



**4-14 FAIRWAY DRIVE & NYS ROUTE 208
VILLAGE OF SOUTH BLOOMING GROVE, NEW YORK
PHASE I ENVIRONMENTAL SITE ASSESSMENT**

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“Serving our clients and the environment since 1993”

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EXECUTIVE SUMMARY

At the request of OCCR Enterprises, LLC, Sterling Environmental Engineering, P.C. (STERLING) prepared this Phase I Environmental Site Assessment (ESA) report of the properties located at 4 - 14 Fairway Drive and New York State Route 208 located in the Village of South Blooming Grove, Orange County, New York. The subject property is comprised of the following parcels:

- Tax Parcel 223-1-1, 4-14 Fairway Drive, owned by Infinity Holdings Northeast, LLC totaling 84.40 acres (Parcel #1).
- Tax Parcel 223-1-2, New York State Route 208, owned by Rieger Construction, Inc. totaling 40 acres (Parcel #2).

The subject properties contain a two (2)-story residence, an one (1) story residence, a driving range (golf), and a NYSDEC-permitted sand and gravel aggregate mine and vacant, wooded land.

The surrounding land use is zoned Office/Research/Industrial (ORI) and is a low density mix of industrial, light commercial. Figure 1, "Site Location Map", presents the subject property and surrounding area. Figure 2 provides an aerial photograph presenting the approximate parcel boundary and the adjacent development.

This Phase I ESA was prepared based upon the standard approach set forth in American Society for Testing and Materials (ASTM) E1527-13, "Standard Practice for Environmental Site Assessments" and in conformance with the standards and practices set forth in 40 CFR Part 312.

The format of this report follows the procedures outlined in ASTM Standard Practice E1527-13. The following ASTM definitions are important for understanding this report.

1.1.1 Recognized Environmental Conditions (RECs): In defining a standard of good commercial and customary practice for conducting an environmental site assessment of a parcel of property, the goal of the processes established by this practice is to identify Recognized Environmental Conditions (RECs). The term recognized environmental conditions means the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. *De minimis* conditions are not RECs.

3.2.18 Controlled Recognized Environmental Condition (CREC): A REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by the regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). A condition considered by the Environmental Professional (EP) to be a Controlled Recognized Environmental Condition (CREC) shall be listed in the findings section of the Phase I Environmental Site Assessment report, and as a REC in the conclusions section of the Phase I Environmental Site Assessment report.

3.2.42 Historical Recognized Environmental Condition (HREC): A past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted residential use criteria established by a regulatory authority, without subjecting the property to any required controls (for

example, property use restrictions, activity and use limitations, institutional controls, or engineering controls). Before calling the past release a Historical Recognized Environmental Condition (HREC), the EP must determine whether the past release is a REC at the time the Phase I Environmental Site Assessment is conducted (for example, if there has been a change in the regulatory criteria). If the EP considers the past release to be a REC at the time the Phase I ESA is conducted, the condition shall be included in the conclusions section of the report as a REC.

A Tier I soil vapor encroachment evaluation was also conducted in accordance with ASTM E2600-10 "Standard Guide for Vapor Encroachment Screening on Property Involved with Real Estate Transactions". STERLING completed a site reconnaissance on April 10, April 16, April 23, May 5 and May 13, 2014, conducted interviews, and evaluated available records and historical information.

STERLING's assessment revealed no Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), Controlled Recognized Environmental Conditions (CRECs) or Vapor Encroachment Conditions in connection with the subject property. Accordingly, performance of a Phase II ESA is not recommended.

Inspections of the buildings at the subject property identified the likely presence of asbestos-containing materials (ACM) and lead-based paint. Additionally, tenants at the property were observed storing various waste materials within and near the buildings. Waste materials observed include furniture, mattresses, white goods and construction debris.

As agreed, this study was restricted to observations made during STERLING's inspection of the subject property and research into its history. The scope of work did not include the completion of a regulatory compliance audit and did not address compliance with any Federal, State or local statutes, regulations, ordinances or codes. It did not include collection or analysis of air, water, soil or other materials and STERLING, therefore, cannot make representations or warranties concerning their quality. A subsurface investigation is typically required in order to characterize soil and groundwater conditions to determine if any adverse impact from hazardous materials has occurred.

In preparing this report, STERLING relied upon certain verbal information and representations provided by government employees and other individuals familiar with the subject property, and upon documents provided to STERLING and information in Federal and State government agency lists. STERLING did not attempt to independently verify the accuracy or completeness of this information, but did not detect any inconsistency or omission of a nature that might call into question the validity of any of the information collected. To the extent that the conclusions in this report are based in whole or in part on such information, they are contingent on its validity.

This report has been prepared for the exclusive use of OCCR Enterprises, LLC. STERLING represents that, within the limitation of the agreed upon scope of work, this work has been undertaken and performed in a professional manner, in accordance with generally accepted practices, using the degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances.

1.0 INTRODUCTION

At the request of OCCR Enterprises, LLC, Sterling Environmental Engineering, P.C. (STERLING) prepared this Phase I Environmental Site Assessment (ESA) report of the properties located at 4 - 14 Fairway Drive and New York State Route 208 located in the Village of South Blooming Grove, Orange County, New York. The subject property is comprised of the following parcels:

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The subject properties contain a two (2)-story residence, an one (1) story residence, a driving range (golf), and a NYSDEC-permitted sand and gravel aggregate mine and vacant, wooded land.

The surrounding land use is zoned Office/Research/Industrial (ORI) and is a low density mix of industrial, light commercial. Figure 1, "Site Location Map", presents the subject property and surrounding area. Figure 2 provides an aerial photograph presenting the approximate parcel boundary and the adjacent development.

STERLING's assessment revealed no Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), Controlled Recognized Environmental Conditions (CRECs) or Vapor Encroachment Conditions in connection with the subject property. Accordingly, performance of a Phase II ESA is not recommended.

Inspections of the buildings at the subject property identified the likely presence of asbestos-containing materials (ACM) and lead-based paint. Additionally, tenants at the property were observed storing various waste materials within and near the buildings. Waste materials observed include furniture, mattresses, white goods and construction debris.

This Phase I ESA was prepared based upon the standard approach set forth in American Society for Testing and Materials (ASTM) E1527-13, "Standard Practice for Environmental Site Assessments" and in conformance with the standards and practices set forth in 40 CFR Part 312. A Tier I soil vapor encroachment evaluation was also conducted in accordance with ASTM E2600-10 "Standard Guide for Vapor Encroachment Screening on Property Involved with Real Estate Transactions". STERLING completed a site reconnaissance on April 10, April 16, April 23, May 5 and May 13, 2014, conducted interviews, and evaluated available records and historical information.

This report presents observations and other pertinent information regarding the subject property. In accordance with the agreed upon scope of work, STERLING restricted its investigation to those facts ascertained during a site reconnaissance, interviews, and an evaluation of available records and historical information. The scope of work did not include the completion of a regulatory compliance audit or a determination of compliance by present or former owners or operators of the subject property with Federal, State or local environmental or land use laws and/or regulations.

2.0 PROJECT SCOPE

The purpose of this ESA was to (1) develop information regarding the general environmental character of the subject property; and (2) satisfy one of the requirements to qualify for the “innocent landowner” defense to CERCLA liability, in accordance with 42 USC 9601(35) (B), and/or the “bona fide prospective purchaser” defense relative to CERCLA liability, in accordance with 42 USC 9601(40), if the need should arise.

The Phase I ESA includes a visual inspection of the subject property, a review of readily available historical aerial photographs and historical topographic maps, an inspection of accessible adjacent and nearby parcels, a review of selected environmental records available to STERLING, and a review of a computer search of Federal and State environmental databases for indications of the presence of hazardous substances or petroleum products on the subject property or on nearby parcels.

The Scope of Services has been completed in accordance with the scope and limitations of ASTM Standard Practice E1527-13.

The following tasks were performed during the implementation of this study:

- The subject property was inspected by STERLING on April 10, April 16, April 23, May 5 and May 13, 2014 to determine if conditions exist which are cause for concern or warrant additional study.
- A New York State Department of Transportation (NYSDOT) topographic map was examined to determine the relative location of the subject property with respect to regional drainage features and adjacent properties.
- Database searches were conducted for sites identified on environmental regulatory lists. The Federal National Priorities List (NPL), Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list, the New York State Department of Environmental Conservation (NYSDEC) Registry of Inactive Hazardous Waste Disposal Sites, United States Environmental Protection Agency (USEPA) Enforcement and Compliance History Online (ECHO) database, and other relevant environmental lists were reviewed for indications of potential environmental concerns associated with the subject property and surrounding areas.
- A review of aerial photographs was conducted to determine conditions of property development and potential environmental concerns on, or in the immediate area of, the subject property.
- Interviews were conducted with:
 - David Plotkin, Infinity Holdings Northeast, LLC (Parcel Owner, Parcel 223-1-1)
 - Steve Rieger, Rieger Construction, Inc. (Parcel Owner, Parcel 223-1-2)
 - Edward McLaughlin (Tenant, Parcel 223-1-1)
 - Jerry Medina (Tenant, Parcel 223-1-1)
 - Douglas Astorita (Tenant, Parcel 223-1-1)
 - Patricia Caruso (Tenant, Parcel 223-1-1)
 - Mary Cassidy (Tenant, Parcel 223-1-1)
 - Michael Weeks, PE (Associate, McGoey, Hauser & Edsall Consulting Engineers, P.C. – Engineer for the Village of South Blooming Grove, New York)
 - Jeanne Oversen (Building Inspector, Village of South Blooming Grove, New York)

- Kerry Dougherty (Village Clerk, Village of South Blooming Grove, New York)
- Limited test pit installations were conducted on May 13, 2014 within a portion of the permitted mine to evaluate the character and extent of fill materials.

Within the limitations of the agreed-upon Scope of Services, this ESA has been undertaken and performed in a professional manner, in accordance with generally accepted practices, using the degree of skill and care ordinarily exercised by reputable environmental consultants under similar circumstances.

Except to the extent specifically discussed herein, the scope of work did not include the following, and this report must not be relied upon for guidance with regard to:

- An evaluation of compliance with laws, regulations, ordinances or codes.
- The collection or analysis of any samples of air, soil, water, flora, fauna, building materials, radon gas, waste materials, asbestos materials or any other substance.
- The identification or listing of materials suspected to be lead-based paints, asbestos containing, biologically or radiologically active, or otherwise hazardous.
- Description of *de minimis* conditions at or adjacent to the subject property in accordance with ASTM E1527-13. A condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be *de minimis* conditions are not recognized environmental conditions or controlled recognized environmental conditions.
- An evaluation of factors which might affect the suitability of the subject property for any particular purpose or use, such as zoning and other land use restrictions, and/or geotechnical considerations.
- An evaluation of the possible presence on or near the subject property of environmentally sensitive areas, wetlands, endangered species, or culturally or historically important sites.
- An evaluation of structural, electrical, plumbing, heating, ventilation, drainage, septic and water supply systems.
- The development of a remedial program for the property if contamination is found.
- Delineation of wetlands, floodplains, significant habitats, and/or areas of historic significance.
- Assessment or sampling of any onsite septic systems or drinking water wells.
- An evaluation of the purchase price of the property or the fair market value of the property whether or not the property was affected by hazardous substances or petroleum products.
- Title Search.

This report is intended for use only as the complete document. It is based upon the Scope of Services, and is subject to the Limitations and Exceptions and other restrictions, defined herein. It has been prepared for the exclusive use of OCCR Enterprises, LLC and its legal counsel. No other person or

organization is entitled to rely upon any part of it without the prior written consent of STERLING. OCCR Enterprises, LLC or its legal counsel may release or authorize the release of all or part(s) of this report to third parties. However, if any third party uses or relies on this report without the express written permission of STERLING, such third party agrees that it shall have no legal recourse against STERLING, and shall indemnify and defend them from and against all claims arising out of or in conjunction with such use or reliance.

3.0 SITE RECONNAISSANCE

A site reconnaissance was conducted at the subject property on April 10, April 16, April 23, May 5 and May 13, 2014 to determine if conditions exist which are cause for concern or warrant additional study. Photographs obtained during the site reconnaissance are presented in Appendix A.

3.1 Site Description

Pertinent findings are described below, along with brief descriptions of the subject property and vicinity, so that the environmental information may be placed in the proper context.

Appendix B contains a drawing showing essential features, an aerial photograph and portion of a topographic map depicting the area that was obtained from a USGS database, and a portion of a local tax map showing the subject property and adjacent parcels. The subject property includes:

- Tax Parcel 223-1-1, 4-14 Fairway Drive, owned by Infinity Holdings Northeast, LLC totaling 84.40 acres (Parcel #1).
- Tax Parcel 223-1-2, New York State Route 208, owned by Rieger Construction, Inc. totaling 40 acres (Parcel #2).

3.1.1 Location and Legal Descriptions

An aerial photograph of the subject property showing the relationship of the subject parcels to the surrounding area is provided as Figure 3.

The subject property consists of two (2) parcels. Parcel #1 located at 4-14 Fairway Drive, is currently owned by Infinity Holdings Northeast, LLC of 401 S. Water Street, Newburgh, New York. This 84.40 acre parcel is located on the west side of New York State Route 208 in the Village of South Blooming Grove with 1,115 feet of frontage, a depth ranging from 2,400 to 3,200 feet and is bound by wooded, low density residential lots to the west, north, and east. Parcel #1 is adjoined to the south with Parcel #2, which is vacant and wooded. The legal property description is formerly known as 53-1-34 (Town of Blooming Grove) according to the Orange County Real Property Tax Service website.

Parcel #2 located at New York State Route 208 is currently owned by Rieger Construction, Inc. of 6 Old North Plank Road, Newburgh, New York. This 40.00 acre parcel is also located on the west side of New York State Route 208 in the Village of South Blooming Grove with 618 feet of frontage, a depth of 1,100 to 2,400 feet and is bound by vacant and wooded lots to the southwest, west, and east, a utility easement and low density residential lots to the northwest and Parcel #1 to the north. Residential dwellings are located to the south of Parcel #2 and north of Museum Village Road. The legal property description is formerly known as 53-1-33 according to the Orange County Real Property Tax Service website.

3.1.2 Title Records

Title records or comparable legal records of current and/or historical ownership were not provided. Pertinent documents that might provide indications of other historical property ownership, development, and/or utilization were also not provided to STERLING.

Parcel #1: Infinity Holdings Northeast, LLC purchased the parcel on December 30, 2009 from Mr. David Plotkin (Deed Book 12985, Page 1712). A subsequent interview of Mr. Plotkin revealed that he purchased the parcel in 1988 from Mr. Brian Gibson (see Appendix C-4).

Parcel #2: Rieger Construction, Inc. acquired the parcel as recorded in Deed Book 1970, Page 984.

3.1.3 Environmental Liens or Activity Use Limitations

The Village of South Blooming Grove Clerk did not report any environmental lien or comparable encumbrance upon the subject property. The Building Inspector for the Village of South Blooming Grove did confirm that the vacant residential structure on Parcel #1 as uninhabitable and mentioned that an older residence (closer to Route 208) was demolished in 2008.

3.2 Site History

Historical fire insurance map (Sanborn[®]) coverage is not available for the subject property and surrounding area. The subject property is located in a primarily rural, residential section in the Village of South Blooming Grove. The existing buildings (stone single family home (Pondside Lane), stone barn, and white single family house (Fairway Drive) in Parcel #1 were reportedly constructed in 1841, 1852, and 1940, respectively. A 1900 residence was demolished in 2008. A small cemetery exists along the northern perimeter near the eastern section of Parcel #1. Historical review of Parcel #2 has demonstrated that these lands have been vacant and wooded.

Based on review of historical topographic maps, site development within Parcel #1 was noted prior to 1900. Sand and gravel mining was purportedly initiated in the 1930's, increased activity after 1957, and was at its peak in the 1970's in support of the local construction of NYS Route 17. Mining activities have not been very active in recent years but various tenants have used the parcel for staging equipment in support of a junk salvaging business, a small residential and commercial paving business, and a landscaping/general contracting business. Parcel #1 has been used for residential purposes for several decades while Cassidy's Driving Range has been in operation for the last three (3) decades west of New York State Route 208, north of Parcel #2, east of Pondside Lane, and south of Fairway Drive.

3.3 Current Use of the Subject Property

According to the Village of South Blooming Grove Assessor, the subject property is currently owned by Infinity Holdings Northeast, LLC (Parcel #1) and Rieger Construction, Inc. (Parcel #2). Infinity Holdings Northeast, LLC owns Parcel #1 and leases a portion of the parcel to the following:

- David Plotkin operates a 12.9 acre permitted sand and gravel mine (NYSDEC Mine ID: 30445) in the central portion of the parcel.
- Edward McLaughlin rented the house on Fairway Drive for approximately twelve (12) years, uses the stone barn and condemned home for storage, and has used a small portion of land near the mine entrance to separate various junked items for salvage or sale in support of his two (2) year old business (JUNK Remove All). Mr. McLaughlin formerly operated the barn as a gym/martial

arts training center.

- Mary and John Cassidy (677 New York State Route 208, Monroe, NY 10950) have operated Cassidy's Driving Range since the mid-1980's. The Cassidy's pay rent for the golf range and twelve (12) foot by eighteen (18) foot shed with sixty-four (64) ft² porch.
- Jerry Medina and Sons has leased a small portion of land near the mine entrance to temporarily store and stage equipment in support of a landscaping/general contracting business.
- Douglas Astorita temporarily stores and stages equipment at the end of Fairway Drive for his residential and commercial paving business (Xtreeme Paving). Mr. Astorita has a lease agreement with Mr. Plotkin for the last 1½ years.
- Patricia Caruso rents the 1841 stone house located at the end of Pondside Lane.

Parcel #2 is vacant and wooded and is owned by Rieger Construction, Inc.

3.4 General Site Characteristics

Parcel #1: Village of South Blooming Grove, Tax Parcel I.D. #223-1-1; Zoning Code: Office/Research/Industrial (ORI); Property Class: 480 (Multi-use Building); Site Property Class: 210-1 Family Residential. Improvements include a three (3) bedroom, one (1) bath 1,148 square foot (ft²) cottage built in 1900 (average to fair condition) with an unfinished basement and a 328 ft² covered porch that was built in 1940; a condemned, partially dilapidated and abandoned two bedroom, one(1) bath residential structure; a two (2)story stone barn built in 1852; a two (2) story two (2) bedroom, one (1) bath stone residential dwelling built in 1841; a driving range (golf), and a NYSDEC-permitted sand and gravel aggregate mine [owned and operated by Infinity Holdings Northeast, LLC].

Parcel #2: Village of South Blooming Grove, New York Tax Parcel I.D. #223-1-2; Zoning Code: ORI; Property Class: 330 (Vacant Commercial); Site Property Class: 320 – Rural Vacant. No improvements observed on Parcel #2.

3.5 Utilities to All Structures

Private water supply sources and evidence of onsite septic were visible at both residences during the site inspection of Parcel #1. The residence located on Fairway Drive, north of the stone barn, utilizes propane and wood for heating purposes while the residence located at the end of Pondside Lane uses #2 fuel oil for heating purposes. Electricity is provided to the Fairway Drive residence as well as the stone barn (former gym) and driving range shed, which is conveyed via overhead poles extending from pole mounted electric lines along the utility easement west of New York State Route 208. No private water supply sources or onsite septic systems were visible during the site inspection of Parcel #2.

3.6 Site-Specific Characteristics

A site reconnaissance was conducted by STERLING on April 10, April 16, April 23, May 5 and May 13, 2014 to identify Recognized Environmental Conditions (RECs) associated with the subject property, if any, to the extent such are visible or otherwise identifiable.

The reconnaissance involved a walkover through the building interior, about its exterior grounds, and observation of adjoining properties from public rights-of-way. Photographs of the interior, exterior and surrounding area are presented in Appendix A.

Mr. David Plotkin (Infinity Holdings Northeast, LLC) and Mr. Steve Rieger (Rieger Construction, Inc.) were contacted to arrange for access. The property owners stated that no previous assessment, soil or groundwater evaluation, or other investigation pertaining to the environmental condition of the subject property has been performed.

3.6.1 Exterior Observations

This inspection and report does not include a structural evaluation of the buildings, building systems or the roof. A visual and olfactory inspection of the subject property revealed no signs of stained soils, unusual odors, stressed vegetation, or other physical evidence of adverse environmental impact. Photographs documenting existing exterior conditions of the subject property are provided in Appendix A.

Parcel #1

- **Driving Range/1852 Stone Barn**

The limited use driving range (end of range is only 240 yards) consists of mowed grass located south of Fairway Drive, west of New York State Route 208, north of Parcel #2, and east of Pondside Lane. The driving range is improved with a shed where range balls, rental equipment, and food/drink can be purchased. A lighted artificial grass tee area and artificial putting green are located to the east of the shed and south of Fairway Drive. A lighted natural grass tee area is located south of the stone barn. Three (3) carts (used to collect range balls) are staged between the two hitting areas. An abandoned Cadillac Coupe de Ville is located south of the stone barn (near the restroom) and north of the grass tee area. Several empty 55-gallon plastic unlabeled drums are located north of the grass tee area and east of the abandoned automobile. According to Ms. Cassidy, these drums are used to store water during the summer months. An empty fuel oil aboveground storage tank (AST) is located west of the stone barn under the wooden staircase to the gym. A boat, two (2) fairway mowers, an old golf cart, and some used decking/artificial tee pods are located along the western edge of the grass tee area near the intersection of Fairway Drive and Pondside Lane. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

- **Bull Family Cemetery**

The historic Bull Family cemetery contains twenty-eight (28) interments for descendants of the Bull family that include Isaac Bull (deceased in 1846) to Charles Franklin Bull (1934). No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

- **McLaughlin Residence**

The area east of the white one (1) story residence contains a lawn, abandoned (condemned) residential structure, and a foundation for the former 1900 residential dwelling reportedly demolished in 2008. Located to the north of the condemned structure is a playground with numerous play sets, swing sets, a trampoline, picnic/patio tables, several kiddie carts, and an equipment tool shed (contains shop vacs, numerous gardening tools, plastic totes, and other hardware). The area north of the white house is also used as an outdoor patio given the presence of two (2) grills, four (4) empty propane tanks, two (2) plastic patio tables, and three (3) plastic

chairs. A junior bicycle and three ladders are lying along the exterior of the house in this area. A wheel barrow, two (2) 120-gallon propane tanks, wood, a plastic truck tool box, a pail, and a metal truck ramp set exists to the south of the McLaughlin residence. A septic tank exists to the west of the McLaughlin residence and east of the current entrance to the permitted sand and gravel mine. No stressed vegetation, stained soils, odors (except after opening manhole for septic system), evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

- **Western End of Fairway Drive**

The western end of Fairway Drive contains an old recreational vehicle, a dilapidated shed, an empty shed near the old entrance to the mine, and two (2) locked semi-trailers. Near the deteriorated shed, the exterior consists of a few old three-tire golf carts, a chain link cage, several feet of black plastic corrugated hose, several tires, a precast concrete riser pipe, old office furniture, bulky white items, scrap metal debris, carpet, and plastic pipe/debris. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

- **Sand and Gravel Mine**

The historically mined area includes the existing 12.9 acre permitted, active mine and the previously mined (grandfathered) area to the west.

Access to the permitted mine is located approximately 200 feet north-northwest of the McLaughlin residence. The area due east of the posted gate contains two locked cargo vans, a locked/tarped Quonset hut, stacked scaffolding and piping, and navy blue Saab automobile. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

The area due west of the posted gate contains one locked cargo van (reportedly owned by John and Mary Cassidy), an empty fuel oil AST, and several old computer equipment parts and pieces. This area is also used as a staging ground for JUNK Remove All's activity. The active sand and gravel mine has an Affected Area of 12.9 acres with two floors located in the northern and western portions of the site. As is detailed in historical mining plan maps, the direction of mining is to the east and south from the center of the site. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed in the vicinity of this portion of the subject property.

- **Caruso Residence**

The exterior of the stone home consists of maintained lawns, a patio, a gravel parking area, a horseshoe pit, an equipment shed, and a file shed. A private water supply well is evident west of the parking area/driveway and east of the residence. The septic tank is located to the west of the house. Although two (2) debris piles (Debris Pile #14 (Parcel #1) and Debris Pile #1 (Parcel #2)) were identified within or near this portion of the subject property, no stressed vegetation, stained soils or odors are evident.

- **Miscellaneous Waste & Debris**

Solid waste was observed scattered in fourteen (14) select piles of Parcel #1 and one pile on Parcel #2, south of the stone house (see Figure 4). Thin layers of debris were observed in three (3) select areas west and northwest of the mine entrance (see Figure 4). In addition, debris is identified west of Fairway Drive and north of Pondsides Lane. A limited test pit investigation of these areas was completed on May 13, 2014. See Section 6.0 for a summary of this investigation.

- **Debris Piles – Parcel #1**

Debris Piles 1 – 3 consist of scrap metal including rusted metal pieces, highlighted by a section of an old pickup truck carcass and some iron and sheet metal. These items are observed approximately 1/3 of the way up the bank and are overgrown with vegetation and wood vines. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within these piles.

Debris Piles 4 and 5 consist of piles of roofing waste, including truckloads of roofing waste (felt paper, old shingles/asphaltic shingles) as well as miscellaneous items including household debris, a car battery, an old mattress, waste asphalt, plastic tarp and debris, discarded automobile tires, and an old residential garbage can. These items appeared to have been discarded many years ago. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within these piles.

Debris Piles 6, 7, and 8 located along the western rim of the grandfathered (inactive) portion of the sand and gravel pit near the Orange and Rockland Utilities easement right-of-way, consist of small piles of scrap metal, plastic and metal debris, a red truck fender, a few household trash items, a partially buried water tank, an old metal sewing machine, a tire, a wood pallet, numerous concrete blocks, asphalt chunks, wood chips, a bag of trash, a few wallboard pieces, and an empty cat litter pail. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within or near these piles.

Debris Piles 9 - 12 is located at or near the southwest corner of the active mine and consists of smaller scattered piles containing tires, wood, bagged trash, flexible black pipe, roofing waste, shingles, cardboard, mattress, plastic tote, and miscellaneous household debris. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within or near these piles.

An abandoned automobile (white Chevrolet 4-door sub-compact hatchback, hereto referred to as Debris Pile #13), with trunk infilled with construction debris, was identified in the southwestern portion of Parcel #1 west of Satterly Creek. No stressed vegetation, stained soils, odors, storage containers (i.e., drums) or spillage is evident.

Debris Pile #14 is located west of the northernmost man-made pond. This dumped area consists of two (2) empty propane tanks, household/contractor debris, used toilets, old furniture pieces, wood debris, plastic pipe and debris, bulky white items, empty plastic pails, an old golf cart carcass, a few tires, scrap metal and plastic pieces. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within or near these piles.

Parcel #2:

- **Debris Pile – Parcel #2**

Parcel #2 is primarily unoccupied and vacant. One small debris pile was observed along the mid-northern perimeter of Parcel #2 south of a bedrock cliff near the small residence west of the lowermost man-made pond on Satterly Creek. This area contained numerous bags of trash (non-putrescible, non-leachable items), old plastic coolers/recycle bins as well as occasional scrapped metal items, carpet, several tires, and plastic piping/plastic debris. No stressed vegetation, stained soils, odors, evidence of storage containers (i.e., drums) or spillage is observed within or near these piles.

3.6.2 Interior Observations

The interior observations were divided into the following areas for Parcel #1 Driving Range Shed, 1852 stone barn, McLaughlin residence, condemned residence, and 1841 single family stone house (Caruso residence). Photographs documenting existing interior conditions of the subject property are provided in Appendix A.

Parcel #1

- **Driving Range Shed**

The wooden shed and asphaltic shingled roof contains a base floor and a ground level floor. The base floor is used for storage while the ground floor is used for sales and washing equipment (golf balls and rental equipment). Potable water is conveyed to the shed via a garden hose from the private water supply well, located in the southeastern portion of the stone barn. No further improvements were identified. No chemicals, tanks, dry wells or environmental conditions were observed.

- **1852 Stone Barn**

The two (2)-story storage structure is constructed of dolomitic limestone rock walls. The upper floor contains a gym although the former martial arts gym is not currently in operation. The lower floor is solely used for storage by Mr. McLaughlin and the Cassidy's. A bathroom/shower exists on the western portion of the base floor; the floor drain within the shower area is connected to the septic field. Select chemicals (primarily lubricant and oil) and various parts/equipment in support of Cassidy's Driving Range are stored in the shed that also houses the private water supply well. No tanks, floor drains, dry wells, staining, odors, or evidence of storage containers (i.e., drums) is observed within this structure.

- **McLaughlin Residence**

The one (1) story single family dwelling contains an asphaltic shingled roof. The ground floor consists of the living area (kitchenette, dining room, family room, three (3) bedrooms, and one shower). Flooring consists of hardwood flooring, linoleum tile or porcelain tile. A wood stove exists in the northern portion of the family room area. The dirt-floor unfinished basement consists of a workout area, a wood feeder stove, recreational equipment (bikes, etc.), tools, and a small work area. The small work area also contained a small group of chemicals. No tanks,

floor drains, dry wells, staining, odors, or evidence of storage containers (i.e., drums) is observed within either floor of this structure.

- **Condemned Residential Dwelling**

The dilapidated one (1) story single family dwelling is reportedly condemned by the Village of South Blooming Grove. The ground floor consists of the former living area (kitchenette, family room, dining room, two (2) bedrooms, and one shower). The northern wall/roof, in the vicinity of the fireplace, has been partially razed and exposed to the exterior. Flooring consists of hardwood flooring, carpet, linoleum tile and porcelain tile. Evidence of water and mold damage was observed. Miscellaneous debris (solid waste items such as furniture, clothes, carpet, and bulky white items) were strewn throughout each vacant room. The building interior is filled with old kid toys, old bins of children clothes, and personal items belonging to Mr. McLaughlin's wife who recently passed. No tanks, floor drains, dry wells, staining, or evidence of storage containers (i.e., drums) are observed within this deteriorated structure.

- **Caruso Residence**

The 1841 Bull House consists of a two (2) story single family dwelling of stone construction (similar to stone barn), which contains an unfinished basement. The ground floor and second floor consists of the living area (kitchen, dining room, family room, living room, two (2) bedrooms, and one shower). Flooring consists of hardwood flooring, stone or porcelain tile. The living area is in excellent condition. The dirt-floor unfinished basement consists of storage, a new fuel oil aboveground storage tank (AST), a furnace, water softener, water heater, and a shelf of paint and associated household chemicals. The basement contained water although no mold or strong evidence of water damage is observed. Two unattached sheds were also inspected, the one located south of the gravel parking area is used to store gardening tools, bicycles, lawn mowers, snow removal equipment, etc. while the other is in poor condition and is solely used to store old files. No dry wells, staining, odors, or evidence of storage containers (i.e., drums) is observed within this residential dwelling.

3.7 Surrounding Area

The subject parcel is located within a rural, primarily low density residential section within the Village of South Blooming Grove. Following a reconnaissance of the subject property and adjacent parcels, as well as the review of existing environmental databases, no adjacent parcel was judged to have the potential for a significant adverse impact on the environmental condition of the subject property.

Review of historical topographic maps and aerial photographs, dating back to the late nineteenth century, revealed that adjacent parcels were used for residential purposes. Based on review of historical records and mapping, there is no evidence of commercial development near the subject property until the mid-1970's. No changes have occurred in the surrounding area. No underground storage tanks or dry wells were observed on adjacent properties.

4.0 REVIEW OF ENVIRONMENTAL RECORDS

4.1 Standard Environmental Record Sources

4.1.1 Environmental Databases

Government database records that identify sites of environmental concern were reviewed via a computerized search conducted by Environmental FirstSearch, a commercial database service, to determine if the subject property was listed or if any listed site was nearby. Environmental FirstSearch has represented that its procedures conform to, or exceed, the requirements of ASTM Standard Practice E1527-13. Most of the information in this section has been extracted from the report provided in Appendix C-1 that describes the results of that search. That report includes information about sites close to the subject property, and also about orphan sites that are in the vicinity but are not precisely locatable from the address information in the databases. The information in the search report has been evaluated in conjunction with the results of the subject property inspection and the evaluation of its setting. Except as specifically discussed, listed sites that were estimated not to be actually or potentially upgradient from the subject property were judged not to represent an environmental concern or Recognized Environmental Condition (REC) with respect to the subject property.

Federal databases searched included, but were not limited to: NPL (National Priority list), Proposed NPL, Delisted NPL, NPL Liens, CERCLIS (Comprehensive Environmental Response, Compensation, and Liability Information System), CERC-NFRAP (CERCLIS No Further Remedial Action Planned), CORRACTS (Corrective Action Reports under RCRA), RCRAInfo (Resource Conservation and Recovery Act), ERNS (Emergency Response Notification System), CONSENT (Superfund/CERCLA Consent Decrees), ROD (Records of Decision for NPL sites), FINDS (Facility Index System), HMIRS (Hazardous Materials Information Reporting System for spill incidents reported to the DOT), PADS (PCB Activity Database System), RAATS (RCRA Administrative Tracking System), TRIS (Toxic Chemical Release Inventory System), and TSCA (Toxic Substances Control Act).

State databases searched included, but were not limited to: LTANKS (Leaking Underground Storage Tanks), UST (Registered Underground Storage Tanks), SHWS (State Hazardous Waste Sites), SWF/LF (Solid Waste Disposal Facilities), SPILLS (Spills List), and AST (Registered Aboveground Storage Tanks).

4.1.1.1 Federal ASTM Standard Databases

NPL, Proposed NPL, Delisted NPL, NPL Recovery, and CERCLIS Sites

The subject property is not listed as being currently or formerly on the NPL or as a CERCLIS listed site. No other site that is currently or formerly on the NPL, proposed NPL, NPL Recovery, or CERCLIS database is indicated as being located within one (1) mile of the subject property. In addition, no Orphan site was identified by any of the above listed databases.

CERC-NFRAP Sites

The database search report does not indicate that the subject property is a CERC-NFRAP site although one (1) CERC-NFRAP site (Orange and Rockland Utilities Blooming Grove Operations Center) is located one-half (½) mile southeast of and not hydraulically connected to the subject property. This site was originally on the CERCLIS list but had been removed from it and transferred to the CERC-NFRAP list (because the EPA decided that the site did not qualify for the NPL based on available information).

RCRA Corrective Action Sites

The subject property is not indicated as being a CORRACTS site. Further, the database search report does not contain any CORRACTS sites that are located within one (1) mile of the subject property.

RCRA Hazardous Waste TSD Facility Sites

The subject property is not indicated as being a RCRA Treatment, Storage, or Disposal (TSD) Facility. In addition, no TSD site or Orphan TSD site is located within one-half (½) mile of the subject property.

RCRA Info Hazardous Waste Generator Sites

The subject property is not identified as having filed a RCRA notification as a Hazardous Waste Generator nor is a RCRA listed Large Quantity Generator (LQG), Small Quantity Generator (SQG), or Conditionally Exempt Small Quantity Generator (CESQG) identified as being within one-quarter (¼) mile of the subject property.

The database search report did identify four (4) LQG sites, three (3) SQG sites, and one (1) CESQG site as having the same zip code as the subject property. These RCRA sites are located greater than one-quarter (¼) mile from the subject property and are not considered to present an environmental concern.

Emergency Response Notification System (ERNS) Sites

The subject property is not identified as an ERNS site. In addition, there are no ERNS sites listed as being within one-eighth (⅛) mile of the subject property.

No sites listed in the other Federal ASTM Supplemental databases (Federal IC/EC) are indicated as being on the subject property or located within its respective search radii from the subject property.

4.1.1.2 State ASTM Standard Databases

State Hazardous Waste Sites

The subject property is not identified as being listed on the Inactive Hazardous Waste Disposal Site (SHWS) Registry in New York State. In addition, there are no SHWS sites listed as being within one (1) mile of the subject property.

State Landfill Sites

The subject property is not listed as having a NYSDEC-permitted solid waste facility or landfill (SWF/LF). In addition, there are no SWF/LF sites listed as being within one-half (½) mile of the subject property.

Leaking Storage Tank Incident Report Sites (LTANKS) / Historical Leaking Storage Tank Incident Report Sites (HIST LTANKS) / Indian Leaking Underground Storage Tanks (INDIAN LUST)

No site that has filed a leaking storage tank incident report (LTANKS), listed as a HIST LTANKS site or INDIAN LUST site is indicated as being located on the subject property.

In addition, there are no HIST LTANKS sites or INDIAN LUST sites identified as being within one-half (½) mile of the subject property. One (1) LTANKS site (Private residence at 2 Laredo Court) does not

represent an environmental concern to the subject property, primarily due to distance and minor nature of the leak in the homeowner's basement. The database search report did identify one (1) LTANKS site as having the same zip code as the subject property. This LTANKS site is located greater than one-half (½) mile from the subject property and is not considered to present an environmental concern.

Registered UST Sites (UST)

No site with a registered UST is indicated as being on the subject property. However, there is one (1) UST site (Sunoco Service Station, 1197 State Route 208) located approximately one-eighth (⅛) mile of the subject property. Further review of the UST site revealed that this site is located approximately two (2) miles north and downgradient of the subject property. Further, no other UST sites or historical UST sites are identified as being within one-quarter (¼) mile of the subject property.

Registered Chemical Bulk Storage (CBS) UST Sites

No site with a registered UST storing regulated hazardous substances is indicated as being on the subject property. In addition, no CBS UST is located within one-quarter (¼) mile from the subject property.

Registered Major Oil Storage Facility (MOSF) UST Sites

No registered UST with a petroleum storage capacity of 400,000 gallons or greater is indicated as being on the subject property or located within one-half (½) mile from the subject property.

Registered AST Sites

No site with a registered AST or historical AST is indicated as being on the subject property; one (1) AST site is identified as being located within one-eighth (⅛) mile of the subject property. The AST site (Blooming Grove Food and Gas, Inc.) is approximately two (2) miles north of the subject property and at lower elevation to and downgradient of the subject property. This site does not present an environmental concern to the subject property.

Registered CBS AST Sites

No site with a registered AST storing regulated hazardous substances is indicated as being on the subject property or is located within one-quarter (¼) mile from the subject property.

Registered MOSF AST Sites

No registered AST with a petroleum storage capacity of 400,000 gallons or greater is indicated on the subject property. In addition, no MOSF AST site is located within one-half (½) mile from the subject property.

VCP/BCP Sites

No site with Voluntary Cleanup/Brownfield Cleanup agreements with New York State is indicated as being on the subject property. In addition, no VCP or Brownfields sites (ERP, US Brownfields or State Brownfields) were identified as being located within one-half (½) mile from the subject property.

NY SPILLS Sites

No site with a spill or historic spill reported to the NYSDEC is indicated as being on the subject property.

Three (3) NY SPILLS sites (1197 Route 208 Spill, Tanager Road Spill, POLE 54036) are listed as being located within one-eighth ($\frac{1}{8}$) mile of the subject property. Upon further review, two (2) of the listed NY SPILLS sites are greater than one (1) mile north and downgradient of the subject property. The other NY SPILLS sites (POLE 54036) is described as being Pole 54036/49906, located approximately one (1) mile north of Route 17 on Route 208. The subject spill (NYSDEC Spill ID#: 9907683) was reported by Orange and Rockland Utilities (ORU) on September 25, 1999 due to an overheated transformer that caused the spill of two (2) gallons of transformer oil. NYSDEC remarks indicate that the spill was cleaned up by Miller Environmental. The spill was closed on September 25, 1999 due to the minor nature of the spill and rapid response by ORU's environmental contractor.

The subject property is not listed by any of the other State ASTM Supplemental databases nor do any listed sites within their respective search distances represent an environmental concern to the subject property.

Further review of these environmental databases search did not identify a REC associated with the subject property. Appendix C-1 contains the FirstSearch™ Report for the subject property and information associated with each database searched.

4.2 Aerial Photographs

A review of aerial photographs was undertaken to evaluate the historic use and development of the subject property if there is any direct evidence of conditions or activities applicable to the disposal or release of hazardous material to the ground or subsurface environment. Environmental FirstSearch provided aerial photographs dated 1943, 1958, 1984, 1994, 2006, 2009, and 2011 with coverage for the subject property (Appendix C-2). In addition, aerial photographs dated 1965, 1975, and 2006 were acquired from NETR via www.historicaerials.com. No obvious evidence of spills or waste disposal within the subject property or vicinity was observed in the aerial photographs. No stressed vegetation, staining, or evidence of spillage was observed on the subject property or nearby vicinity.

Based on review of historical aerial photographs, mine development within Parcel #1 was noted prior to 1965 and small areas of disturbance are note in 1943. Sand and gravel mining was purportedly initiated in the 1930's, increased activity is noted in the 1975, 1984, and 1994 aerial photographs. After 1997, it appears mining activity has not been very active based on review of the 2006, 2009, and 2011 aerial photographs. No stressed vegetation or improper disposal is observed in any of the aerial photographs reviewed.

The inspection of historical aerial photographs revealed that the general usage of the subject property remained relatively consistent to other historical reference sources. The inspection of the subject aerial photographs did not reveal any direct evidence of conditions or activities applicable to the disposal or release of hazardous material to the ground or subsurface environment.

4.3 Fire Insurance Maps

Environmental FirstSearch reports that historic fire insurance maps are not available for the subject property and vicinity.

4.4 Additional Environmental Record Sources

Topographic maps dated 1904, 1906, 1907, 1912, 1920, 1922, 1926, 1930, 1931, 1935, 1942, 1946, 1957, 1959, 1963, 1965, 1973, 1981, and 1988 were acquired from NETR, via www.historicaerials.com, and are provided in Appendix C-3. It should be noted that the contours in the vicinity of the mine began to change after 1931 and prior to 1935. Mining activity is officially mapped on the northern portion of Parcel #1 in 1959 as well as noting the presence of an overhead utility line (currently maintained by Orange and Rockland Utilities) transecting the western segment of the subject property and an additional residential dwelling west of Route 208 and north of Fairway Drive. Coordinated review of the 1965 aerial photograph suggests that Satterly Creek was dammed (earthen dam) southwest of the former mine and northeast of the 1841 residential dwelling. This man-made pond is evident in subsequent historical topographic maps.

The inspection of historical topographic maps revealed that the general usage of the subject property remained relatively consistent to other historical reference sources. The inspection of the topographic maps did not reveal any direct evidence of conditions or activities applicable to the disposal or release of hazardous material to the ground or subsurface environment.

4.4.1 USEPA Enforcement & Compliance History Online (ECHO) Report

The ECHO database indicates no report for the subject property.

4.4.2 NYSDEC Spills Incidents (SPILLS) Online Database Search Results

The NYSDEC Spills Online Database indicates no spills have occurred associated with the subject property.

4.4.3 NYSDEC DER Remedial Site Database Search Results

The NYSDEC Division of Environmental Remediation (DER) Remedial Site Database indicates no remedial sites are associated with the subject property. This database contains records of the sites being addressed under one of DER's remedial programs - State Superfund, Brownfield Cleanup, Environmental Restoration and Voluntary Cleanup and also includes the Registry of Inactive Hazardous Waste Disposal Sites and information on Institutional and Engineering Controls in New York State.

4.4.4 NYSDEC Petroleum Bulk Storage (PBS) Online Database Search Results

The NYSDEC PBS Online Database contains no registrations associated with the subject property.

4.5 Physical Setting

The database search report in Appendix C-1 contains an excerpt from a topographic map that depicts the subject property and the vicinity. That report also contains limited information about geological conditions in the vicinity of the subject property. Based upon our knowledge of the geologic setting, the following description of the physical setting is provided.

The elevation of the property ranges from 780 feet above mean sea level (amsl) to the west-northwest and approximately 620 feet amsl at various points to the southwest, south, and southeast (Appendix B). The lowest elevation within the subject property is 542 feet amsl along the floor of the active sand and gravel mine (Appendix C-4). The inspection of historical topographic maps confirmed that the subject property was located in a rural setting. Terrain slopes to the west with the highest points located to the west-

northwest and southeast, closest to New York State Route 208. Local topography can generally be characterized as gently sloping to the west and gently to northwest to Satterly Creek. Local topography, west of Satterly Creek, is steep to gently sloping to the east. The highest elevation in the general vicinity is encountered approximately 0.5 mile north-northwest of the subject property (Bull Mine Mountain), with an elevation of approximately 885 feet amsl.

County-wide mapping of surficial soils indicates that native soils on the subject property primarily consist of moderately permeable glaciodeltaic sand and gravel (70%) and low to moderately permeable ablation till (25%) with shallow bedrock evident along the western and southeastern portions of the subject property. The depth to bedrock (limestone and dolomite (50%), shales (30%), and gneiss (20%)) is expected at depths ranging from 0 to 75 feet.

Drainage is directed to low lying areas on the subject property. The closest surface water body is the north flowing Satterly Creek, which cuts through the western section of the subject property. The Satterly Creek acts as the local onsite discharge feature and serves as the outlet for Orange-Rockland Lake near Museum Village Road, located approximately 760 feet south of the subject property.

The depth to groundwater is variable and ranges from 0 to 75 feet below the land surface. Groundwater at the subject property is influenced by topographic divides and geologic layering. Groundwater flow is likely to the west and northwest. Based upon the topography, available hydrogeologic data, and noted improvements, the hydraulic gradient in surficial soil beneath and near the subject property is likely to be moderate. There are mapped unconsolidated and bedrock aquifers that underlie the subject property.

The database search report (Appendix C-1) contains a summary of the test results for the presence of radon gas at 268 locations within Orange County, extracted from the EPA's National Radon Database, which contains the results of tests conducted between 1986 and 1992. The average reported activity (concentration) for first-floor living areas was 1.270 picocuries per liter of air (pCi/L), with 91% of the results below the EPA living space guidance value (4.0 pCi/L). The average reported activity (concentration) for basement areas was 2.37 picocuries per liter of air (pCi/L), with 73% of the results below the EPA living space guidance value (4.0 pCi/L). According to a state database, radon test results for 77 sites within the Town of Blooming Grove indicated that the average result was 4.48 pCi/L; these results were influenced by a sample that was 70.2 pCi/L. An assessment of indoor air quality was not conducted.

4.6 Valuation Reduction for Environmental Issues

This Phase I report does not include an evaluation of property value.

5.0 INTERVIEWS

Interviews are conducted to gather information relating to past uses of the subject property and to determine if spills or other incidents involving hazardous materials are known to have occurred on or adjacent to the site. The following is a summary of the persons interviewed and/or contacted for this assessment. Information obtained during the interviews was used in Section 3.0.

5.1 Interview with Owner's Representative

Mr. David Plotkin (Infinity Holdings Northeast, LLC) and Mr. Steve Rieger (Rieger Construction, Inc.) were interviewed to obtain information regarding the past history and current use of the subject property. Mr. Plotkin completed a questionnaire to assist STERLING with their understanding of Parcel #1.

5.2 Interviews with Occupants

Interviews of tenants or occupants of the subject property were performed due to their knowledge with the subject property and its history. Several occupants of Parcel #1 were interviewed to acquire information on former facilities, presence and details of spills, pits, waste storage and handling that may indicate contamination is present. The following occupants were interviewed:

- The two residential tenants (Mr. Edward McLaughlin and Ms. Patricia Caruso); and,
- Four business owners (Cassidy's Driving Range, Extreeme Paving, Jerry Medina and Sons Landscaping/General Contractors, and JUNK Remove All).

No occupants exist as it pertains to Parcel #2.

5.3 Interviews with Local Government Officials

Michael Weeks, P.E. is an Associate for the Village Engineer's representative, McGoey, Hauser & Edsall Consulting Engineers, P.C. McGoey, Hauser & Edsall has represented the Village of South Blooming Grove since its incorporation in 2006 and has also served the Town of Blooming Grove since 1997. Mr. Weeks indicated he was very familiar with the subject property. To the best of his knowledge, Mr. Weeks indicated he was not aware of any significant environmental concern on or near the subject parcels; and that no environmental investigation has been performed on behalf of the Village of South Blooming Grove.

Jeanne Oversen, Town of Blooming Grove's Building Inspector, is charged with enforcing the New York State Uniform Fire Prevention & Building Code, the Code of the Village of South Blooming Grove, NY and other related building codes. Ms. Oversen indicated she has served the Village and Town of South Blooming Grove for nine (9) years and was very familiar with the subject property. To the best of her knowledge, Ms. Oversen indicated she was not aware of any significant environmental concern on or near the subject parcels. According to Ms. Oversen, the white house is safe for human occupancy although it is her understanding that the stone barn, a former martial arts gym, is currently vacant and had some previous structural issues that have been corrected. The small house east (closer to Route 208) of the white house is condemned and is unsafe for human occupancy.

Kerry Dougherty, Clerk for the Village of South Blooming Grove, indicated she was familiar with the subject property. Ms. Dougherty, employed by the Village for three (3) years, reviewed the current assessment roll for the subject parcels and identified that Parcel #1 is owned by Mr. David Plotkin's company [Infinity Holding Northeast, LLC] and Parcel #2 is owned by Rieger Construction, Inc. Village Clerk Dougherty was also very helpful and provided various documents from the 223-1-1 file, which included the following violations issued by the Village of South Blooming Grove:

- Demolition Permit #20206 (Approved 8/25/2000)
- Certificate of Occupancy (Permit Number 23393, issued 11/13/2003)
- Certificate of Compliance (Permit Number SBG801), issued 1/9/2008)
- Certificate of Compliance (Permit Number SBG851), issued 11/6/2008)
- Violation Notice (April 23, 2010) – Section 235-11 Utilization of Use Table: Proposed kiddie rides/go-cart course incompatible with ORI zoning. Would require a Special Permit.
- Violation Notice (October 12, 2011) – Section 304.4 Structural Members: Closure Notice issued for stone gym. Structural Evaluation required within 5 days.

- Violation Notice (November 28, 2011) – Section 302.1 Sanitation: Applicant must immediately remove the garbage, junk, etc.

Based on the Village's records and to the Clerk's knowledge, there are no liens against the subject properties and historical code violations at Parcel #1 have been rectified.

6.0 TEST PIT INVESTIGATION

A test pit investigation was conducted on suspect fill areas located in the vicinity of the old access road to the permitted sand and gravel mine. The primary purpose of the test pit investigation is to characterize areas of suspect infilling areas due to settlement, distinct mounding, or historical activities. During the investigation, conducted on May 13, 2014, nine (9) test pits were installed using a JCB JS130 trackhoe and Mr. Peter J. Kelleher, P.E. (STERLING) provided direct oversight and inspected each excavated area (see Figure 5). The depth of the test pits ranged from five (5) feet to greater than nine (9) feet (TP-7, TP-8, and TP-9).

Three (3) test pits, noted as TP-1, TP-2, and TP-3, were excavated in disturbed lands at the western end of Fairway Drive. Three (3) test pits, noted as TP-4, TP-5, and TP-6, were excavated in a flat area where JUNK Remove All has conducted its operations over the last few years. Test pit TP-7 was excavated within an area of varied settlement. Test pitting revealed a crushed boat at this location. No odors, no staining, and no motor or tank were discovered. Test Pit TP-8 was advanced south of the old access road and southwest of TP-8 as scattered concrete chunks, two (2) diameter plastic conduit, telephone wires, and an unlabeled blue oil quart container was observed prior to excavation. Test pit TP-9 was advanced near the floor in the southern portion of the permitted sand and gravel mine. These tests pits indicate that the fill or debris extent is located essentially at surface as clean, native sands were encountered at each excavation. No stressed vegetation, stained soils, odors, evidence of hazardous waste storage containers (i.e., drums) or spillage is observed within or near these pits. No hazardous waste was observed or is generated on the subject property. Photographs documenting the test pit investigation are provided in Appendix A-2.

7.0 VAPOR ENCROACHMENT SCREENING

In conjunction with this Phase I ESA, a Tier I soil vapor encroachment evaluation was conducted in accordance with ASTM E2600-10, "Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions", to determine if a vapor encroachment condition exists at the subject property. A vapor encroachment condition is defined as the presence or likely presence of vapors in the subsurface of the subject property caused by the release of vapors from soil and/or groundwater contaminated by chemicals of concern, either on or near the subject property. As detailed in ASTM E2600-10, the minimum search distance for potential sources of contamination from chemicals of concern is 1/3 of a mile and 1/10 of a mile for petroleum hydrocarbons.

Chemicals of concern are defined as volatile and toxic chemicals in the subsurface environment that can potentially migrate as a vapor into the subsurface of the subject property, and include volatile organic compounds, semi-volatile organic compounds, petroleum hydrocarbons, polychlorinated biphenyls (PCBs), and volatile inorganic analytes (such as mercury).

7.1 Records Review

No petroleum spills were identified within one-tenth (1/10) mile of the subject property. The spills identified in Section 4.0 are not considered to have a potential to pose a vapor intrusion threat to the subject property due to distance from the subject property and/or groundwater flow direction. Additional

information regarding these spills can be found in Section 4.0.

The information collected during the Phase I ESA process was utilized to perform the Tier I vapor encroachment screening. In addition, the subject property's soil and geological characteristics, potential contaminant and contaminated plume migration paths, and significant conduits that might provide preferential pathways for vapor migration were considered.

7.2 Findings

No petroleum spills were identified within one-tenth (1/10) mile. Additional information is summarized in Section 4.0 can be found in Appendix C. Following a detailed inspection of the topography, flow direction of stormwater and groundwater, and review of applicable regulatory files at the subject property and surrounding area, no petroleum RECs were identified and therefore do not represent a vapor encroachment concern at the subject property.

The fill and debris noted onsite is not considered a vapor encroachment concern to the subject property.

8.0 FINDINGS AND CONCLUSIONS

STERLING performed a Phase I ESA in conformance with the scope and limitations of ASTM E1527-13, "Standard Practice for Environmental Site Assessments", of the subject property located in the Village of South Blooming Grove, Orange County, New York.

8.1 Findings

The following findings are based upon the information obtained during this ESA, and discussed in the previous sections of this report.

8.1.1 Known or Suspect Recognized Environmental Conditions

No RECs were identified.

8.1.2 Historical Recognized Environmental Conditions

No HRECs were identified.

The subject property did include existing structures and roofing debris representing the potential presence of asbestos-containing materials (ACM) and lead-based paint. Testing or inspection for asbestos and lead-containing building materials were not included in the scope of this Phase I. Although there are potential risks to human health and/or potential damage to the condition of any structure(s), no such condition was identified.

CRECs/Vapor-Related Concerns

No CRECs were identified.

8.2 Miscellaneous Waste

Miscellaneous pieces of debris (textiles, appliances, furniture, miscellaneous equipment, tires, bulky white items, etc.) were observed throughout the interior of the subject buildings (stone barn basement, all of the condemned home, and white house near mine entrance). Suspected environmental conditions are as expected for buildings of this age; the potential presence of ACM and lead-based paint are likely. Fourteen (14) debris piles areas were identified on Parcel #1 and one (1) debris pile on Parcel #2. Thin layers of debris were observed in three (3) select areas west and northwest of the mine entrance at or north of the former access road to the pit floor. In addition, debris is identified west of Fairway Drive and north of Pondside Lane. Test pitting was performed to investigate select debris areas in the southern and southeastern portion of the permitted mine. Based upon all of the information obtained, the observed debris do not represent a significant known environmental condition.

8.3 Conclusions

At the request of OCCR Enterprises, LLC, Sterling Environmental Engineering, P.C. (STERLING) prepared this Phase I Environmental Site Assessment (ESA) report of the properties located at 4 - 14 Fairway Drive (Infinity Holdings Northeast, LLC) and New York State Route 208 (Rieger Construction, Inc.), Village of South Blooming Grove, Orange County, New York.

STERLING's assessment revealed no Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), Controlled Recognized Environmental Conditions (CRECs) or Vapor Encroachment Conditions in connection with the subject property. Accordingly, performance of a Phase II ESA is not recommended.

Inspections of the buildings at the subject property identified the likely presence of asbestos-containing materials (ACM) and lead-based paint. Tenants at the property were observed storing various waste materials within and near the buildings. Waste materials observed include furniture, mattresses, white good and construction debris.

9.0 DEVIATIONS / DATA GAPS

The ASTM Method requires a discussion of data gaps in the knowledge concerning the subject property and surrounding properties and the impact these data gaps might have on the conclusions concerning the RECs, HRECs, and/or CRECs that may be present at or that may affect the subject property.

The site reconnaissance included observation of the periphery of the property, of adjacent parcels as visible from the subject property, and the subject property and adjacent properties as viewed from accessible adjacent public thoroughfares. Interiors of adjacent privately owned buildings were not inspected as STERLING was not granted access. Observations and conclusions regarding adjacent buildings were made based solely upon the documents reviewed as discussed in Section 4.0.

The history of the subject property and the surrounding area must be deduced from interviews, aerial photographs, tax parcel listings, FirstSearch™ Database listings, and regulatory file reviews. No Sanborn Fire Insurance Maps were available for the subject property and surrounding area. The combination of information from all these sources reduces the risk that unknown RECs, HRECs and/or CRECs exist at the subject property to a moderate or low level. Some spills or releases may go unreported. There were no deviations from ASTM Standard Practice E1527-13 that occurred during the performance of this assessment.

10.0 REFERENCES & DOCUMENTS REVIEWED

1. ASTM Standard Practice for Environmental Site Assessments: Phase 1 Environmental Site Assessment Process, E 1527-13.
2. Environmental FirstSearch Report, 3530 Post Road, Southport, CT 06490.
3. Environmental FirstSearch Report - Aerial Photography Print Service, Environmental Data Resources, 3530 Post Road, Southport, CT 06490.

11.0 SIGNATURE(S) OF ENVIRONMENTAL PROFESSIONALS

Following are the signatures of the environmental professionals who conducted this Phase I ESA and primarily prepared this report and who reviewed it.

I, Mark A. Williams, declare that, to the best of my professional knowledge and belief, I meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312. I have the specific qualification based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Prepared by:



Mark A. Williams, P.G. (Pa)
Assessor

12.0 QUALIFICATIONS OF ENVIRONMENTAL PROFESSIONALS

Qualifications for the STERLING representative responsible for conducting this Phase I ESA and preparation of this report is provided in Appendix D.