



Department of  
Environmental  
Conservation

# **Brownfield Cleanup Program**

## **Citizen Participation Plan for 332 Fayette Manlius**

January 2022

C734153  
332 Fayette Street  
Manlius  
Onondaga County, New York

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**Note:** The information presented in this Citizen Participation Plan was current as of the date of its approval by the New York State Department of Environmental Conservation. Portions of this Citizen Participation Plan may be revised during the site's investigation and cleanup process.

Applicant: **Fayette Manlius LLC (“Applicant”)**  
Site Name: **332 Fayette Manlius (“Site”)**  
Site Address: **332 Fayette Street, Manlius, NY 13104**  
Site County: **Onondaga County**  
Site Number: **C734153**

## **1. What is New York’s Brownfield Cleanup Program?**

New York’s Brownfield Cleanup Program (BCP) works with private developers to encourage the voluntary cleanup of contaminated properties known as “brownfields” so that they can be reused and developed. These uses include recreation, housing, and business.

A *brownfield* is any real property that is difficult to reuse or redevelop because of the presence or potential presence of contamination. A brownfield typically is a former industrial or commercial property where operations may have resulted in environmental contamination. A brownfield can pose environmental, legal, and financial burdens on a community. If a brownfield is not addressed, it can reduce property values in the area and affect economic development of nearby properties.

The BCP is administered by the New York State Department of Environmental Conservation (NYSDEC) which oversees Applicants who conduct brownfield site investigation and cleanup activities. An Applicant is a person who has requested to participate in the BCP and has been accepted by NYSDEC. The BCP contains investigation and cleanup requirements, ensuring that cleanups protect public health and the environment. When NYSDEC certifies that these requirements have been met, the property can be reused or redeveloped for the intended use.

For more information about the BCP, go online at:  
<http://www.dec.ny.gov/chemical/8450.html> .

## **2. Citizen Participation Activities**

### *Why NYSDEC Involves the Public and Why It Is Important*

NYSDEC involves the public to improve the process of investigating and cleaning up contaminated sites, and to enable citizens to participate more fully in decisions that affect their health, environment, and social well-being. NYSDEC provides opportunities for citizen involvement and encourages early two-way communication with citizens before decision makers form or adopt final positions.

Involving citizens affected and interested in site investigation and cleanup programs is important for many reasons. These include:

- Promoting the development of timely, effective site investigation and cleanup programs that protect public health and the environment
- Improving public access to, and understanding of, issues and information related to a particular site and that site's investigation and cleanup process
- Providing citizens with early and continuing opportunities to participate in NYSDEC's site investigation and cleanup process
- Ensuring that NYSDEC makes site investigation and cleanup decisions that benefit from input that reflects the interests and perspectives found within the affected community
- Encouraging dialogue to promote the exchange of information among the affected/interested public, State agencies, and other interested parties that strengthens trust among the parties, increases understanding of site and community issues and concerns, and improves decision making.

This Citizen Participation (CP) Plan provides information about how NYSDEC will inform and involve the public during the investigation and cleanup of the site identified above. The public information and involvement program will be carried out with assistance, as appropriate, from the Applicant.

#### *Project Contacts*

Appendix A identifies NYSDEC project contact(s) to whom the public should address questions or request information about the site's investigation and cleanup program. The public's suggestions about this CP Plan and the CP program for the site are always welcome. Interested people are encouraged to share their ideas and suggestions with the project contacts at any time.

#### *Locations of Reports and Information*

The locations of the reports and information related to the site's investigation and cleanup program also are identified in Appendix A. These locations provide convenient access to important project documents for public review and comment. Some documents may be placed on the NYSDEC web site. If this occurs, NYSDEC will inform the public in fact sheets distributed about the site and by other means, as appropriate.

### *Site Contact List*

Appendix B contains the site contact list. This list has been developed to keep the community informed about, and involved in, the site's investigation and cleanup process. The site contact list will be used periodically to distribute fact sheets that provide updates about the status of the project. These will include notifications of upcoming activities at the site (such as fieldwork), as well as availability of project documents and announcements about public comment periods.

The site contact list includes, at a minimum:

- chief executive officer and planning board chairperson of each county, city, town, and village in which the site is located;
- residents, owners, and occupants of the site and properties adjacent to the site;
- the public water supplier which services the area in which the site is located;
- any person who has requested to be placed on the site contact list;
- the administrator of any school or day care facility located on or near the site for purposes of posting and/or dissemination of information at the facility;
- location(s) of reports and information.

The site contact list will be reviewed periodically and updated as appropriate. Individuals and organizations will be added to the site contact list upon request. Such requests should be submitted to the NYSDEC project contact(s) identified in Appendix A. Other additions to the site contact list may be made at the discretion of the NYSDEC project manager, in consultation with other NYSDEC staff as appropriate.

**Note:** The first site fact sheet (usually related to the draft Remedial Investigation Work Plan) is distributed both by paper mailing through the postal service and through DEC Delivers, its email listserv service. The fact sheet includes instructions for signing up with the appropriate county listserv to receive future notifications about the site. See <http://www.dec.ny.gov/chemical/61092.html>.

Subsequent fact sheets about the site will be distributed exclusively through the listserv, except for households without internet access that have indicated the need to continue to receive site information in paper form. Please advise the NYSDEC site project manager identified in Appendix A if that is the case. Paper mailings may continue during the investigation and cleanup process for some sites, based on public interest and need.

### *CP Activities*

The table at the end of this section identifies the CP activities, at a minimum, that have been and will be conducted during the site's investigation and cleanup program. The

flowchart in Appendix D shows how these CP activities integrate with the site investigation and cleanup process. The public is informed about these CP activities through fact sheets and notices distributed at significant points during the program. Elements of the investigation and cleanup process that match up with the CP activities are explained briefly in Section 5.

- **Notices and fact sheets** help the interested and affected public to understand contamination issues related to a site, and the nature and progress of efforts to investigate and clean up a site.
- **Public forums, comment periods and contact with project managers** provide opportunities for the public to contribute information, opinions and perspectives that have potential to influence decisions about a site's investigation and cleanup.

The public is encouraged to contact project staff at any time during the site's investigation and cleanup process with questions, comments, or requests for information.

This CP Plan may be revised due to changes in major issues of public concern identified in Section 3 or in the nature and scope of investigation and cleanup activities. Modifications may include additions to the site contact list and changes in planned citizen participation activities.

#### *Technical Assistance Grant*

NYSDEC must determine if the site poses a significant threat to public health or the environment. This determination generally is made using information developed during the investigation of the site, as described in Section 5.

If the site is determined to be a significant threat, a qualifying community group may apply for a Technical Assistance Grant (TAG). The purpose of a TAG is to provide funds to the qualifying group to obtain independent technical assistance. This assistance helps the TAG recipient to interpret and understand existing environmental information about the nature and extent of contamination related to the site and the development/implementation of a remedy.

An eligible community group must certify that its membership represents the interests of the community affected by the site, and that its members' health, economic well-being or enjoyment of the environment may be affected by a release or threatened release of contamination at the site.

As of the date the declaration (page 2) was signed by the NYSDEC project manager, it has been determined that the site does not pose a significant threat.

To verify the significant threat status of the site, the interested public may contact the NYSDEC project manager identified in Appendix A.

For more information about TAGs, go online at  
<http://www.dec.ny.gov/regulations/2590.html>

Note: The table identifying the citizen participation activities related to the site's investigation and cleanup program follows on the next page:

Citizen Participation Activities	Timing of CP Activity(ies)
<b>Application Process:</b>	
<ul style="list-style-type: none"> <li>• Prepare site contact list</li> <li>• Establish document repository(ies)</li> </ul>	At time of preparation of application to participate in the BCP.
<ul style="list-style-type: none"> <li>• Publish notice in Environmental Notice Bulletin (ENB) announcing receipt of application and 30-day public comment period</li> <li>• Publish above ENB content in local newspaper</li> <li>• Mail above ENB content to site contact list</li> <li>• Conduct 30-day public comment period</li> </ul>	When NYSDEC determines that BCP application is complete. The 30-day public comment period begins on date of publication of notice in ENB. End date of public comment period is as stated in ENB notice. Therefore, ENB notice, newspaper notice, and notice to the site contact list should be provided to the public at the same time.
<b>After Execution of Brownfield Site Cleanup Agreement (BCA):</b>	
<ul style="list-style-type: none"> <li>• Prepare Citizen Participation (CP) Plan</li> </ul>	Before start of Remedial Investigation <b>Note:</b> Applicant must submit CP Plan to NYSDEC for review and approval within 20 days of the effective date of the BCA.
<b>Before NYSDEC Approves Remedial Investigation (RI) Work Plan:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about proposed RI activities and announcing 30-day public comment period about draft RI Work Plan</li> <li>• Conduct 30-day public comment period</li> </ul>	Before NYSDEC approves RI Work Plan. If RI Work Plan is submitted with application, public comment periods will be combined and public notice will include fact sheet. Thirty-day public comment period begins/ends as per dates identified in fact sheet.
<b>After Applicant Completes Remedial Investigation:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes RI results</li> </ul>	Before NYSDEC approves RI Report
<b>Before NYSDEC Approves Remedial Work Plan (RWP):</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list about draft RWP and announcing 45-day public comment period</li> <li>• Public meeting by NYSDEC about proposed RWP (if requested by affected community or at discretion of NYSDEC project manager)</li> <li>• Conduct 45-day public comment period</li> </ul>	Before NYSDEC approves RWP. Forty-five day public comment period begins/ends as per dates identified in fact sheet. Public meeting would be held within the 45-day public comment period.
<b>Before Applicant Starts Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that describes upcoming cleanup action</li> </ul>	Before the start of cleanup action.
<b>After Applicant Completes Cleanup Action:</b>	
<ul style="list-style-type: none"> <li>• Distribute fact sheet to site contact list that announces that cleanup action has been completed and that NYSDEC is reviewing the Final Engineering Report</li> <li>• Distribute fact sheet to site contact list announcing NYSDEC approval of Final Engineering Report and issuance of Certificate of Completion (COC)</li> </ul>	At the time the cleanup action has been completed. <b>Note:</b> The two fact sheets are combined when possible if there is not a delay in issuing the COC.



### **3. Major Issues of Public Concern**

No major issues of public concern that relate to the site have been identified to date, but may be identified during the course of the site's investigation and cleanup process.

### **4. Site Information**

Appendix C contains a map identifying the location of the site.

#### *Site Description*

The 2.25-acre site is located on Fayette Street in a suburban area of the Village of Manlius, Onondaga County. 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, the eastern border is comprised of residential property and a vacant grass field, and the western border is defined by Fayette Street.

#### *History of Site Use, Investigation, and Cleanup*

The Site is currently unoccupied, and buildings have been mostly vacant since 2009, with the exception of various small retail business that leased part of the space from time to time. The vacant commercial building on the Site is the former Express Sales dealership, repair shop, and garage, which is a 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. Much of the northern portion of the Site is paved and a large parking lot is present to the northwest of the Express Sales building.

The parcel is owned and operated by Costantine and Michael Assimon and has been owned and operated by the Assimon family since 1948. The former Express Sales portion of the Site 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. The garage remained on the Site until 1948, when it was reportedly purchased by Peter Assimon and turned into an automobile detailer, paint and body shop, and dealership. The site was used as a garage and auto sales/service since at least 1948. The dealership expanded over time, resulting in its current configuration, and permanently 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.

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. Soil and groundwater contamination were present at the Site and NYSDEC assigned petroleum spill number 1804927 to the Site. There are no health concerns identified at this time.

## **5. Investigation and Cleanup Process**

### *Application*

The Applicant applied for and was accepted into New York's Brownfield Cleanup Program as a Volunteer. This means that the Applicant was not responsible for the disposal or discharge of the contaminants or whose ownership or operation of the site took place after the discharge or disposal of contaminants. The Volunteer must fully characterize the nature and extent of contamination onsite, and must conduct a qualitative exposure assessment, a process that characterizes the actual or potential exposures of people, fish and wildlife to contaminants on the site and to contamination that has migrated from the site.

The Applicant in its Application proposes that the site will be used for restricted residential purposes.

To achieve this goal, the Applicant will conduct investigation and cleanup activities at the site with oversight provided by NYSDEC. The Brownfield Cleanup Agreement executed by NYSDEC and the Applicant sets forth the responsibilities of each party in conducting these activities at the site.

### *Investigation*

The Applicant completed a partial site investigation before it entered into the BCP. For the partial investigation, NYSDEC will determine if the data are useable.

The Applicant will conduct a remedial investigation (RI) of the site, which will be performed with NYSDEC oversight. The Applicant must develop a remedial investigation workplan, which is subject to public comment.

The site investigation has several goals:

- 1) define the nature and extent of contamination in soil, surface water, groundwater and any other parts of the environment that may be affected;
- 2) identify the source(s) of the contamination;
- 3) assess the impact of the contamination on public health and the environment; and
- 4) provide information to support the development of a proposed remedy to address the contamination or the determination that cleanup is not necessary.

The Applicant submits a draft Remedial Investigation Work Plan to NYSDEC for review and approval. NYSDEC makes the draft plan available to the public review during a 30-day public comment period.

When the investigation is complete, the Applicant will prepare and submit a report that summarizes the results. This report also will recommend whether cleanup action is needed to address site-related contamination. The investigation report is subject to review and approval by NYSDEC.

NYSDEC will use the information in the investigation report to determine if the site poses a significant threat to public health or the environment. If the site is a “significant threat,” it must be cleaned up using a remedy selected by NYSDEC from an analysis of alternatives prepared by the Applicant and approved by NYSDEC. If the site does not pose a significant threat, the Applicant may select the remedy from the approved analysis of alternatives.

#### *Interim Remedial Measures*

An Interim Remedial Measure (IRM) is an action that can be undertaken at a site when a source of contamination or exposure pathway can be effectively addressed before the site investigation and analysis of alternatives are completed. If an IRM is likely to represent all or a significant part of the final remedy, NYSDEC will require a 30-day public comment period.

#### *Remedy Selection*

When the investigation of the site has been determined to be complete, the project likely would proceed in one of two directions:

1. The Applicant may recommend in its investigation report that no action is necessary at the site. In this case, NYSDEC would make the investigation report available for public comment for 45 days. NYSDEC then would complete its review, make any necessary revisions, and, if appropriate, approve the investigation report. NYSDEC would then issue a “Certificate of Completion” (described below) to the Applicant.

**or**

2. The Applicant may recommend in its investigation report that action needs to be taken to address site contamination. After NYSDEC approves the investigation report, the Applicant may then develop a cleanup plan, officially called a Remedial Work Plan. The Remedial Work Plan describes the Applicant’s proposed remedy for addressing contamination related to the site.

When the Applicant submits a draft Remedial Work Plan for approval, NYSDEC would announce the availability of the draft plan for public review during a 45-day public comment period.

#### *Cleanup Action*

NYSDEC will consider public comments, and revise the draft cleanup plan if necessary, before approving the proposed remedy. The New York State Department of Health (NYSDOH) must concur with the proposed remedy. After approval, the proposed remedy becomes the selected remedy. The selected remedy is formalized in the site Decision Document.

The Applicant may then design and perform the cleanup action to address the site contamination. NYSDEC and NYSDOH oversee the activities. When the Applicant completes cleanup activities, it will prepare a final engineering report that certifies that cleanup requirements have been achieved or will be achieved within a specific time frame. NYSDEC will review the report to be certain that the cleanup is protective of public health and the environment for the intended use of the site.

#### *Certificate of Completion*

When NYSDEC is satisfied that cleanup requirements have been achieved or will be achieved for the site, it will approve the final engineering report. NYSDEC then will issue a Certificate of Completion (COC) to the Applicant. The COC states that cleanup goals have been achieved and relieves the Applicant from future liability for site-related contamination, subject to certain conditions. The Applicant would be eligible to redevelop the site after it receives a COC.

## *Site Management*

The purpose of site management is to ensure the safe reuse of the property if contamination will remain in place. Site management is the last phase of the site cleanup program. This phase begins when the COC is issued. Site management incorporates any institutional and engineering controls required to ensure that the remedy implemented for the site remains protective of public health and the environment. All significant activities are detailed in a Site Management Plan.

An *institutional control* is a non-physical restriction on use of the site, such as a deed restriction that would prevent or restrict certain uses of the property. An institutional control may be used when the cleanup action leaves some contamination that makes the site suitable for some, but not all uses.

An *engineering control* is a physical barrier or method to manage contamination. Examples include: caps, covers, barriers, fences, and treatment of water supplies.

Site management also may include the operation and maintenance of a component of the remedy, such as a system that pumps and treats groundwater. Site management continues until NYSDEC determines that it is no longer needed.

## **Appendix A - Project Contacts and Locations of Reports and Information**

### **Project Contacts**

For information about the site's investigation and cleanup program, the public may contact any of the following project staff:

#### **New York State Department of Environmental Conservation (NYSDEC):**

**Christopher Mannes, P.E.**

Project Manager  
NYSDEC  
Division of Environmental Remediation  
615 Erie Blvd W  
Syracuse, NY 13204  
[Christopher.mannes@dec.ny.gov](mailto:Christopher.mannes@dec.ny.gov)

**Stephanie Webb or Kerry McElroy**

Public Participation Specialist  
NYSDEC Region 7  
615 Erie Boulevard West  
Syracuse, NY 13204  
(315) 426-7400  
[Info.r7@dec.ny.gov](mailto:Info.r7@dec.ny.gov)

#### **New York State Department of Health (NYSDOH):**

**Daniel Tucholski**

NYSDOH  
Empire State Plaza  
Corning Tower, RM 1787  
Albany, NY 12237  
(518) 402-7860  
[beei@health.ny.gov](mailto:beei@health.ny.gov)

### **Locations of Reports and Information**

The facilities identified below are being used to provide the public with convenient access to important project documents:

**Manlius Library**

One Arkie Albanese Ave  
Manlius, NY 13104  
Attn: Jennifer Milligan  
Phone: 315-682-6400  
Hours: **Mon-Thurs: 10AM-9PM**  
**Fri-Sat: 10AM-5PM**  
**Sun: 1PM-5PM**

**NYSDEC Region 7**

**615 Erie Blvd. West**  
**Syracuse, NY 13204**  
Attn: **Christopher Mannes, P.E.**  
Phone: **315-426-7400**  
Hours: (call for appointment)

Additionally, project documents can be found online by following these links:

<https://www.dec.ny.gov/data/DecDocs/C734153/>

<https://www.dec.ny.gov/cfmx/extapps/derexternal/haz/details.cfm?ProgNo=C734153>

<https://www.dec.ny.gov/pubs/109457.html>

(launch the DECinfo Locator and search for the Site by the address)

## **Appendix B - 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  
John Deer, Town Supervisor  
301 Brooklea Drive  
Fayetteville, NY 13066  
Ph: 315-637-3414 Fax: 315-637-0713  
Email: [jdeer@townofmanlius.org](mailto:jdeer@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  
J. Ryan McMahon, 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 Whorrall, 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 (NOTE- Manlius Library is document repository)  
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)

## Media Contacts

Eagle Bulletin – <https://www.eaglenewsonline.com>

Post Standard – <https://syracuse.com/poststandard/>

CNY Central TV - <https://cnycentral.com/>

NewsChannel 9 TV - <https://www.localsyr.com/>

Spectrum News - <https://spectrumlocalnews.com/nys/central-ny>

WAER radio - <https://www.waer.org/>

## Public Water Supplier

Onondaga County Water Authority

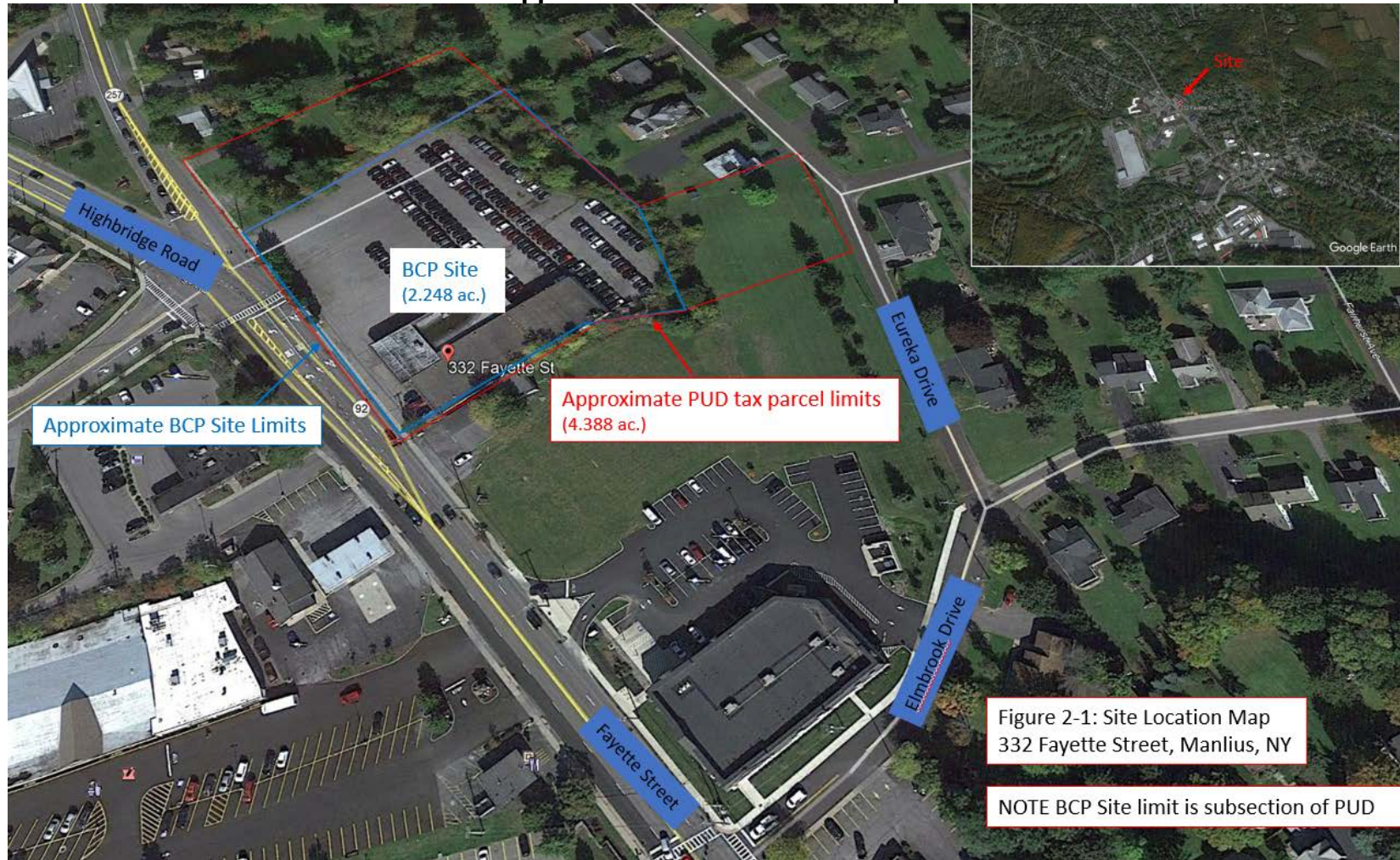
200 Northern Concourse

Syracuse, NY 13212

Ph: 315-455-7061

Fax: 315-455-6578

## Appendix C - Site Location Map



## Appendix D– Brownfield Cleanup Program Process

