

PHASE I ENVIRONMENTAL ASSESSMENT



**173 HARRISON AVENUE
BROOKLYN, NY 11206**

PHASE I ENVIRONMENTAL ASSESSMENT

ASTM E1527-00

**PROPERTY ADDRESS: 173 HARRISON AVENUE
BROOKLYN, NY 11206**

**PREPARED FOR: PARK AVENUE BANK
460 PARK AVENUE 15TH FLOOR
NEW YORK, NY 10022**

**PREPARED BY: SINGER ENVIRONMENTAL GROUP, LTD
5318 NEW UTRECHT AVENUE
BROOKLYN, NY 11219**

DATE: APRIL 12, 2005

SCOPE OF THIS PHASE I ENVIRONMENTAL SURVEY

To thoroughly inspect all accessible areas and facilities in and around the vacant lot located at 173 HARRISON AVENUE, BROOKLYN, New York and to assess the environmental status of the subject property. The tasks were conducted via a visual inspection of the site, review of available historical records documenting uses of the property along with persons knowledgeable about the subject property.

This survey assessed any ongoing or former operations, whether current or former operators/leases used or stored chemicals on the premises, if any waste materials arising from operations have been dumped on the premises or if any landfill operations have taken place.

Visual inspection of the immediate vicinity around the premises were also conducted, wherever possible or reasonable, in order to determine whether any sites adjoining the premises are used for heavy manufacturing or the generation, storage, shipping or disposal of hazardous waste, chemical materials or fuel supplies; if there are any underground or suspended transformer, capacitors, etc. Containing PCB's on the subject property or if there are any underground storage tanks.

As part of this environmental survey, inquiry was made with the U.S. Environmental Protection Agency and appropriate State and Local Agencies in order to ascertain the location of any potential, alleged or known hazardous waste sites within a one half mile radius of subject property. The CERCLIS (Comprehensive Emergency Response, Compensation and Liability Information System) is the U.S. EPA's compilation of such alleged, potential or known hazardous waste sites brought to the attention of the U.S. EPA Office of Emergency and Remedial Response which have been, will be or are currently under investigation for suspected or known environmentally hazardous activities, The National Priorities List (NPL) is the U.S. EPA's listing of known of known contaminated sites which have been targeted for clean-up due to the immediate threat posed to human health and/or the environmental integrity of that property as well as its marketability.

If appropriate, inquiry was also made with the US Environmental Protection Agency and appropriate State and Local agencies regarding their acknowledgment that the presence and/or disposal of hazardous or toxic chemicals, if any, are within their guidelines and compliance.

Recommendations, wherever appropriate, have been given as to the action, if any, which should be taken to confirm with the most current guidelines and rules for compliance as set forth by these agencies.

The Phase I Environmental Survey is limited in budget and scope. No sampling, testing or laboratory analysis is conducted unless so noted and the assessment is based on the professional opinion of the Environmental Consultant. The Phase I Environmental Survey is not and should not be considered a warranty or guarantee about the presence or absence of environmental contaminants which might affect the subject property.

This report was prepared in accordance with ASTM E-1527-00 protocols for Phase I Environmental Site Assessments.

173 HARRISON AVENUE

EXECUTIVE SUMMARY

SITE DESCRIPTION

- This property is known as 173-185 HARRISON AVENUE/358-364, 368-370 WALLABOUT STREET/59-71 GERRY STREET, BROOKLYN, NY, Block: 226 Lot: 1.
- This property consists of a vacant lot 200'X150' used for bus and trailer parking.
- This property is zoned for "vacant land" use.

ASBESTOS

- **NO** visible and/or friable ACM was noted during this inspection.

FUEL OIL STORAGE TANK

- **NO** tank was noted during this inspection.
- **NO** vent or fill was noted during this inspection.
- A monitoring well was noted on the west side sidewalk.
- See VCP Database.

PCB's

- **NO** PCB's were noted during this inspection.

SURROUNDING AREAS

NORTH	RESIDENTIAL BUILDINGS
SOUTH	PRINTING COMPANY
WEST	LOT (UNDER CONSTRUCTION)
EAST	CAR PARKING

173 HARRISON AVENUE
BROOKLYN, N.Y.

CHEMICAL OR HAZARDOUS MATERIAL/WASTE STORAGE

- **NO** chemical or hazardous material/waste storage was noted during this inspection.

SITE HISTORY

- In reviewing the history of this building and property, a Sanborn Map Search was conducted and it was determined that this property has been used as Store/Dwelling/Manufacturing folding boxes/Dance hall facilities from the 1900's to the 1930's, Old Lumber/Poultry Market from the 1940's to the 1950's, and Private Parking/Poultry Market facilities from the 1970's to the 1990's.

EDR(ENVIRONMENTAL DATA RESOURCES) DATABASE SUMMARY

DATABASE	SEARCH DISTANCE	SITES LISTED
SM. QUANTITY GENERATOR	¼ MILE	19
LG. QUANTITY GENERATOR	¼ MILE	2
CORRACTS (CORRECTIVE ACTION)	1 MILE	2
LTANKS (LEAKING TANKS)	½ MILE	35
NY SPILLS	<1/8 MILE	20

These should have no affect on the subject property.

- *59-71 Gerry Street and 73-87 Gerry Street (Adjoining Site) are listed on the VCP (Voluntary Cleanup Program).*

According to Dan Walsh of the New York State Department of Environmental Conservation Region 2 Hazardous Waste Remediation, "This site had an underground storage tank removed and petroleum contaminated soil was found. In 2002, 5,000 tons of contaminated soil was removed from the subject property and 18,000 gallons of groundwater was removed from the subject property.

In the event of any future excavation the NYS DEC should be contacted prior to any work to ensure that their records do not indicate any criteria for removal of soil due to possible contamination.

- *A monitoring well is located on the west sidewalk.*

Testing should be conducted on this well.

**173 HARRISON AVENUE
BROOKLYN, N.Y.**

SURVEY FINDINGS

GENERAL

A Phase I Environmental Survey was conducted at the building located at 173 HARRISON AVENUE, BROOKLYN, New York beginning with a visual inspection by an Environmental Consultant in all areas where hazardous or potentially toxic materials or substances might be present. A number of environmental risks were assessed during this investigation, including the presence of asbestos-containing materials, aboveground or underground storage tanks, chemical and/or hazardous waste storage and PCB content in electrical equipment. A Phase I Environmental Assessment does not involve any sampling, testing or laboratory analysis of on-site soil or ground water, unless so noted, and, thus, cannot confirm the nature of subsurface soil or ground water quality on the subject property.

SITE DESCRIPTION

The subject property is located at the address known as 173-185 HARRISON AVENUE/358-364, 368-370 WALLABOUT STREET/59-71 GERRY STREET, BROOKLYN, NY, Block: 226 Lot: 1, in the Borough of BROOKLYN, New York. The property is currently a vacant lot 200'X150' used for bus and trailer parking. This property is zoned for "Vacant Land" use. (Exhibit A)

SITE HISTORY

In reviewing the history of this building and property, a Sanborn Map Search was conducted and it was determined that this property has been used as Store/Dwelling/Manufacturing folding boxes/Dance hall facilities from the 1900's to the 1930's, Old Lumber/Poultry Market from the 1940's to the 1950's, and Private Parking/Poultry Market facilities from the 1970's to the 1990's.

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A Sanborn site history “mapping and geographic” search was conducted for a 100 year span and 12 maps were provided (see documentation).

YEAR	SUBJECT PROPERTY
1904	STORES/DWELLINGS
1918	STORES/DWELLINGS
1935	STORES/DWELLINGS/MANUFACTURING FOLDING BOXES, DANCE HALL
1947	OLD LUMBER/VACANT/POULTRY MARKET
1950	OLD LUMBER/VACANT/ POULTRY MARKET
1977	PRIVATE PARKING/MARKET
1981	PRIVATE PARKING/MARKET
1991	PRIVATE PARKING/MARKET
1992	PRIVATE PARKING/MARKET
1993	PRIVATE PARKING/MARKET
1995	PRIVATE PARKING/MARKET
1996	PRIVATE PARKING/MARKET

SURROUNDING AREAS	
NORTH (EXHIBIT E)	RESIDENTIAL BUILDINGS
SOUTH (EXHIBIT C)	PRINTING COMPANY
WEST (EXHIBIT D)	LOT (UNDER CONSTRUCTION)
EAST (EXHIBIT B)	CAR PARKING

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BROOKLYN, N.Y.**

Survey Findings

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ENVIRONMENTAL ASSESSMENT

A visual inspection of the subject property took place on April 5, 2005, by Mr. Shemon Singer.

ASBESTOS CONTAINING MATERIALS (ACM)

Asbestos is the generic name for a group of naturally occurring hydrated mineral silicates that are characterized by fibers or bundles of fine single crystal fibers. The New York City Department of Environmental Protection defines asbestos containing materials as “any material which contains more than one percent asbestos by weight.” Asbestos materials were used for many years in a variety of ways in building construction due to its excellent acoustic insulating and thermal barrier properties. The durability of asbestos fibers and their small size and fibrous shape make asbestos an unusual environmental contaminant. Water infiltration, contact during routine maintenance and age are major factors breaking down asbestos containing materials and creating exposure problems.

NO VISIBLE AND/OR FRIABLE ACM WAS NOTED DURING THIS INSPECTION.

**173 HARRISON AVENUE
BROOKLYN, N.Y.
Survey Findings**

Areas in the vacant lot were inspected as part of this survey.

Vacant Land

- 200'X150'. Earth, Minor Vegetation. Gravel. Bus and Trailer. Parking. No Foreign Soil, Debris. No Mounds.

CHEMICAL OR HAZARDOUS MATERIAL/WASTE STORAGE

The facilities inspected as part of this Phase I environmental survey; **NO** 55 gallon or smaller sized drums were found on the properties. **NO** storage or use of pesticides were found at the subject property. **NO** distressed vegetation was noted during this inspection.

SEE VCP DATABASE

PRESENCE OF PCBs IN TRANSFORMERS AND OTHER ELECTRICAL EQUIPMENT

An inspection was conducted at the subject property and in the immediate vicinity for the presence of any underground, surface or suspended transformers and visible power supply sources. Oil-containing transformers are known to frequently contain PCBs (Polychlorinated biphenyl's). PCBs are contained in older transformers and other electrical equipment and have the potential for serious health risks. The level of PCB content in such transformers and electrical equipment is regulated by the U.S. Environmental Protection Agency, Regulations 40 CFR Part 761. Upon visual inspection, **NO** suspended or underground transformers power supply sources were identified. Contact with Con Edison has nevertheless been made to determine definitely if any equipment owned and/or maintained by Con Edison located on or in the immediate vicinity of the subject property contain PCB's.

OIL STORAGE TANKS

The New York State Department of Environmental Conservation regulates the storage and handling of petroleum storage facilities. Aboveground and Underground storage tanks storing petroleum can, if not properly installed and maintained, cause serious environmental problems. Including contamination of a water supply. In an effort to prevent leaks and spills, the Petroleum Bulk Storage Law (Article 17, Title 10 of the Environmental Conservation Law) requires the DEC to develop and enforce a State Code for the storage and handling of petroleum, the resulting regulations are Parts 612, 613 and 614. Any facility with a stationary tank combined capacity exceeding 1,100 gallons must be registered with the New York State Department of Environmental Conservation.

- **NO** tank was noted during this inspection.
- **NO** vent or fill was noted during this inspection.
- A monitoring well was noted on the west side sidewalk.
- **See VCP Database.**

RCRA - RESOURCE CONSERVATION AND RECOVERY ACT

RCRA was enacted in 1976 to address the problem of disposing solid waste, hazardous waste, underground storage tanks and medical waste. Subtitle C of the Act establishes a program to manage and regulate hazardous wastes. The objective of the subtitle C program is to ensure that hazardous waste is handled in a manner that protects human health and the environment. Under RCRA, there are three categories of hazardous waste generators: Large quantity generators (LQG), small quantity generators (SQG), and conditionally exempt small quantity generators. LQG are defined as those facilities that generate either 1,000 or more kilograms per month of hazardous waste or 1 kg or more of acutely hazardous waste per month.

LQG and SQG are subject to regulations contained in 40 CFR Part 262: Obtaining and EPA ID number, preparing the waste for transportation, follow storage requirements, manifesting of hazardous waste and record keeping.

THIS SITE IS NOT LISTED ON THE RCRA OR FINDS LISTS.

According to EDR Radius Map Search, 2 CORRACTS (Corrective Action) sites are located <1/8 mile radius of the subject property.

According to EDR Radius Map Search, 2 Lg. Quantity Generators are located <1/8 mile radius of the subject property.

According to EDR Radius Map Search, 19 Sm. Quantity Generators are located <1/8 to 1/4 mile radius of the subject property.

These should have NO affect on the subject property.

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BROOKLYN, N.Y.

Survey Findings

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ADDITIONAL OBSERVATION

An inspection of the immediate vicinity around the subject property was also conducted as part of this Phase I Environmental Assessment.

In addition to the visual inspection, contact was made with the U.S. Environmental Protection Agency regarding the presence of any known, alleged or potential hazardous waste sites located in the immediate vicinity of the subject property which have been brought to the attention of the U.S. EPA Office of Emergency & Remedial Response and included in the Comprehensive Environmental Response, Compensation & Liability Information System (CERCLIS). Based on reports, **NO** such property has been identified as such (see documentation).

A review of the N.Y.S. D.E.C. Inactive Hazardous Waste Disposal Report was conducted. According to their records, **NO** sites have been identified on or near the subject property.

A radon test was **NOT** conducted at the subject property. Elevated radon levels create a potential health risk. The U.S. EPA and the Center for Disease Control have used a continuous exposure level of 4 pCi/L as a guidance level at or above which further testing and/or remedial action are indicated. There were no records or other evidence that radon testing has been performed at the subject property.

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BROOKLYN, NY

Recommendations

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RECOMMENDATIONS

The following are recommendations based on the Phase I Environmental Survey conducted at 173 HARRISON AVENUE, BROOKLYN, New York.

On April 5, 2005, a Phase I Environmental Assessment of the above-mentioned property was conducted in accordance with the generally accepted assessment protocol. The Phase I environmental assessment relied primarily on visual observation made during inspection and review of available historical documents as they relate to current and past usage's of the subject property. Additionally, the immediate vicinity of the subject property was inspected in order to ascertain the likelihood of toxic or hazardous substances or other agents to be present at surrounding locations which might adversely affect the subject site.

**NO VISIBLE AND/OR FRIABLE ACM WAS NOTED AT THE TIME
OF THIS INSPECTION.**

THE FOLLOWING ARE FINDINGS AND RECOMMENDATIONS MADE BY THE SINGER ENVIRONMENTAL CONSULTANT:

THERE IS NO EVIDENCE THAT THIS SITE HAS BEEN USED FOR MANUFACTURING, USE AND/OR STORAGE OF CHEMICALS OR FUEL SUPPLIES.

SEE VCP DATABASE.

UPON VISUAL INSPECTION, NO SUSPENDED OR SURFACE TRANSFORMERS WERE IDENTIFIED ON OR IN THE IMMEDIATE VICINITY OF THE SUBJECT PROPERTY.

Contact was made with Con Edison on January 1996 to ascertain whether or not any equipment owned and/or maintained by Con Edison is present in the immediate vicinity of the subject property and , if so, if any contain PCBs. Information provided to Singer Environmental has been that among transformers which have not been tested and determined to contain a quantity of PCBs (designated in ppms (parts per million), public utility companies are permitted to continue operation without restriction. However, if a problem were to arise as a result of a release of dielectric fluid from these transformers, the utility assumes responsibility to adequately mitigate the situation.

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Recommendations

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RADON

While radon has not been identified by the New York State Health Department as a major problem in the boroughs of New York City, the problem is site-specific and the potential health risk should be assessed.

The USEPA and the Centers for Disease Control and Prevention have used a continuous exposure of 4.0 picoCuries per liter (pCi/L) of air as the suggested remedial level action level for radon exposure. A statewide radon study conducted by the New York State Department of Health determined that the average radon concentration for New York City is ¼ pCi/L. This is below the recommended action level.

GROUNDWATER & SOIL

The nature of subsurface soil and ground water at the subject property cannot be confirmed, given the limited budget and scope of this Phase I Environmental Survey.

- *59-71 Gerry Street and 73-87 Gerry Street (Adjoining Site) are listed on the VCP (Voluntary Cleanup Program).*

According to Dan Walsh of the New York State Department of Environmental Conservation Region 2 Hazardous Waste Remediation, "This site had an underground storage tank removed and petroleum contaminated soil was found. In 2002, 5,000 tons of contaminated soil was removed from the subject property and 18,000 gallons of groundwater was removed from the subject property.

In the event of any future excavation the NYS DEC should be contacted prior to any work to ensure that their records do not indicate any criteria for removal of soil due to possible contamination.

- *A monitoring well is located on the west sidewalk.*

Testing should be conducted on this well.

**173 HARRISON AVENUE
BROOKLYN, N.Y.
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OIL STORAGE TANKS

- **NO** tank was noted during this inspection.
- **NO** vent or fill was noted during this inspection.
- A monitoring well was noted on the west side sidewalk.
- **See VCP Database.**

DEPARTMENT OF BUILDINGS

According to the Department of Buildings “Property Profile Overview” dated 04/06/05, **NO** DOB or ECB violations are “open” at this time.

FIRE DEPARTMENT

A record search at the Fire Department was **NOT** conducted for existing Fire Department violations.

Fire Department Violations, if any, should show up on the Title Report.

LTANKS (LEAKING TANKS)

According to an EDR Radius Map search, **35** LTANKS sites were identified <1/8 to 1/2 mile of the subject property.

These should have NO affect on the subject property.

N.Y SPILLS

According to an EDR Radius Map search, **20** spill sites were identified <1/8 mile radius of the subject property.

These should have NO affect on the subject property.

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BROOKLYN, N.Y.
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VCP (Voluntary Cleanup Program)

- *59-71 Gerry Street and 73-87 Gerry Street (Adjoining Site) are listed on the VCP (Voluntary Cleanup Program).*

According to Dan Walsh of the New York State Department of Environmental Conservation Region 2 Hazardous Waste Remediation, "This site had an underground storage tank removed and petroleum contaminated soil was found. In 2002, 5,000 tons of contaminated soil was removed from the subject property and 18,000 gallons of groundwater was removed from the subject property.

In the event of any future excavation the NYS DEC should be contacted prior to any work to ensure that their records do not indicate any criteria for removal of soil due to possible contamination.

- *A monitoring well is located on the west sidewalk.*

Testing should be conducted on this well.

N.Y.S. D.E.C.

A F.O.I.A. request was submitted to the N.Y.S. Department of Environmental Conservation regarding any spills, PBS (Petroleum Bulk Storage etc.). To date, **NO** response has been received, upon receipt an addendum will follow.

N.Y.S. D.E.P.

A F.O.I.A. request was submitted to the N.Y.C. Department of Environmental Protection regarding any violations, etc. To date, **NO** response has been received, upon receipt an addendum will follow.

DEPARTMENT OF HEALTH

A F.O.I.A. request was submitted to the Department of Health regarding any violations, etc. To date, **NO** response has been received, upon receipt an addendum will follow.

F.O.I.A. RESPONSES MAY NOT BE FORWARDED UNTIL AFTER DATE OF CLOSING.

**173 HARRISON AVENUE
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Recommendations

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Singer Environmental Group, Ltd. has conducted this Phase I Environmental Survey as an aid in determining the presence of potentially toxic or hazardous chemicals or substances as of the date of inspection. Observations are made herein and conclusions drawn are not to be considered as a warranty or guarantee, and are based solely upon those areas directly visible and observable, without the removal or alterations of any item or structure and reflect conditions as on the day of inspection.

Singer Environmental Group, Ltd., their principals and employees are indemnified for any future changes or conditions of deterioration in or on the subject property. Inasmuch as each has made no guarantees of the premises, expressed or implied in connection with this report, any liability which each may have shall be limited to the fee for the inspection of the property.

Respectfully Submitted by:

SHEMON SINGER
EAA CERTIFIED ENVIRONMENTAL INSPECTOR
NO. 6209
APRIL 12, 2005