



Department of  
Environmental  
Conservation

# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

SEP - 7 2022

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Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments. ☐ Yes ☒ No  
If yes, provide existing site number: \_\_\_\_\_

Is this a revised submission of an incomplete application? ☒ Yes ☐ No  
If yes, provide existing site number: C734158

## BCP App Rev 13

### SECTION I: Property Information

PROPOSED SITE NAME Widewaters Pkwy Development Site

ADDRESS/LOCATION Bridge and Phyllis Lane

CITY/TOWN East Syracuse

ZIP CODE 13057

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Town of Dewitt

COUNTY Onondaga

SITE SIZE (ACRES) 5.61

LATITUDE 43 ° 03 ' 04.1 " LONGITUDE 76 ° 03 ' 55.4 "

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

#### ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
Bridge, Dewitt, New York 13057	053	02	26.3	2.00
Phyllis Lane, Dewitt, New York 13057	053	02	24.1	3.61
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.				Y N
				<input checked="" type="checkbox"/> <input type="checkbox"/>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)				Y N
				<input checked="" type="checkbox"/> <input type="checkbox"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="checkbox"/> 1-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100% <input type="checkbox"/>				Y N
				<input type="checkbox"/> <input checked="" type="checkbox"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.				Y N
				<input type="checkbox"/> <input checked="" type="checkbox"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.				Y N
				<input type="checkbox"/> <input checked="" type="checkbox"/>

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	Y	N
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. 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? If yes, attach relevant supporting documentation.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <u>Easement/Right-of-Way Holder</u> <u>Description</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <u>Type</u> <u>Issuing Agency</u> <u>Description</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	Y	N
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="checkbox"/>	<input type="checkbox"/>
17. If you have answered YES to Question 16 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?	<input type="checkbox"/>	<input type="checkbox"/>
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, 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.		
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b>		
<b>Initials of each Requestor:</b> _____		

## SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☐ IRM ☒ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

## SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? Business

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☐ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide 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 by which the site became vacant.  
Is this summary included with the application?

Y	N
<input checked="" type="checkbox"/>	<input type="checkbox"/>

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☐ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☒

<input type="checkbox"/>	<input type="checkbox"/>
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6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation and additional documentation if necessary.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?  
Please provide a brief explanation and additional documentation if necessary.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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## SECTION IV: Property's Environmental History

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

- 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 ANY supporting documents.**
- SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:
  - Sample location
  - Date of sampling event
  - Key contaminants and concentration detected
  - For soil, highlight exceedances of reasonably anticipated use
  - For groundwater, highlight exceedances of 6 NYCRR part 703.5
  - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?



YES



NO

- Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Site has historically been used for agricultural purposes, recently the site has been used as a storage yard and has received fill materials.



**SECTION V: Requestor Information**

NAME

Philion Properties, LLC

ADDRESS

3816 East Street

CITY/TOWN

Skaneateles

ZIP CODE

13152

PHONE

315-901-3611

EMAIL

philionproperties@gmail.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**SECTION VI: Requestor Eligibility**

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or regulation of the State or Federal government?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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## SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 a false statement in connection with any document or application submitted to DEC?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. 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:		
<b>PARTICIPANT</b> <input type="checkbox"/> 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.	<b>VOLUNTEER</b> <input checked="" type="checkbox"/> 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 selecting this option, 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; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.  <b>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.</b>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>		

**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached? ☐ Yes ☐ No

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.

**SECTION VII: Requestor Contact Information****REQUESTOR'S REPRESENTATIVE**

**Maureen Karla**

**ADDRESS**

**3816 East Street**

**CITY**

Skaneateles

**ZIP CODE**

13152

**PHONE**

315-901-3611

**EMAIL**

phillionproperties@gmail.com

**REQUESTOR'S CONSULTANT (CONTACT NAME)**

Bryan Bowers

**COMPANY**

Asbestos & Environmental Consulting Corporation

**ADDRESS**

6308 Fly Road

**CITY**

East Syracuse

**ZIP CODE**

13057

**PHONE**

315-432-9400

**EMAIL**

bbowers@aeccgroup.com

**REQUESTOR'S ATTORNEY (CONTACT NAME)**

Michael A. Fogel, Esq.

**COMPANY**

Fogel & Brown, P.C.

**ADDRESS**

120 Madison Street, AXA Tower II, Suite 1620

**CITY**

Syracuse

**ZIP CODE**

13202

**PHONE**

(315) 399-4343

**EMAIL**

mfogel@fogelbrown.com

**SECTION VIII: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.	<input type="checkbox"/>	<input type="checkbox"/>
Is the appropriate documentation included with this application?		

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER Philion Properties, LLC	
CONTACT NAME Maureen Karla	
ADDRESS 3816 East Street	
CITY Skaneateles	ZIP CODE 13152
PHONE (315) 901-3611	EMAIL philionproperties@gmail.com
OWNERSHIP START DATE May 2, 2022	
CURRENT OPERATOR N/A - Vacant Land	
CONTACT NAME	
ADDRESS	
CITY	ZIP CODE
PHONE	EMAIL
OPERATION START DATE	

**SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SECTION X: Property Eligibility Information (continued)**

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____  Date Permit Issued: _____ Permit Expiration Date: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="checkbox"/></div>	<input type="checkbox"/>	<input type="checkbox"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**SECTION XI: Site Contact List**

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and 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 Philion Properties, LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and 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: 7/27/22 Signature: Maureen Karla

Print Name: Maureen Karla

## SUBMITTAL INFORMATION

- Two (2) copies, one unbound 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, 11<sup>th</sup> Floor  
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: \_\_\_\_\_

**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.

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<b>Please respond to the questions below and provide additional information and/or documentation as required.</b>	<b>Y</b>	<b>N</b>
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is the property upside down or underutilized as defined below?	<input type="checkbox"/>	<input type="checkbox"/>
Upside down	<input type="checkbox"/>	<input type="checkbox"/>
Underutilized	<input type="checkbox"/>	<input type="checkbox"/>

**From ECL 27-1405(31):**

"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.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (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
- (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (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
      - (c) there are no structures.

"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.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

5. 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\*

\*Selecting this option 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’ household’s 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 homeowners 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.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes

☐ No

**From ECL 75-0111 as of April 9, 2022:**

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

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**BCP APPLICATION SUMMARY (FOR DEC USE ONLY)**

<b>SITE NAME</b> Widewaters Pkwy Development Site	<b>SITE ADDRESS</b> Bridge and Phyllis Lane	
<b>CITY</b> East Syracuse	<b>COUNTY</b> Onondaga	<b>ZIP</b> 13057
<b>REQUESTOR NAME</b> Philion Properties, LLC	<b>REQUESTOR ADDRESS</b> 3816 East Street	
<b>CITY</b> Skaneateles	<b>ZIP</b> 13152	<b>EMAIL</b> philionproperties@gmail.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
Bridge, Dewitt, New York 13057	053	02	26.3
Phyllis Lane, Dewitt, New York 13057	053	02	24.1

**REQUESTOR'S REPRESENTATIVE**

<b>NAME</b> Maureen Karla	<b>ADDRESS</b> 3816 East Street	
<b>CITY</b> Skaneateles	<b>ZIP</b> 13152	<b>EMAIL</b> philionproperties@gmail.com

**REQUESTOR'S ATTORNEY**

<b>NAME</b> Michael A. Fogel, Esq.	<b>ADDRESS</b> 120 Madison Street, AXA Tower II, Suite 1620	
<b>CITY</b> Syracuse	<b>ZIP</b> 13202	<b>EMAIL</b> mfogel@fogelbrown.com

**REQUESTOR'S CONSULTANT**

<b>NAME</b> Bryan Bowers	<b>ADDRESS</b> 6308 Fly Road	
<b>CITY</b> East Syracuse	<b>ZIP</b> 13057	<b>EMAIL</b> bbowers@aeccgroup.com

<b>REQUESTOR'S REQUESTED STATUS</b>	PARTICIPANT <input type="checkbox"/>	VOLUNTEER <input checked="" type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>

<b>APPLIED FOR FEE WAIVER</b>	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
<b>ELIGIBLE FOR FEE WAIVER</b>	YES <input type="checkbox"/>	NO <input type="checkbox"/>

<b>PERCENTAGE WITHIN AN EN-ZONE</b>	0% <input checked="" type="checkbox"/>	<50% <input type="checkbox"/>	50-99% <input type="checkbox"/>	100% <input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE <input type="checkbox"/>	DISAGREE <input type="checkbox"/>		

**BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)****FOR SITES IN NEW YORK CITY ONLY**

<b>IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
--	-----	--------------------------	----	--------------------------

<b>UPSIDE DOWN</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE	<input type="checkbox"/>	DISAGREE	<input type="checkbox"/>

<b>UNDERUTILIZED</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE	<input type="checkbox"/>	DISAGREE	<input type="checkbox"/>

<b>AFFORDABLE HOUSING STATUS</b>	PLANNED	<input type="checkbox"/>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE	<input type="checkbox"/>	DISAGREE	<input type="checkbox"/>		

<b>DISADVANTAGED COMMUNITY AND CONFORMING BOA</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE	<input type="checkbox"/>	DISAGREE	<input type="checkbox"/>

<b>RENEWABLE ENERGY FACILITY SITE</b>	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
<b>DEC DETERMINATION</b>	AGREE	<input type="checkbox"/>	DISAGREE	<input type="checkbox"/>

**NOTES:**

## **Section I: Property Information**

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Tax Map





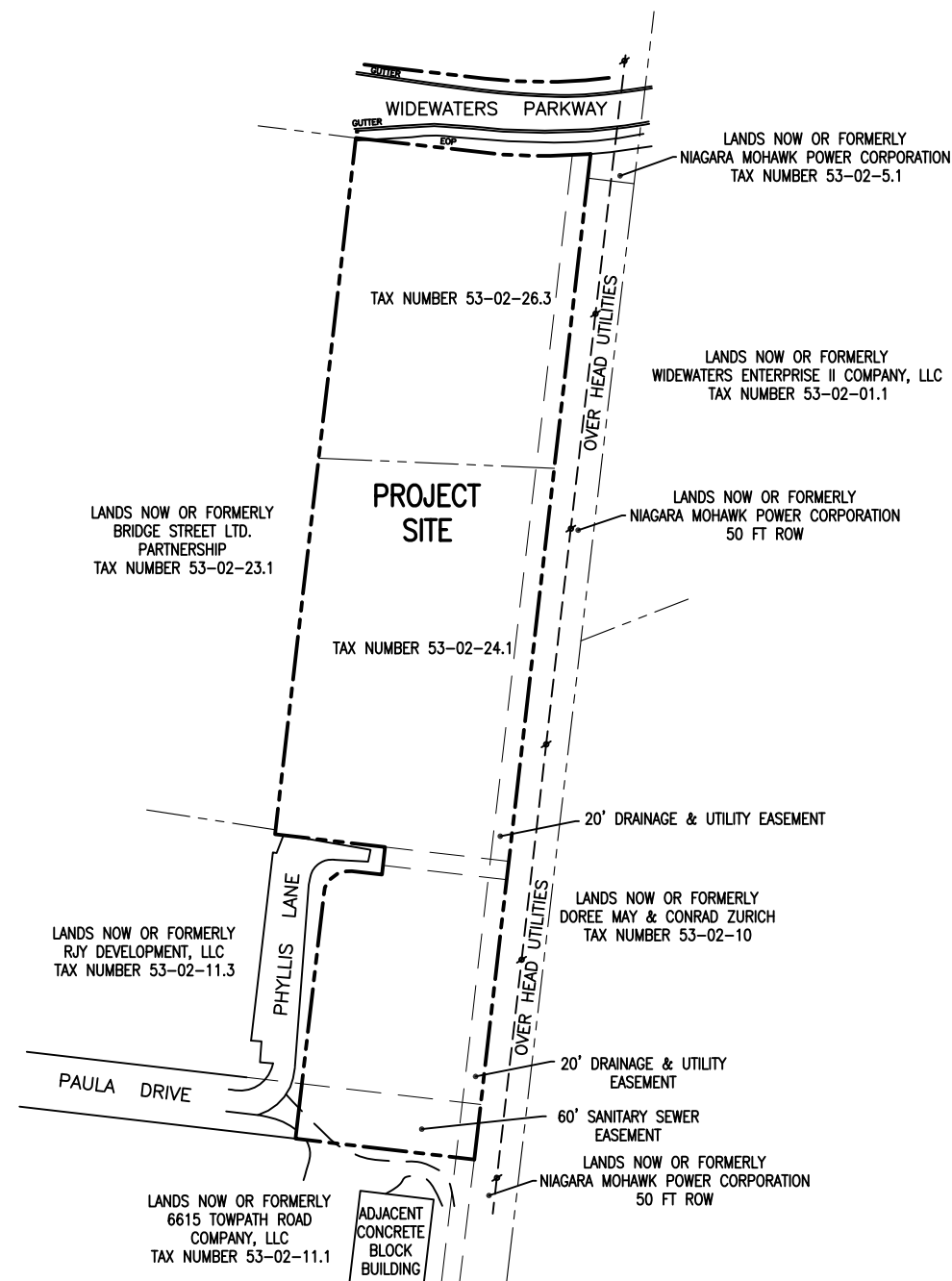


## **Section I: Property Information**

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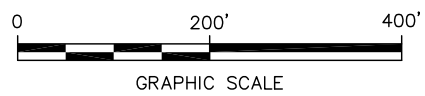
Figure 1 - Property Map (Site Plan)





LEGEND:  
- - - - - PROPERTY LINES  
- - - - - PARCEL BREAK LINES  
- - - - - RIGHT OF WAY LINES

NOTE: THIS MAP WAS DERIVED FROM A SURVEY BY C.T. MALE & ASSOCIATES DATED 3-30-2022. PROJECT #22.2084



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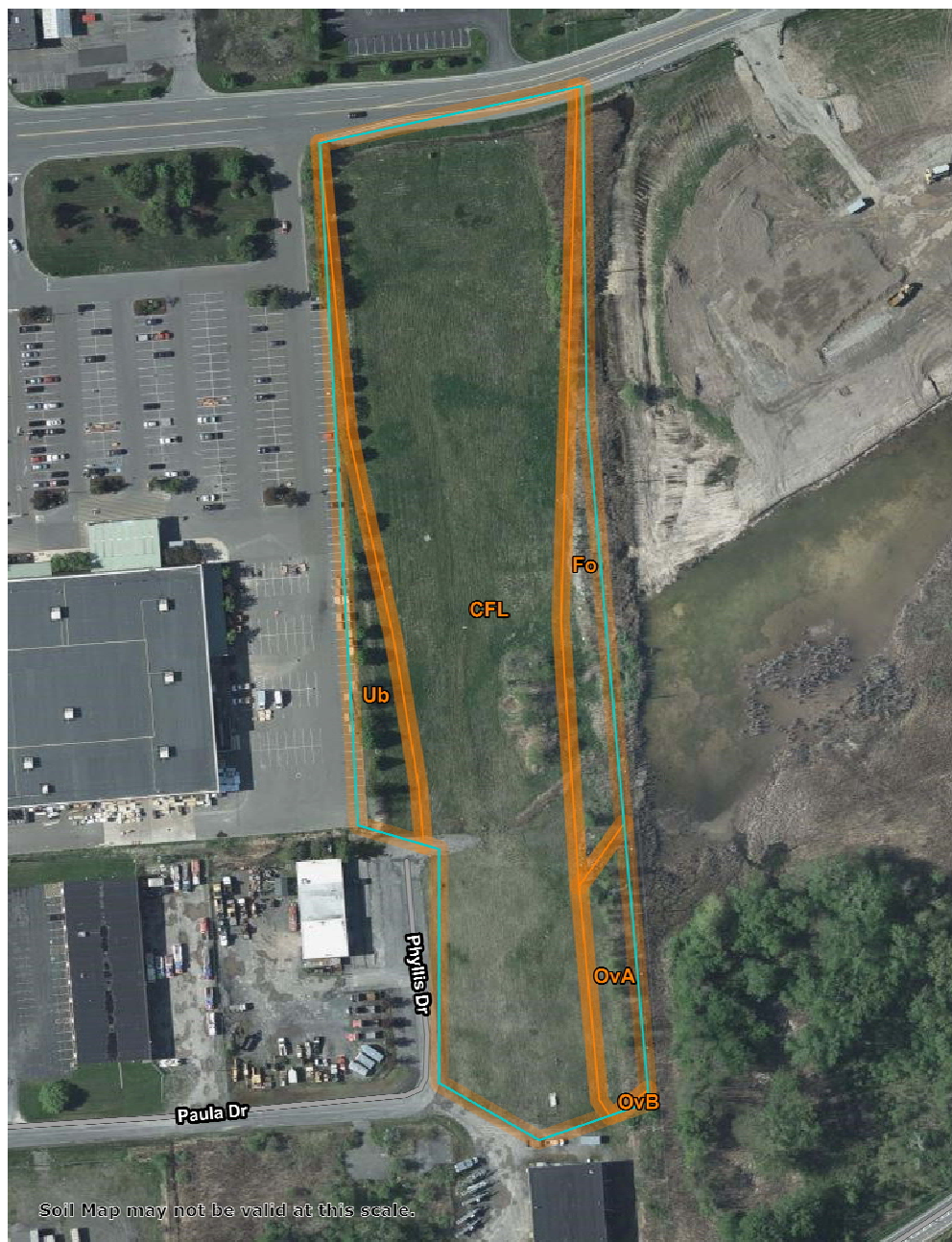
**AECC**  
ENVIRONMENTAL CONSULTING  
Asbestos & Environmental  
Consulting Corporation  
6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO. 22-037		Property Map (Site Plan)	FIGURE  1
DRAWN: AUG. 2022			
DRAWN BY: WF	WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK		
CHECKED BY: JS			

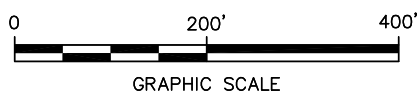
## **Section I: Property Information**

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Figure 2 - NRCS Soil Map



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Asbestos & Environmental  
Consulting Corporation

6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO. 22-037

DRAWN: AUG. 2022

DRAWN BY: WF

CHECKED BY: JS

## NRCS SOILS MAP

WIDEWATERS PKWY DEVELOPMENT SITE  
BRIDGE & PHYLLIS LANE, TOWN OF DEWITT  
ONONDAGA COUNTY, NEW YORK

FIGURE

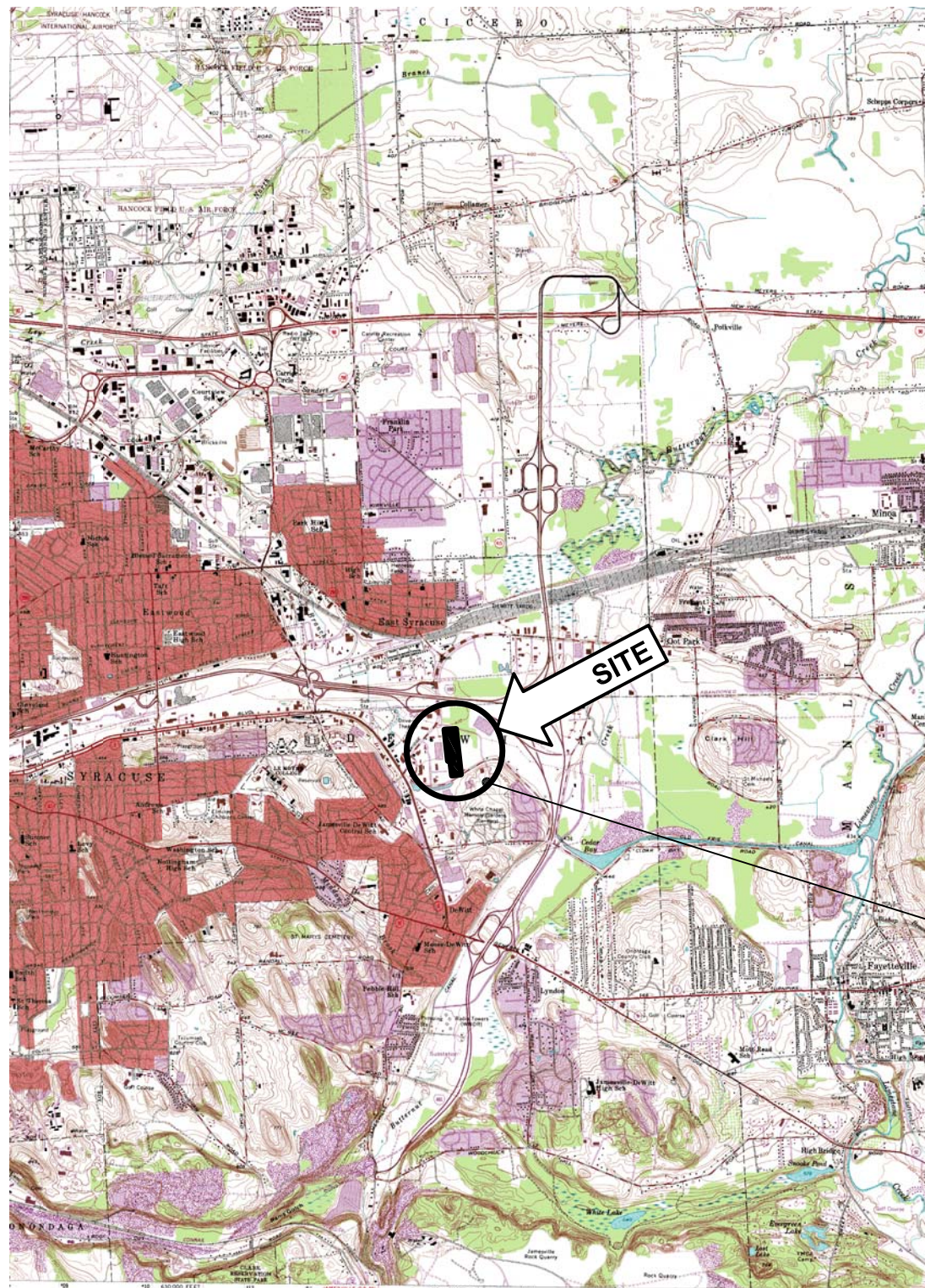
2

## **Section I: Property Information**

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Site Location Map (USGS Map)





**SITE LOCATION**  
 WIDEWATERS PKWY DEVELOPMENT SITE  
 BRIDGE & PHYLLIS LANE, TOWN OF DEWITT  
 ONONDAGA COUNTY, NEW YORK

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**AECC**  
 ENVIRONMENTAL CONSULTING  
 Asbestos & Environmental  
 Consulting Corporation  
 6308 Fly Road  
 East Syracuse, NY 13057

PROJECT NO.	22-031
DRAWN:	AUG. 2022
DRAWN BY:	WF
CHECKED BY:	JS
<b>SITE LOCATION MAP (USGS MAP)</b>	
WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK	



## **Section I: Property Information**

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Property Survey







## **Section II: Project Description**

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### Summary

## **Section II: Project Description**

The Bridge Street & Widewaters Parkway commercial corridors are arguably the busiest in Onondaga County, New York. The commercial development of this site will infill a strategically located asset, which likely has been passed over by other parties due to legacy contamination present in site groundwater, soil and soil vapor.

Multiple environmental investigations were conducted at the site prior to the applicant's acquisition of the property. The applicant qualifies as a Volunteer with respect to the site because it did not own or operate the site at the time of the release of contamination, nor did it otherwise cause or contribute to contamination at the site.

These investigations identified contamination in groundwater, soil and soil vapor. Existing contamination levels at the site exceed unrestricted and commercial use standards. A future remedial investigation will further define the nature and extent of contamination.

The proposed development project will not require a zoning change. However, it does need to conform to the Town of Dewitt's planning board requirements and long-term strategic plan. Adjacent properties include a mix of commercial, hospitality, and retail businesses.

Post-remediation, the project includes the construction of a 25,000 square foot, state-of-art Veterinarian Medical Center. Surface parking lots and on-site roadways (asphalt), landscaping and stormwater retention ponds will also be included in the development plan.

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

**Tentative Schedule**

Submittal of BCP Application .....	April 2022
Letter of Completeness.....	May 2022
End 30 Day Comment Period .....	June 2022
Execute BCP Agreement .....	June 2022
<b>Submit Citizen Participation Plan .....</b>	<b>June 2022</b>
<b>Submit Remedial Investigation (RI) Work Plan.....</b>	<b>June 2022</b>
End 30 Day RI Comment Period.....	July 2022
DEC Approval of Remedial Investigation Plan .....	July 2022
Begin Investigation Field Work.....	August 2022
Complete Investigation Field Work.....	August 2022
<b>Submit Draft Remedial Investigation Report .....</b>	<b>September 2022</b>
Significant Threat Determination / Fact Sheet.....	July 2022
DEC Approval of Remedial Investigation Report.....	October 2022
<b>Submit Remedial Action Work Plan with Alternatives Analysis .....</b>	<b>October 2022</b>
End 45 Day Comment Period .....	November 2022
DEC Approval of Remedial Action Work Plan .....	November 2022
Submit Fact Sheet Announcing Start of Construction .....	December 2022
<b>Begin Remediation .....</b>	<b>October 2022</b>
<b>Complete Remediation .....</b>	<b>December 2023</b>
<b>Begin Construction.....</b>	<b>January 2023</b>
Submit Environmental Easement Package .....	January 2023
<b>Submit Draft Site Management Plan.....</b>	<b>January 2023</b>
Submit Executed Environmental Easement Package .....	February 2023
DEC Approval of Site Management Plan .....	February 2023
Environmental Easement Recorded.....	March 2023
<b>Submit Draft Final Engineering Report .....</b>	<b>March 2023</b>
DEC Approval of Draft Final Engineering Report .....	April 2023
Submit Fact Sheet Announcing Final Engineering Report.....	May 2023
<b>Certificate of Completion .....</b>	<b>May 2023</b>
Fact Sheet Describing Institutional/Engineering Controls.....	September 2023
<b>Complete Construction .....</b>	<b>September 2023</b>

## **Section III: Land Use Factors**

---

### **Current Use**



### **Section III: Land Use Factors (Current Use)**

The site is currently vacant and vegetated primarily with grasses. Prior operations at the site ceased in 1996 (Partner, 2021). These operations consisted of use as a storage yard for machinery and materials.

The subject property is zoned Business (B) by the Town of DeWitt, with Special Zoning Limitations which do not allow the property to be used as a fast food restaurant, a gas station, a mini-mart, or a drive-through.

## **Section III: Land Use Factors**

---

Proposed Use (Post Remediation)

### **Section III: Land Use Factors – Proposed Use (Post Remediation)**

Post-remediation, the project includes the construction of a 25,000 square foot, state-of-art Veterinarian Medical Center. Surface parking lots and on-site roadways (asphalt), landscaping and stormwater retention ponds will also be included in the development plan.

## **Section III: Land Use Factors**

---

### Zoning Ordinance

ARTICLE XI  
**Business District**

**§ 192-48. Permitted structures and uses.**

In Business Districts, only the following structures and uses may be permitted following site plan review as provided in § 192-122 of this chapter:

- A. Animal day care, kennel or shelter.
- B. Bed-and-breakfast.
- C. Farm.
- D. Cemetery, crypt.
- E. Educational facility.
- F. Emergency service facility.
- G. Government facilities.
- H. Public utility.
- I. Religious use.
- J. Animal day care, kennel or shelter.
- K. Business office.
- L. Cafe.
- M. Day-care center.
- N. Finance/banks.
- O. Funeral home/mortuary.
- P. Horticulture, landscape, garden center.
- Q. Hospitals and clinics.
- R. Hotel and motel.
- S. Outdoor seating/assembly area.
- T. Recreational and entertainment facilities, indoor.
- U. Recreational and entertainment facilities, outdoor.
- V. Regulation golf course.
- W. Restaurant.
- X. Retail store.

- Y. Vehicle sales restricted. **[Amended 1-21-2015 by 1-2015]**
- Z. Vehicle service station.
- AA. Veterinary establishment, animal hospital.
- BB. Administrative and management services.
- CC. Club, private.
- DD. Drive-through facility.
- EE. Temporary outdoor sales.
- FF. Parking lot, off-site.
- GG. Mixed use, only in areas designated as Urban Village Overlay District in Appendix A to this Chapter 192,<sup>1</sup> and pursuant to meeting all the requirements set forth in § 192-64.4, Mixed-Use Village Floating Overlay District.<sup>2</sup> **[Added 9-8-2008 by L.L. No. 6-2008; amended 6-4-2018 by L.L. No. 2-2018]**

#### **§ 192-49. Specific permit uses.**

The following structures and uses shall be permitted in the Business District upon the issuance of a specific use permit by the Zoning Board of Appeals as provided in § 192-123 of this chapter:

- A. Commercial garage.
- B. (Reserved)<sup>3</sup>
- C. Towers and communications facilities.

#### **§ 192-50. Regulations.**

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

- A. Minimum lot width: N/A.
- B. Minimum lot area: N/A.
- C. Maximum building coverage: 30%.
- D. Maximum lot coverage: 80%.
- E. Front yard: Each lot shall have a front yard of 35 feet.
- F. Side yards: Each lot shall have two side yards with a total of not less than 25 feet,

---

1. Editor's Note: Said Appendix A is on file in the Town offices.

2. Editor's Note: Former Subsections HH, regarding nursing homes in mixed-use subdivisions, II, regarding family adult day-care in mixed-use subdivisions, and JJ, regarding single-family dwellings in mixed-use subdivisions, all added 9-8-2008 by L.L. No. 6-2008, which immediately followed this subsection, were repealed 6-4-2018 by L.L. No. 2-2018.

3. Editor's Note: Former Subsection B, regarding mixed uses, was repealed 6-4-2018 by L.L. No. 2-2018.



neither one of which may be less than nine feet in width.

- G. Rear yard: Each lot shall have a rear yard not less than 20 feet in depth, except that if the lot abuts a residential district, it shall have a rear yard not less than 100 feet in depth.
- H. Height: There shall be no limit on the height of structures, except that the yards shall be increased such that no structure shall be higher than any plane from the lot lines inclining upward at a slope of one foot vertically for each one foot horizontally, until the horizontal distance is greater than or equal to 40 feet.  
**[Amended 9-8-2008 by L.L. No. 6-2008]**

**§ 192-51. Additional regulations.**

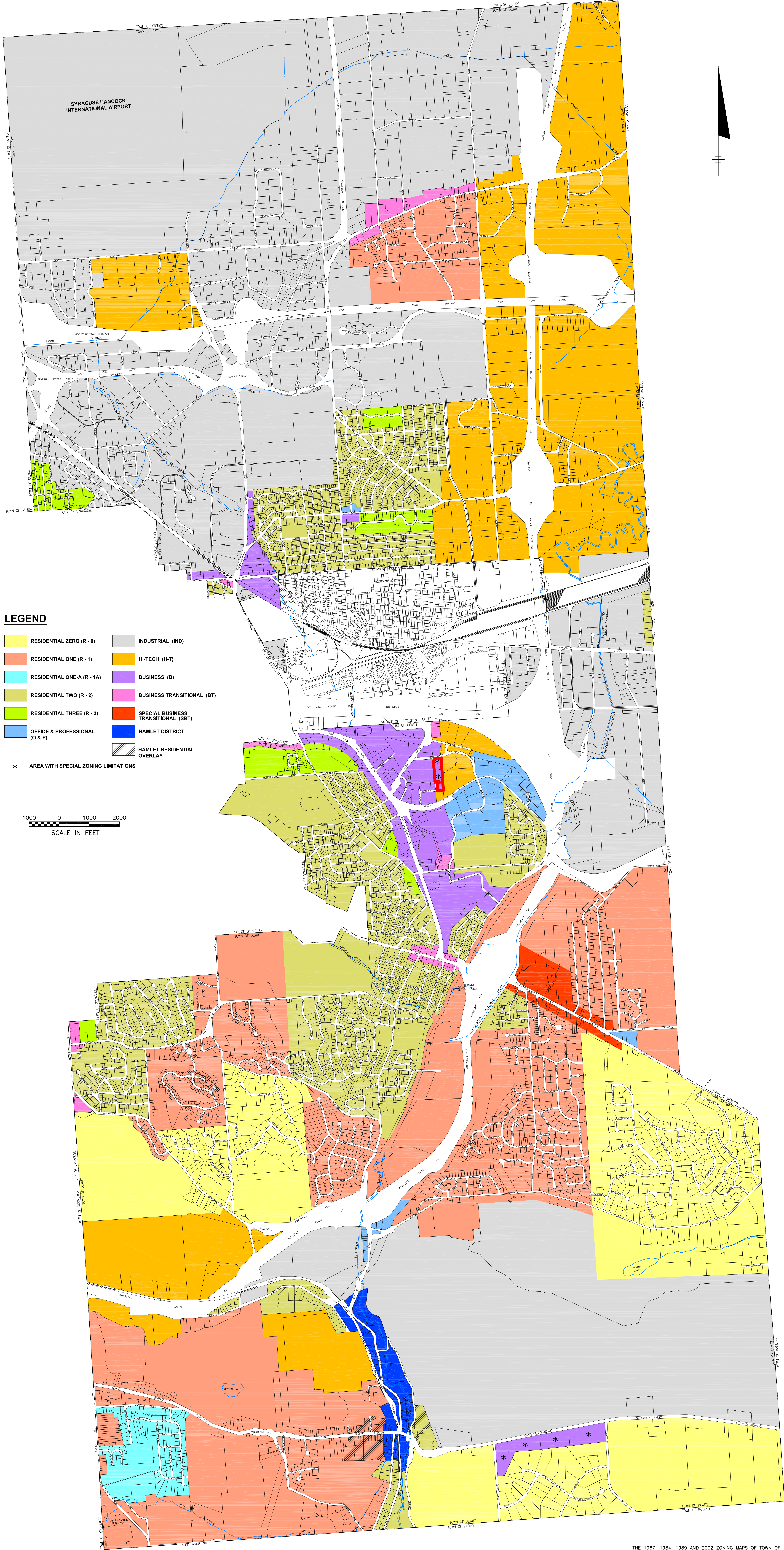
The applicable regulations for specified uses (Article XVI) and requirements applying to all districts (Article XVII) in this chapter shall apply to all uses.

## **Section III: Land Use Factors**

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### Zoning Map





1/13/2010 8:33 AM

I:\DEWITT-1123\28036.DEWITT-ZONING-M\DWG\2008\VBASEPLAN-2008.DWG

PREPARED FOR TOWN OF DEWITT  
DEPARTMENT OF DEVELOPMENT AND OPERATIONS  
BY:



# TOWN OF DEWITT, N.Y. ZONING MAP 2008

THE 1967, 1984, 1989 AND 2002 ZONING MAPS OF TOWN OF DEWITT WERE AMENDED AND SUPPLANTED BY THE 2008 ZONING MAP OF THE TOWN OF DEWITT AS ADOPTED BY LOCAL LAW #3 OF 2008 ON JUNE 9, 2008 WHICH TOGETHER WITH THE TAX MAPS PERTAINING THERETO WILL NOW BE CALLED THE 2008 ZONING MAP OF THE TOWN OF DEWITT AND MAY BE RELIED UPON PURSUANT TO TOWN OF DEWITT RULES OF ZONING, CHAPTER 192.

..... SUPERVISOR  
ATTESTED ..... TOWN CLERK

ALL CHANGES THROUGH JUNE 2008, AS AMENDED.

REVISIONS:  
1) LOCAL LAW #9 OF 2008, SEPTEMBER 8, 2008, HAMLET DISTRICT AND HAMLET RESIDENTIAL OVERLAY.



## **Section IV: Property's Environmental History**

---

### Summary of Prior Investigations

## **Section IV: Property's Environmental History**

### **Summary of Prior Investigations**

The project site (**Figure 1**) has been the subject of several investigations performed over a long period of time beginning in 1997 and continuing through 2021. This report provides a summary of these investigations and recommendations for additional work at this site.

#### ***List of Previous Investigations***

Phase I Environmental Site Assessment, February 1997 – C&S Engineers  
Phase II Environmental Site Assessment, April 1997 – C&S Engineers  
Removal Action, December 1997 – C&S Engineers  
Phase I Environmental Assessment, July 2021 – Partner Assessment Corporation  
Phase II Environmental Site Assessment, August 2021 – Partner Assessment Corporation  
Supplemental Soil Investigation, June 2021- AECC

Copies of these investigation are provided as separate files. The first three investigations are contained in a single file. Each of the investigations is summarized below.

#### ***Phase I Environmental Site Assessment, February 1997 - C&S Engineers***

A Phase I ESA was prepared by C&S Engineers (C&S) in February 1997 on behalf of Zeller Enterprises. This review identified the presence of 5-gallon pails and 55-gallon drums containing unidentified liquids on the site. In addition, several debris piles were noted on the property. In response to these findings C&S recommended a Phase II ESA for the site. This document was not available for review and the information conveyed here is from a subsequent Phase I document from 2021 (as described later in this document).

#### ***Phase II Environmental Site Assessment, April 1997 – C&S Engineers***

The Phase II investigation was completed in April 1997 and consisted of the installation of fourteen (14) test pits, three (3) surface soils samples and two (2) borings that were converted to temporary monitoring wells on the site.

##### **Test Pits**

Fourteen (14) test pits were placed across the site at the locations shown on **Figure A**. The soils encountered in these test pits were characterized as to composition and screened with a photoionization detector (PID) to determine if organic vapors were present. Test pits 4 through 14 identified the presence of fill materials to depths of 6-8 feet below ground surface (bgs). This fill was characterized as being comprised of sand, gravel, silt, concrete, crushed stone, brick and metal. The composition was variable suggesting the fill originated from multiple sources. PID screening of test pits 4 through 12 did not identify organic vapors. Test pits 13 and 14 were observed to also contain crushed metal including a drum. The soils were observed to have a notable fuel oil odor and PID readings ranged from 23 ppmV to 100 ppmV. Soil samples were collected from these two (2) locations and analyzed for PCB via USEPA Method 8080, RCRA metals via USEPA method 6010/7471 and volatile organic compounds (VOCs) by USEPA method 8260. The analysis was performed by Life Science Laboratories.



*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Project  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

No PCBs were detected in these samples. Silver was detected in the sample from TP 13 at a concentration of 6.1 mg/kg (above the unrestricted soil cleanup objective (SCO) of 2 mg/kg but below the commercial SCO of 1,500 mg/kg) and not detected in the sample from TP-14. No VOCs were detected in the sample from TP-13. Toluene, o-xylene, and m-p xylene were detected in the sample from TP-14 at concentrations of 110 ug/kg, 1,100 ug/kg, and 380 ug/kg respectively. C&S determined that a removal action for soils at the TP-14 location were warranted.

Surface Soil Samples

Surface soil samples were collected from three (3) locations identified as the drum storage area, an oil spot southeast of TP-10, and adjacent to a transformer pad where staining was observed. C&S determined that there were not significant environmental concerns associated with the drums storage sample and the transformer sample based on the analytical results. These results were not included in the copy of the report reviewed for this environmental history write-up, so no comparison to current SCO criteria can be made. The sample from the oil spot area did not contain PCBs and did not contain metals above typical background concentrations according to C&S. The sample did contain VOC compounds consisting of o-xylene and m,p-xylene at 180 mg/kg and 96 mg/kg respectively. These concentrations would appear to exceed the unrestricted SCO but are below the commercial SCO. C&S determined a removal action was appropriate for the oil stain area.

Soil Borings

Soil samples from the MW-2 boring were found to contain trichloroethane (TCA) and 1,2-dichloroethene (DCE, reported as total) at 54 ug/kg and 350 ug/kg. There is no cleanup standard in Part 375 for TCA, the DCE concentration is below both the unrestricted and commercial soil cleanup objectives (SCOs) for cis-1,2-dichloroethene. It should be noted that all subsequent environmental data for this site identifies the presence of trichloroethene (TCE) as opposed to TCA.

Groundwater

Groundwater samples from the well installed in B-2 (MW-2) also contained these compounds in addition to vinyl chloride. These compounds were found at concentrations in exceedance for NYSDEC criteria (TOGS) for groundwater. 1,2-dichloroethene was present at a concentration of 2,000 ug/L, TCA at 100 ug/L, and vinyl chloride at 53 ug/L. The C&S document refers to an investigation performed by GZA on the adjacent parcel to the west of MW-2 which also found high concentrations of chlorinated compounds in groundwater samples. That investigation also established that groundwater flow in this shallow system is to the west suggesting that the "5840" parcel is the source of the chlorinated compounds.

**Removal Action, December 1997 – C&S Engineers**

Subsequent to the completion of the Phase II investigation, C&S oversaw a removal action at the site (December 1997) which included the characterization, removal and disposal of the containerized liquids and spot removals of soils at two (2) locations where petroleum compounds had been detected and at the MW-2 location. The removal at the MW-2 locations was an attempt to remove the source of chlorinated organic contamination in groundwater. A combined total of seventy-seven (77) tons of soils was removed from the three (3) locations. Sidewall sampling of the area around MW-2 showed the existence of low concentration of chlorinated compounds in two (2) of three (3) of the sidewall samples. These detections are summarized in the following

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Project  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

table.

Summary of Sidewall Sample Analytical Results (mg/kg)						
Compound	Unrestricted SCO	Commercial SCO	North Wall	South Wall	East Wall	West Wall
1,2 - Dichloroethene	0.25	500	0.67	ND	0.096	0.83
Trichloroethene	0.47	200	0.16	ND	0.023	0.17

The residual concentrations in the north and west walls exceed the unrestricted SCO for cis 1,2-dichloroethene but do not exceed the Commercial SCO. The TCE concentrations do not exceed either criteria. Based on these results C&S recommended no further action for this site.

### **Phase I ESA, July 2021 - Partner Assessment Corporation**

A 2021 Phase I ESA prepared by Partner Assessment Corporation (Partner) for the two (2) parcels was performed. The findings of this report determined the existence of a REC associated with the presence of volatile organic contamination of soils and ground water at the site. They determined that a potential vapor intrusion issue existed for the site and recommended the performance of a Phase II ESA to assess this potential.

### **Phase II ESA, August 2021 – Partner**

Partner conducted a limited Phase II investigation (August 2021) consisting of the collection of four (4) soil vapor samples and four (4) groundwater samples (**Figure A**) situated around the suspected location of MW-2 (installed by C&S in 1997).

#### Subsurface Soil

A total of four (4) soil borings installed around the location of the former MW-2. These borings were installed to a depth of twelve (12) feet and samples were collected in 4-foot long acetate liners (Macrocore) using direct push equipment. The soils were classified and screened with a PID to determine if elevated organic vapors were present. No elevated organic vapors were detected in any of the borings. No analytical samples were collected of soils for this investigation.

The subsurface profile suggested by the borings consisted of approximately seven (7) feet of sand and gravel above three (3) feet of silty clay underlain by a fine brown sand to the depth of boring (typically 13 feet). Saturation was encountered between 5.3 and 10 feet.

#### Groundwater

DCE and vinyl chloride were found at concentration above the NYS Ambient Water Quality Standards (AWQS) in the sample collected from B-4GW located to the north of the location of former MW-2. The following table summarizes the water quality data

Summary of Groundwater Results ug/L					
Compound	AWQS	B-1GW	B-2GW	B-3GW	B-4GW
1,2-Dichloroethene, Total	5	2.1 J	ND	ND	28

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Acetone	50	4.8 J	3.2 J	5.2	3.21 J
Cis-1,2-dichloroethene	5	2.1 J	ND	ND	28
Trichloroethene	5	0.86	ND	ND	0.99
Vinyl Chloride	2	0.61 J	0.14 J	ND	3.9

**Note:**

J – Concentration is estimated

ND – Not Detected

**Soil Vapor**

Four (4) soil gas samples were collected from vapor points installed adjacent to the soil borings. Three (3) of these points (SG-1, SG-3, and SG-4) were installed with screens between 2 and 2.5 feet bgs. SG-2 was installed with a screen from 3.4 to 4 feet bgs. The samples were collected in precleaned evacuated Summa canisters with regulators to allow for sample collection after 10 minutes had passed. The sample from SG-3 was unable to be analyzed as water was drawn into the canister.

This investigation identified the presence of TCE in one (1) soil vapor sample above the USEPA VISL concentration for a risk of  $10^{-4}$ . There were also detections of TCE, cis-1,2-dichloroethene (DCE), and tetrachloroethene (PCE) in other vapor samples below the VISL guidance. The following table summarizes the detection of chlorinated VOCs.

<b>Summary of Chlorinated VOCs in Soil Vapor ug/m<sup>3</sup></b>				
Compound	EPA Commercial VISL ( $10^{-4}$ )	SG-1	SG-2	SG-4
Carbon tetrachloride	1460	ND	ND	14.5
Chloroform	1430	2.85	2.74	4.09
Chloromethane	1310	ND	1.16	0.859
Cis-1,2-Dichloroethene	NE	8.45	ND	ND
Tetrachloroethene	584	2.96	11	7.05
Trichloroethene	29.2	110	ND	2.99
Trichlorofluoromethane	NE	77.6	1.34	8.09

**Supplemental Soil Investigation, June 2021 – AECC**

In June of 2021, AECC conducted a supplemental soil investigation consisting of the installation of a series of test pits to develop additional information regarding the presence and distribution of contaminants. A total of thirteen (13) test pits were installed across the site (See **Figure A**), the soils were described, logged and samples were collected from selected locations for analysis of VOCs, SVOCs, PCBs, pesticides, herbicides, and metals. A total of ten (10) samples were submitted for analysis.

The following table provides a summary of the detected analytes and compares them to the unrestricted and commercial SCOs. PCBs and VOCs were not detected in the samples or occurred at concentrations below the unrestricted SCOs. Herbicides were also not detected at concentrations above the unrestricted SCOs. Chromium (assuming hexavalent chromium), lead and mercury were detected above the unrestricted SCOs but below the commercial SCOs. DDD, DDE and DDT were similarly detected above the unrestricted SCOs but below the commercial

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standards. Several PAHs were detected above the unrestricted SCOs. Benzo(a) pyrene is the only PAH detected above the commercial SCO.

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**Summary of Analytes Detected Above SCO**

Analyte	Mercury	Chromium	Lead	4,4'- DDD	4,4'- DDE	4,4'- DDT	Benzo[a] pyrene	Benzo[b] fluor-anthene	Chrysene	Indeno[1,2, 3-cd]pyrene	Acetone
<b>Unrestricted SCO</b>	0.18	1(Hex)/ 30(Tri)*	63	3.3a	3.3a	3.3a	1000	1000	1000a	500a	50
<b>Commercial RSCO</b>	2.8	400(Hex) /1500(Tri)	1000	92000	62000	47000	1000	5600	56000	5600	500000
TP-2-1	0.039	14.1*	18.2	2.3 J	ND	2.5 J	430 J	520 J	470 J	240 J	ND
TP-4-2	<b>0.18</b>	8.78*	52.5	<b>5.9 J</b>	<b>5.2 J</b>	<b>6.0 J</b>	ND	190 J	ND	ND	10 J
TP-6-1	0.15	16.7*	47.2	ND	ND	ND	ND	ND	ND	ND	ND
TP-9-1	0.036	12.6*	23.0	NA	NA	NA	770 J	<b>1000</b>	780 J	470 J	ND
TP-10-1	0.080	16.4*	<b>65.4</b>	ND	ND	ND	ND	ND	ND	ND	ND
TP-11-1	0.040	16.1*	22.0	NA	NA	NA	630 J	810 J	590 J	410 J	ND
TP-12-2	0.013 J	12.1*	20.8	ND	ND	ND	140 J	180 J	110 J	120 J	3.7 J
TP-13-7	<b>0.19</b>	27.3*	42.2	NA	NA	NA	ND	51 J	ND	ND	<b>160</b>
TP-5-1	0.13	13.7*	54.9	NA	NA	NA	400 J	590 J	480 J	220 J	ND
TP-7-1	0.046	12.8*	21.3	NA	NA	NA	<b>1100</b>	<b>1400</b>	<b>1000 J</b>	<b>690 J</b>	ND

**Notes:**

Items in bold exceed the unrestricted SCO  
Shaded items exceed the commercial SCO

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## **Summary and Conclusions**

Several investigations have occurred on the subject site since 1997. These investigations have identified the presence of metals, VOCs, SVOCs, and pesticides above unrestricted SCO. Groundwater contamination with chlorinated solvents, specifically TCE and its degradates, DCE and vinyl chloride, has been demonstrated as recently as 2021. Chlorinated VOCs are also present in soil vapor.

An investigation conducted by GZA on an adjacent property to the west suggest that groundwater flow is to the west.

The lateral and vertical extent of groundwater contamination has not been defined. The source of the chlorinated volatiles has similarly not been defined. It is currently not known if the source is on-site or on an upgradient property.

The presence of chlorinated solvents in groundwater and soil vapor will result in additional costs associated with construction on this site. Dewatering activities will likely require a remedial component or additional sampling prior to discharge. Building design will need to incorporate sub slab depressurization systems to prevent exposure to occupants resulting from vapor intrusion.



## **Section IV: Property's Environmental History**

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### Data Summary Tables

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### Data Summary Table: Soil

Analytes> Commercial SCOs	Detections > Commercial SCOs	Max. Detection (ppm)	Commercial SCO (ppm)	Depth (ft bgs)
Benzo(a)pyrene	1	1.1	1	0-1

### Data Summary Table: Soil Vapor

Analytes	Total Detections	Max. Detection (ug/m <sup>3</sup> )	Type
Trichloroethene	2	110	Soil gas
Cis-1,2-dichloroethene	1	8.45	Soil gas
Tetrachloroethene	3	11	Soil gas

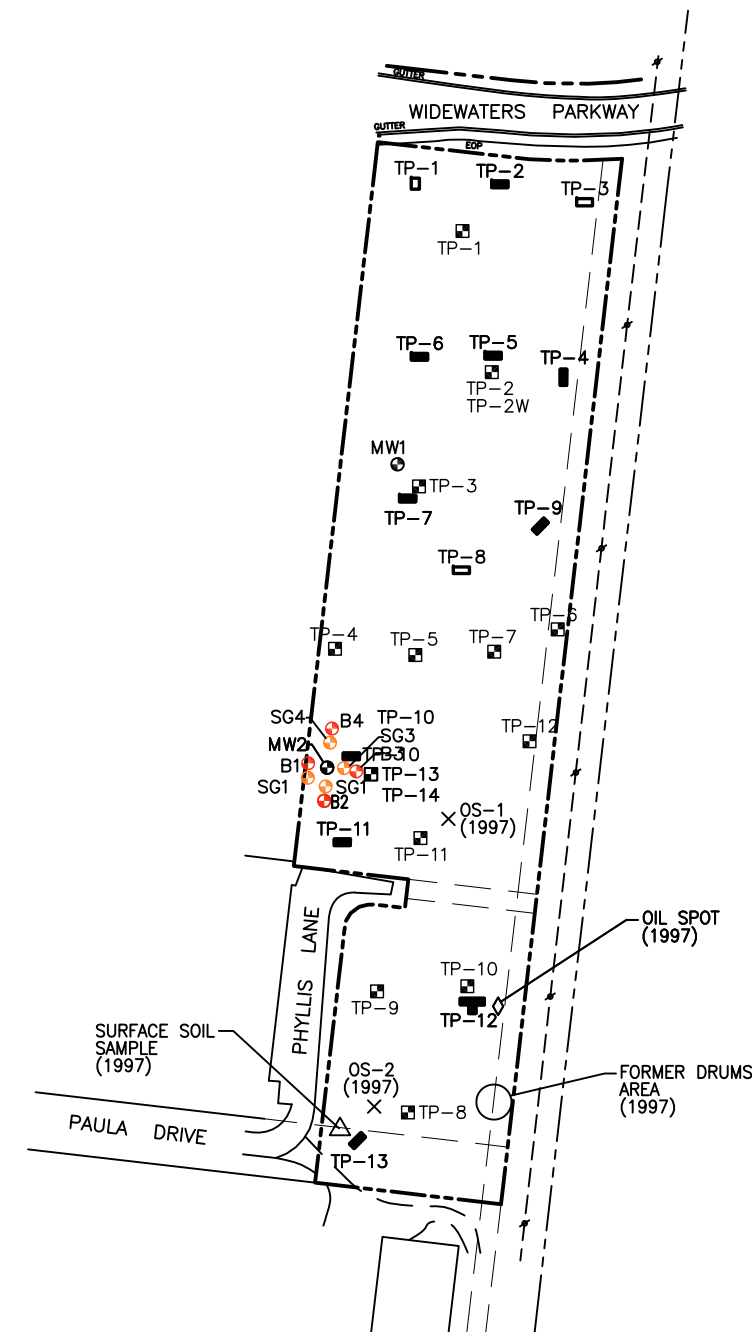
### Data Summary Table: Groundwater

Analytes > AWQS	Detections > AWQS	Max. Detection (ppb)	AWQS (ppb)
Cis-1,2-dichloroethene	2	2000	5
Trichloroethane	1	100	5
Vinyl Chloride	2	53	2
Trichloroethene	0	0.99	5

## **Section IV: Property's Environmental History**

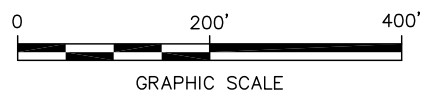
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Figure A - All Test Locations



- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-2 Monitoring Well Installed by C&S Engineers, Inc - March 1997
  - TP-11 Test Pit Location by C&S Engineers, Inc - March 1997
  - TP-X Test Pit by AECC 2021
  - TP-X Test Pit with Analytical Sample by AECC 2021
  - B1 Boring and Well Locations (2021) Partner ESI, 2021
  - SG1 Soil Gas Location by Partner ESI, 2021
- \*ALL LOCATIONS APPROXIMATE. NOT TO SCALE.

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PROJECT NO. 22-037		All Test Locations	FIGURE  <b>A</b>
DRAWN: AUG. 2022			
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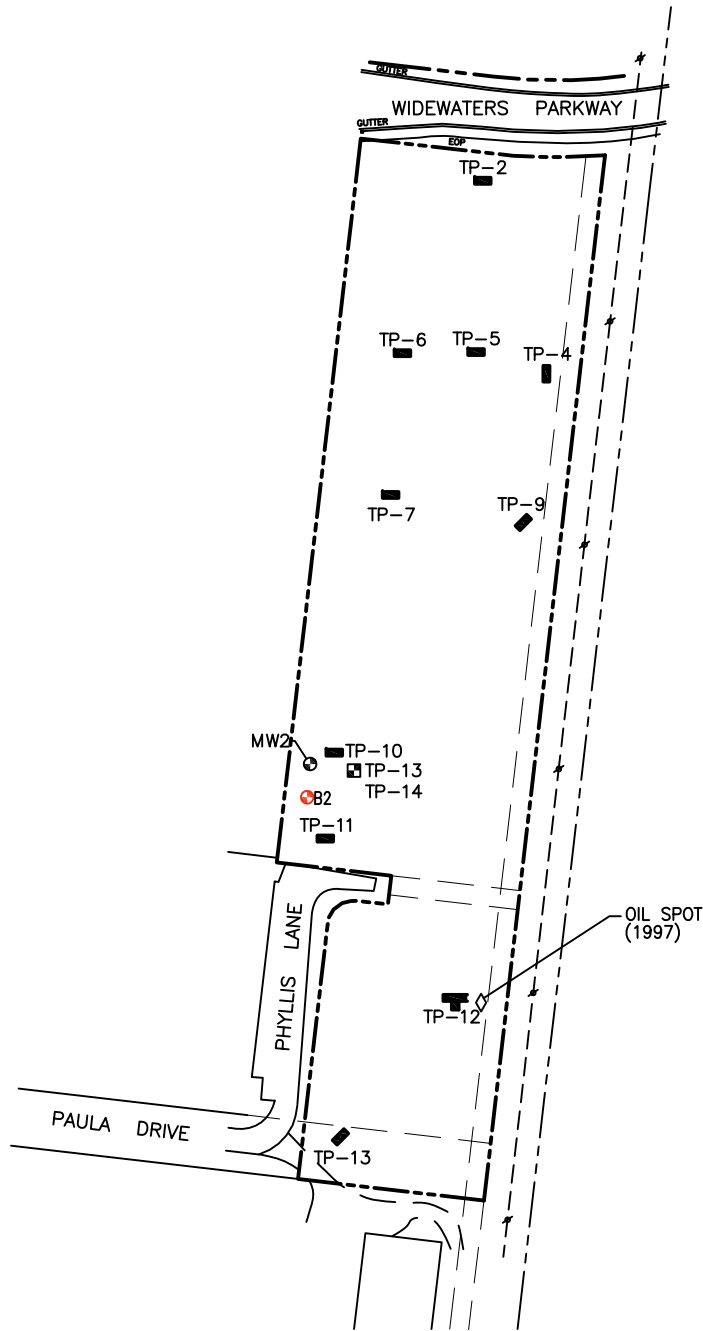
## **Section IV: Property's Environmental History**

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Figure B - Soil Chlorinated VOCs

Analyte	Commercial SCO	B-2
1,2-Dichloroethene, Total	30	0.35
Acetone	500	NA
cis-1,2-Dichloroethene	500	NA
Trichloroethene	500	NA
Vinyl Chloride	13	NA
Trichloroethane	500	0.054

All concentrations in mg/Kg  
NA - Not Available



- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-2 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
  - TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
  - TP-X TEST PIT BY AECC 2021
  - TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
  - B1 BORING AND WELL LOCATIONS (2021) PARTNER ESI, 2021
  - SG1 SOIL GAS LOCATION BY PARTNER ESI, 2021
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PROJECT NO.	22-031	<b>Soil Chlorinated VOCs</b>
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DRAWN BY:	WF	
CHECKED BY:	JS	
		WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK

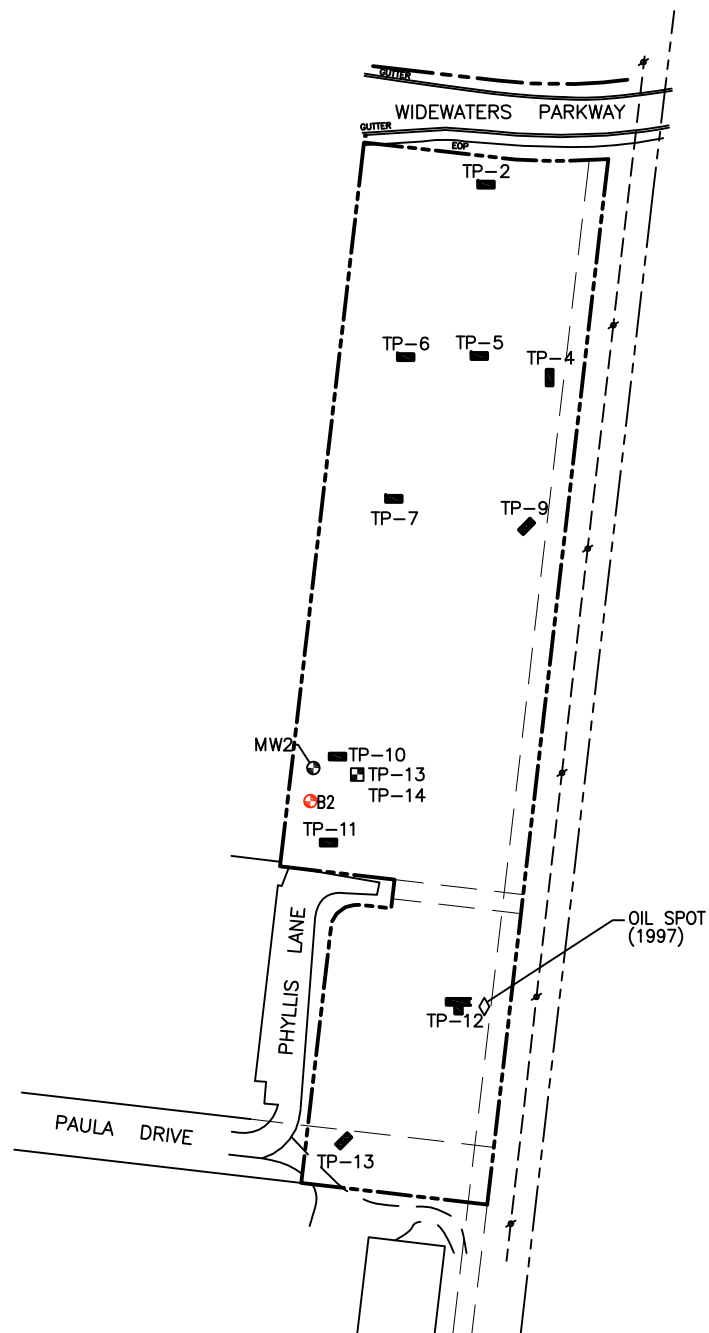
FIGURE  
**B**

## **Section IV: Property's Environmental History**

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Figure C: Soil Non-Chlorinated VOCs





Analyte	Toluene	O-xylene	m-p xylene	Acetone
Commercial SCO	500	500	500	500000
B-2	NA	NA	NA	NA
TP-13	NA	NA	NA	NA
TP-14	0.11	1.1	0.38	NA
Oil Spot	NA	180	96	NA
TP-2-1	NA	NA	NA	ND
TP-4-2	NA	NA	NA	10
TP-6-1	NA	NA	NA	ND
TP-9-1	NA	NA	NA	ND
TP-10-1	NA	NA	NA	ND
TP-11-1	NA	NA	NA	ND
TP-12-2	NA	NA	NA	3.7
TP-13-7	NA	NA	NA	160
TP-5-1	NA	NA	NA	ND
TP-7-1	NA	NA	NA	ND

All concentrations in mg/Kg

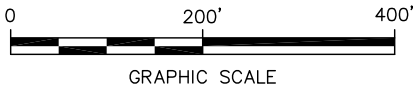
LEGEND:

- PROPERTY LINE
- RIGHT OF WAY LINES
- MW-2 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
- TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
- TP-X TEST PIT BY AECC 2021
- TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
- B1 BORING AND WELL LOCATIONS (2021) PARTNER ESI, 2021
- SG1 SOIL GAS LOCATION BY PARTNER ESI, 2021

\*ALL LOCATIONS APPROXIMATE. NOT TO SCALE.

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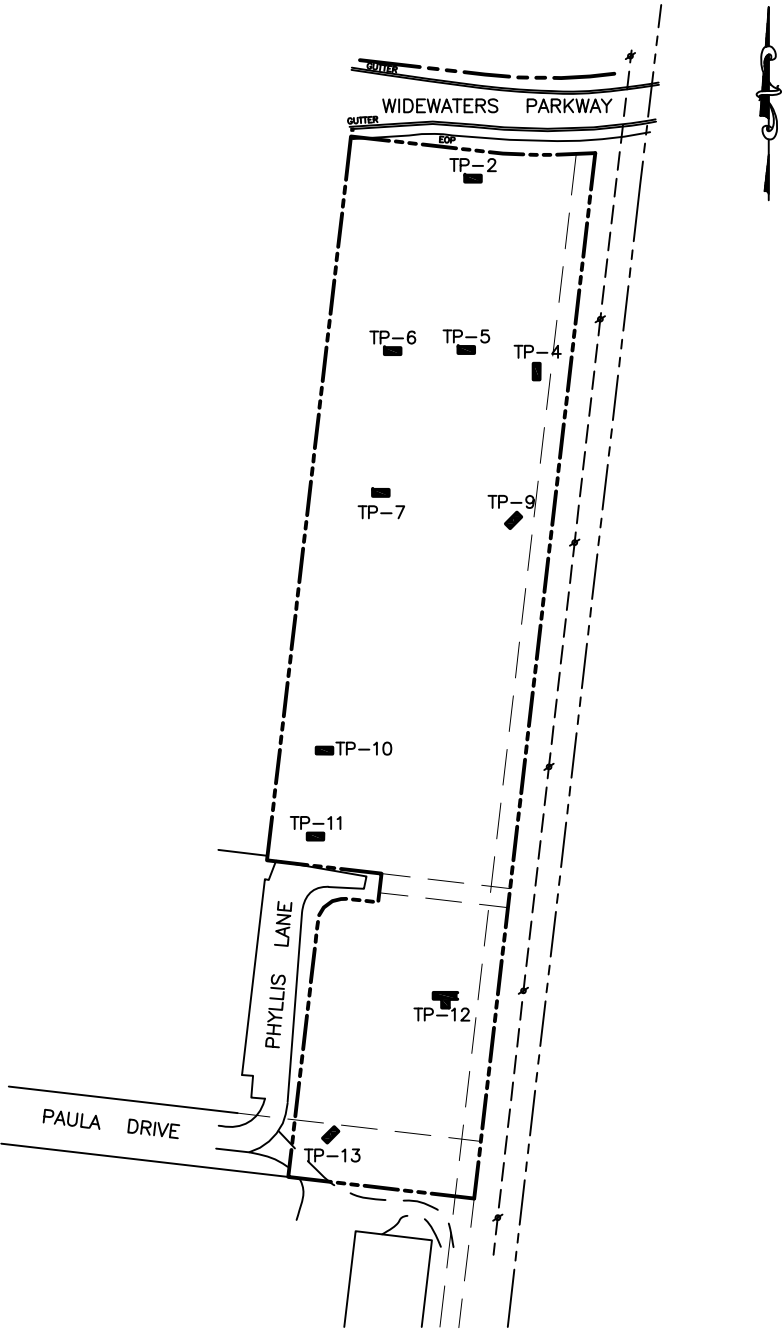
PROJECT NO.	22-031	<b>Soil Non-Chlorinated VOCs</b>
DRAWN:	AUG. 2022	
DRAWN BY:	WF	
CHECKED BY:	JS	
		WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK

FIGURE  
**C**

## **Section IV: Property's Environmental History**

---

Figure D - Soil SVOCs




Analyte	Benzo[a] pyrene	Benzo[b] fluor-anthene	Chrysene	Indeno[1,2, 3-cd]pyrene
Commercial SCO	1000	5600	56000	5600
TP-2-1	430	520	470	240
TP-4-2	ND	190	ND	ND
TP-6-1	ND	ND	ND	ND
TP-9-1	770	1000	780	470
TP-10-1	ND	ND	ND	ND
TP-11-1	630	810	590	410
TP-12-2	140	180	110	120
TP-13-7	ND	51	ND	ND
TP-5-1	400	590	480	220
TP-7-1	1100	1400	1000	690
Exceeds Standard				
All concentrations in mg/Kg				

- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-20 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
  - TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
  - TP-X TEST PIT BY AECC 2021
  - TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
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**Soil SVOCs**

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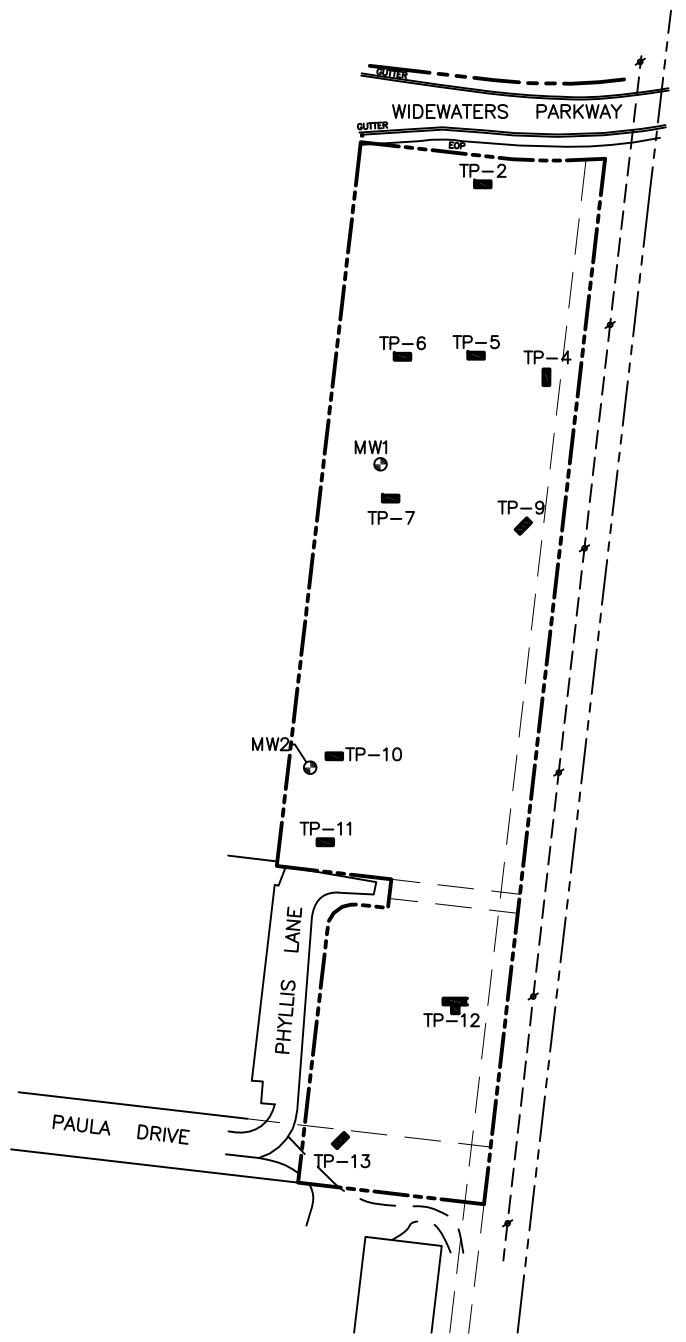
FIGURE

**D**

## **Section IV: Property's Environmental History**

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Figure E - Soil Pesticides



Analyte	4,4'-DDD	4,4'-DDE	4,4'-DDT
Commercial SCO	92000	62000	47000
TP-2-1	2.3	ND	2.5
TP-4-2	5.9	5.2	6
TP-6-1	ND	ND	ND
TP-9-1	NA	NA	NA
TP-10-1	ND	ND	ND
TP-11-1	NA	NA	NA
TP-12-2	ND	ND	ND
TP-13-7	NA	NA	NA
TP-5-1	NA	NA	NA
TP-7-1	NA	NA	NA

All concentrations in mg/Kg

- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-2 Monitoring Well Installed by C&S Engineers, Inc - March 1997
  - TP-11 Test Pit Location by C&S Engineers, Inc - March 1997
  - TP-X Test Pit by AECC 2021
  - TP-X Test Pit with Analytical Sample by AECC 2021
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  - SG1 Soil Gas Location by Partner ESI, 2021
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**Soil Pesticides**

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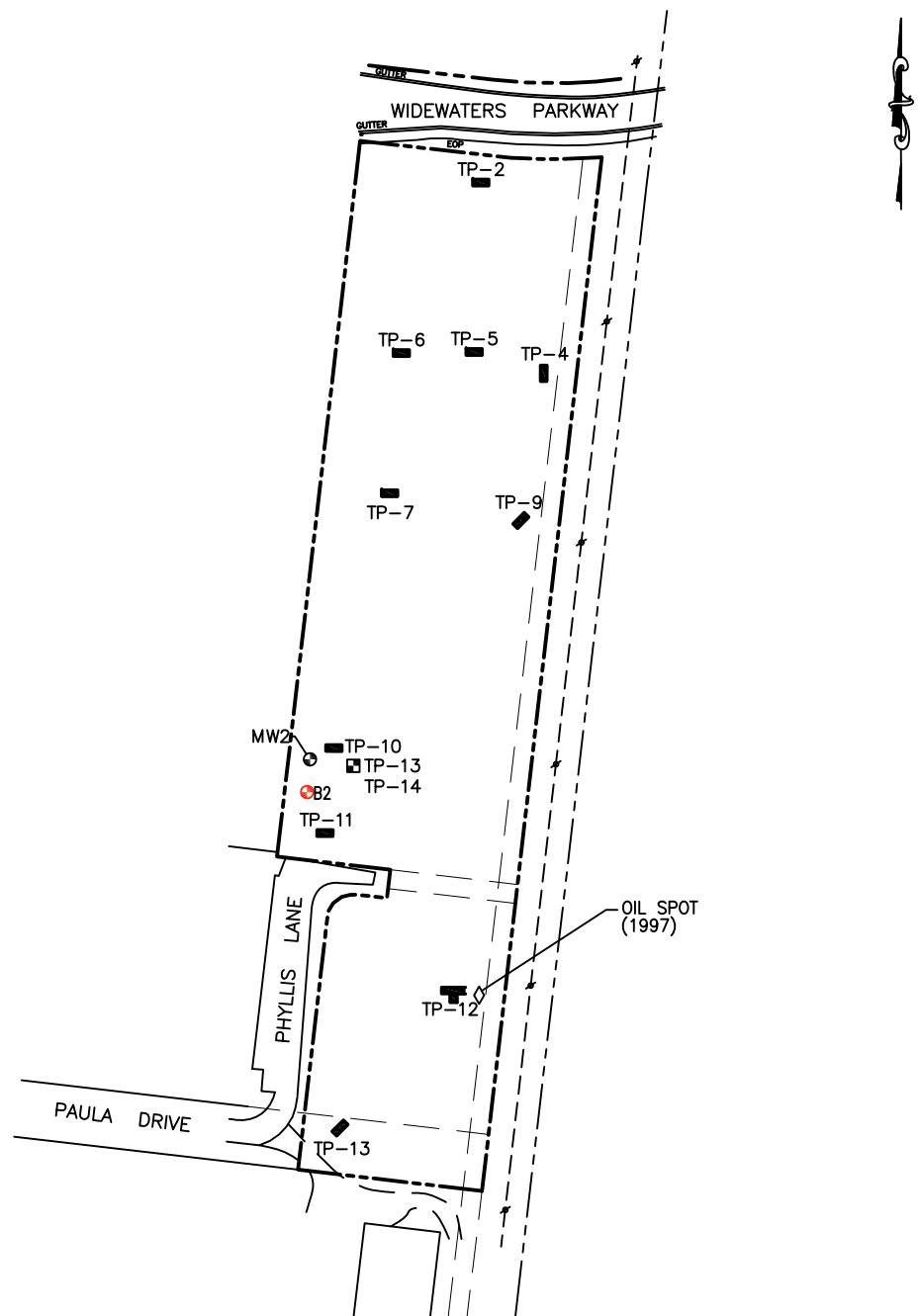
FIGURE

**E**

## **Section IV: Property's Environmental History**

---

Figure F - Soil Metals



Analyte	Mercury	Chromium	Lead	Silver
Commercial SCO	2.8	400(Hex)/1500(Tri)	1000	1500
TP-2-1	0.039	14.1	18.2	NA
TP-4-2	0.18	8.78	52.5	NA
TP-6-1	0.15	16.7	47.2	NA
TP-9-1	0.036	12.6	23	NA
TP-10-1	0.08	16.4	65.4	NA
TP-11-1	0.04	16.1	22	NA
TP-12-2	0.013	12.1	20.8	NA
TP-13-7	0.19	27.3	42.2	NA
TP-5-1	0.13	13.7	54.9	NA
TP-7-1	0.046	12.8	21.3	NA
B-2	NA	NA	NA	1.1
TP-13	NA	NA	NA	6.1
TP-14	NA	NA	NA	NA
Oil Spot	NA	NA	NA	NA


All concentrations in mg/Kg

- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-2 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
  - TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
  - TP-X TEST PIT BY AECC 2021
  - TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
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Soil Metals

WIDEWATERS PKWY DEVELOPMENT SITE  
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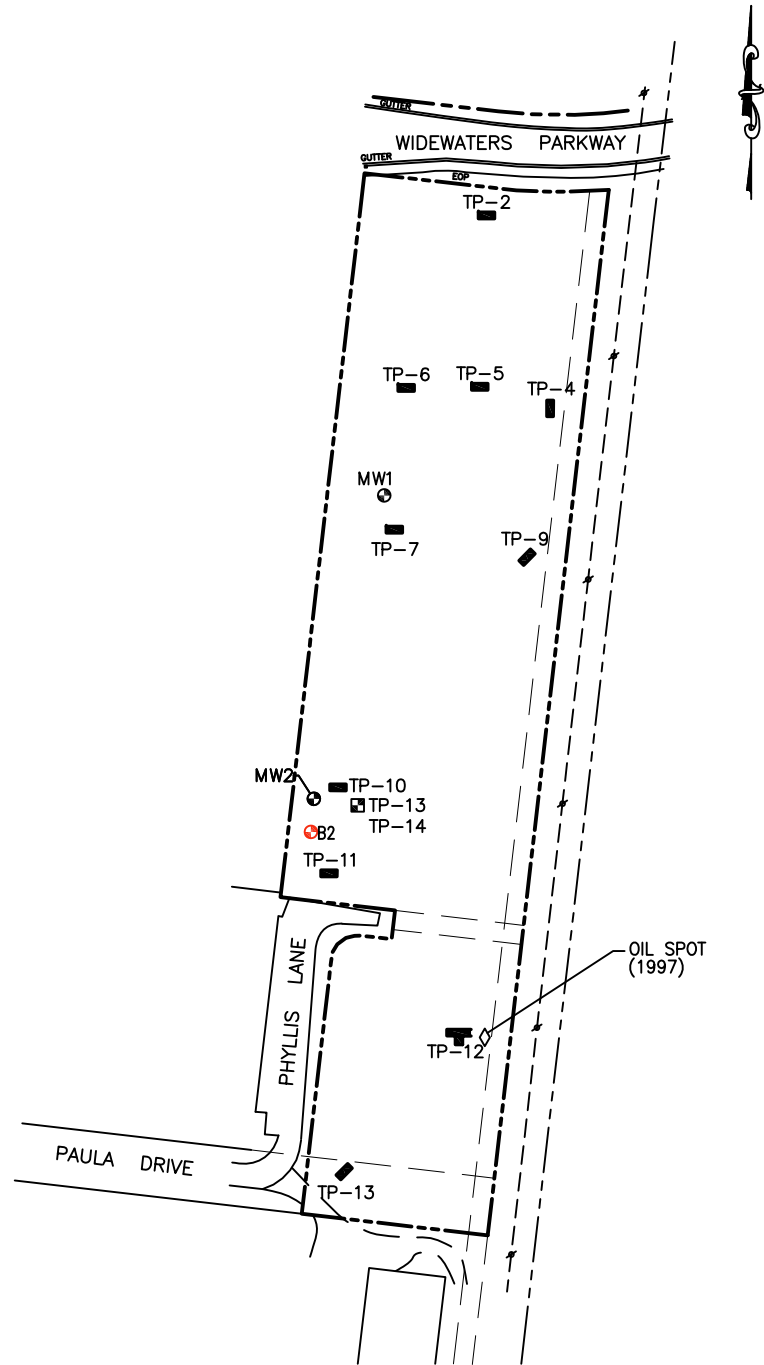
FIGURE  
**F**

## **Section IV: Property's Environmental History**

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Figure G - Groundwater Detections






Analyte	AWQS	B-1GW (µg/l)	B-2GW (µg/l)	B-3GW (µg/l)	B-4GW (µg/l)	MW-2 (C & S)
1,2-Dichloroethene, Total	5	2.1	<2.5	<2.5	28	2000
Acetone	50	4.8	3.2	5.2	3.2	NA
cis-1,2-Dichloroethene	5	2.1	<2.5	<2.5	28	NA
Trichloroethene	5	0.86	<0.5	<0.5	0.99	NA
Vinyl Chloride	2	0.61	0.14	<1	3.9	53
Trichloroethane	5	NA	NA	NA	NA	100
Exceeds Standard						
AWQS-Ambient Water Quality Standard						

- LEGEND:**
- PROPERTY LINE
  - RIGHT OF WAY LINES
  - MW-2 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
  - TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
  - TP-X TEST PIT BY AECC 2021
  - TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
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**Groundwater Detections**

WIDEWATERS FWKY DEVELOPMENT SITE  
BRIDGE & PHYLLIS LANE, TOWN OF DEWITT  
ONONDAGA COUNTY, NEW YORK

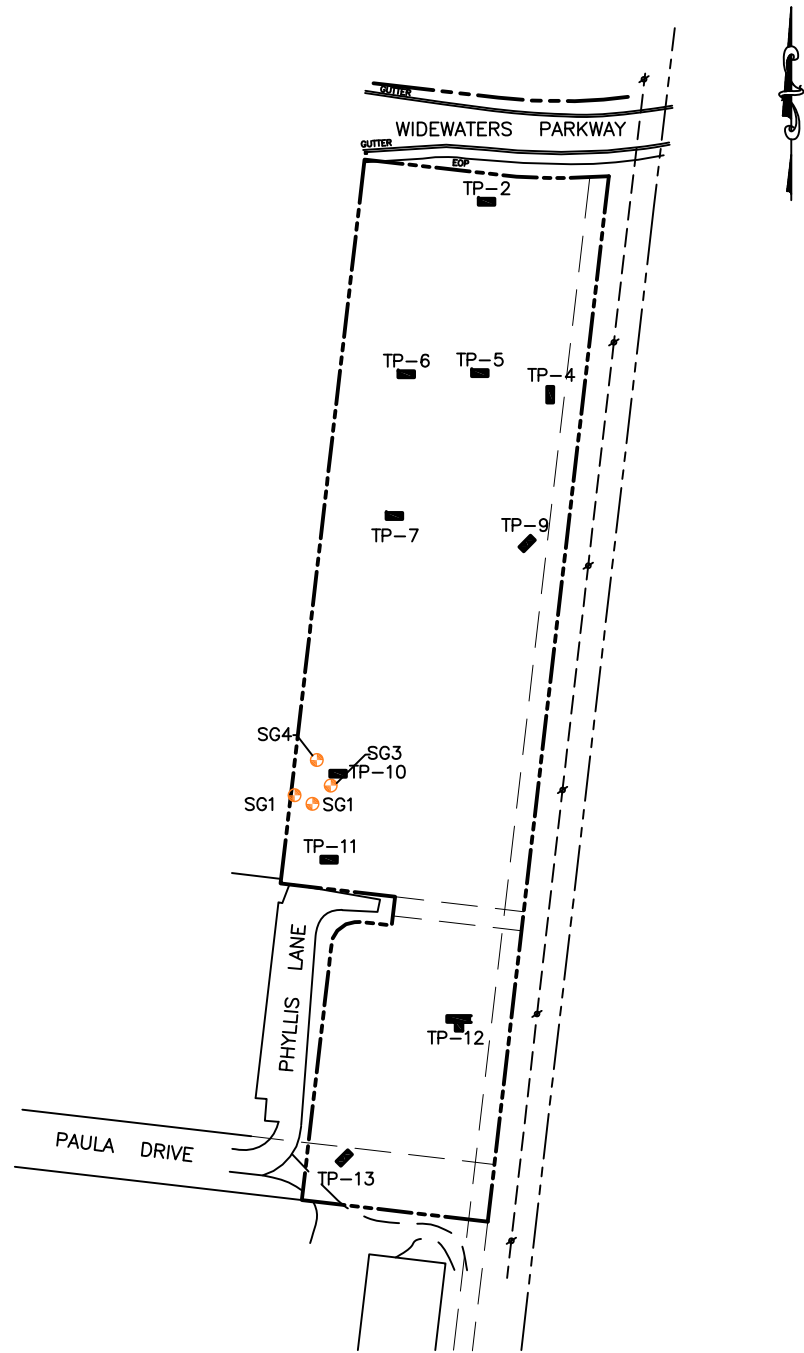
FIGURE

**G**

## **Section IV: Property's Environmental History**

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Figure H - Soil Gas Chlorinated Results



Analyte	SG-1 (µg/m^3)	SG-3 (µg/m^3)	SG-4 (µg/m^3)
1,2-Dichloroethene (total)	8.45	<0.793	<0.793
Carbon tetrachloride	<1.26	<1.26	14.5
cis-1,2-Dichloroethene	8.45	<0.793	<0.793
Tetrachloroethene	2.96	11	7.05
Trichloroethene	110	<1.07	2.99

LEGEND:

- PROPERTY LINE
- RIGHT OF WAY LINES
- MW-20 MONITORING WELL INSTALLED BY C&S ENGINEERS, INC - MARCH 1997
- TP-11 TEST PIT LOCATION BY C&S ENGINEERS, INC - MARCH 1997
- TP-X TEST PIT BY AECC 2021
- TP-X TEST PIT WITH ANALYTICAL SAMPLE BY AECC 2021
- B1 BORING AND WELL LOCATIONS (2021) PARTNER ESI, 2021
- SG1 SOIL GAS LOCATION BY PARTNER ESI, 2021
- \*ALL LOCATIONS APPROXIMATE. NOT TO SCALE.

NOTE: THIS MAP WAS DERIVED FROM A SURVEY BY C.T. MALE & ASSOCIATES DATED 3-30-2022. PROJECT #22.2084

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Asbestos & Environmental Consulting Corporation

6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO.	22-031	<b>Soil Gas Chlorinated Results</b>
DRAWN:	AUG. 2022	
DRAWN BY:	WF	
CHECKED BY:	JS	
		WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK

FIGURE  
**H**

## **Section IV: Property's Environmental History**

---

Figure I - Soil Gas Test Analytical Data

Analyte	EPA Commercial VISL (10^-6)	EPA Commercial VISL (10^-5)	EPA Commercial VISL (10^-4)	SG-1 (µg/m^3)	SG-3 (µg/m^3)	SG-4 (µg/m^3)
1,2,4-Trimethylbenzene	876	876	876	63.9	66.4	51.1
1,3,5-Trimethylbenzene	876	876	876	30.4	31.1	23.5
1,3-Butadiene	13.6	29.2	29.2	2.11	4.76	1.27
2-Butanone	73000	73000	73000	11.1	44.5	25.8
2-Hexanone	438	438	438	<0.82	12.5	3.48
4-Ethyltoluene	NA	NA	NA	<0.983	7.72	5.41
4-Methyl-2-pentanone	43800	43800	43800	<2.05	11.5	15.4
Acetone	451000	451000	451000	143	290	235
Benzene	52.4	438	438	22.7	24.7	35.1
Carbon disulfide	10200	10200	10200	3.61	12.1	8.38
Chloroform	17.8	178	1430	2.85	2.74	4.09
Chloromethane	1310	1310	1310	<0.413	1.16	0.859
Cyclohexane	87600	87600	87600	50.3	27.6	46.5
Dichlorodifluoromethane	1460	1460	1460	2.96	1.67	2.91
Ethyl Alcohol	NA	NA	NA	<9.42	29	33.2
Ethylbenzene	164	1640	14600	5.04	17.7	10.6
Heptane	5840	5840	5840	67.2	39.3	66.4
iso-Propyl Alcohol	2920	2920	2920	2.21	7.03	8.85
n-Hexane	10200	10200	10200	101	57.1	103
o-Xylene	1460	1460	1460	47.3	58.2	41.5
p/m-Xylene	NA	NA	NA	27.9	67.3	50.4
tert-Butyl Alcohol	NA	NA	NA	<1.52	7.34	11.2
Toluene	73000	73000	73000	20.1	84.4	69.3
Trichlorofluoromethane	NA	NA	NA	77.6	1.34	8.09
Xylene (Total)	1460	1460	1460	75.1	126	92.1

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Asbestos & Environmental  
Consulting Corporation

6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO.	22-031	<b>Soil Gas Test Analytical Data</b>
DRAWN:	AUG. 2022	
DRAWN BY:	WF	
CHECKED BY:	JS	
		WIDEWATERS PKWY DEVELOPMENT SITE BRIDGE & PHYLLIS LANE, TOWN OF DEWITT ONONDAGA COUNTY, NEW YORK

FIGURE  
**I**

## **Section V: Requestor Information**

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Requestor Information



*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

## **Section V: Requestor Information**

### **Requestor Name**

Philion Properties, LLC  
3816 East Street  
Skaneateles, New York 13152  
Telephone: (215) 901-3611  
Fax Number: None  
Email: [philionproperties@gmail.com](mailto:philionproperties@gmail.com)

### **Members/Owner's Names**

Maureen Karla  
Sean Karla

## **Section V: Requestor Information**

---

NYS Department of State - Database Printout

# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)[Return to Search](#)

#### Entity Details

**ENTITY NAME:** PHILION PROPERTIES, LLC

**DOS ID:** 6029941

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** 203 LLC - LIMITED LIABILITY COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 06/07/2021

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 06/07/2021

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** ONONDAGA

**NEXT STATEMENT DUE DATE:** 06/30/2023

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** PHILION PROPERTIES, LLC

**Address:** 3816 EAST STREET, SKANEATELES, NY, UNITED STATES, 13152 - 9350

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

#### Entity Primary Location Name and Address

**Name:**

**Address:**

#### Farmcorpflag

**Is The Entity A Farm Corporation:** NO

## **Section VI: Requestor Eligibility**

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### Volunteer Consideration Statement

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

## **Volunteer Consideration Statement**

The Requestor seeks entry into the New York State Brownfield Cleanup Program ("BCP"), as a Volunteer as defined by ECL §27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2).

Under ECL § 27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2), a Volunteer is defined as follows:

"Volunteer" shall mean an applicant other than a participant, including without limitation a person whose liability arises solely as a result of such person's ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants, provided however, such person exercises appropriate care with respect to contamination found at the facility by taking reasonable steps to:

- (i) stop any continuing release;
- (ii) prevent any threatened future release; and
- (iii) prevent or limit human, environmental, or natural resource exposure to any previously released contamination.

Requestor qualifies as a Volunteer as defined by ECL §27-1405(1)(b) and 6 NYCRR §375-3.2(c)(2) because it did not own or operate the site at the time of the release of contamination at the site, did not otherwise cause or contribute to contamination at the site, and exercised appropriate care with respect to the contamination present on the site.

Prior to acquisition of the Site, Requestor performed a Phase I Environmental Site Assessment and a subsequent limited Phase II Subsurface Investigation. Requestor has exercised appropriate care by performing all appropriate inquiries and immediately seeking to investigate and remediate the present contamination through the BCP. Accordingly, Requestor qualifies as a Volunteer.

## **Section IX: Current Property Owner and Operator Information**

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### Current Property Owners - Operator Information



*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

## **Section IX: Current Property Owners-Operator Information**

The requestor is the current property owner. The site was acquired on May 2, 2022. The requestor does not have any relationship with the prior owner(s) of the site.

<b><u>Date(s)</u></b>	<b><u>Previous Property Owners &amp; Operators</u></b>	<b><u>Use (Past)</u></b>	<b><u>Relationship to Requestor</u></b>
2021	Skenendoa LLC P.O. Box 270 1264 Glenwood Avenue Oneida, New York 13241	Vacant	None
2020	Bridge Street Enterprises	Vacant	None
1997	Timbello Enterprises	Vacant/Storage	None

\*Note – Ownership history for the site is limited and difficult to decipher. Based on our records review, it appears that the Timbello's obtained the property circa 1960. Chrysler Corporation is listed in ownership records, however, it is unknown if their ownership is tied to this specific site or neighboring parcels.

## **Section XI: Site Contacts**

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### Contact List Information

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

## **Section XI: Contact List Information**

### **Onondaga County**

Onondaga County Government  
J. Ryan McMahon II, County Executive  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202  
(315) 435-3516

Onondaga County Planning Board  
Daniel Cupoli, Chairperson  
John H. Mulroy Civic Center, 11th Floor  
421 Montgomery Street  
Syracuse, New York 13202  
(315) 435-2611

### **Town of Dewitt**

Town of Dewitt  
Edward M. Michalenko, Town Supervisor  
5400 Butternut Drive  
East Syracuse, New York 13057  
(315) 446-3910 ext. 5  
[supervisor@townofdewitt.com](mailto:supervisor@townofdewitt.com)

Planning & Zoning Department  
Nicholas Quilty-Koval  
5400 Butternut Drive  
East Syracuse, New York 13057  
(315) 446-3910 ext. 3  
[plan\\_zone@townofdewitt.com](mailto:plan_zone@townofdewitt.com)

### **Local News Media**

WSYR-TV  
James Campagna, News Director  
5904 Bridge Street  
East Syracuse, New York 13057  
(315) 446-9900  
[assignmentdesk@LocalSYR.com](mailto:assignmentdesk@LocalSYR.com)

Syracuse Post Standard  
Syracuse Media Group  
220 South Warren Street  
Syracuse, New York 13202  
(315) 470-0011  
[citynews@syracuse.com](mailto:citynews@syracuse.com)  
[features@syracuse.com](mailto:features@syracuse.com)

WSTM / WSTQ / WTVH  
Rae Fulkerson, News Director  
1030 James Street  
Syracuse, New York 13203  
(315) 477-9441  
[news@cnycentral.com](mailto:news@cnycentral.com)

Eagle News  
Jason Emerson, Eagle Bulletin Editor  
2501 James Street  
Suite 100  
Syracuse, New York 13206  
(315) 434-8889 ext. 340  
[editor@eaglebulletin.com](mailto:editor@eaglebulletin.com)

Spectrum News  
815 Erie Blvd. East  
Syracuse, New York 13210  
(315) 234-1000 ext. 2  
[yournews@charter.com](mailto:yournews@charter.com)

News Radio 570 WSYR-AM  
500 Plum Street  
Syracuse, New York 13204  
(315) 474-6397  
[wsyrnews@heartmedia.com](mailto:wsyrnews@heartmedia.com)

WAER-FM 88.3  
795 Ostrom Avenue #2945  
Syracuse, New York 13210  
(315) 443-4021  
[cabot@syr.edu](mailto:cabot@syr.edu)

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

**Document Repository**

*Community Library of Dewitt & Jamesville*  
5110 Jamesville Road  
Jamesville, New York 13078  
Hours: Check online or call for hours  
Call: (315) 446-3578  
Visit: <https://cldandj.org/>

**Public Water Supplier**

Town of Dewitt Water Department  
5400 Butternut Drive  
East Syracuse, New York 13057  
(315) 446-3734 ext. 4  
[water@townofdewitt.com](mailto:water@townofdewitt.com)

*New York State Brownfield Cleanup Program (BCP) Application  
Widewaters Pkwy Development Site  
Bridge & Phyllis Lane, Town of Dewitt, Onondaga County, New York*

## **Adjacent Property Owners**

<u>Tax Parcel / Property Address / Current Use-Occupant</u>	<u>Owner Name / Address</u>
1. Tax Parcel: 053.-02-11.1 6615 Towpath Road East Syracuse Syracuse, New York 13057	6615 Towpath Rd Co LLC P.O. Box 3 Syracuse, New York 13214
2. Tax Parcel:053.-02-11.3 5820 Phyllis Lane East Syracuse, New York 13057	RJY Development LLC P.O. Box 6374 Syracuse, New York 13217
3. Tax Parcel:053.-02-23.1 5814 Bridge Street East Syracuse, New York 13057 The Home Depot	Bridge Street Ltd. The Home Depot P.O. Box 105842 Atlanta, Georgia 30348-5842
4. Tax Parcel: 053.-02-25.2 5830 Bridge Street East Syracuse, New York 13057 Dunn Tire	Dunn Tire LLC #21 Elvy Realty 475 Cayuga Road Buffalo, New York 14225
5. Tax Parcel: 053.-02-26.2 5908 Widewaters Parkway East Syracuse, New York 13057 Holiday Inn	Dewitt Lodging LLC 5908 Widewaters Parkway East Syracuse, New York 13057
6. Tax Parcel: 053.-02-05.1 Bridge Street East Syracuse, New York 13057 Utility Lines	National Grid 300 Erie Boulevard West Syracuse, New York 13202-4201
7. Tax Parcel:053.-02-01.1 Widewaters Parkway East Syracuse, New York 13057 Vacant Land	Enterprise Widewaters II Attn: The Widewaters Group Inc. P.O. Box 3 5786 Widwaters Parkway Syracuse, New York 13214
8. Tax Parcel: 053.-02-10.0 6625 Towpath Road East Syracuse, New York 13057 Vacant Land	Doree May Zurich & Edward Conrad 5181 Brockway Lane Fayetteville, New York 13066-1765
9. Tax Parcel: 053.-02-23.2 Bridge Street East Syracuse, New York 13057 Public Roadway	Town of Dewitt 5400 Butternut Drive East Syracuse, New York 13057

## James Saxton

---

**From:** Charles Diede <cdiede@cldandj.org>  
**Sent:** Thursday, April 21, 2022 11:18 AM  
**To:** Kyle Bowers; Luke Connor  
**Cc:** James Saxton; Erin Cassidy  
**Subject:** Re: Document Repository Request - Brownfield Cleanup Program - 5840 Widewaters Development Site

Mr, Bowers,

I, as the Executive Director of the Community Library of Dewitt and Jamesville and on behalf of the Library, agree to hold the documents for the 5840 Widewaters Development BCP project; they will be made available to the inquiring public at a location designated by the library. (which will be housed in the Library)

Charles Diede, MLS, MBA  
Executive Director  
Community Library of DeWitt & Jamesville  
5110 Jamesville Road  
DeWitt, NY 13078  
315-446-3578

On Thu, Apr 21, 2022 at 8:47 AM Kyle Bowers <[kbowers@aeccgroup.com](mailto:kbowers@aeccgroup.com)> wrote:

Good morning Charles,

The Asbestos & Environmental Consulting Corporation (AECC) is currently working with Philion Properties, LLC on a NYSDEC Brownfield Cleanup Program (BCP) for an undeveloped tract of land located directly south of Widewaters Parkway in the Town of Dewitt, New York. Philion Properties, LLC is acquiring the property soon and AECC will be submitting a new BCP application on their behalf.

One part of the citizen involvement requirement related to the BCP project is the ability for the public to review milestone documents at a local document repository (library). The Community Library of DeWitt & Jamesville had previously agreed to serve as the repository for the documents generated as part of the Bowers Business Park BCP Project, and we merely ask you to extend the same service to this BCP project since it is also located in the Town of Dewitt.

The Application for the Brownfield Program requires an acknowledgement from the repository indicating that it agrees to act as the document repository for the project. If you are in agreement, please respond via email stating that you agree to hold the documents for the 5840 Widewaters Development BCP project, and that they will be made available to the inquiring public at a location designated by the library.

Please feel free to contact me with any questions or concerns.

Thank you in advance for your time and consideration. We look forward to your response.

**Kyle Bowers**

Vice President

Asbestos & Environmental Consulting Corporation (AECC)

6308 Fly Road

East Syracuse, NY 13057

[www.aeccgroup.com](http://www.aeccgroup.com)



(315) 432-9400 office

(315) 432-9405 fax

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