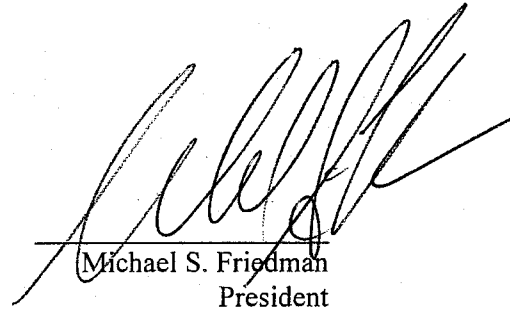


**PHASE I  
ENVIRONMENTAL SITE ASSESSMENT  
FOR  
530 NORTH STATE ROAD  
BLOCK 4, LOT 65  
TOWN OF OSSINING  
WESTCHESTER COUNTY, NEW YORK**

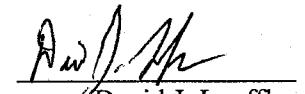
Prepared for:  
Kohl Construction  
405 Cedar Lane  
Teaneck, NJ 07666

*Attn: Mr. Jonathan Litt*

Prepared by:  
  
EcolSciences, Inc  
75 Fleetwood Drive, Suite 250  
Rockaway, New Jersey  
(973) 366-9500

  
Michael S. Friedman  
President

  
Ryan Schmehr  
Project Manager

  
David J. Loeffler  
Environmental Scientist

August 24, 2007

## TABLE OF CONTENTS

	Page
1. INTRODUCTION.....	1
2. SITE DESCRIPTION .....	2
2.1 Regional Location.....	2
2.2 Physical Features.....	2
3. HISTORY .....	4
3.1 Sanborn Fire Insurance .....	4
3.2 Aerial Photography .....	4
3.3 City Directories .....	5
3.4 Ownership and Operational History.....	5
4. SITE ASSESSMENT.....	6
4.1 Existing Site Conditions and Current Operations.....	6
4.2 Utilities.....	7
4.3 Storage Tanks .....	8
4.4 Oil and Hazardous Materials .....	8
4.5 Asbestos .....	9
5. REGULATORY REVIEW .....	10
5.1 Survey of Adjacent Land Use.....	10
5.2 Hazardous Waste Sites and Spill Records.....	10
5.3 Local Regulatory Agency Contacts .....	13
6. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS .....	14
6.1 Findings.....	14
6.2 Conclusions and Recommendations .....	16
6.3 Non-Scope Considerations.....	17
7. EXCEPTIONS DELETIONS AND DATA GAPS .....	18
7.1 Exceptions and Deletions.....	18
7.2 Data Gaps.....	18
8. ENVIRONMENTAL PROFESSIONAL STATEMENT .....	19
9. LIMITATIONS .....	20
10. REFERENCES .....	21

## **LIST OF ATTACHMENTS**

ATTACHMENT A – Figures

ATTACHMENT B – Site Inspection Photographs

ATTACHMENT C – Aerial Photographs and Sanborn Map Report, City Directories

ATTACHMENT D – EDR Radius Map Report with Geocheck ®

ATTACHMENT E – Qualifications of the Preparers

## 1. INTRODUCTION

EcolSciences, Inc. was retained by Kohl Construction (the "User"), to conduct a Phase I Environmental Site Assessment of the property located at 530 North State Road in the Town of Ossining, Westchester County, New York. This Phase I Environmental Site Assessment Report characterizes the existing environmental conditions on the subject property and assesses potential environmental concerns. This assessment has been conducted in accordance with the American Society of Testing and Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Designation E 1527-05). This report is exclusively for the use of Kohl Construction, and is not for the use, nor may it be relied upon by any other person or entity. Findings of this assessment are based primarily upon a site inspection conducted on August 20, 2007, and on subsequent background research conducted by EcolSciences, Inc. This background research included:

- Review of available title and deed records if available, examination of site-specific historical aerial photographs, historical fire insurance maps, if available, and review of past land use practices to characterize pre-existing conditions;
- Review of readily-available local records to document historical uses and potential environmental concerns on and in the immediate vicinity of the subject property; and
- Identification of known or suspected hazardous waste sites, permitted hazardous waste facilities, active or inactive solid waste facilities, and nearby spill sites with respect to the subject property.

A description of the regional site location and physical features, including a brief description of the current site conditions and operations, appears in Section 2. Ownership and operation history are discussed in Section 3. A detailed description and analysis of environmental conditions based on the inspection of the property appears in Section 4. Documented hazardous waste and spill case sites that could potentially impact the environmental quality of the subject property are discussed in Section 5. Section 6 summarizes the findings and conclusions of this assessment and makes any necessary recommendations. Section 7 presents any exceptions, deletions or data gaps and Section 8 presents the Environmental Professional Statement.

It should be noted that this report does not represent a warranty or guarantee of the environmental condition of the subject property, as indicated in Section 9 (Limitations) of this report. No soil, air, or water samples were collected as part of this Phase I Environmental Site Assessment.

## **2. SITE DESCRIPTION**

The following sections describe the environmental setting of the subject property. This site description includes the regional location and physical features of the subject property. Figures 1, 2, and 3 in Attachment A present the regional site location map, municipal tax map, and the general site layout, respectively.

### **2.1 Regional Location**

The location of the subject property is as follows:

- **County** – Westchester County, New York
- **Municipality** – Town of Ossining
- **Block** – 4
- **Lot** – 65
- **Street Address** – 530 North State Road
- **Nearest Cross Street** – Ryder Avenue intersects North State Road approximately 530 feet north of the subject property.

### **2.2 Physical Features**

The physical features of the subject property, including a brief description of the onsite improvements and exterior grounds, are summarized below:

- **Site Area** – ±1 acre
- **Property Configuration** – The property is rectangular, with ±200 feet of roadway frontage.
- **Structures** – The subject property is currently improved with a masonry garden center building, two sheds, and a greenhouse.
- **Exterior Grounds** – An asphalt paved parking area exists on the western portion of the property. Mulch piles are present on the eastern portion, and trees and shrubs are stored on the north side of the property. A culverted stream runs beneath the north side of the property.

- **Current Ownership and Operations** – Review of the file at the Town of Ossining Tax Assessor's office on August 20, 2007 indicates that the subject property is currently owned by PPI Briarcliff, LLC. Current operations include a garden center.
- **Topography** – The subject property is characterized by slightly southward sloping land, at an elevation of approximately 360 feet above Mean Sea Level (MSL).
- **Drainage** – Surface runoff from developed areas of the subject property flows overland to North State Road where it is discharged to the municipal sewerage system or flows to a catch basin located on the southeast portion of the property.
- **Easements** – There are no easements shown on the tax map for the property.
- **Surrounding Land Use** – Unity Mechanical Corp., an industrial boiler installation company, is present to the north, as well as North State Mechanical Corp. An equipment storage yard is present to the south. Undeveloped woodlands are present adjacent to the east, and Crown Trophy, Carey & Walsh Inc., and Home Remodeling Wiser are present to the west, across North State Road.

### **3. HISTORY**

Available information pertaining to site history was reviewed by EcolSciences to identify potential areas of environmental concern resulting from past operations and land use practices on and in the vicinity of the subject property. The site history was compiled by reviewing municipal tax, zoning and building department files, interviewing municipal officials, reviewing available deed/title information, and examining reasonably ascertainable historical aerial photographs, maps, and directories. This information was supplemented by discussions with a representative of the Town of Ossining Building Department. The following sections describe the findings of EcolSciences' historical review.

#### **3.1 Sanborn Fire Insurance**

Sanborn Fire Insurance Maps, produced by the Sanborn Map Company, are maps that depict general building construction and usage, fire protection measures, heating methods, hazardous material storage areas, and certain underground storage tanks. These maps have been prepared nationwide for most historically urbanized areas. Sanborn Fire Insurance Maps available for the site included coverage for the year 1942. The map shows the subject property was improved with two structures: one larger structure adjacent to North State Road, and another smaller structure to the north. Land to the north and south was vacant. North State Road was present to the west, and Pine Street and vacant land were present to the east. A copy of the Sanborn map is presented in Attachment C.

#### **3.2 Aerial Photography**

Historical aerial photographs for the years 1962, 1969, and 2002 were reviewed by EcolSciences to identify past operations on, and in the vicinity of, the subject property. The following is a description of the onsite and surrounding conditions depicted on these photographs. Copies of the aerial photos are presented in Attachment C.

- **1962 and 1969** – Aerial photographs dated January 16, 1962 and May 6, 1969 show that the property was improved with the present day garden center building and another building to the south. A parking lot was present on the eastern portion of the property. Land to the north and east was undeveloped woodland. Land to the south was vacant, but the trees had been cleared. To the west was North State Road.
- **2002** – A Google<sup>TM</sup> Earth image from 2002 showed the site as it exists today with the garden center building and attached wood framed open wall planter area, greenhouse, two sheds, storage containers, parking area, and trees and shrubs located throughout the property. The two sheds replaced the structure

formerly located south of the garden center building. Land to the north was improved with two warehouse type structures. A storage yard was present to the south. North State Road was present to the west, and land to the east was vacant.

### **3.3 City Directories**

City directories have been published for cities and towns across the United States since the 1700's. Originally a list of residents, the city directory developed into a sophisticated tool for locating individuals and businesses in a particular urban or suburban area. Copies of the City Directory are presented in Attachment C. A review of available City Directories identified the following entities at 530 North State Road.

Year	Occupant
1986	Carjen Fence Co.
1991	Cali Bros. Inc.
	Carjen Fence Co.
	Scettsdl Grnhs Inc.
1996	Briarcliff Garden Center
	J&B Lawn and Landscape
2001	Briarcliff Garden Center
2007	Briarcliff Garden Center

### **3.4 Ownership and Operational History**

Complete title search or chain-of-title documentation was not provided for EcolSciences' review at the time of report preparation. According to the Deed Card on file with the Town of Ossining Tax Assessor, Briarcliff Laundry, Inc. owned the subject property in 1962. From October 10, 1986 until May 1, 2002, Prudential Laundry Corp. owned the subject property. Since May 1, 2002 PPI Briarcliff, LLC has owned the subject property. It is unknown if the previous Laundry Company owners conducted dry cleaning operations onsite.

Based on EcolSciences' review of aerial photographs, Sanborn Maps and city directories, the subject property was improved with two structures by 1942. The northern, smaller structure was demolished between 1942 and 1962. During that same time period, the other building (which is now the garden center building) was expanded to its current size, and another structure was constructed on the southern portion of the property. Between 1969 and 2002, this southernmost building was apparently demolished, and replaced with two sheds. A fence company and possible garden center (Scettsdl Grnhs Inc.) were located onsite in 1986 and/or 1991. The current operations (garden center) have existed onsite since circa 1996.



#### **4. SITE ASSESSMENT**

EcolSciences' personnel conducted a site inspection on August 20, 2007 to identify potential areas of environmental concern resulting from past or present land use practices and/or facility operations. Visual observations were supplemented by conversations with Mr. Jonathan Litt, the property owner representative, concerning known site history, knowledge of environmental conditions, documents associated with previous environmental investigations, current and past operations, hazardous material use, and waste disposal practices. Inquiry was made with the User (Kohl Construction Co., represented by Mr. Jonathan Litt) concerning any specialized knowledge with regard to environmental concerns associated with current or former operations. In addition, the User was requested to consider whether a disparity, if any, between the fair market value of the property and the purchase price may be the result of adverse environmental conditions onsite. Mr. Litt indicated there was no known contamination, but that the presence of fertilizers, gas, and propane on site are obvious indicators that may point to the presence of contamination.

The User was requested to provide information regarding any environmental cleanup liens associated with the property. Based on conversations with Mr. Litt, no specialized knowledge exists with regard to environmental cleanup liens.

Existing conditions were characterized by visually inspecting accessible areas of the subject property. Attachment B contains representative photographs of onsite features noted during the site inspection. Figure 3, presented in Attachment A, depicts the general site layout. The following subsections provide a discussion of site-specific potential areas of concern identified during EcolSciences' inspection.

##### **4.1 Existing Site Conditions and Current Operations**

The subject property is located at 530 North State Road in the Town of Ossining, Westchester County, New York and is referenced as Block 4, Lot 65. The property is improved with a slab-on-grade masonry garden center building and wood framed open wall planter area, two sheds, a greenhouse, and several storage containers. An assortment of commercially packaged lawn amendments, insecticides, herbicides, and lawn equipment are located within the garden center building. Machinery is stored on the eastern and southern portions of the property including trucks, mulchers, and ice melters. Several storage containers located on the subject property contain various landscaping materials including tools and equipment. A culverted stream runs beneath the northern side of the property. Wooden pallets with bags of mulch or other gardening supplies were located around the outside wall of the garden center, and prevented inspection of portions of the outside of the building. An asphalt-paved parking lot

exists on the western portion of the property, and piles of mulch are present on the eastern portion of the property.

#### 4.2 **Utilities**

Utilities serving the subject property were identified where possible through visual observation and discussions with site representatives, municipal officials, and utility company officials. Onsite production or potable wells, sewage disposal systems (current or former septic systems, dry-wells, or seepage pits), potential sources of polychlorinated biphenyls (PCBs), and current/former heating systems and their associated fuel source were identified if present and visually apparent on the subject property. A description of the utilities serving the subject property is as follows:

- **Water Supply** – The municipality provides potable water to the subject property. No potable or production water wells were observed on the subject property.
- **Wastewater** – According to the Town of Ossining Building Department, municipal sewerage service is available to the subject property. However, it is unknown whether the property is connected to the municipal sewer system. EcolSciences observed no visual evidence of septic systems on the subject property. Inquiry was made with the property owner (Mr. Litt) regarding wastewater services, however no response has been received as of the date of this report.
- **Electric Service** – Electric service for the subject property is provided by Consolidated Edison (Con Ed). No pole or pad-mounted transformers were observed on the subject property.
- **Heating** – Mr. Litt indicated the onsite structures may be heated by oil. EcolSciences noted no visual evidence of underground storage tanks; however, storage of materials prevented visual inspection of portions of the exterior of the garden center building. A building permit on file with the Town of Ossining Tax Assessor's Office indicated an "enclosed gas tank" was installed in October of 1975. Correspondence from the building inspector on July 21, 1992 indicated the storage tank was removed. The location and size of the former tank are unknown. In addition it is unknown whether the tank was an underground storage tank (UST) or above ground storage tank (AST). Historic methods of heating the former onsite structures and existing structures are also unknown; therefore, it is possible that tanks exits onsite associated with these historic buildings.

#### **4.3 Storage Tanks**

The identification of existing or former underground or aboveground storage tanks and other bulk storage areas including but not limited to silos, rail cars, and tanker trucks, is based upon visual evidence of such storage areas both inside and outside the building (i.e. fill pipes, vent pipes, and feed/return lines), from historical records, and from historical fire insurance maps when available.

Review of the New York State UST list reveals that the subject property is not listed. EcolSciences noted no visual evidence of underground storage tanks; however storage of materials inhibited visual inspection. A building permit on file with the Town of Ossining Tax Assessor's Office indicated an "enclosed gas tank" was installed in October of 1975. This issue is discussed above in Section 4.2. Several propane tanks were observed on the southern portion of the property, in between the two sheds, and outside the greenhouse. Small propane tanks are stored within a storage cabinet at the southeast corner of the garden center. Historic methods of heating the former onsite structures and existing structures are also unknown; therefore, it is possible that tanks exits onsite associated with these historic buildings.

#### **4.4 Oil and Hazardous Materials**

Practices pertaining to current and former oil and hazardous material use, storage, and disposal practices were identified as part of this Phase I Assessment. Areas of particular concern include, but are not limited to, storage pads, cabinets, and closets, dumpsters, loading/unloading areas, compressor vent discharges, air discharges, surface impoundments, and lagoons. In addition, the buildings and grounds were visually inspected for evidence of potential contamination, such as stained or discolored soils, stressed vegetation, floor staining, unusual odors, illegal dumping, land filling, and ground water monitoring wells.

Oil and hazardous materials observed on the subject property include commercially packaged fertilizers and pesticides, and minor amounts of gasoline, oil, paint, and lubricants. The materials were appropriately stored and labeled and good housekeeping practices were observed. No visual evidence of contamination was observed inside the building or on the exterior grounds.

As described in Section 3, the subject property has been utilized as a garden center since 1996, and possibly earlier. Based on the use, it is possible that pesticides have been used onsite. It is possible, therefore, that soils on the subject property contain residual amounts of pesticides or metals above NYSDEC Soil Cleanup Levels.

#### **4.5    Asbestos**

Asbestos is a group of fibrous, naturally occurring silicate minerals including chrysotile, crocidolite, amosite, anthophyllite, tremolite, and actinolite. By USEPA definition, asbestos-containing materials are those materials or products that contain more than one percent asbestos by volume. The three general categories of asbestos-containing building materials include surfacing materials, thermal systems insulation and miscellaneous materials such as floor tiles, ceiling tiles, roofing shingles, tar, and felt, concrete-based piping, wallboard, outdoor siding, and fabrics.

Potential asbestos-containing materials observed by EcolSciences included twelve by twelve-inch flooring tiles and roofing materials. It should be noted that EcolSciences' Phase I Environmental Assessment is not a detailed asbestos survey; it is possible that asbestos materials may be present within some building areas (e.g. beneath carpet, behind permanent fixtures or walls, material inside equipment, under floors and in areas hidden from view), which were not apparent and/or accessible to EcolSciences' personnel during the site inspection.

## **5. REGULATORY REVIEW**

A regulatory review was conducted to assess past and present land use and operations on, and in the vicinity of, the subject property that could potentially impact the environmental quality of the subject property. This regulatory review included a visual survey of current adjacent land use, a review of Federal and State databases that list hazardous waste sites and spill cases, and contact with local regulatory agencies.

### **5.1 Survey of Adjacent Land Use**

EcolSciences' personnel conducted a visual survey of the adjacent properties to identify sites that could impact the environmental quality of the subject property. A summary of the current adjacent land use is as follows:

- **North** – Two warehouse buildings, occupied by Unity Mechanical Corp. and North State Mechanical Corp.
- **South** – Storage yard
- **East** – Undeveloped woodland
- **West** – North State Road, beyond which is Crown Trophy, Carey & Walsh, Inc., and Home Remodeling Wiser.

### **5.2 Hazardous Waste Sites and Spill Records**

Federal and State database listings of hazardous waste and spill case sites were provided by Environmental Data Resources (EDR). The Federal and State databases provide a permanent record of environmental regulatory compliance, suspected and documented hazardous waste sites, and spill case sites. These database listings were reviewed by EcolSciences to identify hazardous waste and spill sites in the general vicinity, and to assess whether any of the sites listed in those databases could adversely impact the environmental quality of the subject property. The regulatory database report is contained in Attachment D and includes the release dates for each database and a radius map. Search distances for this database report were based upon guidelines established under the American Society of Testing Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM Designation E 1527-05).

The following subsections summarize information listed for known or suspected hazardous waste sites and spill cases in the immediate vicinity of the site. If necessary, Federal, State, or local regulatory officials were contacted regarding the status of database listings on or adjacent to the site.

***National Priorities List***

The subject property is not listed on the *NPL*. There are no *NPL List* sites located within a one-mile radius of the subject property.

***Delisted NPL***

The subject property is not listed as a *Delisted NPL* site. There are no *Delisted NPL* sites located within a 0.5-mile radius of the subject property.

***Comprehensive Environmental Response, Compensation and Liability Information System List***

The subject property is not listed as a *CERCLIS* site. There are no *CERCLIS* sites listed within a 0.5-mile radius of the subject property.

***Comprehensive Environmental Response, Compensation and Liability Information System "No Further Remedial Action Planned" (CERCLIS-NFRAP) List***

The subject property is not listed on the *CERCLIS-NFRAP List*. There are no *CERCLIS-NFRAP* sites listed within a 0.5-mile radius of the subject property.

***Resource Conservation and Recovery Act - Corrective Action Sites List (CORRACTS)***

The subject property is not listed as a *CORRACTS List* site. There are no *CORRACTS List* sites listed within a one-mile radius of the subject property.

***Resource Conservation and Recovery Act - Treatment, Storage and Disposal Facilities Report***

The subject property is not listed in the *RCRA-TSD Report*. There are no *RCRA-TSD* facilities listed within a 0.5-mile radius of the subject property.

***Resource Conservation and Recovery Act - Large Quantity Generators***

Neither the subject property nor the adjacent properties are listed on the *RCRA-LG Report*.

***Resource Conservation and Recovery Act - Small Quantity Generators***

Neither the subject property nor the adjacent properties are listed on the *RCRA-SG Report*.

***USEPA - Engineering Controls Site List***

The subject property is not listed on the *USEPA Engineering Controls Site list*.

***EPA - Institutional Controls List***

The subject property is not listed on the *USEPA Institutional Controls Site list*.

***US Brownfields Database***

The subject property is not listed in the *US Brownfields Database*. There are no *Brownfields* sites listed within a 0.5-mile radius of the subject property.

***Emergency Response Notification System Report***

The subject property is not listed on the *ERNS List*.

***State Hazardous Waste Sites***

The subject property is not listed as a *SHWS*. There are no *SHWS* sites listed within a one-mile radius of the subject property.

***Permitted Solid Waste Landfills, Incinerators, or Transfer Stations***

The subject property is not listed on the *New York Solid Waste Landfill List*. There are no sites listed on the *New York Solid Waste Landfill List* within a 0.5-mile radius of the subject property.

***NYSDEC Underground Storage Tank List***

Neither the subject property nor the adjacent properties are listed on the *UST List*.

***NYSDEC Leaking Storage Tank List/Historic Leaking Storage Tank List***

The subject property is not listed on the *LTANKS List*. There are 25 *LTANKS* sites listed within a 0.5-mile radius of the subject property. All but one of the sites have been closed by the NYSDEC. The open case, the Gratz Home, at 5 Nord Circle, is approximately 0.5-mile southwest of the subject property and was listed as a result of a failed tank test on July 26, 2005. The site has a *LTANKS* ID #349937. Given the distance and case status, no adverse environmental impacts are anticipated.

***NYSDEC Aboveground Storage Tank (AST) List***

Neither the subject property nor any adjacent properties are listed on the *NYSDEC AST List*.

***NYSDEC - Engineering Controls List***

The subject property is not listed on the *NYSDEC - Engineering Controls List*.

***Voluntary Cleanup Program Sites***

The subject property is not listed on the *VCP Sites* list. There are no *VCP* site listed within a 0.5-mile radius of the subject property.

***New York Spills List***

The subject property is not listed on the *New York Spills List*.

### **5.3 Local Regulatory Agency Contacts**

Contact with personnel and/or review of records on file at the Town of Ossining Tax Assessor on August 20, 2007, indicated an enclosed gas tank was installed in October of 1975. Correspondence from the building inspector on July 21, 1992 indicated the storage tank was removed. The location and size of the former tank are unknown. In addition it is unknown whether the tank was an underground storage tank (UST) or above ground storage tank (AST). Discussions with a Building Department representative on August 21, 2007 revealed no other records pertaining to underground storage tanks or any other environmental concerns, violations, or complaints were revealed for the subject property. Inquiry was made with the Westchester County Health Department on August 21, 2007 regarding any pertinent documentation concerning the subject property. As of the date of this report, no response has been received. Should any pertinent information become available, it will be provided under separate cover.



## 6. FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

EcolSciences, Inc. has performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Standard Practice for Environmental Site Assessments (Designation E 1527-05) for the property located at 530 North State Road in the Town of Ossining, Westchester County, New York. Any exceptions to, or deletions from, this practice are described in Section 7 of this report. Major findings and recommendations of EcolSciences' Phase I Environmental Site Assessment for the property are summarized below.

### 6.1 Findings

The findings of EcolSciences' Phase I Environmental Site Assessment are as follows:

- **Site Description** – The property is improved with a slab-on-grade masonry garden center building and wood framed open wall planter area, two sheds, a greenhouse, and several storage containers. An assortment of commercially packaged lawn amendments, insecticides, herbicides, and lawn equipment are located within the garden center building. Machinery is stored on the eastern and southern portions of the property including trucks, mulchers, and ice melters. Several storage containers located on the subject property contain various landscaping materials including tools and equipment. A culverted stream runs beneath the northern side of the property. Wooden pallets with bags of mulch or other gardening supplies were located around the outside wall of the garden center, and prevented inspection of portions of the outside of the building. An asphalt-paved parking lot exists on the western.
- **Historical Background** – Complete title search or chain-of-title documentation was not provided for EcolSciences' review at the time of report preparation. According to the Deed Card on file with the Town of Ossining Tax Assessor, Briarcliff Laundry, Inc. owned the subject property in 1962. From October 10, 1986 until May 1, 2002, Prudential Laundry Corp. owned the subject property. Since May 1, 2002 PPI Briarcliff, LLC has owned the subject property. It is unknown if the previous Laundry Company owners conducted dry cleaning operations onsite. Based on EcolSciences' review of aerial photographs, Sanborn Maps and city directories, the subject property was improved with two structures by 1942. The northern, smaller structure was demolished between 1942 and 1962. During that same time period, the other building (which is now the garden center building) was expanded to its current size, and another structure was constructed on the southern portion of the property. Between 1969 and 2002, this southernmost building was apparently demolished, and replaced with two sheds. A fence company and possible garden center (Scettsdl Grnhs Inc.) were located onsite in 1986 and/or 1991. The current operations (garden center) have existed onsite since circa 1996.

- Utilities** – The municipality provides potable water to the subject property. No potable or production water wells were observed on the subject property. According to the Town of Ossining Building Department, municipal sewerage service is available to the subject property. However, it is unknown whether the property is connected to the municipal sewer system. EcolSciences observed no visual evidence of septic systems on the subject property. Inquiry was made with the property owner (Mr. Litt) regarding wastewater services, however no response has been received as of the date of this report. Electric service for the subject property is provided by Consolidated Edison (Con Ed). No pole or pad-mounted transformers were observed on the subject property. Mr. Litt indicated the onsite structures may be heated by oil. EcolSciences noted no visual evidence of underground storage tanks; however, storage of materials prevented visual inspection of portions of the exterior of the garden center building. A building permit on file with the Town of Ossining Tax Assessor's Office indicated an "enclosed gas tank" was installed in October of 1975. Correspondence from the building inspector on July 21, 1992 indicated the storage tank was removed. The location and size of the former tank are unknown. In addition it is unknown whether the tank was an UST or AST. Historic methods of heating the former onsite structures and existing structures are also unknown; therefore, it is possible that tanks exits onsite associated with these historic buildings.
- Storage Tanks** – Review of the New York State UST list reveals that the subject property is not listed. EcolSciences noted no visual evidence of underground storage tanks; however storage of materials inhibited visual inspection. A building permit on file with the Town of Ossining Tax Assessor's Office indicated an "enclosed gas tank" was installed in October of 1975. This issue is discussed above. Several propane tanks were observed on the southern portion of the property, in between the two sheds, and outside the greenhouse. Small propane tanks are stored within a storage cabinet at the southeast corner of the garden center. Historic methods of heating the former onsite structures and existing structures are also unknown; therefore, it is possible that tanks exits onsite associated with these historic buildings.
- Oil and Hazardous Materials** – Oil and hazardous materials observed on the subject property include commercially packaged fertilizers and pesticides, and minor amounts of gasoline, oil, paint, and lubricants. The materials were appropriately stored and labeled and good housekeeping practices were observed. No visual evidence of contamination was observed inside the building or on the exterior grounds. The subject property has been utilized as a garden center since 1996, and possibly earlier. Based on the use, it is possible that pesticides have been used onsite. It is possible, therefore, that

soils on the subject property contain residual amounts of pesticides or metals above NYSDEC Soil Cleanup Levels

- **Asbestos** – Potential asbestos-containing materials observed by EcolSciences included twelve by twelve-inch flooring tiles and roofing materials. It should be noted that EcolSciences' Phase I Environmental Assessment is not a detailed asbestos survey; it is possible that asbestos materials may be present within some building areas (e.g. beneath carpet, behind permanent fixtures or walls, material inside equipment, under floors and in areas hidden from view), which were not apparent and/or accessible to EcolSciences' personnel during the site inspection. The subject property has been utilized as a garden center since 1996, possibly since 1991. It is possible that pesticides and metals that may remain in soils that have been amended for gardening purposes for a long period after active amending ceased. It is possible, therefore, that soils on the subject property contain residual amounts of pesticides or metals above NYSDEC Soil Cleanup Levels.
- **Regulatory Assessment** – Based on a review of applicable Federal and State databases, the subject property is not listed. No adverse environmental impacts to the subject property are anticipated from the surrounding sites identified in the database review. Contact with personnel and/or review of records on file at the Town of Ossining Tax Assessor on August 20, 2007, indicated an enclosed gas tank was installed in October of 1975. Correspondence from the building inspector on July 21, 1992 indicated the storage tank was removed. The location and size of the former tank are unknown. In addition it is unknown whether the tank was an UST or AST. Discussions with a Building Department representative on August 21, 2007 revealed no other records pertaining to underground storage tanks or any other environmental concerns, violations, or complaints were revealed for the subject property. Inquiry was made with the Westchester County Health Department on August 21, 2007 regarding any pertinent documentation concerning the subject property. As of the date of this report, no response has been received. Should any pertinent information become available, it will be provided under separate cover.

## **6.2 Conclusions and Recommendations**

We have performed a Phase I Environmental Site Assessment in conformance with ASTM Practice E1527-05 of 530 North State Road (the property). This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following and makes the following recommendations in connection with the property.

- **USTs** – A geophysical survey should be conducted to identify any potential USTs on the subject property. Any tanks identified should be removed in accordance with all State and local regulations with associated post-

excavation sampling. The geophysical survey should also be used to attempt to identify the excavation from the former potential gasoline UST. If the excavation is identified, soil sampling should be conducted in this area to evaluate potential impacts.

- **Current Operations** – Based on the presence of the existing garden center, including a greenhouse and other areas where plants, trees, shrubs etc. are grown/maintained, soil sampling should be conducted to evaluate potential impacts from possible pesticide usage.
- **Potential Former Dry Cleaner** – Given that no information was available regarding the former onsite laundering companies and whether dry cleaning occurred onsite, soil borings should be conducted around the garden center building to evaluate potential impacts.
- **Hazardous Substances** – Prior to any future cessation of operations, any hazardous substances should be removed from the subject property and properly disposed of offsite.

### 6.3 **Non-Scope Considerations**

EcolSciences makes the following additional recommendations outside the scope of ASTM Standard Practice E1527-05.

- **Asbestos** – An asbestos survey should be conducted prior to any future renovation or demolition to ensure proper disposal.
- **Sewerage Utility** – According to the Town of Ossining Building Department, municipal sewerage service is available to the subject property. However, it is unknown if the subject property is connected to the municipal sewer system or whether any septic systems are located onsite. Any septic systems that are located on the subject property and are not being used should be properly abandoned.

## **7. EXCEPTIONS DELETIONS AND DATA GAPS**

### **7.1 Exceptions and Deletions**

There were no exceptions or deletions from the ASTM Practice E1527-05, in the preparation of this assessment.

### **7.2 Data Gaps**

During the preparation of this assessment EcolSciences was unable to document the site history to five-year increments. Although this level of historical documentation was not available, it is EcolSciences' professional opinion that this data gap does not qualify a data failure as defined by ASTM Practice E1527-05. EcolSciences believes that the historical information available was sufficient.

**8. ENVIRONMENTAL PROFESSIONAL STATEMENT**

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in Section 312.10 of 40 CFR 312.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the subject property. We have developed and performed all the appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Qualifications of the Environmental Professionals are presented in Attachment E.

## 9. LIMITATIONS

- Findings of a Phase I Environmental Site Assessment are based on the conditions existing at the site on the date of the inspection. Past conditions were approximated based on available records, interviews, and conversations with others. No soil, water, or air sampling was conducted on the subject property as part of this Phase I Environmental Site Assessment. It is possible that past contamination may remain undiscovered. The recommendations provided in a Phase I Environmental Site Assessment do not guarantee that additional problems will not arise in the future.
- The results of this Phase I Environmental Site Assessment are based on information provided to EcolSciences and on observations made during the site investigation. EcolSciences does not warrant or guarantee the environmental conditions of the property or certify the property as clean.
- This Phase I Environmental Site Assessment is not a regulatory audit and does not address regulatory compliance regarding off-site disposal of waste materials.
- This Phase I Environmental Site Assessment is based on the current regulatory environment and current regulations. Regulatory agency interpretations, future regulatory changes, and/or policy or attitude changes may affect the environmental status of the subject property.
- No wetland delineation, methane gas survey, lead-based paint survey, indoor air quality sampling, or radon sampling was performed as part of this Phase I Environmental Site Assessment.
- This Phase I Environmental Site Assessment is not an engineering or structural report.
- EcolSciences' Phase I Environmental Site Assessment is not a detailed asbestos survey. It is not meant to quantify the amount of asbestos containing materials nor should it be used to estimate the costs of asbestos abatement. It is possible that asbestos-containing materials are present within some areas that were not apparent or accessible to EcolSciences' personnel during the site reconnaissance.

## 10. REFERENCES

Aerial Photographs – Aerial Viewpoint, Spring, Texas

American Society of Testing and Materials (ASTM) *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process (ASTM E 1526-05)*

Environmental Data Resources, Inc., *City Directory Report*, Report No. 2006920.4 dated August 20, 2007

Environmental Data Resources, Inc., *EDR Radius Map Report*, Report No. 02006920.2r dated August 16, 2007

Environmental Data Resources, Inc., *Sanborn Map Report*, Report No. 2006920.3s dated August 17, 2007

Google<sup>TM</sup> Earth 2002 Aerial image

NYSDEC. *Geographic Information System GIS Database.*

Town of Ossining Building Department and Tax Assessor's Office

United States Geological Survey (USGS), *7.5-Minute Topographic Ossining, NY Quadrangle Map*

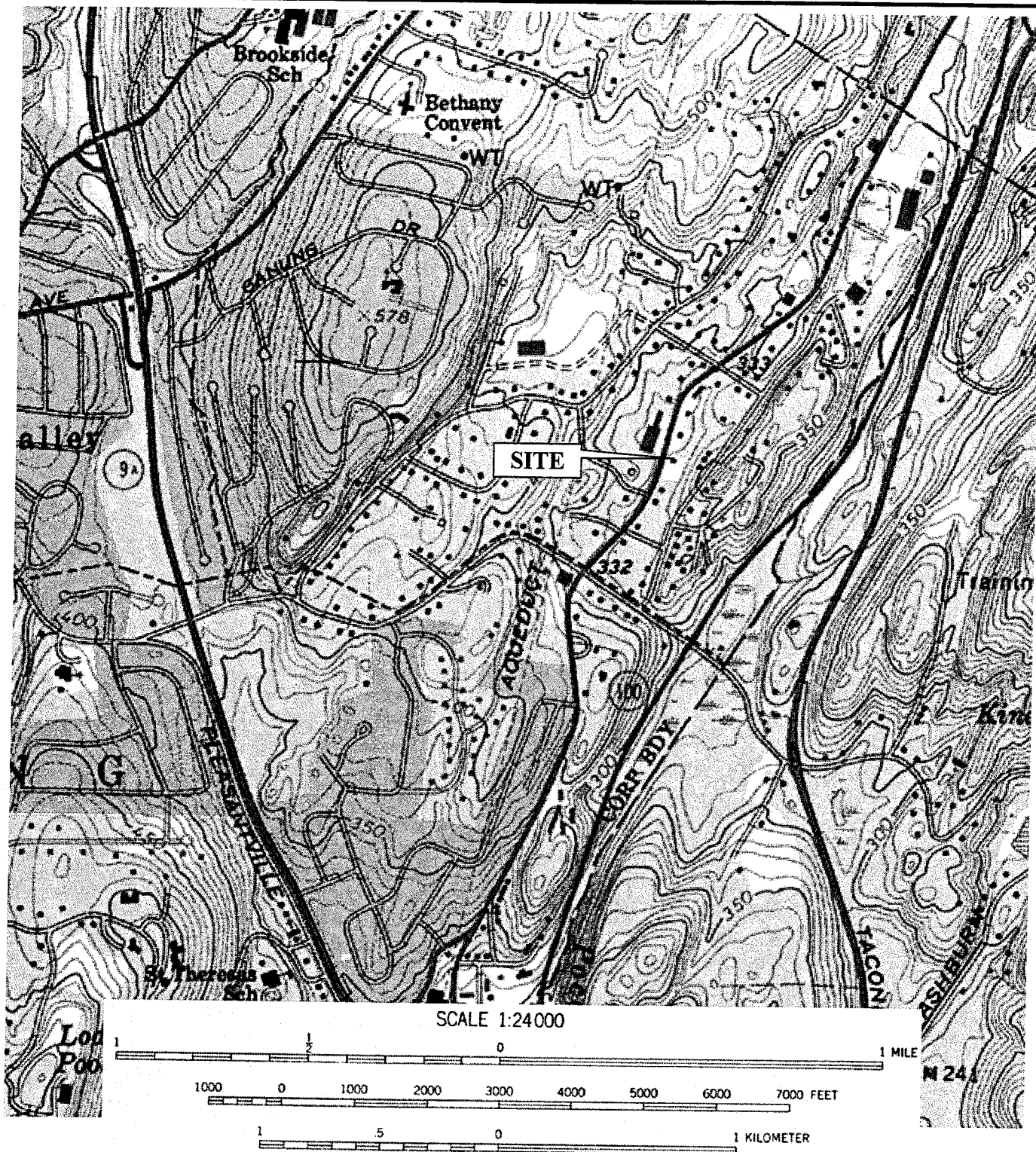


# **ATTACHMENT A**

---

Figures

**EcolSciences, Inc.**  
Environmental Management & Regulatory Compliance



Latitude: N 41° 09'55.8"  
Longitude: W 73° 49'19.6"



## FIGURE 1: REGIONAL SITE LOCATION

530 North State Road  
Block 4, Lot 65  
Town of Ossining  
Westchester County, New York

Source: USGS, 1979 - Ossining, NY Quadrangle 7.5 Minute Series © Maptech, Inc.

**EcolSciences, Inc.**

Environmental Management and Regulatory Compliance

DATE: 8/2007  
SCALE: AS SHOWN

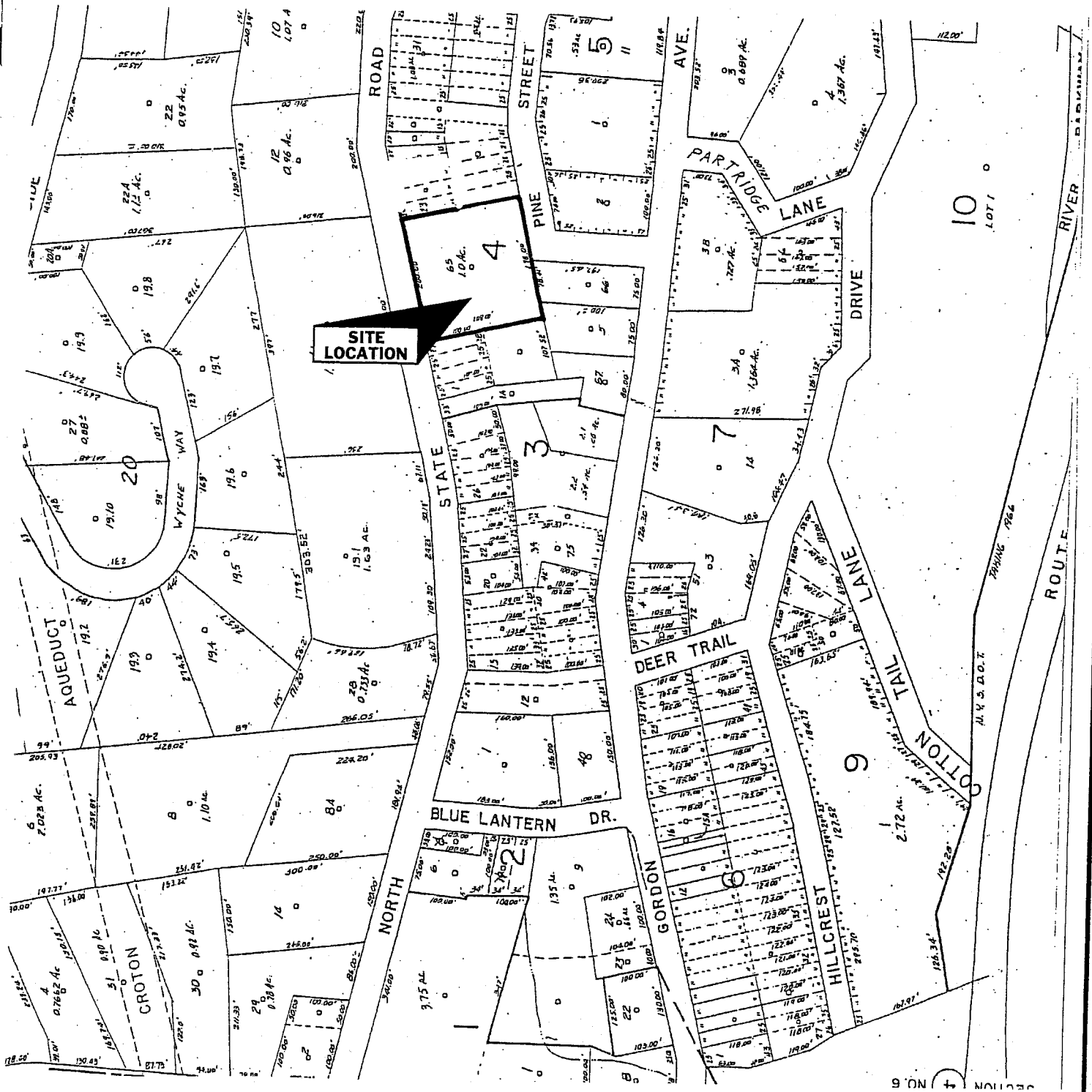


FIGURE 2: MUNICIPAL TAX MAP

530 North State Road  
Block 4, Lot 65  
Town of Ossining  
Westchester County, New York



EcolSciences, Inc.  
Environmental Management & Regulatory Compliance

Date: August 2007  
Source: Town of Ossining

Unity Mechanical Corp.

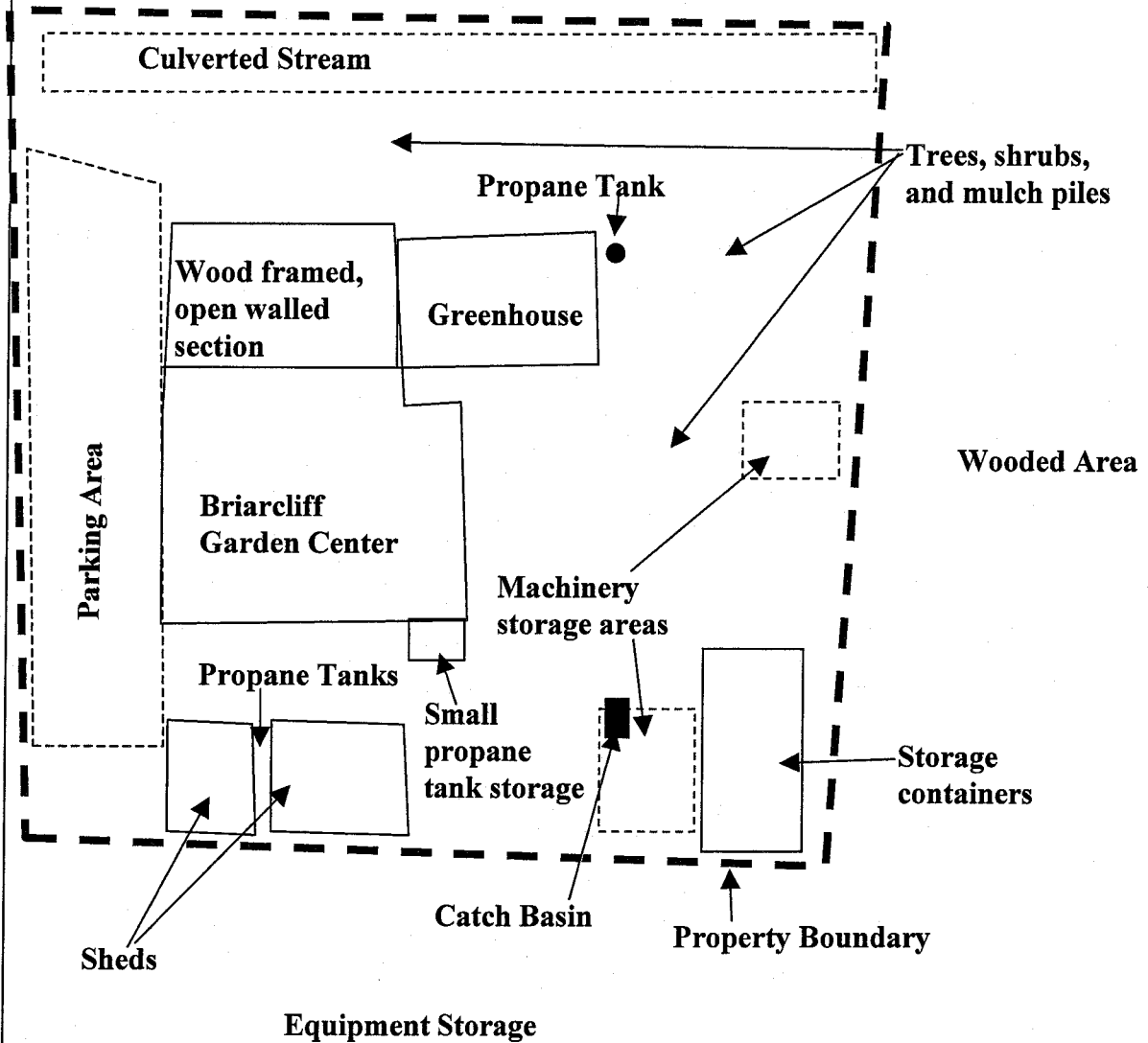
North State Mechanical Corp.

Crown Trophy

Carey & Walsh Inc.

Home Improvement Wiser

North State Road



**FIGURE 3: GENERAL SITE LAYOUT**

530 North State Road  
Block 4, Lot 65  
Town of Ossining  
Westchester County, New York

**EcolSciences, Inc.**

Environmental Management and Regulatory Compliance

DATE: 8/2007  
Scale: Not to scale

# **ATTACHMENT B**

---

Site Inspection Photographs

**EcolSciences, Inc.**

Environmental Management & Regulatory Compliance



**Photo 1:** Representative view of the west side of the garden center.



**Photo 2:** View of the southern side of the garden center.

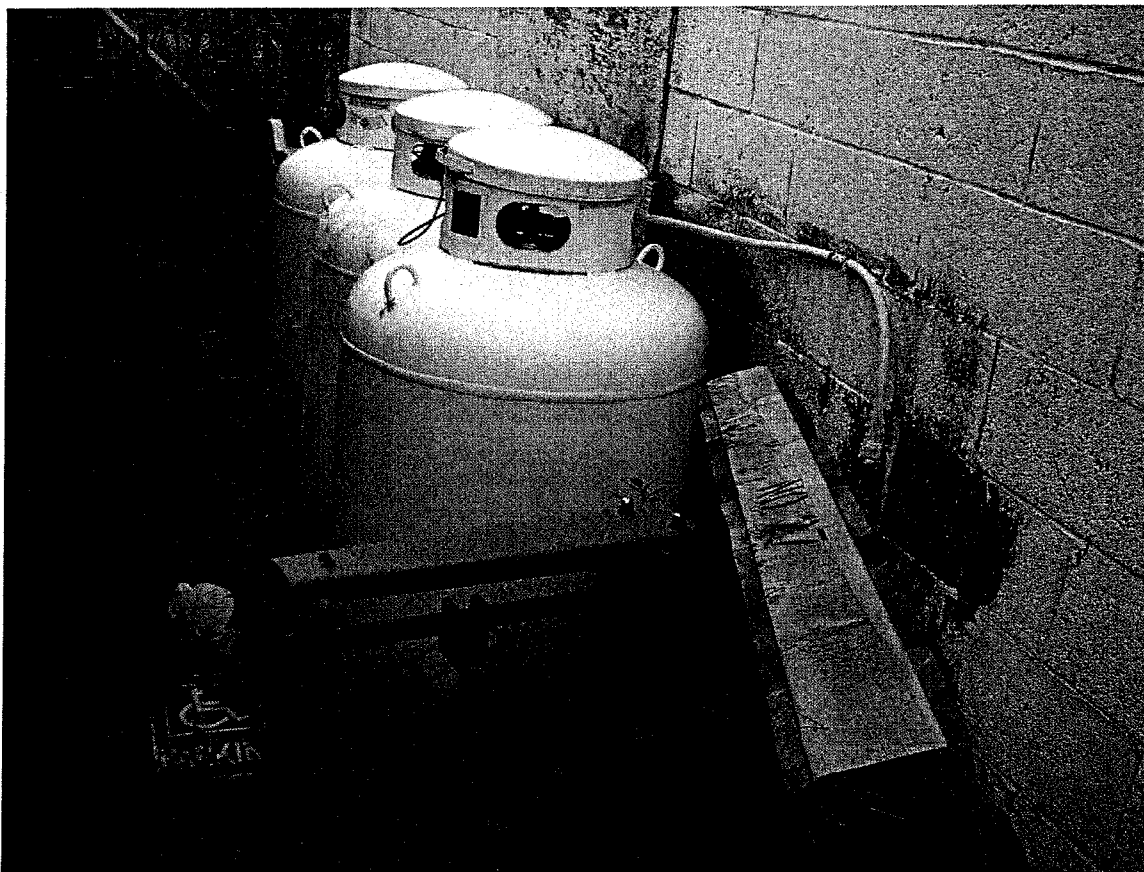


**Photo 3:** A view of the southwestern most shed.



**Photo 4:** A view of the second shed, to the east of the above pictured shed.



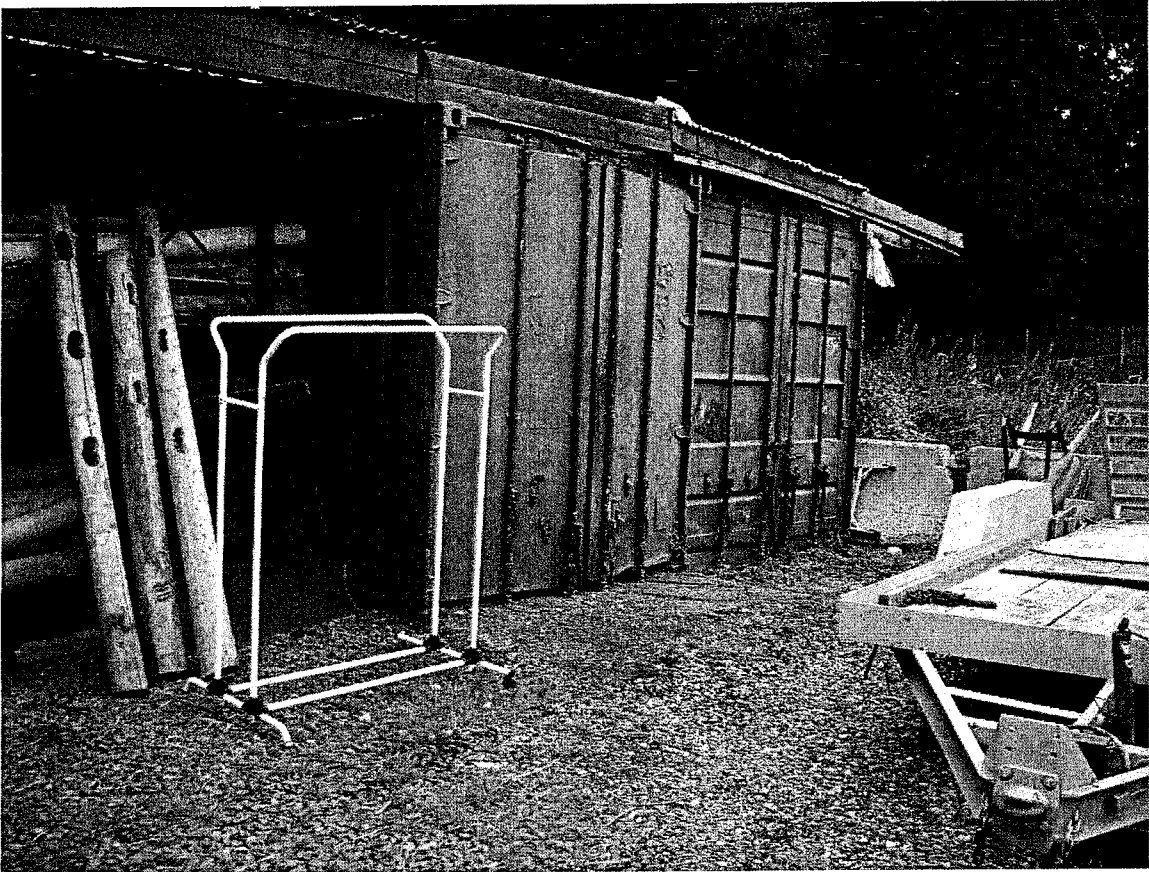


**Photo 5:** Propane tanks on the subject property, between the sheds.



**Photo 6:** Small propane tank storage area.





**Photo 7:** Storage containers on the southeast portion of the property.



**Photo 8:** View of trees and shrubs in the foreground, and the greenhouse in the background.



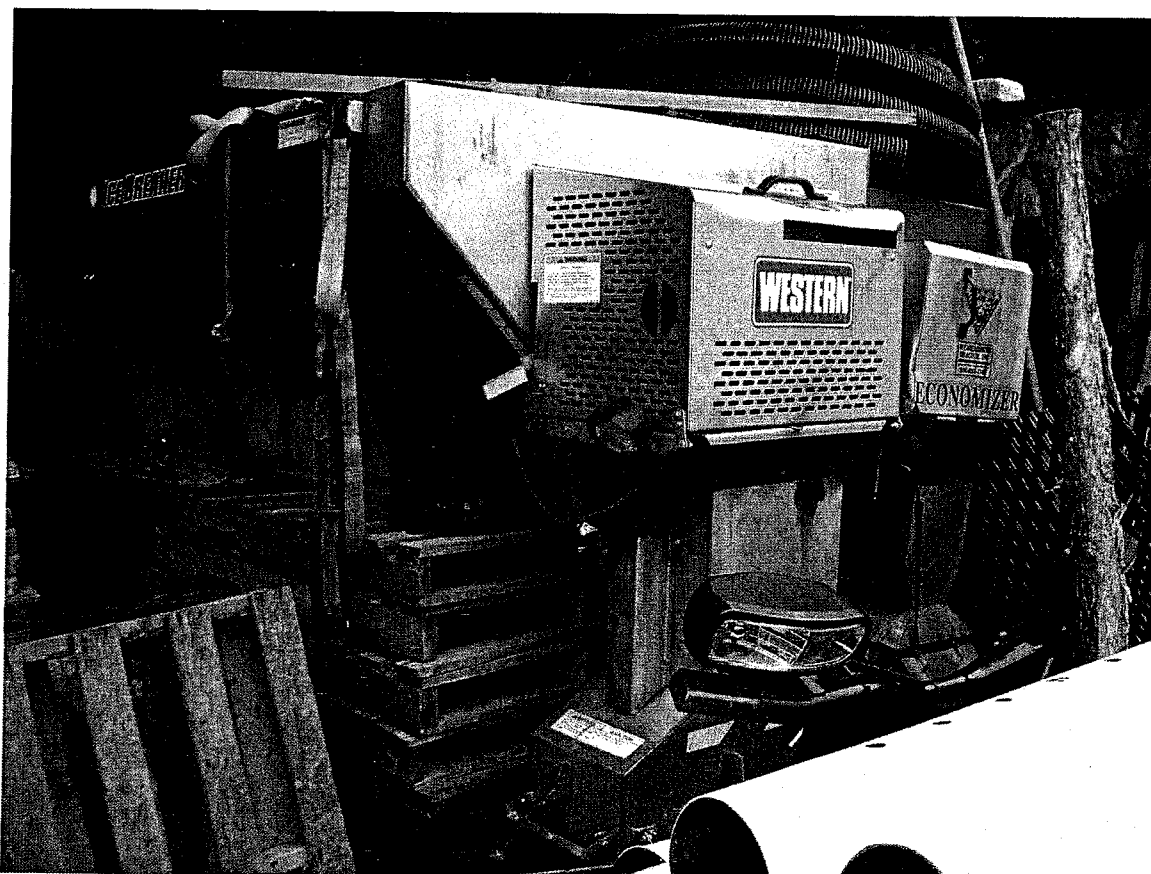
**Photo 9:** Wood framed open wall plant storage area.



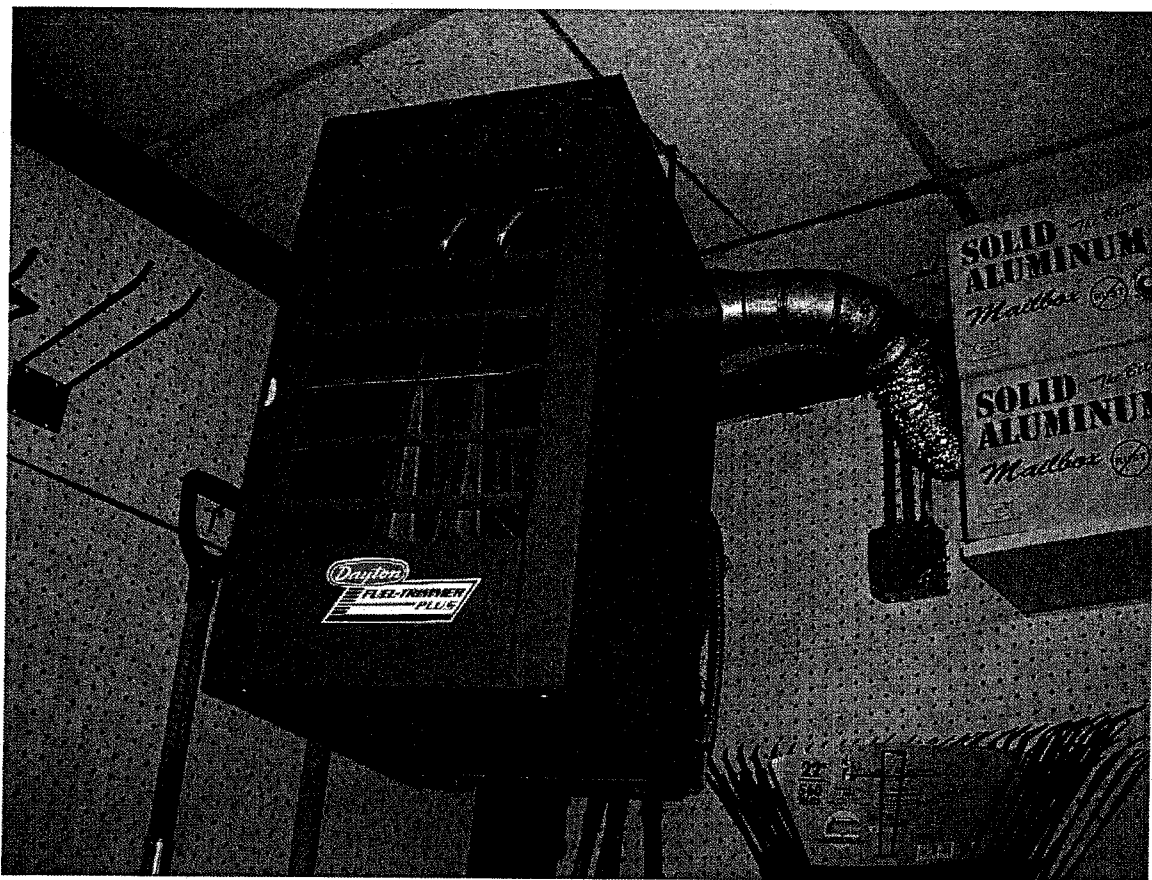
**Photo 10:** View of the mulch piles located on the subject property.



**Photo 11:** Culverted stream on the north side of the property.



**Photo 12:** Machinery located along the eastern portion of the property.



**Photo 13:** Roof mounted heating unit located within the garden center.

# **ATTACHMENT C**

---

Aerial Photos, Sanborn Maps, and City Directories

**EcolSciences, Inc.**

Environmental Management & Regulatory Compliance





09 1752 24 2236/

**SITE  
LOCATION**

This is a high-contrast, black and white aerial photograph. A major road or highway runs diagonally from the upper left towards the bottom center. To the left of this road, there is a cluster of buildings and structures. A white rectangular box with the text "SITE LOCATION" is positioned over this cluster, with a black arrow pointing from the box to a specific spot on the ground. The terrain to the right of the road appears more open and less developed. The image has a grainy, high-contrast quality typical of older aerial photography. There are some numbers and a code in the top right corner: "09 1752 24 2236/".



Site Location

North State Road

Pointer: 41°09'54.51"N 73°49'18.43"W

Streaming 100%

Image NASA

Image © 2007 New York GIS

© 2007 Tele Atlas

Google  
Eye all 360°



# Certified Sanborn® Map Report



Sanborn® Library search results  
Certification # 763F-4E24-A262

**JH Mack - Briarcliff Manor - 530 N. State Road  
530 North State Road  
Briarcliff Manor, NY 10562**

**Inquiry Number 2006920.3s**

**August 17, 2007**



**EDR®** Environmental  
Data Resources Inc

## **The Standard in Environmental Risk Information**

440 Wheelers Farms Rd  
Milford, Connecticut 06461

### **Nationwide Customer Service**

Telephone: 1-800-352-0050  
Fax: 1-800-231-6802  
Internet: [www.edrnet.com](http://www.edrnet.com)

## Certified Sanborn® Map Report

8/17/07

**Site Name:**

JH Mack - Briarcliff Manor - 530  
530 North State Road  
Briarcliff Manor, NY 10562

**Client Name:**

ECOL Sciences  
75 Fleetwood Drive  
Rockaway, NJ 07866

EDR Inquiry # 2006920.3s

Contact: Dave Loeffler



EDR® Environmental  
Data Resources Inc

The complete Sanborn Library collection has been searched by EDR, and fire insurance maps covering the target property location provided by ECOL Sciences were identified for the years listed below. The certified Sanborn Library search results in this report can be authenticated by visiting [www.edrnet.com/sanborn](http://www.edrnet.com/sanborn) and entering the certification number. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by Sanborn Library LLC, the copyright holder for the collection.

### Certified Sanborn Results:

**Site Name:** JH Mack - Briarcliff Manor - 530 N. State Road  
**Address:** 530 North State Road  
**City, State, Zip:** Briarcliff Manor, NY 10562  
**Cross Street:**  
**P.O. #** HW02-345  
**Project:** HW02-345  
**Certification #** 763F-4E24-A262



Sanborn® Library search results  
Certification # 763F-4E24-A262

**Maps Identified** - Number of maps indicated within "( )"

1942 (1)

The Sanborn Library includes more than 1.2 million Sanborn fire insurance maps, which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ☒ Library of Congress
- ☒ University Publications of America
- ☒ EDR Private Collection

Total Maps: 1

### Limited Permission To Make Copies

ECOL Sciences (the client) is permitted to make up to THREE photocopies of this Sanborn Map transmittal and each fire insurance map accompanying this report solely for the limited use of its customer. No one other than the client is authorized to make copies. Upon request made directly to an EDR Account Executive, the client may be permitted to make a limited number of additional photocopies. This permission is conditioned upon compliance by the client, its customer and their agents with EDR's copyright policy; a copy of which is available upon request.

### Disclaimer - Copyright and Trademark notice

This Report contains certain information obtained from a variety of public and other sources reasonably available to Environmental Data Resources, Inc. It cannot be concluded from this Report that coverage information for the target and surrounding properties does not exist from other sources. NO WARRANTY EXPRESSED OR IMPLIED, IS MADE WHATSOEVER IN CONNECTION WITH THIS REPORT. ENVIRONMENTAL DATA RESOURCES, INC. SPECIFICALLY DISCLAIMS THE MAKING OF ANY SUCH WARRANTIES, INCLUDING WITHOUT LIMITATION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. ALL RISK IS ASSUMED BY THE USER. IN NO EVENT SHALL ENVIRONMENTAL DATA RESOURCES, INC. BE LIABLE TO ANYONE, WHETHER ARISING OUT OF ERRORS OR OMISSIONS, NEGLIGENCE, ACCIDENT OR ANY OTHER CAUSE, FOR ANY LOSS OF DAMAGE, INCLUDING, WITHOUT LIMITATION, SPECIAL, INCIDENTAL CONSEQUENTIAL, OR EXEMPLARY DAMAGES. ANY LIABILITY ON THE PART OF ENVIRONMENTAL DATA RESOURCES, INC. IS STRICTLY LIMITED TO A REFUND OF THE AMOUNT PAID FOR THIS REPORT. Purchaser accepts this Report "AS IS". Any analyses, estimates, ratings, environmental risk levels or risk codes provided in this Report are provided for illustrative purposes only, and are not intended to provide, nor should they be interpreted as providing any facts regarding, or prediction or forecast of, any environmental risk for any property. Only a Phase I Environmental Site Assessment performed by an environmental professional can provide information regarding the environmental risk for any property. Additionally, the information provided in this Report is not to be construed as legal advice.

Copyright 2007 by Environmental Data Resources, Inc. All rights reserved. Reproduction in any media or format, in whole or in part, of any report or map of Environmental Data Resources, Inc., or its affiliates, is prohibited without prior written permission.

EDR and its logos (including Sanborn and Sanborn Map) are trademarks of Environmental Data Resources, Inc. or its affiliates. All other trademarks used herein are the property of their respective owners.

Arch Associate: SES Copyright: 1942

The certified Sanborn Library search results in this report can be authenticated by visiting [www.edrnet.com/sanborn](http://www.edrnet.com/sanborn) and entering the certification number. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by The Sanborn Library LLC, the copyright holder for the collection.

**Certification #** 763F-4E24-A262

