Proposed Senior Affordable Apartment Building

81-83 South Bergen Place
Incorporated Village of Freeport
Town of Hempstead, Nassau County, New York

PREPARED FOR
Selfhelp Realty Group, Inc.
520 8th Avenue, 25th Floor
New York, NY 10018

PREPARED BY

100 Motor Parkway, Suite 350
Hauppauge, New York 11788
(631) 787-3400

November 2019
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Responses to Homes and Community Renewal Correspondence

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November 6, 2019

VIA ELECTRONIC AND U.S. MAIL

Ref: 20244.00

Cameron T. Kostyra
Real Estate Associate
Selfhelp Realty Group, Inc.
520 8th Avenue, 25th Floor
New York, NY 10018

Re: Responses to Homes and Community Renewal (HCR) Follow-Up Letter (FUL) for Bergen Place, dated June 19, 2019 - SHARS Number: 20186065

Dear Mr. Kostyra,

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. (VHB), as requested by Selfhelp Realty Group, Inc. (Selfhelp), has prepared responses to certain comments raised by HCR in its June 19, 2019 Environmental Review Follow-Up Letter (FUL) (Attachment A) with respect to a proposed senior affordable apartment building to be located at 81-83 South Bergen Place (the “subject property” or “site”) in the incorporated Village of Freeport, Town of Hempstead, Nassau County, New York (see Figure 1). The subject property is designated on the Nassau County Land & Tax Map as Section 55 – Block 325 – Lots 7 and 8. The 0.67± acre subject property is currently vacant. Under the proposed action, the site would be developed with a 5-story, elevator building for persons 55 or older, with 45 residential units and associated site improvements. The senior affordable apartment building is proposed to include a social service office, meeting room, community room, courtyard terrace, laundry room, resident storage space, and under building and surface parking.

As requested by Selfhelp, the subject property was examined with respect to certain existing environmental conditions as well as conditions associated with future development, based upon the HCR FUL. VHB relied on information provided by you, Kimley Horn, etc. in preparing the responses. The following pages contain responses to Items 6, 7, 11, 13, 15 and 16 as indicated in the HCR FUL (Attachment A).

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

VHB Engineering, Surveying, Landscape Architecture and Geology, P.C.

Gail A. Pesner, AICP
Senior Project Manager
gpesner@vhb.comGAP/ba

cc: L. Trub
Subject Property

Senior Affordable Apartment Building | Freeport, NY

Site Location Map

81-83 South Bergen Place
Village of Freeport
Nassau County

Source: NYS Ortho Imagery (2016);
NYS Civil Boundaries, NYS Office of Information Technology Services GIS Program Office (GPO)
Solid Waste Disposal and Recycling

Comment:

a. With regard to both the construction and the ongoing use of the property, identify the properly licensed entity that will provide for solid waste disposal and the location where such waste will be disposed.

b. Provide documentation that there is adequate capacity to service the project (during demolition and on-going).

c. Provide a description of recycling opportunities (during demolition and on-going) of which the project will take advantage.

Response:

The subject property is in the service area of the Village of Freeport Department of Public Works (VFDPW) for solid waste collection and disposal. The Department of Public Works is located at 46 North Ocean Avenue in the Village of Freeport, approximately 0.3-mile northeast from the subject property (see Figure 2).

Correspondence was sent to the VFDPW on August 16, 2019 informing the VFDPW about the proposed action and requesting information relative to solid waste collection and disposal services. A follow-up email was sent on September 6, 2019 as well as a follow-up phone call on September 24, 2019 regarding same (see Attachment B). Furthermore, the letter was forwarded via email on September 24, 2019 after correspondence with the Superintendent was made. Another follow-up phone call was made on October 16, 2019 and November 1, 2019. To date, no correspondence has been provided.
Refuse collection would occur in compliance with Article II *Refuse Collection and Disposal* of the Village of Freeport Village Code. The proposed development, as a building with four or more living units, is within the “commercial collection” category. The apartment building is proposing refuse collection by the Village of Freeport.

Little-to-no demolition is proposed, as the site is essentially vacant. Therefore, there are few, if any, opportunities for recycling during demolition. Recycling opportunities during project operation will be in accordance with Village of Freeport recycling requirements, as specified in Article II.
Senior Affordable Apartment Building | Freeport, NY
Proximity of Service Providers from Subject Property

81-83 South Bergen Place
Incorporated Village of Freeport
Nassau County

Village of Freeport Fire Department,
Police Department, and Department of Public Works
at Freeport Village Hall

Source: NYS Ortho Imagery (2016):
NYS Civil Boundaries, NYS Office of Information Technology Services GIS Program Office (GPO)
Public Safety Services

Comment:
Provide the names and locations of the police, fire and emergency medical providers that will service the project and documentation that they will be able to adequately service the project.

Response:

Police Protection

The project site is within the jurisdiction of the Village of Freeport Police Department (VFPD). The police department is located at 40 North Ocean Avenue in the Village of Freeport, approximately 0.3-mile northeast from the subject property (see Figure 2).

Correspondence was sent to the VFPD on August 16, 2019 informing the VFPD about the proposed action and requesting information relative to police protection services. A follow-up email was sent on September 6, 2019 as well as a follow-up phone call on September 18, 2019 regarding same (see Attachment C). A FOIL request was sent to the Village Clerk regarding service availability of the Village’s Police Department. Furthermore, the letter was forwarded via email on September 27, 2019 to Assistant Chief Raymond Horton after correspondence with Deputy Chief Michael Smith. After another follow-up phone call was made, a follow-up email was sent on October 16, 2019.
A response was received on October 17, 2019 indicating that the Village of Freeport Police Department would be the primary first responder for police protection services (see Attachment C).

**Fire Protection and Emergency Medical Services**

The subject property is within the service area of the Village of Freeport Fire Department (VFFD). The headquarters of the VFFD is located at 46 North Ocean Avenue in the Village of Freeport, approximately 0.3-mile northeast of the subject property (see Figure 2).

Consultations were undertaken with the VFFD in connection with the proposed action, on August 16, 2019 informing the VFFD about the proposed action and requesting information relative to fire protection services and primary emergency medical services as well as ambulance services in the area of the subject property. A follow-up email was sent on September 6, 2019 and September 25, 2019 regarding same (see Attachment C).

The VFFD responded in an email, dated September 26, 2019, that the VFFD is sufficiently equipped to provide fire protection and emergency medical services to the proposed development (see Attachment C).
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Water Quality

a. Water Supply/Sewage Disposal

Comment:

i. Provide a letter of affirmation from the utility department which will service the project that there is adequate capacity at the wastewater treatment plant and within the lines by which the project will connect to the plant. Also, indicate whether construction to connect the facility will only be on the project site or whether other areas will be affected.

ii. Provide a letter of affirmation from the utility department which will service the project that there is adequate water service capacity in the system to service the project. Also, identify the measures that will be taken to conserve water use inside and outside the building.

Response:

Water Supply

The subject property would be served by the Village of Freeport Water & Sewer Department for public water supply. The Village of Freeport Municipal Department of Water is located at 355 Albany Avenue in the Village of Freeport, approximately 1.15 miles southeast of the subject property (see Figure 3).
Proximity of Water Service Provider from Subject Property
81-83 South Bergen Place
Incorporated Village of Freeport
Nassau County

Source: NYS Ortho Imagery (2016);
NYS Civil Boundaries, NYS Office of Information Technology Services GIS Program Office (GPO)
Correspondence was sent to the Village of Freeport Municipal Department of Water on August 16, 2019 informing the department about the proposed action and requesting information relative to water supply services. A letter of water availability from the Freeport Municipal Department of Water was received on August 22, 2019 (see Attachment D).

As shown in Table 1 below, the proposed development is expected to generate a demand of 9,828± gallons/day (gpd) of potable water, based on the Nassau County Department of Public Works (NCDPW) Minimum Design Sewage Flow Rates.

### Table 1 – Anticipated Water Demand (Sewage Generation)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Unit Count</th>
<th>Design Sewage Flow Rate (gpd)</th>
<th>Sewage/Potable Water (gpd)</th>
<th>Irrigation (Approx. 8% of potable water)</th>
<th>Water Demand (gpd)</th>
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</thead>
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<tr>
<td>One-Bedroom Apartment</td>
<td>44</td>
<td>200</td>
<td>8,800±</td>
<td>704±</td>
<td>9,504±</td>
</tr>
<tr>
<td>Two-Bedroom Apartment</td>
<td>1</td>
<td>300</td>
<td>300±</td>
<td>24±</td>
<td>324±</td>
</tr>
<tr>
<td>Total</td>
<td>45 Units</td>
<td></td>
<td>9,100± gpd</td>
<td>728± gpd</td>
<td>9,828± gpd</td>
</tr>
</tbody>
</table>


Additionally, it is estimated that the proposed project would create a demand for approximately 728± gpd of water for irrigation purposes. Irrigation was calculated using a factor of eight percent of the expected 9,100± gpd of water demand. The proposed project, therefore, would create an average daily demand of approximately 9,828± gpd for combined domestic and irrigation water use.

Water conservation measures to be included as part of the proposed action include the installation of low-flow fixtures throughout the entire building pursuant to the Enterprise Green Building standards. The subject property would be landscaped with native species of plantings that will require a minimum level of irrigation.

### Sewage Disposal

The subject property would be connected to the Village of Freeport Department of Public Works (VFDPW) municipal sewer system for wastewater collection. According to the NCDPW website, the Village of Freeport collects sewage and pumps it to a county facility to be treated. The treatment plant that would receive the wastewater is the Cedar Creek Wastewater Treatment Plant (WWTP). The VFDPW is located at the Village of Freeport Village Hall, approximately 0.3-mile northeast of the subject property (see Figure 2). The Cedar Creek Wastewater Treatment Plant is located at 3400 Merrick Road in the Village of Wantagh, approximately 4.30 miles southeast of the subject property.

Correspondence was sent to the Village of Freeport Department of Public Works on August 16, 2019 informing the department about the proposed action and requesting information relative to the sewage flow capacity that the proposed development is expected to generate (approximately 9,100 gpd, as noted in Table 1, above). A follow-up email was sent on September 6, 2019 as well as a follow-up phone call on September 24, 2019 regarding same (see Attachment B). Furthermore, the letter was forwarded via email on September 24, 2019.
after correspondence with the Superintendent was made. Another follow-up phone call was made on October 16, 2019 and November 1, 2019. To date, no correspondence has been provided.

Sewage generation is calculated in the same manner as water demand (less irrigation) as shown in Table 1 above. The total anticipated sewage flow for the proposed project is estimated to be 9,100± gpd.

As mentioned above, the municipal sewer system discharges to the Cedar Creek WWTP for wastewater treatment. The Cedar Creek WWTP site is bounded by tributary channels and Seamans Island to the south, Jones Beach Causeway to the west, recreational uses to the north and residential areas to the east. The Cedar Creek WWTP provides full secondary treatment of approximately 58 million gallons per day of sanitary waste, well below its permitted capacity of 72 million gallons per day.¹

Correspondence was sent to the NCDPW on August 16, 2019 informing NCDPW about the proposed action and requesting information relative to the capacity of the Cedar Creek WWTP. A response was received on September 3, 2019 stating that the existing Nassau County sanitary collection system and the Cedar Creek Water Pollution Control Plant has sufficient capacity to accommodate and treat the daily sanitary discharge from the proposed development (see Attachment D).

b. **Stormwater Drainage/Erosion and Sediment Control**

**Comment:**
Submit documentation of compliance with any local laws regarding stormwater discharges, including a Stormwater Pollution Prevention Plan (SWPPP) if one is required (even if not required under the DEC SPDES permit program). If no such local laws exist, submit written documentation of such from the project engineer or the municipality.

**Response:**

**Stormwater**
Stormwater would by conveyed to the on-site infiltration basin to allow for infiltration into the soil and no pumping would be needed. As such, the proposed action would not connect into the Village’s stormwater system.

An Erosion Control Plan has been developed for the proposed project that complies with Section 210 Article XXIX of the Village of Freeport Village Code. The Erosion Control Plan is subject to review by the Village, under Section 201, Article XXXIX.

Thermal Explosive Hazards

Comment:

a. Confirm that no outdoor above-ground storage tanks (ASTs) are part of the project site plan. If ASTs are part of the project site plan, note their planned location, size and contents.

b. An independent field survey must be conducted, and report prepared that identifies whether there are off-site ASTs that could affect the project site. The survey must include a visual survey and a study of the following:
   i. any above-ground (outdoor) tanks which store flammable or explosive gasses (i.e. propane) within 1,000-foot radius of the site;
   ii. any above-ground (outdoor) tanks exceeding 100 gallons which store flammable or explosive liquids within 1,000-foot radius of the site; or
   iii. any above-ground (outdoor) tanks that exceed 20,000 gallons and are within 1 mile of the site.

If tanks are discovered, submit the specific information necessary to allow HTFC to calculate the Acceptable Separation Distance, as described in the HUD publication “Siting of HUD-Assisted Projects Near Hazardous Facilities” at https://www.hudexchange.info/environmental-review/explosive-and-flammable-facilities
Response:

Background Information

No outdoor ASTs are proposed to be installed in association with the subject property. A Phase I Environmental Site Assessment (ESA) was prepared by Tenen Environmental, LLC (Tenen) for the subject property, dated December 2018. Based on a review of the EDR database report included in the aforementioned Phase I ESA, no ASTs exceeding 100 gallons which store flammable or explosive gasses were identified within a 1,000-foot radius of the subject property. In addition, no ASTs which exceed 20,000-gallons were identified within one mile of the subject property. The following indoor ASTs which store flammable or explosive gasses were identified in the EDR database report as located within a 1,000-foot radius of the site:

- 88 South Bergen LLC, 88 South Bergen Place, located approximately 212-feet to the southwest of the subject property. This site is registered with the following AST:
  - One (1) interior 3,000-gallon No. 2 fuel oil AST.

- South Ocean House, 100 South Ocean Avenue, located approximately 230-feet to the east of the subject property. This site is listed with the following AST:
  - One (1) interior 3,000-gallon No. 2 fuel oil AST.

- Continental House, 55 S. Bergen Place, located approximately 381-feet to the north-northwest of the subject property. This site is listed with the following AST:
  - One (1) interior 4,000-gallon No. 6 fuel oil AST.

- Lanai House, Inc., 190 W. Merrick Road, located approximately 472-feet to the north-northwest of the subject property. This site is listed with the following AST:
  - One (1) interior 5,000-gallon No. 6 fuel oil AST.

- Apartment Building, 200 W. Merrick Road, located approximately 663-feet to the southwest of the subject property. This site is listed with the following ASTs:
  - Two (2) interior 3,000-gallon No. 2 fuel oil ASTs.

- Paul Conte Cadillac, Inc., 169 West Sunrise Highway, located approximately 756-feet to the northwest of the subject property. This site is listed with the following ASTs:
  - One (1) interior 280-gallon transmission oil AST.
  - Two (2) interior 280-gallon motor oil ASTs.
  - Two (2) interior 280-gallon motor oil ASTs.

- Freeport Action Automotive, 102 Merrick Road, located approximately 807-feet to the east-southeast of the subject property. This site is listed with the following AST:
• One (1) interior 275-gallon waste oil AST.

As the above-referenced ASTs are interior/indoor tanks, these ASTs do not impact the project site. The following site is located within a 1,000-foot radius of the site was identified as registered with one AST that has been removed:

› 125 West Sunrise Highway Fuel Corp., 125 W. Sunrise Highway, located approximately 824-feet to the north-northeast of the subject property. This site is listed with the following AST:
  • One (1) removed 3,000-gallon steel AST, removed in 2003.

As this AST has been removed, same does not affect the project site. The two sites identified below are located within a 1,000-foot radius of the site and are registered with outdoor ASTs:

› Woodward Mental Health Center, 201 W. Merrick Road, located approximately 540-feet to the south-southwest of the subject property. This site is listed with the following AST:
  • One (1) exterior 3,000-gallon No. 2 fuel oil AST.

› Heritage Jaguar of Freeport, 146 W. Sunrise Highway, located approximately 815-feet to the north-northwest of the subject property. This site is listed with the following ASTs:
  • One (1) exterior 250-gallon waste oil AST.
  • One (1) exterior 250-gallon motor oil AST.

Field Survey and ASDs

VHB conducted field surveys on November 4, 2019 and November 6, 2019 in association with the above-referenced outdoor ASTs. None of the three outdoor ASTs reportedly located within 1,000 feet of the subject property were observed within line of sight from the subject property.

As indicated above, one 3,000-gallon No. 2 fuel oil AST is registered to the property located at 201 W. Merrick Road. However, VHB did not observe this AST during a visual inspection of the accessible exterior portions of this site. Assuming this tank is not diked, the Acceptable Separation Distance (ASD) for Thermal Radiation for People is 437.09 feet and the ASD for Thermal Radiation for Buildings is 83.56 feet. As the nearest boundary of this site is located approximately 540 feet from the boundary of the subject property, this AST is unlikely to present a thermal explosive hazard to the subject property.
As indicated above, one 250-gallon waste oil AST and one 250-gallon motor oil AST are registered to the property located at 146 W. Sunrise Highway. As this property is currently operated as a Jaguar car dealership and repair facility, access to the rear portion of the property, where the ASTs are likely located, could not be obtained. However, assuming the tanks are not diked, the ASD for Thermal Radiation for People is 155.23 feet for a 250-gallon waste oil/motor oil AST, and the ASD for Thermal Radiation for Buildings is 26.49 feet. As the nearest boundary of this site is located approximately 815 feet from the boundary of the subject property, these ASTs are unlikely to present a thermal explosive hazard to the subject property.

Copies of the ASD worksheets are provided as Attachment E and a copy of the EDR database report provided in Tenen’s December 2018 Phase I ESA is provided as Attachment F.
Asbestos Containing Materials

Comment:
The project site is vacant but was previously improved and it is possible that debris containing ACM may remain in the former building basements from the time of demolition.

Submit construction specifications to the HTFC Environmental Analyst at this time. The specifications must:

i. indicate that all project work must comply with the procedures outlined in NYS Department of Labor regulations at 12 NYCRR Part 56, including amendments; and

ii. provide a statement that ACM may be buried on the site; and

iii. indicate that fugitive dust control measures will be implemented during project demolition and excavation; and

iv. indicate that any discovered ACM debris will be properly disposed of in accordance with NYSDEC rules; and

v. require proper transportation and disposal of ACM by certified entities.

Response:
A Report on Subsurface Soil and Foundation Investigation was prepared by Carlin Simpson & Associates (CSA), dated August 13, 2019. The aforementioned report indicates that one boring installed in the western-central portion of the subject property identified a potential buried foundation with existing fill and debris to approximately eight feet below grade.
surface (bgs). The fill and debris were described as containing brick and concrete. As such, there is a potential for debris containing asbestos to be encountered at the subject property during construction activities. The aforementioned CSA report indicates that removal of fill material will be performed under the direct supervision and direction of CSA personnel. The CSA personnel will be responsible for ensuring that the contractor follow all applicable regulations regarding the disturbance and removal of material containing ACM. The following will apply to removal of fill material containing potential ACM:

1. The contractor will be notified that ACM may be buried on the site, specifically within the western portion of the subject property from grade level to approximately eight feet bgs and within a potential buried foundation.

2. Removal of debris containing or suspected to contain ACM will be performed in accordance with NYS Department of Labor regulations at 12 NYCRR Part 56, including amendments.

3. The contractor must maintain current licenses pursuant to New York State Department of Labor requirements related to the removal, handling, transportation and disposal of ACM. Where required, the contractor must maintain and provide evidence of valid NYS asbestos handling and supervisor certificates.

4. The contractor must also comply with all federal, state and local regulations, which include, but are not limited to:
   a. 29 CFR 1920.1001 – Asbestos
   b. 29 CFR 1926.1101 – Asbestos, Tremolite, Anthophyllite and Actinolite
   c. 6 NYCRR Part 360 – Solid Waste Management Facilities General Requirements
   d. 6 NYCRR Part 364 – Waste Transporters
   e. EPA 530-SW-85-007, Asbestos Waste Management Guidance

5. During the excavation and removal of debris containing or potentially containing ACM, dust suppression techniques will be utilized which may include wetting debris and soils.

6. All debris containing or suspected to contain ACM must be transported by an appropriately-licensed contractor and must be disposed at a facility which is permitted/licensed to receive debris containing ACM. All material must be properly manifested.
Lead-Based Paint

Comment:

The project site is vacant but was previously improved and it is possible that debris containing LBP may remain in the former building basements from the time of demolition or that LBP exists in soils on the site.

a. At this time, submit either compliant lead in soil test results and/or construction specifications that:

i. indicate all project work will comply with the procedures outlined in HUD’s “Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing,” 2012, including revisions (HUD Guidelines); and

ii. indicate that fugitive dust control measures will be implemented during project demolition and excavation; and

iii. if testing results reveal a lead in soil hazard, the specifications must address the specific HUD Guidelines methods that will be used to remediate the LBP hazard; and

iv. all debris must be properly categorized through Toxicity Characteristic Leaching Procedure (TCLP) testing and disposed of as either C&D or Hazardous Waste, as applicable, in accordance with EPA rules.

b. Prior to permanent loan closing, if LBP soil hazards exist, submit an LBP Soil Clearance report.
c. If LBP contaminated soils are capped with clean soil, an O&M Plan for LBP in soil must be prepared and submitted to the HTFC Environmental Analyst prior to permanent loan closing. The O&M Plan must include a description of the locations of LBP contaminated soil and the remediation methods.

**Response:**

On October 3, 2019, CSA conducted test pit activities at the subject property. A total of six soil samples were collected from the test pits and were submitted for laboratory analysis of lead. Based upon the laboratory analytical results, which are summarized in Table 2, lead was reported at concentrations which ranged from 30.7 milligrams per kilogram (mg/kg, aka parts per million [ppm]) to 149 mg/kg. A copy of the laboratory analytical data is provided as Attachment G and a Boring Location Map is provided as Figure 4. Each of these concentrations is below the most stringent HUD standard, the Bare Residential Soil standard of 400 micrograms per gram (aka 400 ppm) for play areas and high contact areas for children. As such, a lead in soil hazard does not exist at the subject property and no further action is warranted.
## Table 2 - Summary of Analytical Results

### TestAmerica Laboratories, Inc.
**Eurofins TestAmerica, Edison**

**SUMMARY OF ANALYTICAL RESULTS: 460-193081-1**

Job Description: 81-83 So. Bergen Pl., Freeport NY

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<th>TP-2</th>
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<td>&amp; CP-51 T-1</td>
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**SOIL BY 6010D(MG/KG)**

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<td>Result</td>
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Highlighted Concentrations shown in bold type face exceed limits.
PROPOSED BASEMENT AND ELEVATOR PITS

APPROXIMATE LOCATION OF BURIED FOUNDATION BASED ON AERIAL PHOTOGRAPHS

DEEPER FILL AREA WITH BURIED DEBRIS (FORMER BASEMENT)

Figure 4

GENERAL NOTES:
1. GENERAL LAYOUT WAS OBTAINED FROM A DRAWING PREPARED BY KIMLEY HORN, ENTITLED “GROUND / FIRST FLOOR PLAN" REVISED 04/11/19.
2. BORING AND TEST PIT LOCATIONS WERE LAID OUT IN THE FIELD BY CARLIN-SIMPSON & ASSOCIATES (CSA).
3. THE BORINGS WERE PERFORMED BY GENERAL BORINGS INC. IN JULY 2019 AND OCTOBER 2019 UNDER THE FULL TIME INSPECTION OF CSA.
4. THE TEST PITS WERE PERFORMED BY TRAFICANTE CONTRACTING INC. IN OCTOBER 2019 UNDER THE FULL TIME INSPECTION OF CSA.
5. ALL LOCATIONS AND LIMITS ARE APPROXIMATE.

LEGEND:
- TRI-STATE DRILLING BORING LOCATION
- CSA BORING LOCATION
- CSA TEST PIT LOCATION