

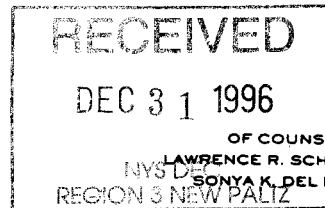
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YOUNG & ROWE

ATTORNEYS AT LAW  
EXECUTIVE WOODS  
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ALBANY, NEW YORK 12205

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December 30, 1996

VIA HAND DELIVERY

Christine Costopoulos  
New York State Department of  
Environmental Conservation  
Hazardous Waste Remediation  
50 Wolf Road, Room 260  
Albany, NY 12233-7010

Re: New Paltz Plaza -- Revonak Dry Cleaners Site -- Site Code 3-56-021

Dear Ms. Costopoulos:

Enclosed please find Voluntary Cleanup Program Application Form submitted on behalf of New Paltz Properties, LP regarding the Revonak Dry Cleaners Site. Rosalie Rusinko, Esq. and Dan Bendell are the legal and technical contacts at DEC for this project. Please call if you have any questions.

Sincerely,

*Kevin M. Young*  
Kevin M. Young

Enclosure

cc: Peter Kempner  
Rosalie Rusinko, NYSDEC, Region 3  
Dan Bendell, NYSDEC, Region 3



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

VOLUNTARY CLEANUP PROGRAM APPLICATION (rev. 9/96)

NYSDEC identification no.:

STATEMENT OF CERTIFICATION

I, Peter K. Kempner, do hereby certify and attest that the information included in this Voluntary Cleanup Program application, including the Voluntary Cleanup Site Assessment Report, is, to the best of my knowledge and belief, accurate and complete; and that the applicant has the necessary funds allocated to undertake the activities proposed to be implemented under this application, if approved.

Date 12/16/06

Signature [Handwritten Signature]

I. SITE NAME AND LOCATION

A. Site Name (legal, common, or descriptive): Revonak Dry Cleaners
B. General Site Location Information (attach the site's legal description to this application): See Attachment A
Street or Route No.: Route 299 New Paltz Plaza
City/Town: New Paltz County: Ulster ZIP: 12561
UTM: 41°44'39" latitude; 74°04'08" longitude

II. CURRENT OWNER/OPERATOR INFORMATION

Current owner's name, address, and phone no.: New Paltz Plaza Associates LLC
c/o Summit Affiliates Inc
56 Lafayette Ave. White Plains NY 10603 (914) 328-7511
Current operator's name, address, and phone no.: (see attachment B)

III. PAST OWNERS AND OPERATORS (GOING BACK 50 YEARS) AND THEIR USE OF THE SITE

A. Attach to this application a list showing each of the site's owners during the past 50 years, noting each owner's name, current (or last known) address, and current (or last known) telephone number
See Table 1, Attachment C
B. Attach to this application a list showing each of the site's operators during the past 50 years, noting each operator's name, current (or last known) address, current (or last known) telephone number, and a brief description of the operator's use of the site and the wastes generated from that use
See Table 2, Attachment C
C. Include this information in the Voluntary Cleanup Site Assessment Report as well

IV. VOLUNTEER IDENTIFICATION

A. Volunteer's name, address, and phone no.: New Paltz Properties LP
c/o The Kempner Corp.
257 Mamaroneck Ave.
White Plains, NY 10605 (914) 946-3030
Volunteer's contact's name, address, and phone no.: Peter K. Kempner
c/o The Kempner Corp.
257 Mamaroneck Ave. White Plains, NY (914) 946-3030

B. Describe Volunteer's relationship to current owner, current operator, and each past owner and each past operator identified in III, above (subsidiary, shareholder [and percentage of stock held], partner, etc. If no relationship for a particular entity or individual, put "none" respecting that entity or individual). Add continuation sheets, if needed:

Table with 4 columns: Entity/Person's Name, Volunteer's Relationship, Entity/Person's Name, Volunteer's Relationship. Row 1: See Attachment D, See Attachment D, See Attachment D, See Attachment D.

Attachment A  
DESCRIPTION OF PREMISES

ALL that tract, piece or parcel of land situate on the northerly side of public highway Route 299 in the Town of New Paltz, County of Ulster and State of New York, and more particularly bounded and described as follows:

BEGINNING at a point and iron pipe set in the ground at the intersection of the southwesterly corner of lands now or formerly of Elizabeth W. Lent and the southeasterly corner of the premises herein described with the northerly side of the aforementioned public highway Route 299; running thence along the northerly side of said public highway Route 299, North  $50^{\circ} 06'$  West 308.77 feet and North  $50^{\circ} 14'$  West 273.24 feet to the southwest corner of the herein described premises and the southeast corner of lands now or formerly of Walter Luc; thence along the east line of Walter Luczal, North  $21^{\circ} 58'$  East 930.46 feet to the northwest corner of the herein described premises and the south line of other lands of Simmons-New Paltz Plaza, Inc; thence south along other lands of Simmons-New Paltz Plaza, Inc. South  $50^{\circ} 04' 40''$  East 590.93 feet to a point; thence along the easterly bounds of other lands of Simmons-New Paltz Plaza, Inc. North  $34^{\circ} 15'$  East 44.20 feet; thence along the southerly bounds of other lands of Simmons-New Paltz Plaza, Inc. South  $55^{\circ} 44'$  East 210.00 feet; thence along the westerly bounds of lands now or formerly of Elizabeth W. Lent South  $34^{\circ} 16'$  West 1,001.36 feet to the point or place of Beginning.

CONTINUED

LIBR1062 PAGE 371

SUBJECT to a right of way for ingress, egress and regress to other lands of Simmons-New Paltz Plaza, Inc. which are adjacent to and north of the premises herein described, which said right of way is bounded and described as follows:

BEGINNING at an iron pipe set in the ground at the intersection of the southeasterly corner of lands now or formerly of Walter Luczai and the southwesterly corner of premises herein described with the northerly side of public highway Route 299; running thence along the east bounds of Walter Luczai, North 21° 58' East 980.46 feet to a point marked by an iron pin; thence along the southerly bounds of other lands of Simmons-New Paltz Plaza, Inc. South 50° 04' 40" East 52.56 feet to a point; thence through lands of Simmons-New Paltz Plaza, Inc. south 21° 55' West 980.31 feet to a point on the northerly side of the aforementioned Route 299 thence along the northerly side of said Route 299, North 50° 14' West 52.51 feet to the point or place of Beginning.

TOGETHER with a right of way over and across other lands now or formerly of Simmons-New Paltz Plaza, Inc. adjoining on the north for the drainage of surface waters and which said right of way shall follow the existing water course or ditch on said other lands of Simmons-New Paltz Plaza, Inc. and which leads in a northerly direction to the lands of Elizabeth W. Lent and connects with a water course or ditch running in a northerly direction over the said lands of said Elizabeth W. Lent.

TOGETHER with a right of way for the drainage of surface water over and across lands of Elizabeth W. Lent and as heretofore granted by said Elizabeth W. Lent to Simmons-New Paltz Plaza, Inc. by grant dated the 3rd day of June 1968 and recorded in Ulster County Clerk's office on the 24th day of June 1968 in Book 1213 of Deeds at page 1151.

## **Attachment B**

The Site, Revonack Dry Cleaners, is located in New Paltz Plaza, a shopping center currently owned by New Paltz Plaza Associates. The shopping center is currently managed by New Paltz Properties LP, the Applicant. The dry cleaning business is managed by Revonack Dry Cleaners, Inc.

**Attachment C**

<b>Table 1. Site Owners</b>			
Owner	Last Known Address	Last Known Telephone No.	Approximate Time of Ownership
Silas & Libbie Halstead	unk	unk	pre-1967
Dominick and Josephine Barbano	unk	unk	pre-1967
Benjamin Laurence, Leonard Levine & Austin (or Albert) T. Simmons	unk	unk	pre-1967- 1969
Benjamin Malman	unk	unk	1969-1976
Institutional Investors Trust	unk	unk	1976-1977
New Paltz Plaza Associates	c/o Summit Affiliates, Inc. 56 Lafayette Ave. White Plains, NY 10603		1977-Present

<b>Table 2. Site Operators</b>			
Operator	Last Known Address & Telephone No.	Site Use	Approximate Time of Operation
unk	unk	agricultural	pre-1967
Franchise Laundry & Dry Cleaning Corp.	New Paltz Plaza Rt. 299 New Paltz, NY 12561	Dry Cleaner (tenant in shopping center)	1968-1973
Revonak Dry Cleaners	New Paltz Plaza Rt. 299 New Paltz, NY 12561	Dry Cleaner (tenant in shopping center)	1973-present
Summit Realty	(914) 328-7511	Shopping Center Management	1976-1992
New Paltz Plaza Inc.	c o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605 (914) 946-3030	Shopping Center Management	1992-1996
New Paltz Properties LP	c o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605 (914) 946-3030	Shopping Center Management	present operator

Attachment D

<b>Table 3. Relationship of Volunteer to Owners and Operators</b>	
<b>Owner/Operator</b>	<b>Relationship</b>
Silas & Libbie Halstead	none
Dominick and Josephine Barbano	none
Benjamin Laurence, Leonard Levine & Austin (or Albert) T. Simmons	none
Benjamin Malman	none
Institutional Investors Trust	none
New Paltz Plaza Associates	none
Franchise Laundry & Dry Cleaning Corp.	none
Revonak Dry Cleaners	none
Summit Realty	none
New Paltz Plaza Inc.	General Partner in Volunteer
New Paltz Properties LP	Volunteer

**VOLUNTARY CLEANUP SITE ASSESSMENT REPORT**

Revonak Dry Cleaners Site  
New Paltz Plaza  
New Paltz, NY

This Voluntary Cleanup Site Assessment Report is submitted by New Paltz Properties, L.P. (the "Volunteer") in conjunction with the Volunteer's Voluntary Cleanup Program Application for the Revonak Dry Cleaners, Inc. site (the "Site"). There is currently investigative activity ongoing at the Site pursuant to a New York State Department of Environmental Conservation ("DEC") Order on Consent (Index Number W3-0667-93-11) involving New Paltz Plaza Associates, LLC, the owner of the Site. Accordingly, DEC is already in possession of many of the items requested to be provided herein.

**(A) SITE DESCRIPTION**

(1) The Site is located within New Paltz Plaza Shopping Center (the "Plaza"), on Route 299, New Paltz, Ulster County, New York. A 0.05 acre area associated with the dry cleaning tenant was listed in the New York State Registry of Inactive Hazardous Waste Sites as a Class 2 site, Priority 3 (low priority) under Site Code 3-56-021. The contaminated area of the Site is approximately 150 feet wide by 400 feet long. A legal description of the Site is attached hereto as Exhibit "A".

(2) The Site is located within the Plaza, in a light commercial business district. The Site is immediately surrounded to the north and south by commercial business establishments, to the east by a parking lot, drainage channel and a wooded area, and to the west by a parking lot.



The Plaza is generally surrounded by light commercial uses, with some rural/residential areas to the north of the Plaza. To the south of the Plaza are several commercial establishments, to the east of the Plaza is a wooded area and the New York State Thruway, and to the west of the Plaza is the Village of New Paltz.

(3) The layout of the Plaza, which is generally covered by asphalt parking lots and/or buildings, is depicted on Exhibit "B", which also shows the location of Revonak Dry Cleaners. Overhead utility service runs along the eastern boundary of the Plaza property, with overhead connections to the Plaza crossing over the Site. The Plaza is served by the Town of New Paltz Water Department, which draws its water from the Village of New Paltz water system. The Village water system is supplied by surface water reservoirs over five miles away from the Site. The Plaza also has sewer service, with connections to the individual Plaza tenants running under the asphalt pavement generally along the eastern boundary of the Plaza. The sewer line crosses through the Site.

(4) The soil in the vicinity of the Site has been reported to consist of varying amounts of cobbles, gravel, clay, silt and sand, which are indicative of glacial till. Black gray shale was discovered below the till at depths of 4 to

13.5 feet below grade. (Focused Remedial Investigation Report at 7.) The depth to groundwater varies from approximately two to seven feet below grade and fluctuates seasonally. The groundwater flows generally to the north at a 2.6% gradient. (Focused Remedial Investigation Report at 8.)

(5) There is a public school within 0.5 miles of the Site. The New Paltz campus of the State University of New York is within one mile of the Site. The nearest public water supply is approximately 1.75 miles from the Site. (Focused Remedial Investigation Report at 7.)

(6) Attached as Exhibit "C" is a Site Location Map prepared by GTI, derived from NYSDOT Topographic Quadrangles Map, Rosendale and Clintondale Quadrangles (7.5 minute series), dated December 17, 1993.

(7) Attached as Exhibit "B" is a Site Map depicting the layout of the Plaza.

(8) Extensive site investigation has been conducted since 1991 at the Site, pursuant to the Order on Consent. The Volunteer's consultants, Alpha Geoscience, have evaluated the relevant site investigation information, including the Focused Remedial Investigation (RI) Work Plan and appended documents; Order on Consent Number W3-0667-93-11; Additional Source

Investigation and Soil Sampling Results Report, dated September 14, 1995; various Monthly Progress Reports (May, July, August, September, October, 1995), and is currently developing a Remedial Work Plan for the Site.

(B) SITE HISTORY

(1) The Plaza was developed in sections beginning in 1967 through 1969. Prior to construction of the Plaza, the land was reportedly used for agricultural purposes. The Site has reportedly been used as a commercial dry cleaning facility since 1968. The Site was initially leased to Franchise Laundry and Dry Cleaning Corp. Then in 1973, the Site was leased to the current operator of the Site, Revonak Dry Cleaners, Inc. See Exhibit "D" for a listing of known past owners and operators.

(2) Prior to construction of the Plaza, the surrounding property was used for agricultural purposes. The Volunteer is not familiar with other than the current uses of the surrounding property subsequent to construction of the Plaza.

(3) Tetrachloroethylene (PCE), a compound commonly used as a solvent in the dry cleaning industry, is reported to have been used in connection with

the ongoing dry cleaning operations at the Site. The Volunteer has no information concerning what chemicals, if any, were used, stored or disposed of at or in the vicinity of the Site while it was used for agricultural purposes prior to construction of New Paltz Plaza.

(4) A leak of approximately 5,000 gallons of #2 heating oil was discovered from an underground storage tank and/or associated piping behind the supermarket located adjacent to the Site in the Plaza in 1991. (Focused Remedial Investigation Report at 1.) While the fuel oil contamination was being investigated, the chlorinated compounds tetrachloroethylene (PCE) and trichloroethylene (TCE) were discovered at the Site. The Site was placed on the New York State Registry of Inactive Hazardous Waste Sites, Site Code 3-56-021, as a Class 2 Low Priority Site.

(5) The Volunteer will submit its one aerial photograph of the Site at a later date.

(6) The Volunteer is investigating whether there were any interviews of Revonak employees or other persons with personal knowledge of the Site's environmental condition performed by or on behalf of the current owner.

(c) REGULATORY HISTORY

(1) To the best of the Volunteer's knowledge, the prior operators of the Site did not have or require any federal, state or local permits regarding the storage, treatment or disposal of waste. According to Division of Air personnel at DEC Region 3, Revonak Dry Cleaners does not have a DEC air permit at this time.

(2) The Site is currently subject to a Department Order on Consent (Index Number W3-0667-93-11), involving the Owner of the Site, New Paltz Plaza Associates, LLC, effective as of February 24, 1995. A copy of this Order on Consent is attached as Exhibit "E". The Volunteer is not a party to and is not related to any of the parties to the Order on Consent.

(D) PREVIOUS STUDIES

(1) To the best of Volunteer's knowledge, the Department has received copies of all studies and investigations conducted at the Site to date,

pursuant to its Order on Consent (Index Number W3-0667-93-11). The Volunteer has copies of the following studies:

Citizen Participation Plan, Revonak Dry Cleaners Inactive Hazardous Waste Site, July 8, 1994 Draft by Groundwater Technology Inc.

Focused Remedial Investigation Plan, Revonak Dry Cleaners Inactive Hazardous Waste Site, April 1994 by Groundwater Technology, Inc.

(E) DESCRIPTION OF INTENDED USE

(1) Assuming the Volunteer and the Department are able to arrive at a mutually acceptable Voluntary Cleanup Agreement for the Site, the Volunteer intends to improve the Plaza, and to continue to use it as a shopping center. Revonak Dry Cleaners has approximately two years remaining on its lease of the Site.

(2) The only permits that the Volunteer anticipates a need for are building permits for renovations planned for the Plaza. Other permits may be required for individual businesses that locate in the Plaza.

(F) PROPOSED REMEDIAL PLAN/PROPOSED SUPPLEMENTAL SITE  
ASSESSMENT WORK PLAN

The Volunteer's environmental consultant, Alpha Geoscience, is currently working with Dan Bendell from DEC Region 3 to prepare a Supplemental Investigation Work Plan to be followed by a Remedial Work Plan for the Site. It is anticipated that remedial activities at the Site will include remediation of contaminated soil and repair or replacement of a sewer line.

Attachment A  
DESCRIPTION OF PREMISES

ALL that tract, piece or parcel of land situate on the northerly side of public highway Route 299 in the Town of New Paltz, County of Ulster and State of New York, and more particularly bounded and described as follows:

- BEGINNING at a point and iron pipe set in the ground at the intersection of the southwesterly corner of lands now or formerly of Elizabeth W. Lent and the southeasterly corner of the premises herein described with the northerly side of the aforementioned public highway Route 299; running thence along the northerly side of said public highway Route 299, North  $50^{\circ} 06'$  West 308.77 feet and North  $50^{\circ} 14'$  West 273.24 feet to the southwest corner of the herein described premises and the southeast corner of lands now or formerly of Walter Lucza; thence along the east line of Walter Lucza, North  $21^{\circ} 58'$  East 930.46 feet to the northwest corner of the herein described premises and the south line of other lands of Simmons-New Paltz Plaza, Inc.; thence south along other lands of Simmons-New Paltz Plaza, Inc. South  $50^{\circ} 04' 40''$  East 590.93 feet to a point; thence along the easterly bounds of other lands of Simmons-New Paltz Plaza, Inc. North  $34^{\circ} 15'$  East 44.20 feet; thence along the southerly bounds of other lands of Simmons-New Paltz Plaza, Inc. South  $55^{\circ} 44'$  East 210.00 feet; thence along the westerly bounds of lands now or formerly of Elizabeth W. Lent South  $34^{\circ} 16'$  West 1,001.36 feet to the point or place of Beginning.

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SUBJECT to a right of way for ingress, egress and regress to other lands of Simmons-New Paltz Plaza, Inc. which are adjacent to and north of the premises herein described, which said right of way is bounded and described as follows:

BEGINNING at an iron pipe set in the ground at the intersection of the southeasterly corner of lands now or formerly of Walter Luczai and the southwesterly corner of premises herein described with the northerly side of public highway Route 299; running thence along the east bounds of Walter Luczai, North 21° 58' East 980.46 feet to a point marked by an iron pin; thence along the southerly bounds of other lands of Simmons-New Paltz Plaza, Inc. South 50° 04' 40" East 52.56 feet to a point; thence through lands of Simmons-New Paltz Plaza, Inc. south 21° 55' West 980.11 feet to a point on the northerly side of the aforementioned Route 299 thence along the northerly side of said Route 299, North 50° 14' West 52.51 feet to the point or place of Beginning.

TOGETHER with a right of way over and across other lands now or formerly of Simmons-New Paltz Plaza, Inc. adjoining on the north for the drainage of surface waters and which said right of way shall follow the existing water course or ditch on said other lands of Simmons-New Paltz Plaza, Inc. and which leads in a northerly direction to the lands of Elizabeth W. Lent and connects with a water course or ditch running in a northerly direction over the said lands of said Elizabeth W. Lent.

TOGETHER with a right of way for the drainage of surface water over and across lands of Elizabeth W. Lent and as heretofore granted by said Elizabeth W. Lent to Simmons-New Paltz Plaza, Inc. by grant dated the 3rd day of June 1968 and recorded in Ulster County Clerk's Office on the 24th day of June 1968 in Book 1213 of Deeds at page 1151.

## **Attachment B**

The Site, Revonack Dry Cleaners, is located in New Paltz Plaza, a shopping center currently owned by New Paltz Plaza Associates. The shopping center is currently managed by New Paltz Properties LP, the Applicant. The dry cleaning business is managed by Revonack Dry Cleaners, Inc.

**Attachment C**

<b>Table 1. Site Owners</b>			
<b>Owner</b>	<b>Last Known Address</b>	<b>Last Known Telephone No.</b>	<b>Approximate Time of Ownership</b>
Silas & Libbie Halstead	unk	unk	pre-1967
Dominick and Josephine Barbano	unk	unk	pre-1967
Benjamin Laurence, Leonard Levine & Austin (or Albert) T. Simmons	unk	unk	pre-1967- 1969
Benjamin Malman	unk	unk	1969-1976
Institutional Investors Trust	unk	unk	1976-1977
New Paltz Plaza Associates	c/o Summit Affiliates, Inc. 56 Lafayette Ave. White Plains, NY 10603		1977-1996
New Paltz Properties LP	c/o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605	(914) 946-3030	present owner

<b>Table 2. Site Operators</b>			
<b>Operator</b>	<b>Last Known Address &amp; Telephone No.</b>	<b>Site Use</b>	<b>Approximate Time of Operation</b>
unk	unk	agricultural	pre-1967
Franchise Laundry & Dry Cleaning Corp.	New Paltz Plaza Rt. 299 New Paltz, NY 12561	Dry Cleaner (tenant in shopping center)	1968-1973
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New Paltz Properties LP	c/o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605 (914) 946-3030	Shopping Center Management	present operator

Attachment D

<b>Owner/Operator</b>	<b>Relationship</b>
Silas & Libbie Halstead	none
Dominick and Josephine Barbano	none
Benjamin Laurence, Leonard Levine & Austin (or Albert) T. Simmons	none
Benjamin Malman	none
Institutional Investors Trust	none
New Paltz Plaza Associates	none
Franchise Laundry & Dry Cleaning Corp.	none
Revonak Dry Cleaners	none
Summit Realty	none
New Paltz Plaza Inc.	General Partner in Volunteer
New Paltz Properties LP	Volunteer

**EXHIBIT A**

DESCRIPTION OF PREMISES

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LIBER 1062 PAGE 371

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TOGETHER with a right of way for the drainage of surface water over and across lands of Elizabeth W. Lent and as heretofore granted by said Elizabeth W. Lent to Simmons-New Paltz Plaza, Inc. by grant dated the 3rd day of June 1968 and recorded in Ulster County Clerk's Office on the 24th day of June 1968 in Book 1213 of Deeds at page 1151.

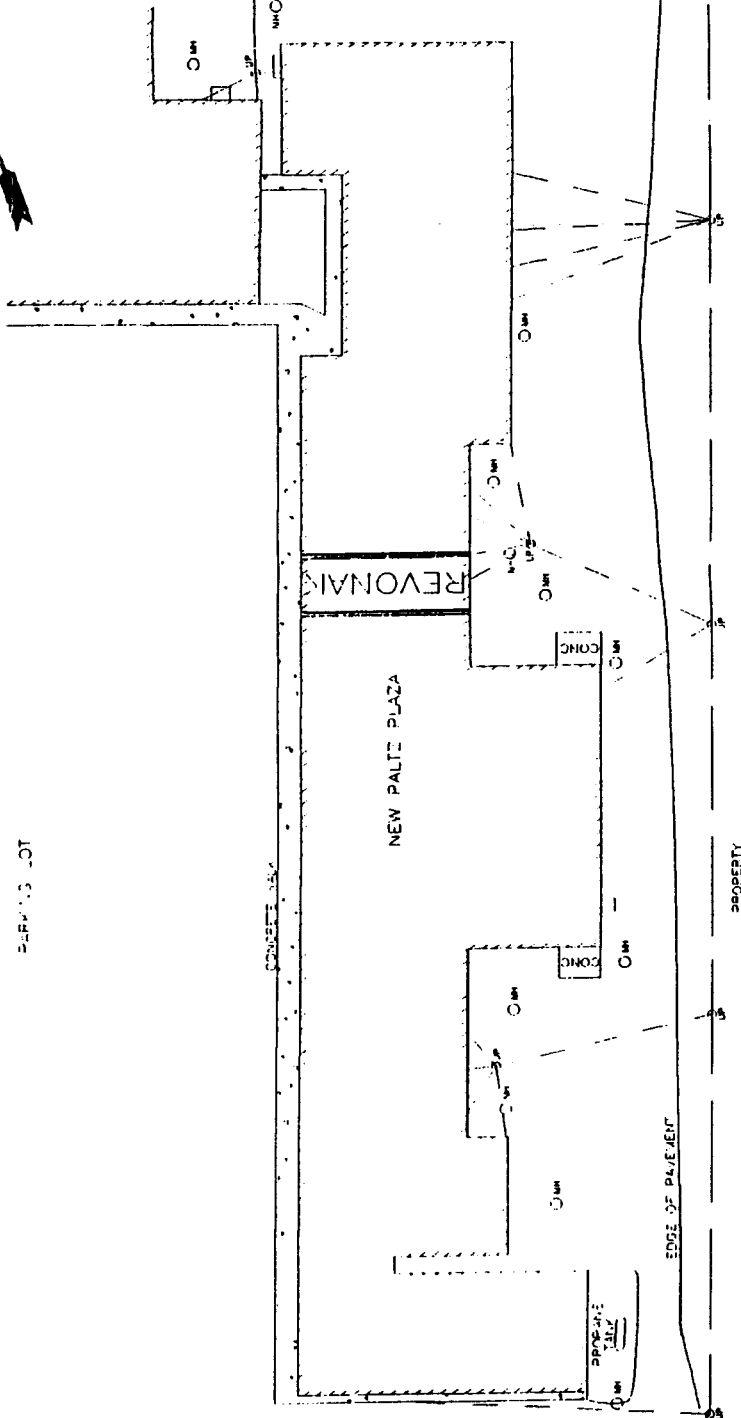
**LEGEND**

- 4" PULV. PIPE
- 6" MANHOLE
- OVERHEAD UTILITIES

SOURCES: SURVEY PREPARED FOR NEW PALTZ PLAZA ASSOCIATES DATED 4/17/86 BY JOHN W. DIPPEL AND "GROUNDWATER CONTOUR MAP" DATED 3/81 BY ENVIRONMENTAL PRODUCTS & SERVICES, INC.



PERMITS LOT

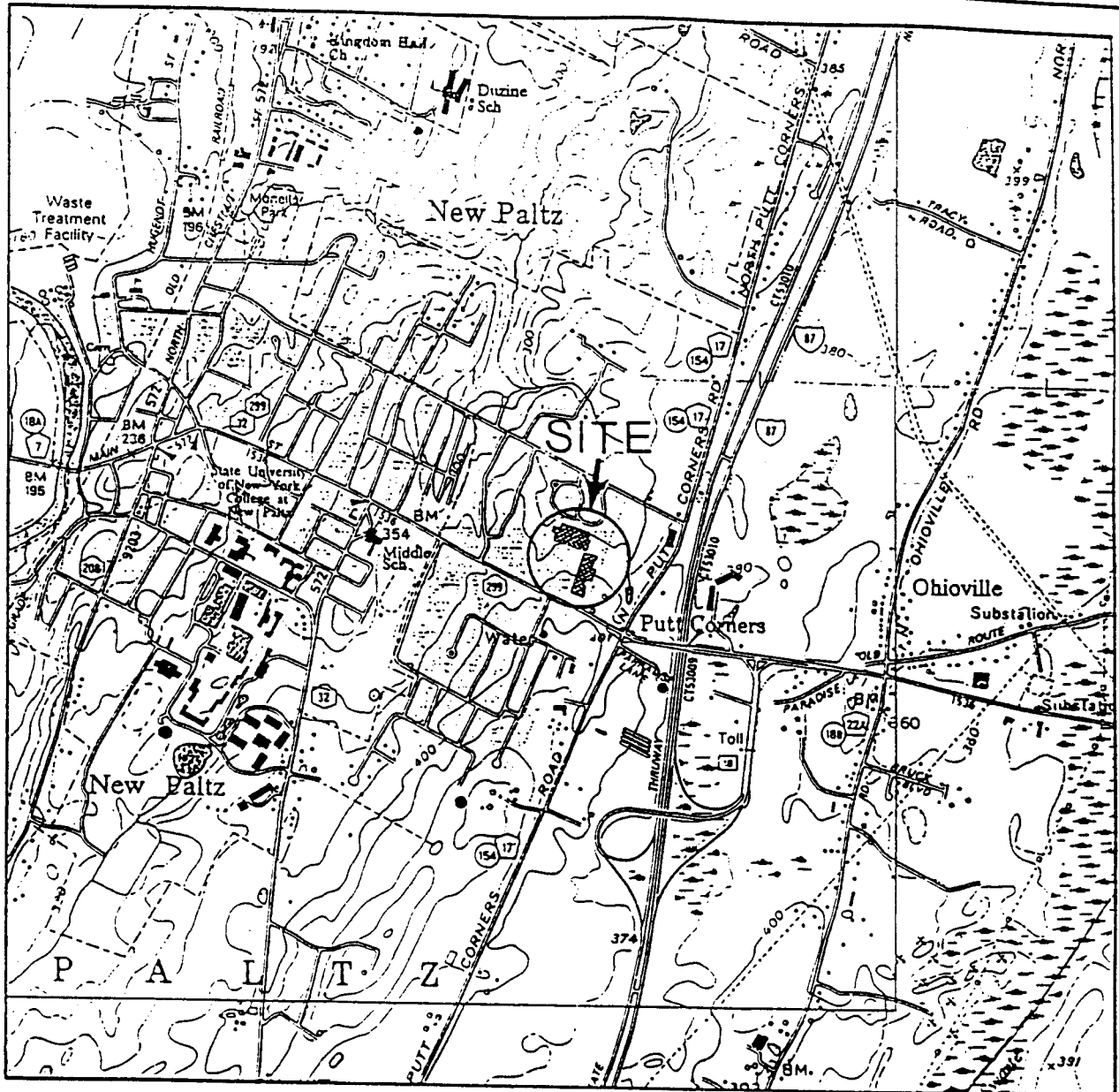


GROUNDWATER TECHNOLOGY  
1345 WINDS ROAD  
SCENECTOY, NY 12303  
(518) 370-8631

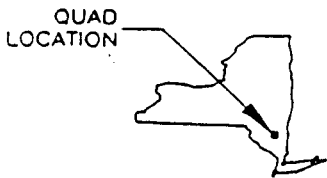
REV. NO.: DRAWING DATE: ACAD FILE: 5473-SITE  
10/1/93

**SITE MAP**

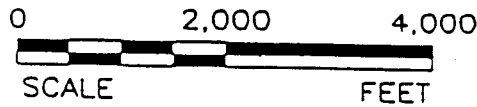
CUBIT	NEW PALTZ PLAZA ASSOCIATES	WCL
LOCATION:	ROUTE 299 NEW PALTZ, NEW YORK	WCL
DESIGNED: (DATE)	DEC 01110-5-73	FIGURE
---		<b>1-3</b>



SOURCE: N.Y.S.D.O.T. TOPOGRAPHIC QUADRANGLES  
 ROSENDALE AND CLINTONDALE QUADRANGLES  
 7.5 MINUTE SERIES  
 DATE: 1989



SCALE 1:24,000



**GROUNDWATER  
 TECHNOLOGY**

1245 KINGS ROAD  
 SCHENECTADY, NY 12303  
 (518) 370-5631

DESIGNED:

WCL

DETAILED:

DEO

CHECKED:

## SITE LOCATION MAP

CLIENT:

NEW PALTZ PLAZA ASSOCIATES

LOCATION:

ROUTE 299  
 NEW PALTZ, NEW YORK

DRAWING DATE:

12/17/9

FIGURE:

**1-1**



<b>Table 1. Site Owners</b>			
Owner	Last Known Address	Last Known Telephone No.	Approximate Time of Ownership
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Dominick and Josephine Barbano	unk	unk	pre-1967
Benjamin Laurence, Leonard Levine & Austin (or Albert) T. Simmons	unk	unk	pre-1967- 1969
Benjamin Malman	unk	unk	1969-1976
Institutional Investors Trust	unk	unk	1976-1977
New Paltz Plaza Associates	c/o Summit Affiliates, Inc. 56 Lafayette Ave. White Plains, NY 10603		1977-Present

<b>Table 2. Site Operators</b>			
Operator	Last Known Address & Telephone No.	Site Use	Approximate Time of Operation
unk	unk	agricultural	pre-1967
Franchise Laundry & Dry Cleaning Corp.	New Paltz Plaza Rt. 299 New Paltz, NY 12561	Dry Cleaner (tenant in shopping center)	1968-1973
Revonak Dry Cleaners	New Paltz Plaza Rt. 299 New Paltz, NY 12561	Dry Cleaner (tenant in shopping center)	1973-present
Summit Realty	(914) 328-7511	Shopping Center Management	1976-1992
New Paltz Plaza Inc.	c/o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605 (914) 946-3030	Shopping Center Management	1992-1996
New Paltz Properties LP	c/o The Kempner Corp. 257 Mamaroneck Ave. White Plains, NY 10605 (914) 946-3030	Shopping Center Management	present operator

STATE OF NEW YORK: DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of the  
Development and Implementation  
of an Focused Remedial Investigation and  
Interim Remedial Measure Program  
for an Inactive Hazardous Waste Disposal  
Site, Under Article 27, Title 13,  
and Article 71, Title 27 of the  
Environmental Conservation Law  
of the State of New York by  
by

ORDER  
ON  
CONSENT  
INDEX #W3-0667-93-11

New Paltz Plaza Associates  
Respondent.

Site Code # 3-56-021

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WHEREAS,

1. The New York State Department of Environmental Conservation (the "Department") is responsible for enforcement of Article 27, Title 13 of the Environmental Conservation Law of the State of New York ("ECL"), entitled "Inactive Hazardous Waste Disposal Sites." This Order is entered into pursuant to the Department's authority under ECL Article 27, Title 13 and ECL 3-0301.

2. New Paltz Plaza Associates, a joint venture of ABC Realty Associates and XYZ Realty Associates ("Respondent" or "NPPA"), owns the New Paltz Plaza Shopping Center ("the Plaza") located on Route 299 in the Town of New Paltz, Ulster County. The Site consists of a drycleaning business located within the New Paltz Plaza Shopping Center at which drycleaning solvents have been used and has an estimated size of 0.05 acres (the "Site"). As a result of an oil spill from the "Great American" supermarket located at the Plaza, a groundwater monitoring program was implemented in 1991 at the site area. The monitoring revealed concentrations of tetrachloroethene (PCE) at 3100 ppb and trichloroethene (TCE) at 1400 ppb in the groundwater at the Site. Attached hereto as Appendix "A" is a map depicting the Plaza and Site.

3. The Site is an inactive hazardous waste disposal site, as that term is defined at ECL 27-1301.2. The Site has been listed in the Registry of Inactive Hazardous Waste Disposal Sites in New York State as Site Number 3-56-021. The Department has classified the Site as a Classification "2" pursuant to ECL 27-1305.4.b.

4. A. Pursuant to ECL 27-1313.3.a, whenever the Commissioner of Environmental Conservation (the "Commissioner") "finds that hazardous wastes at an inactive hazardous waste disposal site constitute a significant threat to the environment, he may order the owner of such site and/or any

person responsible for the disposal of hazardous wastes at such site (i) to develop an inactive hazardous waste disposal site remedial program, subject to the approval of the department, at such site, and (ii) to implement such program within reasonable time limits specified in the order."

B. Any person under order pursuant to ECL 27-1313.3.a has a duty imposed by ECL Article 27, Title 13 to carry out the remedial program committed to under order. ECL 71-2705 provides that any person who fails to perform any duty imposed by ECL Article 27, Title 13 shall be liable for civil, administrative and/or criminal sanctions.

C. The Department also has the power, inter alia, to provide for the prevention and abatement of all water, land, and air pollution. ECL 3-0301.1.i.

5. The Department and Respondent agree that the goals of this Order are for Respondent to develop and implement a Focused Remedial Investigation ("FRI") and an Interim Remedial Measure ("IRM") Program for the Site. The FRI shall enumerate feasible alternatives for an IRM and, upon its completion, will provide data sufficient to evaluate the most appropriate IRM alternative.

6. Respondent, having waived its right to a hearing herein as provided by law, and having consented to the issuance and entry of this Order, agrees to be bound by its terms. Respondent consents to and agrees not to contest the authority or jurisdiction of the Department to issue or enforce this Order, and agrees not to contest the validity of this Order or its terms.

NOW, having considered this matter and being duly advised, IT IS ORDERED THAT:

I. Contents and Submittals

A. Respondent has submitted, and upon execution of this Order the Department has approved, a detailed work plan describing the methods and procedures to be implemented in performing an FRI for the Site including a citizen participation plan ("FRI Work Plan"). On the effective date of this Order, Respondent shall commence the FRI.

B. Respondent shall perform the FRI in accordance with the Department-approved FRI Work Plan.

C. Upon approval of the FRI Report, as provided in subparagraph I.E. below, Respondent shall submit to the Department for approval, a detailed work plan describing the methods and procedures to be implemented in performing an IRM for the Site including a citizen participation plan ("IRM Work

Plan"). Within 30 days of approval of the IRM Work Plan, Respondent shall commence the IRM.

D. Respondent shall perform the IRM in accordance with the Department-approved IRM Work Plan.

E. Within the time frames set forth in the FRI and IRM Work Plans, Respondent shall prepare FRI and IRM Reports that shall:

(1) include all data generated and all other information obtained during the FRI and IRM:

(2) identify any additional data that must be collected; and

(3) include a certification by the individual or firm with primary responsibility for the day to day performance of the FRI and IRM that all activities that comprised the FRI and IRM were performed in full accordance with the Department-approved FRI and IRM Work Plans.

The FRI Report shall also include recommendations for IRM alternatives and the basis for those recommendations.

F. During the performance of the FRI, Respondent shall have on-Site a full-time representative who is qualified to supervise the work done. During the performance of the IRM, Respondent shall have on-Site a representative who is qualified to supervise the work done, in accordance with the provisions of the IRM Work Plan.

## II. Progress Reports

Respondent shall submit to the parties identified in subparagraph XII.B in the numbers specified therein copies of written monthly progress reports that: (i) describe the actions which have been taken toward achieving compliance with this Order during the previous month; (ii) include all non-privileged results of sampling and tests and all other data received or generated by Respondent or Respondent's contractors or agents in the previous month, including quality assurance/quality control information, whether conducted pursuant to this Order or conducted independently by Respondent; (iii) identify all work plans, reports, and other deliverables required by this Order that were completed and submitted during the previous month; (iv) describe all actions, including, but not limited to, data collection and implementation of work plans, that are scheduled for the next month and provide other information relating to the progress at the Site; (v) include information regarding percentage of

completion, unresolved delays encountered or anticipated that may affect the future schedule for implementation of the Respondent's obligations under the Order, and efforts made to mitigate those delays or anticipated delays; (vi) include any modifications to any work plans that Respondent has proposed to the Department or that the Department has approved; and (vii) describe all activities undertaken in support of the Citizen Participation Plan during the previous month and those to be undertaken in the next month. Respondent shall submit these progress reports to the Department by the tenth day of every month following the effective date of this Order.

Respondent also shall allow the Department to attend, and shall provide the Department at least seven days advance notice of, any of the following: prebid meetings, job progress meetings, substantial completion meeting and inspection, and final inspection and meeting.

### III. Review of Submittals

A. (1) The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order.

(2) (a) If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within 30 days after receiving written notice that Respondent's submittal has been disapproved, Respondent shall make a revised submittal to the Department that addresses and resolves all of the Department's stated reasons for disapproving the first submittal.

(b) After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order and the Department may take any action or pursue whatever rights it has pursuant to any provision of statutory or common law. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

B. The Department may require Respondent to modify and/or amplify and expand a submittal if the Department determines, as a result of reviewing data generated by an activity required under this Order or as a result of reviewing

any other data or facts, that further work is necessary consistent with the goals of this order as incorporated in the approved FRI and IRM work plans.

#### IV. Penalties

A. Respondent's failure to comply with any term of this Order constitutes a violation of this Order and the ECL.

B. Respondent shall not suffer any penalty under this Order or be subject to any proceeding or action if it cannot comply with any requirement hereof because of war, riot, or an unforeseeable disaster arising exclusively from natural causes which the exercise of ordinary human prudence could not have prevented. Respondent shall, within five days of when it obtains knowledge of any such condition, notify the Department in writing. Respondent shall include in such notice the measures taken and to be taken by Respondent to prevent or minimize any delays and shall request an appropriate extension or modification of this Order. Failure to give such notice within such five-day period constitutes a waiver of any claim that a delay is not subject to penalties. Respondent shall have the burden of proving that an event is a defense to compliance with this Order.

C. (1) If the Department disapproves a revised submittal, Respondent shall be in violation of this Order unless, within 10 days of receipt of the Department's notice of disapproval, Respondent requests to meet with the Director of the Division of Hazardous Waste Remediation ("the Director") in order to discuss the Department's objections and Respondent is available to meet immediately thereafter. At this meeting, Respondent shall be given an opportunity to present its responses to the Department's objections, and the Director shall have the authority to approve, modify and/or withdraw the submittal, or portion thereof, and Respondent shall submit a revised submittal. The period of time within which the submittal must be revised as specified by the Department in its notice of disapproval shall control unless the Director revises the time frame during the meeting referenced above.

(2) After receipt of the revised submittal, as provided in subparagraph IV.C.(1), the Department shall notify Respondent in writing of its approval or disapproval of the revised submittal.

(3) If the revised submittal, as provided in subparagraph IV.C.(1), fails to address the Department's specific comments, and the Department disapproves the revised submittal for this reason, Respondent shall be in violation of this Order and the ECL.

(4) The invocation of the procedures under this subparagraph shall not of itself extend, postpone, or affect in any way any of Respondent's obligations under this Order except to the extent that such obligation's undertaking is determined by the Department to be directly dependent upon the acceptability of the submittal subject to the dispute resolution procedure under this paragraph.

(5) The invocation of this subparagraph shall constitute an election of remedies by Respondent's resort to the use of any and all other remedies which may otherwise be available to Respondent regarding the issue in dispute.

#### V. Entry upon Site

Respondent hereby consents to the entry upon the Site or areas in the vicinity of the Site which may be under the control of the Respondent by any duly designated employee, consultant, contractor, or agent of the Department or any State agency for purposes of inspection, sampling, and testing and to ensure Respondent's compliance with this Order.

#### VI. Department Reservation of Rights

A. Nothing contained in this Order shall be construed as barring, diminishing, adjudicating, or in any way affecting any of the Department's rights including, but not limited to nor exemplified by, the following:

1. the Department's right to bring any action or proceeding against anyone other than Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;

2. the Department's right to enforce this Order against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns if Respondent fails to satisfy any of the terms of this Order;

3. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns with respect to claims for natural resources damages as a result of the release or threatened release of hazardous substances or constituents at or from the Site or areas in the vicinity of the Site;

4. the Department's right to bring any action or proceeding against Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors,

and assigns with respect to hazardous substances that are present at the Site or that have migrated from the Site;

5. the Department's right to bring any criminal action against the Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns;

6. the Department's right to require Respondent and/or any of Respondent's directors, officers, employees, servants, agents, successors, and assigns to develop and implement IRMs for the Site; and

7. the Department's right to gather information and enter and inspect property and premises.

B. Nothing contained in this Order shall be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers.

#### VII. Indemnification

Respondent shall indemnify and hold the Department, the State of New York, and their representatives and employees harmless for all claims, suits, actions, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent, and/or Respondent's directors, officers, employees, servants, agents, successors, and assigns.

#### VIII. Public Notice

A. Within 30 days after the effective date of this Order, Respondent shall file a Declaration of Covenants and Restrictions with the Ulster County Clerk to give all parties who may acquire any interest in the Site notice of this Order.

B. If Respondent proposes to convey the whole or any part of Respondent's ownership interest in the Site, Respondent shall, not fewer than 60 days before the date of conveyance, notify the Department in writing of the identity of the transferee and of the nature and proposed date of the conveyance and shall notify the transferee in writing, with a copy to the Department, of the applicability of this Order.

#### IX. Communications

A. All written communications required by this Order shall be transmitted by United States Postal Service, by private courier service, or hand delivered as follows:

Communication from Respondent shall be sent to:



1. Rammanand Pergadia, PE  
Regional Hazardous Waste Remediation  
Engineer  
NYS Department of Environmental  
Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561
2. G. Anders Carlson, Ph.D.  
Director, Bureau of Environmental  
Exposure Investigation  
New York State Department of Health  
2 University Place  
Albany, New York 12203
3. Jean Anne McGrane,  
Regional Director, Region 3  
NYS Department of Environmental  
Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561
4. Louis Oliva, Esq.  
Eastern Field Unit  
NYS Department of Environmental  
Conservation  
200 White Plains Road  
Fifth Floor  
Tarrytown, New York 10591

B. Copies of work plans and reports shall be submitted as follows:

1. Four copies (one unbound) to Ramanand Pergadia, Division of Hazardous Waste Remediation.
2. Two copies to Dr. Carlson
3. One copy to:  
Salvatore Ervolina, PE  
NYS Department of Environmental  
Conservation  
Division of Hazardous Waste Remediation  
50 Wolf Road, Room 220  
Albany, New York 12233-7010
4. One copy to Louis Oliva

C. Within 30 days of the Department's approval of any report submitted pursuant to this Order, Respondent shall submit to Ramanand Pergadia a computer readable magnetic media

copy of the approved report in American Standard Code for Information Interchange (ASCII) format, providing that Respondent has the ability to do so.

D. Communication to be made from the Department to the Respondent shall be sent to:

David A. Engel, Esq.  
Harris Beach & Wilcox  
20 Corporate Woods Boulevard  
Albany, New York 12211

Wendy Leonard  
Groundwater Technology, Inc.  
1245 Kings Road  
Schenectady, New York 12303

Robert Schwartz  
New Paltz Plaza Associates  
22 Saw Mill River Road  
Hawthorne, NY 10532

E. The Department and Respondent reserve the right to designate additional or different addressees for communication or written notice to the other.

X. Miscellaneous

A. All activities and submittals required by this Order shall address both on-Site and off-Site contamination resulting from the disposal of hazardous waste at the Site.

B. Respondent shall retain professional consultants, contractors, laboratories, quality assurance/quality control personnel and data validators acceptable to the Department to perform the technical, engineering and analytical obligations required by this Order. The experience, capabilities and qualifications of the firms or individuals selected by Respondent shall be submitted to the Department before the effective date of this Order. The Department's approval of these firms or individuals shall be obtained prior to initiation of any activities for which Respondent and such firms or individuals will be responsible.

C. The Department shall have the right to obtain split samples, duplicate samples, or both, of all substances and materials sampled by Respondent, and the Department also shall have the right to take its own samples. Respondent shall make available to the Department the results of all sampling and/or tests or other data generated by Respondent with respect to implementation of this Order and shall submit these results in the progress reports required by this Order.

D. Respondent shall notify the Department at least 10 working days in advance of any field activities to be conducted pursuant to this Order.

E. Respondent shall obtain whatever permits, easements, rights-of-way, rights-of-entry, approvals, or authorizations are necessary to perform Respondent's obligations under this Order.

F. Respondent and Respondent's officers, directors, agents, servants, employees, successors, and assigns shall be bound by this Order. Any change in ownership or corporate status of Respondent including, but not limited to, any transfer of assets or real or personal property shall in no way alter Respondent's responsibilities under this Order. Respondent's officers, directors, employees, servants, and agents shall be obliged to comply with the relevant provisions of this Order in the performance of their designated duties on behalf of Respondent.

G. Respondent shall provide a copy of this Order to each contractor hired to perform work required by this Order and to each person representing Respondent with respect to the Site and shall condition all contracts entered into hereunder upon performance in conformity with the terms of this Order. Respondent or Respondent's contractors shall provide written notice of this Order to all subcontractors hired to perform any portion of the work required by this Order. Respondent shall nonetheless be responsible for ensuring that Respondent's contractors and subcontractors perform the work to be done under this Order in accordance with this Order.

H. "Interim Remedial Measure" shall have the meaning set forth in 6 NYCRR Part 375.

I. All references to "professional engineer" in this Order are to an individual registered as a professional engineer in accordance with Article 145 of the New York State Education Law.

J. All references to "days" in this Order are to calendar days unless otherwise specified.

K. The section headings set forth in this Order are included for convenience of reference only and shall be disregarded in the construction and interpretation of any of the provisions of this Order.

L. (1) The terms of this Order shall constitute the complete and entire Order between Respondent and the Department concerning the Site. No term, condition, understanding, or agreement purporting to modify or vary any

term of this Order shall be binding unless made in writing and subscribed by the party to be bound. No informal advice, guidance, suggestion, or comment by the Department regarding any report, proposal, plan, specification, schedule, or any other submittal shall be construed as relieving Respondent of Respondent's obligation to obtain such formal approvals as may be required by this Order.


(2) If Respondent desires that any provision of this Order be changed, Respondent shall make timely written application, signed by the Respondent, to the Commissioner setting forth reasonable grounds for the relief sought. Copies of such written application shall be delivered or mailed to:

Lou Oliva and Ramanand Pergadia

M. The effective date of this Order shall be the date it is signed by the Commissioner or his designee.

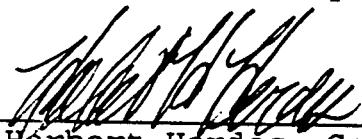
DATED: *Albany*  
*February 24,* New York  
1995

LANGDON MARSH  
Commissioner  
New York State Department  
of Environmental Conservation

  
BY: Ann Hill DeBarbieri  
Deputy Commissioner

CONSENT BY RESPONDENT  
ABC Realty Associates

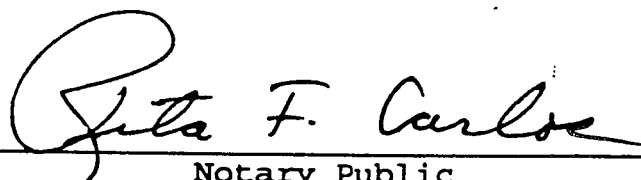
Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By:   
Herbert Hordés, General Partner

Date: January 24, 1994

STATE OF NEW JERSEY,  
COUNTY OF ATLANTIC ) s.s.:

On this 24<sup>th</sup> day of January, 1994, before me personally came HERBERT HORDES, to me known, who being duly sworn, did depose and say that he resides in NEW JERSEY, ATLANTIC COUNTY; that he is a General Partner of ABC Realty Associates, the Partnership described in and which executed the foregoing instrument.

  
Notary Public

RITA CARLOS  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires March 14, 1998

CONSENT BY RESPONDENT  
XYZ Realty Associates

Respondent hereby consents to the issuing and entering of this Order, waives Respondent's right to a hearing herein as provided by law, and agrees to be bound by this Order.

By: *Robert Schwartz*  
Robert Schwartz, General Partner

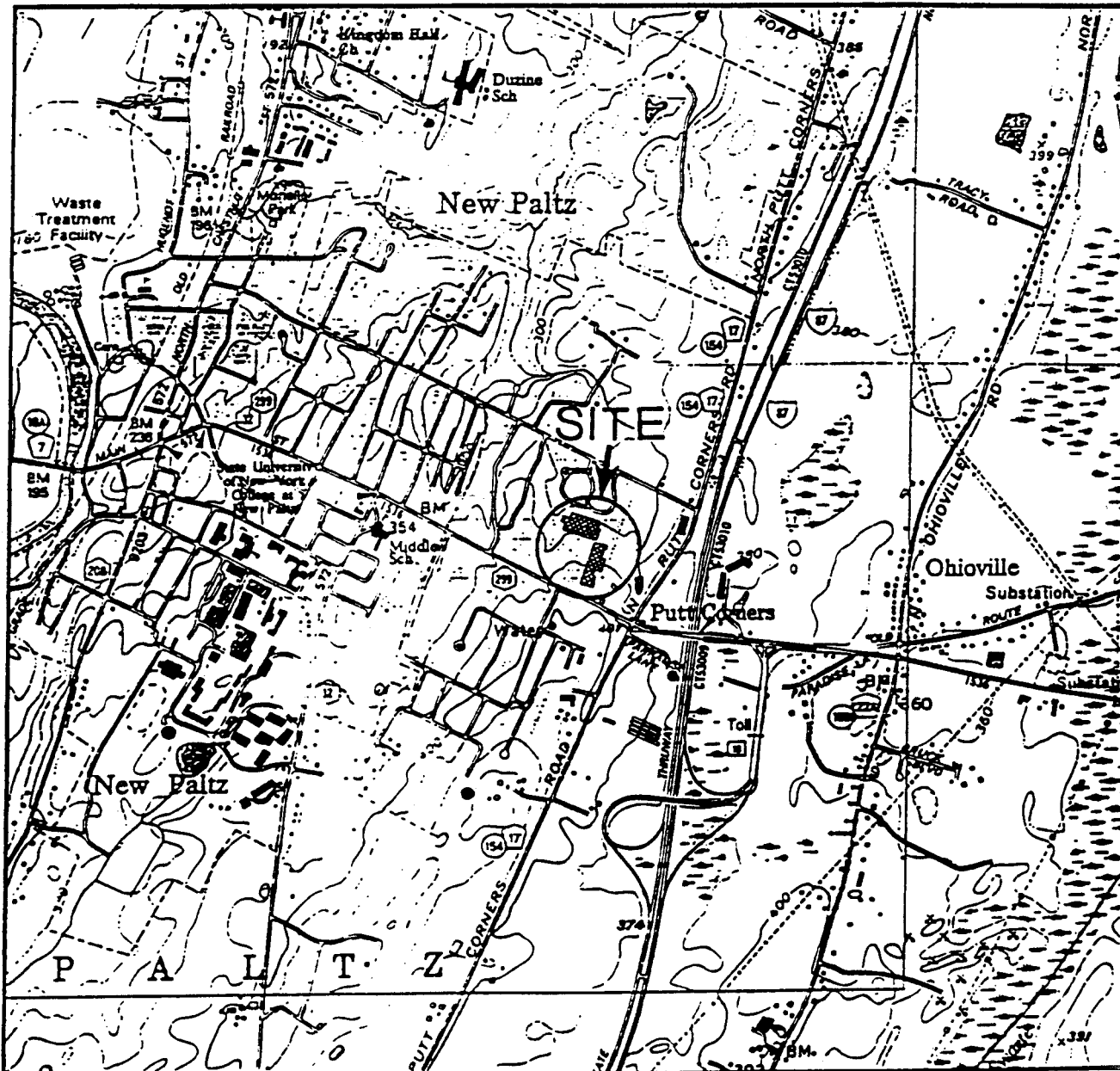
Date: 1/27/94

STATE OF Hawaii )  
COUNTY OF Honolulu ) s.s.:

On this 27th day of January, 1994, before me personally came Robert Schwartz, to me known, who being duly sworn, did depose and say that he resides in 4 Windsong Road - Ridgely, New York 10502; that he is a General Partner of XYZ Realty Associates, the Partnership described in and which executed the foregoing instrument.

45

*Patricia Barry*  
Notary Public - State of Hawaii  
Commission Expires 4/9/99

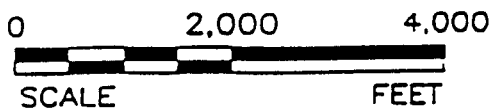


SOURCE: N.Y.S.D.O.T. TOPOGRAPHIC QUADRANGLES  
ROSENDALE AND CLINTONDALE QUADRANGLES  
7.5 MINUTE SERIES  
DATE: 1989

QUAD LOCATION



SCALE 1:24,000



GROUNDWATER  
TECHNOLOGY

1245 KINGS ROAD  
SCHENECTADY, NY 12303  
(518) 370-5631

DESIGNED:

WCL

DETAILED:

DEO

CHECKED:

## SITE LOCATION MAP

CLIENT:

NEW PALTZ PLAZA ASSOCIATES

LOCATION:

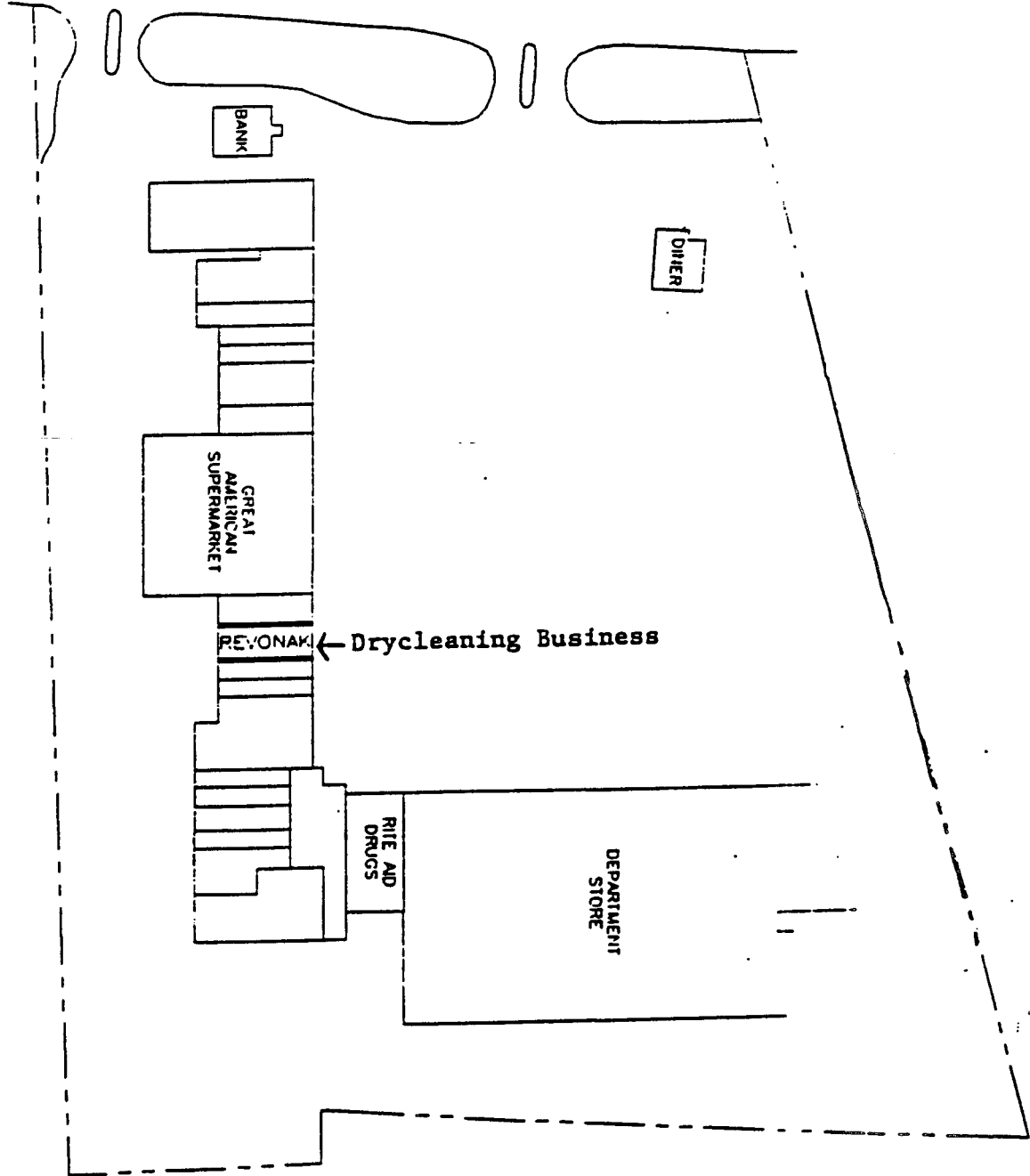
ROUTE 299  
NEW PALTZ, NEW YORK

DRAWING DATE:

12/17/93

FIGURE:

**1-1**



**LEGEND**

--- PROPERTY LINE

SOURCE: "SITE SCHEMATIC"



		1215 NILES ROAD SCENICVIEW, NY 12303 (518) 538-2431	
NEW NO.: 12/17/93	DRAWN BY: SWM	REVISED DATE: 5/4/93	REVISED BY: SWM
<b>NEW PALITZ PLAZA SHOPPING CENTER LAYOUT MAP</b>			
CLIENT: NEW PALITZ PLAZA ASSOCIATES		PREPARED BY: WCL	
PROJECT NO.: ROUTE 299		DATE: 11/7/93	
PROJECT LOCATION: NEW PALITZ, NEW YORK		DRAWN BY: WCL	
PROJECT NO.: 01110-5473		SCALE: 1-2	