



Memo

To: Christian Mercurio, MVEDGE
Laura Cohen, MVEDGE

From: Michele Christina, BRS

CC: Laura Burnham, BRS

Date: July 15, 2024 (Revised October 23, 2024)

**Subject: Brownfields RLF Application Technical Review
Former Chips Service Station Site**

Dear Mr. Mercurio and Ms. Cohen,

Please be advised that Brownfield Redevelopment Solutions, Inc. (BRS) has reviewed the above-mentioned application to the Brownfield RLF program and offers the following comments:

Project Overview: The Chips Service Station is located at 4360 Acme Road in Frankfort, Herkimer County, NY. The site consists of two parcels totaling .47 acres and consists of a 1300 SF single story former gasoline station attached to an 800 SF two story residence. The remainder of the site includes paved parking, an advertising billboard and vegetated areas. The structure was built in 1935 and operated as a gas filling station from 1938 to 1962. It served as an auto service station until circa 2010 and has remained vacant since. Remaining USTs will be



removed under NYS Office of Comptroller Abandoned Gasoline Station Program.

The Site will be developed as a parking facility to provide access to the adjacent walking/biking Empire State Trail.

Site Eligibility: The Site, also known as SBL 119.27-1-13, 119.27-1-14 and 119.27-1-15 received EPA site eligibility approval on May 7, 2024.

Subgrantee Eligibility: Herkimer County, the current property owner acquired the site through foreclosure due to tax delinquency on April 5, 2024.

Existing Environmental Assessment Reports/Nature and Extent of Contamination:

Phase I ESA (July/August 2022) – HRP Associates, Inc.: A Phase I ESA was performed at the Site on behalf of the Herkimer County Industrial Development Agency to satisfy due diligence prior to site acquisition. The Site is identified on NYS Department of Environmental Conservation databases for underground, above-ground tanks and inactive petroleum bulk storage. No tank closure documents were identified. The report also identified the potential risks for asbestos containing materials and lead-based paint to be high. Furthermore, access to the interior of the building was limited due to obstruction and safety concerns due to the building's condition.

Limited Phase II ESA (August 2022) – HRP Associates, Inc.: The scope of this assessment included the completion of a ground penetrating radar (GPR) survey, the installation of six on-site soil borings and two temporary groundwater monitoring wells, the laboratory analysis of five soil samples and two groundwater samples. Results indicated that a 10,000 gallon gasoline UST, a 6,000 gallon gasoline UST, and a 4,000 gallon gasoline UST and are likely still present at the site. Recommendations focused on the excavation and removal of the USTs and if found, any petroleum soils impacted.

Asbestos Building Inspection and Pre-Demolition Building Survey (April 3, 2024) – A2Z Environmental LLC: The survey identified Asbestos Containing Materials (ACM) contained deteriorated heating duct wrap and / or other friable asbestos at the site.

Existing Remedial Action Workplan/Contamination to be Addressed: The buildings are slated for demolition due to its poor condition. While no structural evaluation report was provided, documentation regarding the structural integrity of the on-site buildings was provided in the form of a Town of Frankfort Code Department Demolition Determination (September 9, 2024), a copy of which is attached to this memo. ACM abatement is needed to ready the site for redevelopment. It should be noted that a formal remedial action workplan document is likely not required due the remediation addressing ACM vs. soil or groundwater contamination which have different regulatory oversight frameworks. However, a remedial action work plan prepared by HRP (July 30, 2024) was provided by Herkimer County

The closure of the gasoline USTs is being performed by the NYS Office of Comptroller Abandoned Gasoline Station Program.

Consultation with Project's Consultant: The environmental consultant on the project is Thomas



Seguljic, PE, PG of HRP Associates, Inc. Work would be performed by the sub-grant applicant, Herkimer County.

Estimate for Remediation / Project Expense Eligibility: The applicant is requesting a \$100,000 subgrant for the demolition and comingled disposal of the ACM. A detailed and reasonable cost estimate for conducting the ACM abatement in conjunction with demolition of the structures was provided (\$99,050). Given it was determined that the demolition needs to be conducted to facilitate the removal of the ACM due to structural integrity issues associated with the buildings, the proposed use of funding would be eligible under the Brownfields RLF program.

Additional EPA RLF programmatic requirements did not appear to be included in the detailed cost estimate such as such as development of the Analysis of Brownfield Cleanup Alternatives (ABCA), community outreach, development of a Quality Assurance Project Plan (QAPP) should sample collection and analysis be required for the remediation, etc. If needed, MVEDGE will perform these programmatic requirements as a Cooperative Agreement programmatic contractual cost.

Project Schedule: It appears that the applicant is in a position to complete the proposed project in a timely manner. Upon closing of the subgrant, work could be able to begin and be completed within six months to a year after receipt of notice to proceed.

Needed Permits and Permit Status: The project is likely to require local permits for demolition as well as a NYS Department of Labor approval of a variance for demolishing the building with the ACM in place.

Federal Cross-cutting Requirements- National Historic Preservation Act (Section 106) /Endangered Species Act/Clean Water Act (Section 404): The Site has no known historic assets and fish, wildlife or plants that will be threatened by the proposed construction. Redevelopment of the Site as a recreation access area is not expected to impact any wetlands.

Proposed Reuse: Per information provided in the RLF Application, The Site is to be redeveloped as a recreation access parking area for the Empire State Trail, a 750-mile biking and walking trail that connects NYC to Buffalo. The Site is located at the entrance to an off-road segment that parallels the Erie Canal, going east to Little Falls. The Site, the trail follows Rt. 5 South (Acme Road) west to Utica.

Applicable Local Planning Compliance: This project aligns with the Herkimer County 2022 Community Development Strategic Plan, “vacant and blighted properties are both a key problem and key opportunity for improvement” for its villages and main streets.

Additional Funding Previously or Proposed for Remediation: As previously indicated, the closure of the gasoline USTs is being performed by the NYS Office of Comptroller Abandoned



Gasoline Station Program. No associated cost estimates for this work were provided.

Redevelopment Funding Sources Attained / Applied For:

The Empire State Trail Plan (June 2018) led to an investment of \$200 million dollars in the fiscal year 2017–2018 state budget—demonstrating the state’s commitment to completing the trail and supporting the health and economic wellness of communities along the route. According to the Plan, a \$1 investment in trails will yield \$3 in medical benefits. What’s more, tourism generated from the trail will support the region’s economic growth; trail users of the two backbone trails generate \$274 million in annual economic impact, with that number expected to grow.

EPA Requisite Benefits for Subgrant Projects:

The project does provide for realized subgrant project benefits.

1. The extent to which the grant will facilitate the creation of, preservation of, or addition to a park, greenway, undeveloped property, recreational property, or other property used for nonprofit purposes;

The EPA funded work will remove a blighted property in a highly visible location among residential properties and along a major recreational trail.

2. The extent to which the grant will meet the needs of a community that has the inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield site is located because of the small population or low income of the community.

Herkimer NY is a rural county of over 1,400 square miles with a population of 60,139 that has experienced job and population loss since the 1970s. The resulting decline in tax base makes EPA support critical to the funds the county needs to address this brownfield and create a recreational asset that attracts visitors from across the state.

3. The extent to which the grant will facilitate the use or reuse of existing infrastructure.

The Site is located on the Empire State Trail (Acme Road) 200 feet from an exit off route 5 South, a state highway that connects the area to the NYS Thruway (I-90) and Utica. This connectivity makes the Site attractive for its planned reuse.

Overall Sense of Readiness/Issues to be Noted: Given the above-mentioned eligibility of the both the subject site and the applicant, this project appears to be ready to receive funding with work that can begin immediately once the notice to proceed is issued. In conclusion, we note the following:



- *Justification for Funding Demolition:* Documentation regarding the structural integrity of the on-site buildings was provided. The EPA RLF funding of demolition / ACM Abatement in place is needed to effectuate the remediation effort at the site.
- *Potential Funding Gap:* Additional activities (ABCA, outreach, etc.) will be required to comply with the EPA RLF programmatic requirements. These activities can be performed by MVEDGE in order to stretch the proposal subgrant award for the project.
- *Committed Non-Federal Match:* The UST closures being performed under the NYS Abandoned Gasoline Station Program could potentially serve as match if it is able to be confirmed that 1) the funding is not related to a federal funding source and 2) the work being performed is compliant with Davis Bacon Act requirements. Otherwise, no match has been identified for the project. However, leveraged funds through several partnerships and funding sources for the redevelopment of the site have been committed.
- *Procurement Review:* Procurement will be conducted by Herkimer County.
- *Ability to Complete Remediation:* There do not appear to be any major impediments to conducting the proposed remediation.
- *Regulatory Approvals:* The NYSDOL variance and the local approvals for demolition should be provided prior to payout of any on-site work.



Town of Frankfort Code Department
201 Third Ave.
Frankfort, NY. 13340
Phone 894-0922
Email- tofcodes@townoffrankfort.com

Code Officers

Mishole Spaman
Jerry Meyers

Plumbing Inspector

Hill Riesel

Date September 9, 2024

Additional Structure Inspection for the purpose of Demolition determination.

Property Location: 4360 Acme Rd
Frankfort NY 13340
Tax Map ID: 119.27-1-13
SWIS #: 212689
Owner of Record: Herkimer County
109 Mary St
Herkimer, NY 13350-1998

On Sept 6, 2024 a Interior inspection of the building located at the above address was performed to further determine its structural integrity. In addition to the previously reported building conditions, the following structural deficiencies were noted;

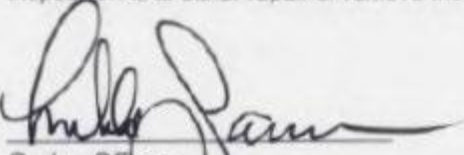
Access was gained to the basement where the following conditions were noted in the cement block walls;

- North wall shows significant cracking
- East wall exhibits cracking with significant separation of 2-3" of the mortar joints and inward deflection of the wall.
- South and West walls are severely damaged due to external pressures resulting in soil intrusion and partial collapse of both walls.

Herkimer County IDA has also provided Letter dated May 5, 2024 from HRP Associates with a summary of presence of Asbestos materials which require remediation as outlined.

Disposition: Town of Frankfort Codes Chapter 32-2

The building has been posted as "Unsafe" with placards. The Town of Frankfort Codes Departments disposition is to either repair or remove the above structure.


Codes Officer
Mishole Spaman


Code Officer
Jerry Meyers