

# PUBLIC HEARING

AS ACTED UPON DURING A DULY NOTICED OPEN MEETING OF THE TOWN BOARD OF THE TOWN OF HENRIETTA, COUNTY OF MONROE, STATE OF NEW YORK, HELD AT THE HENRIETTA TOWN HALL AT 475 CALKINS ROAD, HENRIETTA, NEW YORK ON MAY 8, 2024 AT 6:00 P.M.

RESOLUTION #10-161/2024

To call for a public hearing to revoke the Special Use Permit for truck parking on Commerce Drive.

On Motion of  
Councilmember Bellanca

Seconded by  
Councilmember Stafford

WHEREAS, the Town granted Special Use Permit No. 2020-032 to Marlwood Partners LLC on March 24, 2021, to allow truck parking at a lot on Commerce Drive adjacent to 39 Commerce Drive, Tax ID No. 161.15-1-4; and

WHEREAS, Marlwood Partners LLC is also parking trucks at 39 Commerce Drive, Tax ID No. 161.15-1-5, without a Special Use Permit; and

WHEREAS, both properties have been continually used to park unlicensed vehicles in violation of Town Code §207-3, in addition to other violations, not limited to unauthorized work on the eastern parcel, unpermitted structures, and utilizing the eastern parcel to load and unload trailers.

THEREFORE, BE IT RESOLVED, that the Town Board of Henrietta is proposing to revoke said Special Use Permit.

THEREFORE, BE IT RESOLVED, that a public hearing be duly advertised for and held on May 29, 2024, at 6:00 p.m. with attendance both in-person and virtually through Zoom teleconference or dial in access (see [www.henrietta.org/wishyouwerehere](http://www.henrietta.org/wishyouwerehere) for more participation details) to consider revoking the referenced Special Use Permit.

Duly put to a vote:

Councilmember Page	Aye
Councilmember Bellanca	Aye
Councilmember Barley	Aye
Councilmember Stafford	Aye
Supervisor Schultz	Aye

RESOLUTION ADOPTED

# TOWN OF HENRIETTA

## MEMORANDUM

DATE: 5/28/2024

TO: File

FROM: Craig Eckert, Deputy Town Supervisor

SUBJECT: 39 Commerce Special Use Permit 2020-032, additional information.

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On March 24<sup>th</sup>, 2021 the Town Board approved Special Use Permit application #2020-032 for Marlwood Partners LLC. The special permit allowed outdoor truck parking on Tax Account 161.15-1-4. Since the approval, the owners have embellished on their permitted activities and included many unpermitted activities. Most importantly, the parking and storing of unlicensed vehicles. Attached to this memo is a report that I documented on 10.14.2022 showing violations of Town Code 207-3. This activity has continued on the western property, and has also grown to include the eastern property Tax Account # 161-.15-1-5. The owners are also parking trucks on the eastern property without a permit. The following are picture from the site on follow-up inspections on 3/27/2024, 4/11/2024 and 5/2/2024. I am suggesting to the Town Board review the Permit and the potential revocation of the Permit. The site has operated outside the parameters of the Special Use Permit that was granted and in violation of Town Code.

The site has open, uncompleted parts of the original permit, dated 06/08/2021. Attached to this document is the active punch list for the site. The following are issues that are still active and were part of the Special Use Permit:

1. The monitoring wells are still not protected.
2. Trees in the phytoremediation area have been removed or have died.
3. There are more than 7 trucks parked on the site.
4. Landscaped areas not installed.

The DEC permit for the western property is attached to this document. The permit grants the Town the ability to act as Lead agency. The following are stipulations that were noted:

1. The Phytoremediation trees cannot be removed.
2. The monitoring wells are required to be protected.

The DEC issued a notice of violation in 2021, which was rectified. I do not have any other updates or permits from the DEC.

Items that I have noticed during my multiple inspections that are not permitted:

1. Owners are currently operating on both properties, since 10/11/2021.
2. There is currently a job trailer of some sort where individuals appear to be working out of.
3. The majority of the site has been filled with stone or millings.
4. There is water and electricity to the site
5. Storing and repairing of unlicensed vehicles.
6. Repair work being completed on trucks.
7. There are no trash receptacles. During my inspections I found commercial and residential trash and litter throughout the site.
8. Two trailers remain on site in tandem, either to block the site lines to the parked cars or are used as storage.

The Special Use Permit was limited to the western property, TA# 161.15-1-4 highlighted below.



161.15-1-5 is the TA for the eastern property listed as 39 Commerce, highlighted below. No permit or work was authorized for this parcel. A permit was received by the owner to utilize this property. Comments on the plan review were returned to the owner on 1/29/2024. No reply from the owner has been received.



Special Use Permit 2020-032 starts on page 31

[Microsoft Word - SPM20210324 \(ecode360.com\)](#)

Approved with the following conditions:

1. The applicant will be required to address all outstanding comments from the Director of Engineering & Planning, in addition to those recommendations set forth from the Henrietta Conservation Board at their March 2, 2021 meeting.
2. The applicant will be required to supply the Town with either a letter or a permit from the New York State Department of Environmental Conservation (NYSDEC) indicating that the applicant has approval to park trucks on the property.
3. Per the letter from the NYSDEC dated March 10, 2021, the applicant shall reach out to the department of NYS OPRHP regarding potential impacts to archaeological resources from the development of this area.
4. As stated in the Planning Board approval letter dated March 19, 2021, the applicant shall return to the Planning Board in approximately ninety days to show compliance with the outstanding issues and conditions set forth herein.
5. Applicants/Owners must meet all DEC, State, County, and Town requirements, both prior to making any improvements and during operations, to the satisfaction of the Town Engineer or designated Town representative.

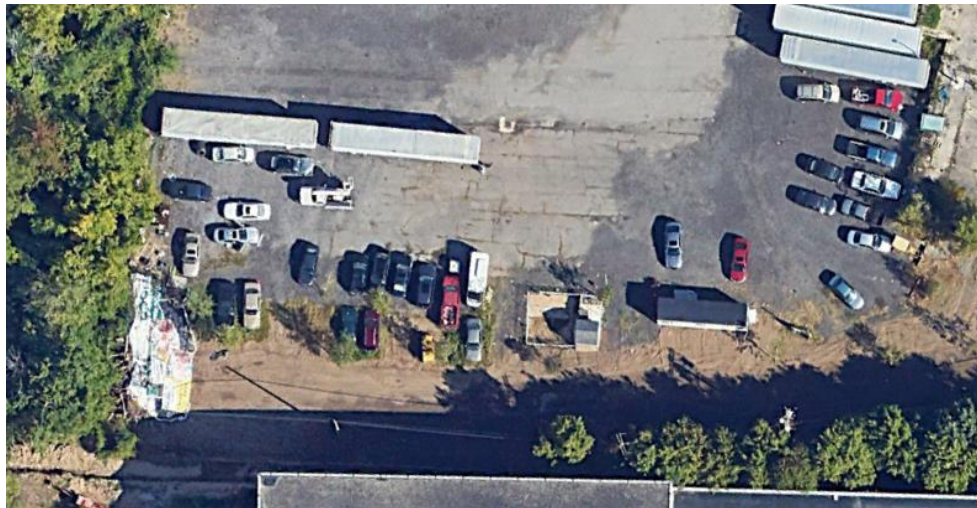
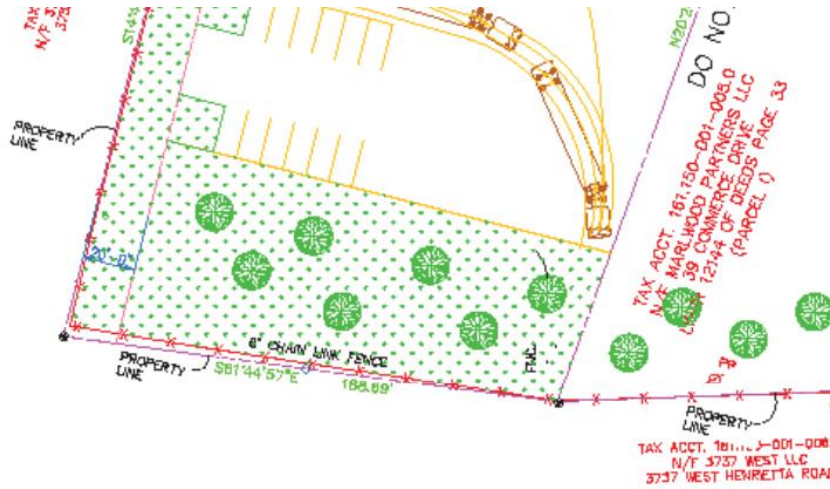
In addition to the above conditions the following items were stated in the Public Hearing:

1. 7 truck parking spaces.
2. 12 car spaces for employees.
3. Drainage was to be installed.
4. The Phytoremediation area and other setbacks / easements were to not be disturbed.

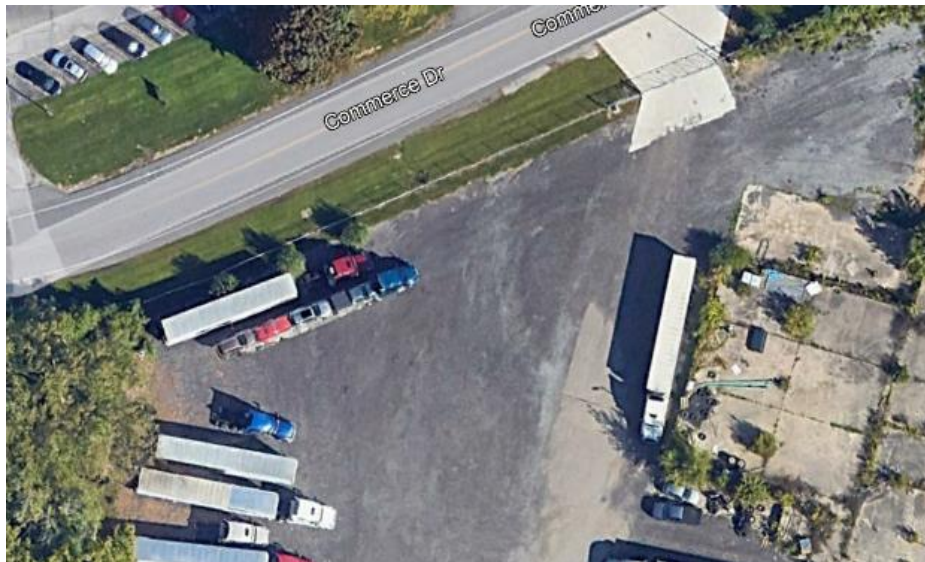
Plan that was approved on 6/8/2021



The phytoremediation space defined by the DEC is being encroached on. Unlicensed vehicles are being parked in this area. Trees were removed. This area was to be untouched.

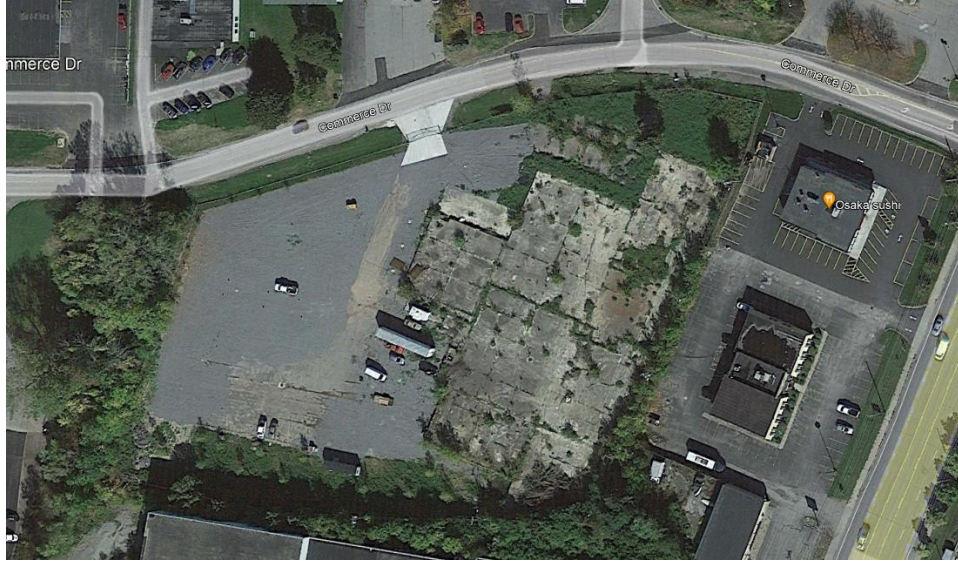


The landscaped space on the north and west side of the property has been filled with millings and is being used for truck parking and unlicensed vehicles.



Continued operation of the eastern property

Google Earth, 10/11/2021



Google Earth, 7/5/2023





Google Earth, 8/27/2023



Latest Monroe County GIS Imagery



Job trailer on site. Electrical panel to the west of the trailer



Waterline on site

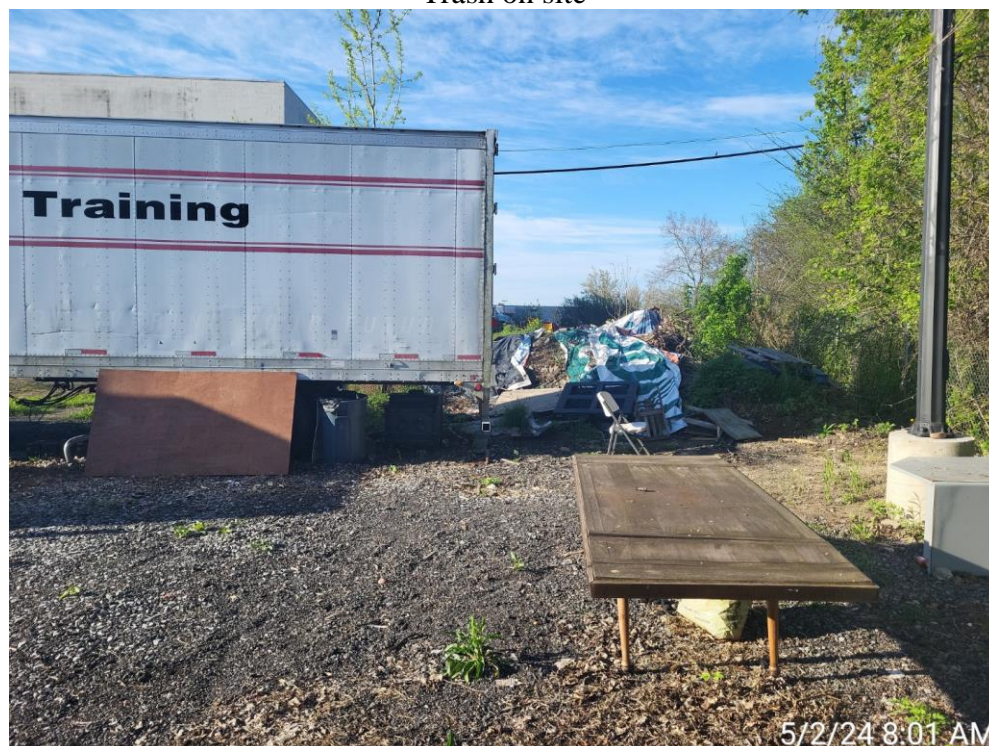


Double trailers being used to shield the DEC area and or storage.



5/2/24 8:00 AM

Trash on site



5/2/24 8:01 AM





Parking and deterioration phytoremediation area



Western landscaping not installed



Northern landscaping not installed.





STEPHEN L. SCHULTZ  
Supervisor

CRAIG C. ECKERT  
Deputy Town Supervisor

M. RICK PAGE  
JOSEPH D. BELLANCA, JR.  
ROBERT BARLEY, JR.  
MICHAEL J. STAFFORD  
Council Members

**TOWN OF HENRIETTA**

County of Monroe • State of New York  
475 Calkins Road, P.O. Box 999, Henrietta, N.Y. 14467  
(585) 334-7700 • www.henrietta.org

May 24, 2024

Mina Ahmadi  
Marlwood Partners LLC  
152 Bright Autumn Lane  
Rochester, NY 14626

Re: 39 Commerce Drive Truck Parking  
Application No. 21-003

Dear Ms. Ahmadi:

A site inspection has been conducted of the construction work for the project referenced above. A list of items has been compiled covering the work that needs to be corrected or completed prior to releasing the letter of credit and closing this project.

**Site:**

1. Install the three (3) concrete barriers to protect the monitoring wells as shown on the approved site plan.
2. All trash and construction debris need to be removed from the site.
3. The following issues need to be resolved under the supervision of the NYSDEC or their authorized representative:
  - a. Reduce monitoring well UR5-02 to grade
  - b. Replace the missing phytoremediation trees
  - c. Remove the organic pile of debris located along the eastern perimeter of the site.
4. The site is currently operating in excess of the special use permit with more than seven (7) tractor-trailers parked there. In addition, there is a large number of used vehicles stored at the site's southeastern corner. This will need to be resolved with the Town.
5. The catch basin needs to be verified to ensure that it is in good working order.
6. Topsoil and seed the disturbed areas at the site's northern, western and southern perimeters.

**Miscellaneous:**

1. The Final Utility Record Drawing will need to be completed and submitted to the Town of Henrietta's Engineering Department for review and approval.
2. Confirm that the Fire Department has an access into the site in the event of an emergency.

If you have any questions regarding the above, please call (585) 359-7070.

Sincerely,



Christopher E. Martin, P.E.  
Director of Engineering and Planning



Craig C. Eckert  
Deputy Town Supervisor

xc: Reza Hourmanesh, R.A. - GRH Architecture  
Kevin Wilson – Director of Building/Fire Prevention  
Michael Catalano – Commissioner of Public Works  
File



# TOWN OF HENRIETTA

## MEMORANDUM

DATE: 5/3/2024

TO: File

FROM: Craig Eckert, Deputy Town Supervisor

SUBJECT: 39 Commerce Special Use Permit 2020-032

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On March 24<sup>th</sup>, 2021 the Town Board approved Special Use Permit application #2020-032 for Marlwood Partners LLC. The special permit allowed outdoor truck parking on Tax Account 161.15-1-4. Since the approval, the owners have embellished on their permitted activities and included many unpermitted activities. Most importantly, the parking and storing of unlicensed vehicles. Attached to this memo is a report that I documented on 10.14.2022 showing violations of Town Code 207-3. This activity has continued on the western property, and has also grown to include the eastern property Tax Account # 161-.15-1-5. The owners are also parking trucks on the eastern property without a permit. The following are picture from the site on follow-up inspections on 3/27/2024, 4/11/2024 and 5/2/2024. I am suggesting to the Town Board review the Permit and the potential revocation of the Permit. The site has operated outside the parameters of the Special Use Permit that was granted and in violation of Town Code.

Special Use Permit 2020-032 starts on page 31  
[Microsoft Word - SPM20210324 \(ecode360.com\)](#)

161.15-1-4 is the TA for western property, highlighted below



161.15-1-5 is the TA for the eastern property listed as 39 Commerce, highlighted below



2022 10.14 unlicensed vehicles on the eastern property and clearing and storage of equipment on the eastern property



2024 03.27 Debris pushed against the property fence. Unlicensed vehicles on the eastern property.



2024 04.11 unlicensed vehicles on the western property.



2024 04.11 unlicensed vehicles and debris on the eastern property.



2024 05.02 unlicensed vehicles on the eastern and western property.







## Craig Eckert

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**From:** Scharf, Brianna L (DEC) [REDACTED]  
**Sent:** Thursday, January 12, 2023 3:25 PM  
**To:** Craig Eckert  
**Cc:** Stephen MacIntyre; Stephen Schultz; Saucier, Sarah K (DEC); Bone, Jonathan  
**Subject:** RE: Site No. 828079 Stuart Oliver Holtz, 39 Commerce Drive

Good afternoon Craig,

Thank you for the update and photos in regards to the activities at the 39 Commerce Dr., Site NO. 828079 Stuart Olver Holtz. The original regrading and gravel activities that were completed at the Site were done so in December 2020 without notification or approval from the NYSDEC. A notice of violation was issued to the property owners in 2021, and since then they have been cooperative and have submitted Change of use requests for additional activities at the Site and no other known issues that could potentially impact the protectiveness of the remedy currently exist. As for the dogs on the property, this again does not impact the remedy however if there are local ordinances or town issues with them being present I would encourage the town to reach out to the property owner directly.

TRC and the NYSDEC plan to visit the site in the near future to inspect and document the activities occurring on the site. We will provide you with an update following that visit. Additional work by NYSDEC is likely to occur in Summer 2023 and I will keep updated when we have a more definitive schedule.

Please feel free to contact me if you have any additional questions or concerns,

Brianna

### **Brianna Scharf**

Assistant Engineer (Environmental)  
(she/her/hers)

**Division of Environmental Remediation, Remedial Bureau E, Remedial Section C**  
**New York State Department of Environmental Conservation**

625 Broadway, Albany, NY 12233-7017

P: ([REDACTED])



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**From:** Craig Eckert <CEckert@henrietta.org>  
**Sent:** Wednesday, December 21, 2022 11:48 AM  
**To:** Scharf, Brianna L (DEC) [REDACTED] >  
**Cc:** Stephen MacIntyre <smacintyre@henrietta.org>; sschultz@henrietta.org  
**Subject:** RE: Site No. 828079 Stuart Oliver Holtz, 39 Commerce Drive

**ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.**

Hi Brianna,

I wanted to bring to your attention an issue that I was made aware of with the 39 Commerce Site. I was originally called out to the site for junk, debris and junk yard dogs on the premises. While on site I witnessed the site being used as a storage area for junk debris and unlicensed cars. I also witnessed disturbance and development on the eastern property. Which I thought was not allowed per the DEC permit. As you can see from the attached site visit images, disturbance, including additional impervious areas has occurred on the eastern property. Has the DEC issued any additional permits to this owner allowing work on the Eastern parcel? I am under the information of the previous permit that no disturbance was allowed on the 3 acre, 39 Commerce Drive parcel, TA #161.15-1-5. The permit was only for the 1.35 acre parcel west of 39, TA #161.15-1-4.

Thank you,

Craig Eckert  
Deputy Town Supervisor  
Town of Henrietta  
475 Calkins Road  
Henrietta NY 14467

(585) 359-7026 Office  
(585) 747-2408 Cell  
[ceckert@henrietta.org](mailto:ceckert@henrietta.org)

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**From:** Scharf, Brianna L (DEC) <[REDACTED]>  
**Sent:** Friday, February 5, 2021 7:51 AM  
**To:** Craig Eckert <[CEckert@henrietta.org](mailto:CEckert@henrietta.org)>  
**Subject:** FW: Site No. 828079 Stuart Olver Holtz, 39 Commerce Drive

Hi Craig,

Just an FYI of some of the communication I had with Ms. Ahmadi earlier in the week.

Feel free to reach out to me if you have any questions or concerns.

Thanks,  
Brianna

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**From:** Scharf, Brianna L (DEC)  
**Sent:** Tuesday, February 02, 2021 11:08 AM  
**To:** Mina Ahmadi <[REDACTED]>  
**Cc:** Saucier, Sarah K (DEC) <[REDACTED]>; Kranes, Nathan <[REDACTED]>  
**Subject:** Site No. 828079 Stuart Olver Holtz, 39 Commerce Drive

Hi Mina,

After our call this morning I did some digging, you will need to complete the SEQR process. The town is looking to determine how your specific development will impact the environment. Through this process, there is a public comment period, which will allow people to comment on the general proposal. For more information on the SEQR process, please visit this website (<https://www.dec.ny.gov/permits/357.html>).

Additionally, before I had said that the 2020 periodic review report would be available end of the month, unfortunately it now looks like this won't be ready until sometime in March. Other data is available here on our DECinfo locator page (<https://www.dec.ny.gov/data/DecDocs/828079/>). As stated previously, please keep us apprised to any additional development items that were not included in the December 2020 change of use form. Please let me know if you would like any additional information.

Thanks,  
Brianna

**Brianna Scharf**

Assistant Engineer (Environmental)  
Remedial Section C, Remedial Bureau E, Division of Environmental Remediation

**New York State Department of Environmental Conservation**

625 Broadway, Albany, NY 12233-7017

P: ( [REDACTED]



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Region 8 Main Office

6274 East Avon-Lima Road, Avon, NY 14414-9516

P: (585) 226-2466 | F: (585) 226-2830

[www.dec.ny.gov](http://www.dec.ny.gov)

March 10, 2021

Town of Henrietta  
Attn Chris Martin  
475 Calkins Road  
PO Box 999  
Henrietta, NY 14467

Sent by email - [aenglert@henrietta.org](mailto:aenglert@henrietta.org) and  
[CMartin@henrietta.org](mailto:CMartin@henrietta.org)

Dear Ms. Moir:

RE: Marlwood Partners project, site plan approval for parking area  
39 Commerce Drive, Henrietta, NY - Parcel ID 161.15-1-5  
Town of Henrietta, Monroe County

The Department reviewed the plans provided on February 17, 2021 regarding a site plan approval at the above-listed property. Related to the project, the DEC provides the following comments:

### **SEQR Coordination & Establishment of Lead Agency**

The NYS Department of Environmental Conservation (DEC) has no objection to the Henrietta Planning Board to being established as the SEQR lead agency for the environmental review of this action. However, please consider the following information within your reviews.

### **Remedial Site**

The site is associated with the inactive hazardous waste site #828079 (Stuart-Olver-Holtz). Information on this remedial site can be reviewed in the attached database summary. This DEC site is subject to change of use notifications, an Environmental Easement and a Site Management Plan (SMP). The change of use requirements can be found here: <https://www.dec.ny.gov/chemical/76250.html>. Amongst the reporting requirements for a Change of Use, the DEC requires a detailed description of fill being brought to the site (type, amount, placement areas, site elevation changes). In addition, all work must comply with the easement and the Site Management Plan established for the property. The SMP can be found at the DECinfo locator (<https://www.dec.ny.gov/data/DecDocs/828079/>). Please contact Brianna Scharf (Brianna.Scharf@dec.ny.gov) with any questions regarding the status and obligations related to the remedial plan at the property.

It is also noted that the applicant needs to contact the DEC prior to any disturbance of the soils at the site. There are several trees along the back of the lot that the property owner is aware that are phytoremediation trees and cannot be removed. The monitoring wells on site will also need to be protected during any future development.



Department of  
Environmental  
Conservation

**Historic, Architectural, Archeological, and Cultural Resources**

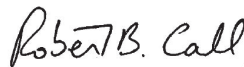
GIS review indicates that the project site is located within an archaeologically sensitive area. It is suggested that recommendations be sought from NYS OPRHP regarding the potential impacts on historic and archeological resources from the development of this area. Additional information can be found on NYS OPRHP's website at <http://nysparks.com/shpo/online-tools/> or by calling (518) 237-8643. Potential impacts to these resources must be considered in the State Environmental Quality Review (SEQR) documentation.

**Stormwater General Permit - Construction**

This project may need to be in compliance with either the State Pollutant Discharge Elimination System (SPDES) General Permit for Storm Water Discharges from Construction Activities (GP-0-15-002) or the MS4 (Municipal Separate Storm Sewer Systems) General SPDES Permit (GP-0-10-002) (if located within an MS4's jurisdiction). Operators of construction activities that involve one acre or more of land disturbance (or may be less in an MS4's area) must obtain SPDES permit coverage through either an individual permit or either GP-0-15-002 or GP-0-10-002. To obtain coverage under a General Permit, all conditions of the permit must be met, including preparation and implementation of an appropriate Storm Water Pollution Prevention Plan (SWPPP) and the filing of a completed Notice of Intent (NOI) form with the NYSDEC. For further information and required forms, see the NYSDEC website at: <http://www.dec.ny.gov/chemical/8468.html>. If you believe your project would be covered under one or more of the General Permits and would NOT require any other DEC permits, you may apply for coverage by filing a Notice of Intent with NYSDEC Division of Water, 625 Broadway, Albany NY 12233-3505. If your project involves other DEC permits, please contact this office.

Thank you for the opportunity to review this project. If you have questions regarding the information provided in this letter, please don't hesitate to contact me at (585) 226-5396.

Sincerely,



Digitally signed by Robert Call  
DN: cn=Robert Call, o=NYSDEC -  
Region 8, ou=Environmental Permits,  
email=robert.call@dec.ny.gov, c=US  
Date: 2021.03.10 10:25:48 -05'00'

Robert B. Call  
Deputy Regional Permit Administrator

**Enclosures**

EC: Brianna Scharf (NYSDEC-DER)  
David Pratt (NYSDEC-DER)

**LEAD AGENCY COORDINATION RESPONSE**

**Application for site plan approval of a parking area for company-owned trucks located on Commerce Drive in an Industrial Zoned District. Tax Account No. 161.15-1-5.**

This letter responds to your communication of February 17, 2021, regarding lead agency coordination of the above referenced project under Article 8 (State Environmental Quality Review – SEQR) of the Environmental Conservation Law and 6 N.Y.C.R.R. Part 617.

Based on the information provided, this agency has no objection to the Henrietta Planning Board assuming lead agency status for this action.

New York State Dept of Environmental Conservation

\_\_\_\_\_  
(Name of Agency)

By: \_\_\_\_\_

*Robert B. Call*

Digitally signed by Robert Call  
DN: cn=Robert Call, o=NYSDEC - Region 8, ou=Environmental  
Permits, email=robert.call@dec.ny.gov, c=US  
Date: 2021.03.10 05:21:56 -05'00'

Robert Call

\_\_\_\_\_  
(Print/Type Name of Person)

Deputy Permit Administrator

\_\_\_\_\_  
(Print/Type Title or Office)

3/10/2021

\_\_\_\_\_  
(Date)



Department of  
Environmental  
Conservation

# Environmental Site Remediation Database Search Details

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## Site Record

### Document Repository

Site-related documents are available for review through the DECInfo Locator on line at [DECInfoLocator](#)

## Administrative Information

**Site Name:** Stuart-Olver-Holtz

**Site Code:** 828079

**Program:** State Superfund Program

**Classification:** 02

**EPA ID Number:**

## Location

**DEC Region:** 8

**Address:** 39 Commerce Drive

**City:**Rochester Zip: 14623

**County:**Monroe

**Latitude:** 43.07996546

**Longitude:** -77.6416214

**Site Type:** STRUCTURE

**Estimated Size:** 4 Acres

## Site Owner(s) and Operator(s)

**Current Owner Name:** SOH Aquiring

**Current Owner(s) Address:** 2025 Bri-Hen Townline Rd  
Rochester,NY, 14623-2509

**Current Owner Name:** Stuart-Olver-Holtz

**Current Owner(s) Address:** 2025 Brighton-Henrietta Townline Road  
Rochester,NY, 14624

**Current Owner Name:** STUART-OLVER-HOLTZ

**Current Owner(s) Address:** 2025 BRIGHTON-HENRIETTA TOWNLINE RD.  
ROCHESTER,NY, 14624

**Current Owner Name:** NA

**Current Owner(s) Address:** 16 Rabbits Run  
Palm Beach Gardens,FL, 33418

**Current Owner Name:** STUART-OLVER-HOLTZ

**Current Owner(s) Address:** 2025 BRIGHTON-HENRIETTA TOWNLINE RD.

ROCHESTER, NY, 14624

**Owner(s) during disposal:** STUART-OLVER-HOLTZ**Current On-Site Operator:** Stuart-Olver-Holtz**Stated Operator(s) Address:** 39 Commerce Drive  
Rochester, NY 14623

## Hazardous Waste Disposal Period

**From:** 1977 **To:** 1994

## Site Description

Location: The Stuart Olver Holtz (SOH) site is located at 39 Commerce Drive, in the Town of Henrietta, Monroe County, New York. Site features: The site occupies approximately 3.8 acres in a mixed commercial-industrial area. A former manufacturing building occupies the eastern half of the site. The remaining area consists of a paved parking lot, driveways and grass-covered areas. The Site building was found to be in a state of disrepair. In order to safely address the source area underneath the building, it was necessary to demolish the entire structure in December 2005. The Site currently consists of a building foundation and paved/concrete/grass areas surrounded by a locked chain-link fence. Immediately to the west of the site is a swale that receives drainage from the SOH site. The site is bounded on the east by several small businesses, on the west by Pullman Manufacturing, on the south by Ruby Gordon, Inc., and on the north side by Commerce Drive and several commercial properties. Historic uses: The SOH site was developed from farmland in 1962 as Electro Chemical Products, Inc., which evolved into Stuart Olver Holtz, Inc. SOH operated a specialty finishing business that included painting, conversion coating and metal plating of parts on a contractual basis. In 1974, a fire occurred at the site that destroyed a portion of the facility and resulted in the uncontrolled release of plating and coating solutions into the environment. In 1980, SOH applied for (but did not obtain) a permit to operate a solvent recovery unit at the facility and began accumulating drums of waste solvents for processing. The NYSDEC issued an enforcement order requiring SOH to remove the waste solvent drums, some of which had been observed to be leaking. The accumulation of drums had been a recurring problem at this facility, subsequently all drums have been removed. Operable Units: An operable unit represents a portion of a remedial program for a site that for technical or administrative reasons can be addressed separately to investigate, eliminate or mitigate a release, threat of release, or exposure pathway resulting from site contamination. OU-01 - Remediation of the SOH site OU-02 - Demolition of existing site structures OU-03 - Soil Vapor Investigation (SVI) The primary contaminants of concern at the site known at this time include volatile organic compounds (VOCs) (trichloroethene, 1,1,1-trichloroethane, 1,1-dichloroethane). Investigations indicate that the soil source area extends southeast from the loading dock area under the southern half of the building slab. The compounds detected in the soil do not exceed the applicable soil cleanup objectives for commercial use. A majority of the VOC groundwater plume is restricted to the Site. A Record of Decision (ROD) was



signed in March of 1997. The ROD specified that a shallow groundwater collection trench was to be constructed. The collected groundwater will pass through a passive groundwater treatment system and will then be discharged to a publicly operated treatment works. The ROD also calls for the excavation of the remaining contaminated soil and off-site disposal, and capping of the area. Periodic sampling of the bedrock groundwater is also required. The remedial design (RD) began in November of 1999. A pilot test was conducted in 2000 which evaluated in-situ chemical oxidation, (ISCO). The pilot test was successful. Based on the results from the pilot study the 1997 ROD was modified in 2005 in the document 'Explanation of Significant Differences' to include chemical oxidation and bio-remediation instead of the pump and treat technology that was included in the 1997 ROD. In order to safely address the source area underneath the building, it was determined to demolish the entire structure. The demolition of the building was completed in December 2005. The supplemental investigation, completed in 2009, further delineated the soil source and the groundwater plume. Design of the remedial components included in the modified ROD was completed. ISCO was started in the summer of 2011. A total of 3 rounds of injections were completed by Nov 2011. Groundwater results obtained after each injection of chem-ox compound indicated that the concentration of ethenes has lowered. It was decided to inject molasses to address the ethane contamination. The results of the groundwater samples obtained after the first injection of molasses shows that the contamination concentration has declined significantly in most of the locations except for few locations. A Focused FS was completed in November 2013. Based on a review of the report, it was decided to implement the alternative which include additional injections with geo-probe to address the remaining contamination. This alternative is technically feasible and economical compared to the other alternatives proposed in the focused FS report. The additional injections completed in January 2014. The results from the subsequent groundwater sampling indicates that the concentration is going down except for three locations. Additional sampling need to be conducted to assess future action. To address the remainder of the remedial components in the ROD phytoremediation was selected as the remedy to address the groundwater problem between the site and the furniture store. This remedy is scheduled to be implemented in April/May 2015. The SVI was completed at the adjacent property in January 2013. Since the groundwater table was at the level of the bottom of the building slab, sub-slab vapor samples were not possible to obtain. Site related VOCs were detected in the indoor air samples at levels higher than expected and actions such as placing covers on the sumps were recommended to improve the indoor air quality. Periodic monitoring of the indoor air shall be conducted and the data shall be evaluated to assess for additional actions to improve the indoor air quality. Site Geology and Hydrogeology: Bedrock is at approx 50' and is overlain by glacial deposits including outwash and till. Ground water is found in 3 aquifers isolated by 2 aquitards. Ground water is at 5' bgl in the shallow aquifer and is underlain by plastic clay. The mid aquifer is located at 15' and extends to 25' bgl. The lower aquifer extends from the till to the bedrock.

## Contaminants of Concern (Including Materials Disposed)

### Contaminant Name/Type

chlorinated solvents

PLATING WASTES

PAINT RELATED WASTE

## Site Environmental Assessment

Nature & Extent of Contamination: Prior to remediation: The primary contaminants of concern at the site known at this time include volatile organic compounds (VOCs) (trichloroethene, 1,1,1-trichloroethane, 1,1-dichloroethane). Investigations indicate that the soil source area extends southeast from the loading dock area under the southern half of the building slab. The compounds detected in the soil do not exceed the applicable soil cleanup objectives for commercial use. A majority of the VOC groundwater plume is restricted to the Site. A Record of Decision (ROD) was signed in March of 1997. The ROD specified that a shallow groundwater collection trench was to be constructed. The collected groundwater will pass through a passive groundwater treatment system and will then be discharged to a publicly operated treatment works. The ROD also calls for the excavation of the remaining contaminated soil and off-site disposal, and capping of the area. Periodic sampling of the bedrock groundwater is also required. The remedial design (RD) began in November of 1999. A pilot test was conducted in 2000 which evaluated in-situ chemical oxidation, (ISCO). The pilot test was successful. Based on the results from the pilot study the 1997 ROD was modified in 2005 in the document 'Explanation of Significant Differences' to include chemical oxidation and bio-remediation instead of the pump and treat technology that was included in the 1997 ROD. In order to safely address the source area underneath the building, it was determined to demolish the entire structure. The demolition of the building was completed in December 2005. The supplemental investigation, completed in 2009, further delineated the soil source and the groundwater plume. Design of the remedial components included in the modified ROD was completed in late 2010. ISCO was started in the summer of 2011. A total of 3 rounds of injections were completed by Nov 2011. Groundwater results obtained after each injection of chem-ox compound indicated that the concentration of ethenes has lowered. It was decided to inject molasses to address the ethane contamination. The results of the groundwater samples obtained after the first injection of molasses shows that the contamination concentration has declined significantly in most of the locations except for few locations. A Focused FS was completed in November 2013. Based on a review of the report, it was decided to implement the alternative which include additional injections with geo-probe to address the remaining contamination. This alternative is technically feasible and economical compared to the other alternatives proposed in the focused FS report. The additional injections completed in January 2014. The results from the subsequent groundwater sampling indicates that the concentration is going down except for three locations.

Additional sampling need to be conducted to assess future action. To address the remainder of the remedial components in the ROD, phytoremediation was selected as the remedy to address the groundwater problem between the site and the furniture store. This remedy is scheduled to be implemented in April/May 2015. The Soil Vapor Investigation was completed at the adjacent property in January 2013. Since the groundwater table was at the level of the bottom of the building slab, sub-slab vapor samples were not possible to obtain. Site-related VOCs were detected in the indoor air samples at levels higher than expected and actions such as placing covers on the sumps were recommended to improve the indoor air quality. Periodic monitoring of the indoor air shall be conducted and the data shall be evaluated to assess for additional actions to improve the indoor air quality. Special Resources Impacted: None Significant Threat: The site presents a significant environmental threat due to the ongoing releases from source areas of contaminants into groundwater. Groundwater contamination remains above applicable standards.

## Site Health Assessment

Exposure to contaminated groundwater through drinking water is not expected because public water serves the area. Contaminated sump water from the adjacent business is discharged to the publicly-owned treatment works, so exposure to the sump water is unlikely. Sump water samples collected by NYSDOH in 1996, 1997 and 2000 from a business located north of Commerce Drive were not contaminated with site-related chemicals. NYSDOH and NYSDECC will evaluate the need for additional investigations to determine the potential for soil vapor intrusion into structures on or near the site.

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