve the naming of the Village Court in honor and recognition of Joseph Greenman and his years of exemplary service to the Village of Manlius made by Trustee Abdo-Rott, seconded by Trustee McGrew.** **MOTION CARRIED 3-0**

**MINUTES**

- February 2, 2021 Special Meeting
- March 31, 2021 Special Meeting
- April 5, 2021 Organizational Meeting
- April 13, 2021 Regular Meeting
- April 20, 2021 Special Meeting
- April 26, 2021 Special Meeting

**Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to approve the meeting minutes as submitted.** **MOTION CARRIED 3-0**

**TRAINING REQUISITIONS**

- Sherwood Virtual Highway School Cost: \$25  
**Motion by Trustee Abdo-Rott seconded by Trustee McGrew to approve the training request as submitted.** **MOTION CARRIED 3-0**
- Whorrall NYCOM Conference & Annual Meeting Cost: \$1300  
**Motion by Trustee Pilewski, seconded by Trustee McGrew to approve the training request as submitted.** **MOTION CARRIED 3-0**
- Dygert PERMA Virtual Conference Cost: \$0

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the training request as submitted.**  
**MOTION CARRIED 3-0**

**DEPARTMENT REQUISITIONS**

**DPW**

- Trux Outfitters Mower Cost: \$8882.00  
**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the mower purchase as submitted.**  
**MOTION CARRIED 3-0**

**4<sup>th</sup> of July**

- Twin Magicians Performance 4<sup>th</sup> of July Cost: \$9197.50
  - Letizia & the Z-Band Performance 4<sup>th</sup> of July Cost: \$1500
  - Pale Green Stars Performance 4<sup>th</sup> of July Cost: \$800
  - Downbeat Percussion Performance 4<sup>th</sup> of July Cost: \$2000
  - Ralston Supply Tents, Tables Chairs Cost: \$2348.16
- Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to approve the 4<sup>th</sup> of July requisitions as submitted.**  
**MOTION CARRIED 3-0**

**Recreation**

- FunFlicks Summer Movie Series Cost: \$2400  
**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the FunFlicks requisition as submitted.**  
**MOTION CARRIED 3-0**

**Fire/EMS**

- Stryker (See Chief's Report)

**ABSTRACTS**

**RESOLUTION TO APPROVE PAYMENT OF CLAIMS**  
**May 11, 2021**

WHEREAS the Board of Trustees desires to audit and pay the claims asserted against it; and

WHEREAS, payment of certain claims in advance of the audit of claims has been approved by the Village Board annually at the Organizational Meeting, as required by law; and

WHEREAS it is required that all such claims shall be presented at the next Regular Meeting for audit, and

WHEREAS, the Village Board has been presented with the following abstracts for approval and payment;

General Fund	Abstract 012	\$542,874.85	(V898-982)
Village Centre Reno	Abstract 712	\$34,118.75	(V60-61)
Main St Revitalization	Abstract 404	\$5,384.10	(V5)
Trust & Agency	Abstract 336	\$1,125.00	(V73-74)

and

April Payroll Expenses for Payroll #07, 07A & 08 (attached) \$231,959.75

NOW THEREFORE BE IT RESOLVED:

On motion by Trustee Pilewski, seconded by Trustee Abdo-Rott that the Board of Trustees of the Village of Manlius approve the payment of claims **totaling \$815,462.45** the Village Treasurer as outlined above. **MOTION CARRIED 3-0**

**DEPARTMENT REPORTS**

**DPW – DPW Superintendent Sherwood was not able to attend the meeting but there were two items for approval**

**Surplus Equipment – DPW**

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the surplus of the refuse packer and the Skag mower and send to auction.**  
**MOTION CARRIED 3-0**



**Trash Pickup – Additional Tote Request 309-311 Smith Street**

A request was made by the new owner of 309-311 Smith Street to allow four total sets of totes on the property located at 309-311 Smith St. The owner is asking if they could be considered as the property does have two separate buildings and the addresses of 309 and 311 would indicate they are similar to having separate parcels. Much discussion between the Administrator, DPW Administration and the Mayor have taken place over the past few weeks regarding this issue. The DPW feels that there are far too many units on the property and really should be classified accordingly as a multi-residential zoned parcel.

**Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to deny the request of the property owner for the purchase of two additional sets of totes for 309-311 Smith Street. MOTION CARRIED 3-0**

Fire/EMS – Chief Casscles had the following requests for approval:

**Lieutenant Provisional Promotion – Parker**

**Motion by Trustee McGrew, seconded by Trustee Pilewski to approve the provision promotional appointment of Matthew Parker to the position of Lieutenant in the Manlius Fire Department.**

**MOTION CARRIED 3-0**

**BOCES – IT Agreement**

Annual renewal agreement for IT Services through BOCES was presented for consideration. Annual cost for service is \$2500.

**Motion by Trustee McGrew, seconded by Trustee Pilewski to approve the renewal agreement as submitted.**

**MOTION CARRIED 3-0**

**Stryker Sales - Master Lease Purchase EMS Equipment**

A Master Purchase Agreement was submitted to the Board for EMS equipment totaling \$571,600. Per the agreement, payments would be made in 10 annual installments of \$57,160. Chief Casscles explained the strategy behind this type of purchase arrangement and the benefits.

**Motion by Trustee McGrew, seconded by Trustee Abdo-Rott to approve the lease purchase arrangement with Stryker Sales, LLC pending review and approval by legal. MOTION CARRIED 3-0**

**Administrator – Mrs. Dygert was present and had the following information and action items for the Board to consider:**

**Summer Playground – Scholarship Requests**

As has been done in the past, Meredith Kronenberg from the F-M Schools makes recommendations to the Village Board for children who are not in a position to be able to attend, who could benefit from our type of programming. This year there are a total of eight children she is recommending for scholarships. Five are Village residents and three are residing outside the Village.

**Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to approve the scholarship requests as submitted. MOTION CARRIED 3-0**

**Ambulance Billing – Request for Forgiveness**

A call was taken regarding ambulance bills which have gone to collections with the Simons Agency, as is the protocol. The caller indicated there were some extenuating circumstances as to why these bills weren't paid and the total due is \$2487.50. Mrs. Dygert reviewed the file sent from Multi-Med and it appears that there have been no payments to date on these accounts. The patient asked if the Village could consider having these bills taken from collections and he would make payment arrangements. Given the fact that no attempts have been made to date on the account which date back to 2019 and the fact that we are not a collection agency and should not take on this type of role.

**Motion by Trustee Abdo-Rott, seconded by Trustee McGrew to deny the request for removal of accounts from collections for ambulance billing request. MOTION CARRIED 3-0**

**Revenue Account Change – AIM Funding**

As per communication received from the Office of the State Comptroller, the Village is required to change the account code for AIM Funding collection from A3005 to A2750 *AIM-Related Payments*.

### **Amphitheater Requests**

Several requests have come in for use of the amphitheater for various community events.

- Taylor Horsman of Saving Face Barbershop has asked to hold an event on a Saturday in late August or early September to mark the 5-year anniversary of the business. They will offer haircuts at reduced rates with half the proceeds to be donated to a local charity. They will have food, beverages and live music at the event. Mrs. Dygert indicated that typically we wouldn't allow a for-profit event in one of our facilities. The Board discussed and would like a stipulation that the charitable donation go to a Manlius charity.

**Motion by Trustee Pilewski, seconded by Trustee McGrew to approve the request for the event on condition that the donation be for a Manlius charitable organization. MOTION CARRIED 3-0**

- Manlius Library has requested two events – the first would be a puppet show for preschool-aged children on August 3, 2021 from 9 am until 1 pm with the show scheduled to begin at 11 am. A second request by the Manlius Library for an outdoor concert with Marc Berger to be held on 7/23/2021 in the evening.

**Motion by Trustee Pilewski, seconded by Trustee Abdo-Rott to approve the requests made by the Library to reserve the Village Amphitheater on the dates noted. MOTION CARRIED 3-0**

### **Request for Encumbrances**

During the budget workshops it was decided, instead of budgeting an additional \$30,000 for the 4<sup>th</sup> of July event in the 2021-2022 budget, the Village Board could encumber the remaining \$30,000 from the 2020-2021 budget into the new budget. **Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to authorize the encumbrance of \$30,000 from A7550.411 into the 2020-2021 Village budget. MOTION CARRIED 3-0**

A request was also made by DPW Superintendent Sherwood for authorization to encumber \$13426 from account A8560.400 and \$5737.50 from account A8560.464 for the removal of locust trees along Seneca Street.

**Motion by Trustee Abdo-Rott, seconded by Trustee Pilewski to approve the encumbrance request as submitted by the DPW. MOTION CARRIED 3-0**

### **Execute Tax Warrant**

The Tax Warrant for the 2021-2022 fiscal year has been presented to the Board for approval.

**Motion by Trustee Pilewski, seconded by Trustee McGrew to authorize the Mayor and Deputy Clerk-Treasurer to execute the Tax Warrant to be delivered to the Village Treasurer to authorization to collect taxes. MOTION CARRIED 3-0**

### **Park-A-Truck Program – Mulch Deliveries**

The DPW had encountered an issue with residents not having the ability to pick up mulch for use on their property. The DPW has an abundance of mulch which could be used and are looking to modify the Park-A-Truck program currently in place to allow for the drop off of a truck loaded with mulch for the resident to unload. The Park-A-Truck program historically has allowed residents to have a truck over a weekend to fill with brush and leaves and the Village crew would pick up on Monday. After much discussion, Trustee Abdo-Rott would like to discuss with DPW Superintendent Sherwood prior to the Board taking action on this.

**Codes Enforcement** – Mr. Decker was present and gave a very brief report to the Board. He is working with Scenic Root on the outdoor seating area and some type of lease agreement.

### **Mayor's Report**

- Main Street Revitalization – meeting tomorrow. He indicated that some of the businesses have backed out of participation in the program due to lack of funds.
- SMTC – the committee met last week. Letter to be delivered to businesses and a meeting to be set up for June 2<sup>nd</sup> at 10 am for businesses and on June 3<sup>rd</sup> in the evening.
- East Seneca Street Crosswalk – after much insistence, the NYSDOT has installed the flashing crosswalk lighting.

- Safety Committee – next meeting to be held on 6/17 and they will be discussing the Sexual Harassment training and improvements to the Lower Pond walkways.
- New Cannabis legislation – the three Mayors all would like to opt out and this would only be sustained if there were no challenges by the public.
- Mayor’s Association meeting will be held on May 19<sup>th</sup> and will just be for Mayors and Town Supervisors.
- Recruit Class – graduation is to be held on May 21<sup>st</sup> and all are welcome to attend.
- Memorial Day – spoke with the VFW and the American Legion – neither will be doing anything for Memorial Day. Currently the Mayor stated they are planning a small motorcade and a small ceremony afterwards at the Village Centre.
- Mayor Whorral read Trustee Chapmans communication
- Fire Company is getting together at Mill Run on Friday May 14<sup>th</sup> to spruce up the recreation facilities in the Park. This will be at no cost to the Village
- Three Falls Woods – Glenclyffe Dam – a request was received by Phil Bonn for use of the access road by a group willing to go in and clean up trash on the site. Trustee Abdo-Rott will discuss with DPW Superintendent and the Mayor.

**Blue Bowl Sanitation – 4<sup>th</sup> of July Requisition**

This was missed earlier in the meeting. Blue Bowl Sanitation has offered a quote of \$1170 for PortaPotties for the 4<sup>th</sup> of July event.

Motion by Trustee Pilewski, seconded by Trustee McGrew to approve contracting with Blue Bowl Sanitation for this service. MOTION CARRIED 3-0

- Mayor Whorral has had a request to look at changing the speed limit on Highbridge to 30 MPH. Trustee Pilewski stated he spoke with a resident about circulating a petition as ultimately this request would go from the Village to the NYS DOT for their approval as well.

**Trustee Reports:**

**Trustee Pilewski** – stated he received an update on the Playground registrations; they are currently at 180 and are having a problem with getting counselors. He also spoke with Ryan Powell about a Lacrosse Camp to be held on July 26<sup>th</sup> to July 29<sup>th</sup>. He also gave an update on the signage at Perry Springs recognizing the volunteer work by Rick Everhart. He spoke with Ben Rayland who stated that Rampage will be bringing all their programming back to the Village in the near future. A request has also come from a resident on Post Road asking if removable speed bumps could be placed in the road to try to limit the speed issues the neighborhood is having.

**Trustee Abdo-Rott** – Would like the Village to purchase more picnic tables to be placed around Village Centre. She also stated that the Veteran’s Memorial at the Senior Centre entrance needs some new landscaping. Menters have spoken with her and they want to plant a tree by the amphitheater. She also would like to see a new sign done for the end of Arkie Albanese Ave.

**Trustee McGrew** – The Police staff are now 80% vaccinated. They are hiring a clerk for the front office and they have dissolved the special investigations unit. They will be hiring a civilian to be in charge of the property room.

**Attorney Report:**

Attorney Hunt was present and had nothing additional to report.

**ADJOURN**

Motion to adjourn the meeting made by Trustee Pilewski, and seconded by Trustee McGrew at 9:55 p.m.

MOTION CARRIED 3-0

Respectfully submitted by,

Martha Dygert  
Administrator/Clerk-Treasurer