



Department of  
Environmental  
Conservation

BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION FORM

**SUBMITTAL INSTRUCTIONS:**

1. Compile the application package in the following manner:
  - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
  - b. one individual file (PDF) of each previous environmental report; and,
  - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

**Please select only ONE submittal method – do NOT submit both email and ground mail.**

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service.  
(<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: "BCP Application NEW - \*Proposed Site Name\*"
- Email your submission to [DESiteControl@dec.ny.gov](mailto:DESiteControl@dec.ny.gov) – **do NOT copy Site Control staff.**

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:  
Chief, Site Control Section  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**PROPOSED SITE NAME:**

**Is this an application to amend an existing BCA with a major modification?** Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C633093

☒

Yes

☐

No

EB  
2/6/24



Department of  
Environmental  
Conservation

**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION FORM**

BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **411 Columbia Street Redevelopment Site**

ADDRESS/LOCATION **411 Columbia Street**

CITY/TOWN **Utica**

ZIP CODE **13502**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **City of Utica**

COUNTY **Oneida**

SITE SIZE (ACRES) **1.09**

LATITUDE

LONGITUDE

43

06

11.61

-75

14

17.48

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage
411 Columbia Street, Utica, New York 13502	318.41	2	38	1.09

1. Do the proposed site boundaries correspond to tax map metes and bounds?  
If no, please attach an accurate map of the proposed site including a metes and bounds description.

Y

N

☒

☐

2. Is the required property map included with the application?  
(Application will not be processed without a map)

☒

☐

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)

☒

☐

If yes, identify census tract: 203

Percentage of property in En-zone (check one): 0% ☐ 1-49% ☐ 50-99% ☐ 100% ☒

4. Is the project located within a disadvantaged community?  
See application instructions for additional information.

☒

☐

5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.

☐

☒

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)?  
If yes, identify names of properties and site numbers, if available, in related BCP applications:

☐

☒



SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <u>Easement/Right-of-Way Holder</u>  <small>1. A private right-of-way 2. Concrete walk 3. Utility Rights, easements, and encroachments. 4. Antonina Tichena right of way granted and recorded</small> </div> <div style="width: 45%;"> <u>Description</u>  <small>1. exists along the southerly portion of the property 2. located along the easterly and northerly property boundary lines 3. As necessary for utility poles, wires, lines, guy wires, pipes, drains, and similar installations, together with such rights as may exist to operate, maintain and repair the same. 4. Right of way to Antonina Tichena dated January 10, 1939 and recorded on March 25, 1939 in Liber 987 of Deeds at page 339</small> </div> </div>		<input checked="" type="radio"/>	<input type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"><u>Type</u></div> <div style="width: 30%;"><u>Issuing Agency</u></div> <div style="width: 30%;"><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b>			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category. <b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b> <b>Initials of each Requestor:</b> <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <span>BB</span> <span></span> <span></span> <span></span> <span></span> <span></span> <span></span> </div>			

## SECTION II: Project Description

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☐ IRM ☒ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

## SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? Central Business District

2. What uses are allowed by the property's current zoning (select all that apply)?

Residential ☒ Commercial ☒ Industrial ☒

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.  
Is this summary included with the application?

Y ☒ N ☐

5. Reasonably anticipated post-remediation use (check all that apply):

Residential ☒ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing?

N/A ☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

☒ ☐

7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

☐ ☒

8. Do current and/or recent development patterns support the proposed use?

☒ ☐

9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?  
Please provide a brief explanation. Include additional documentation if necessary.

☒ ☐



#### SECTION IV: Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation. To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application?

☒ YES

☐ NO

4. Indicate Past Land Uses (check all that apply):

<input type="checkbox"/> Coal Gas Manufacturing	<input type="checkbox"/> Manufacturing	<input type="checkbox"/> Agricultural Co-Op	<input type="checkbox"/> Dry Cleaner
<input type="checkbox"/> Salvage Yard	<input type="checkbox"/> Bulk Plant	<input type="checkbox"/> Pipeline	<input checked="" type="checkbox"/> Service Station
<input type="checkbox"/> Landfill	<input type="checkbox"/> Tannery	<input type="checkbox"/> Electroplating	<input type="checkbox"/> Unknown

Other: Property had a used car sales/service operation, including a paint booth.

BB  
2/6/24

**SECTION V: Requestor Information**

NAME Utica Med Building, LLC

ADDRESS 6308 Fly Road

CITY/TOWN East Syracuse

STATE NY

ZIP CODE 13057

PHONE (315) 432-9400

EMAIL bbowers@aeccggroup.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>	<input checked="" type="radio"/>	<input type="radio"/>

**SECTION VI: Requestor Eligibility**

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

## SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
<b>PARTICIPANT</b> <input type="checkbox"/> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<b>VOLUNTEER</b> <input checked="" type="checkbox"/> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p><b>If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.</b></p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		



**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

☐ Previous Owner ☒ Current Owner ☐ Potential/Future Purchaser ☐ Other: \_\_\_\_\_

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

Is this proof attached?



Yes



No



N/A

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Bryan Bowers

ADDRESS 6308 Fly Road

CITY East Syracuse

STATE New York

ZIP CODE 13057

PHONE (315) 432-9400

EMAIL bbowers@aeccgroup.com

REQUESTOR'S CONSULTANT (CONTACT NAME) George Fischer

COMPANY Asbestos &amp; Environmental Consulting Corporation

ADDRESS 6308 Fly Road

CITY East Syracuse

STATE New York

ZIP CODE 13057

PHONE (315) 432-9400

EMAIL gfischer@aeccgroup.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Michael Fogel

COMPANY Fogel &amp; Brown, P.C.

ADDRESS 120 Madison Street

CITY Syracuse

STATE New York

ZIP CODE 13202

PHONE (315) 399-4343

EMAIL mfogel@fogelbrown.com

**SECTION VIII: Program Fee**

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application?	N/A <input checked="" type="radio"/>	<input type="radio"/>

**SECTION IX: Current Property Owner and Operator Information**

CURRENT OWNER Utica Med Building, LLC

CONTACT NAME Bryan Bowers

ADDRESS 6308 Fly Road

CITY East Syracuse

STATE New York

ZIP CODE 13057

PHONE (315) 432-9400

EMAIL bbowers@aeccgroup.com

OWNERSHIP START DATE 3/31/2023

CURRENT OPERATOR Vacant-no current operator

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

**SECTION X: Property Eligibility Information**

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION X: Property Eligibility Information (continued)**

	Y	N
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____  Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.  <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION XI: Site Contact List**

To be considered complete, the application must include the Brownfield Site Contact List in accordance with *DER-23: Citizen Participation Handbook for Remedial Programs*. Please attach, at a minimum, the names and mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.



## SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of Utica Med Building, LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 02/06/2024 Signature: 

Print Name: Bryan Bowers

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR  
DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

## FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 15**

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
Upside down	<input type="radio"/>	<input type="radio"/>
Underutilized	<input type="radio"/>	<input type="radio"/>

**From ECL 27-1405(31):**

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
  - (1) the proposed use is at least 75 percent for industrial uses; or
  - (2) at which:
    - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
    - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
    - (iii) one or more of the following conditions exists, as certified by the applicant:
      - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
      - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
      - (c) there are no structures.

“Substantial government assistance” shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

**Check appropriate box below:**

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available\*
- \*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☐ This is not an Affordable Housing Project

**From 6 NYCRR 375-3.2(a) as of August 12, 2016:**

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.



**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)**

6. Is the site a planned renewable energy facility site as defined below?

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

**From ECL 27-1405(33) as of April 9, 2022:**

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

**From Public Service Law Article 4 Section 66-p as of April 23, 2021:**

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - \*Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

**From ECL 75-0111 as of April 9, 2022:**

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.



February 6, 2024

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, New York 12233

**RE: Supplemental Information / Documentation for BCP Application Revisions  
411 Columbia Street Redevelopment Site  
411 Columbia Street, City of Utica, New York 13502**

NYSDEC Representative:

Please accept this letter and the associated exhibits as supplemental information and documentation to accompany the Brownfield Cleanup Program Application Revisions (the "BCP Application") for the 411 Columbia Street Redevelopment Site (the "Site"), located at 411 Columbia Street, in the City of Utica, New York 13502. The following exhibits address the requests for information and documentation requested within the BCP Application:

**SECTION I: PROPERTY INFORMATION**

- Exhibit 1.....Figure 1, Oneida County Tax Map
- Exhibit 2.....Figure 2, BCP Boundaries Plan
- Exhibit 3.....Figure 3, En-Zone Overlay Plan
- Exhibit 4.....Property Description and Environmental Assessment
- Exhibit 5.....Figure 4, Soil & Groundwater Exceedances

**SECTION II: PROJECT DESCRIPTION**

- Exhibit 6.....Description of Project and Schedule (revised)

**SECTION III: LAND USE FACTORS**

- Exhibit 7.....Summary of Business Operations (revised)
- Exhibit 8.....Post-Remediation Use Summary and Consistency with Zoning and Community Master Plans

**SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY**

- Exhibit 9.....Phase I ESA (Ambient Environmental, Inc.)
- Exhibit 10.....Phase II ESA (Asbestos & Environmental Consulting Corporation)

**SECTION V: REQUESTOR INFORMATION**

- Exhibit 11.....Department of State Printout / List of Owners' Names
- Exhibit 12.....Member Consent Authorization



Supplemental Information / Documentation for BCP Application  
411 Columbia Street Redevelopment Site  
411 Columbia Street, City of Utica, New York 13502

**SECTION VI: REQUESTOR ELIGIBILITY**

Exhibit 13.....Volunteer Statement

**SECTION VII: REQUESTOR CONTACT INFORMATION**

Note: Information contained within BCP Application

**SECTION VIII: PROGRAM FEE**

Note: Information contained within BCP Application

**SECTION IX: CURRENT PROPERTY OWNER INFORMATION**

Note: Information contained within BCP Application

**SECTION X: PROPERTY ELIGIBILITY INFORMATION**

Note: Information contained within BCP Application

**SECTION XI: SITE CONTACT LIST**

Exhibit 14.....Site Contact List (revised)

Exhibit 15.....Document Repository Request

If you require any additional documentation / information, please do not hesitate to contact me directly at AECC's corporate office (315-432-9400).

Sincerely,  
Asbestos & Environmental Consulting Corporation



George Fischer  
Senior Staff Professional

Cc: Michael Fogel, Esq. – Fogel & Brown, DPC  
Bryan Bowers – Utica Med Building, LLC



**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 1**

**Figure 1, Oneida County Tax Map**

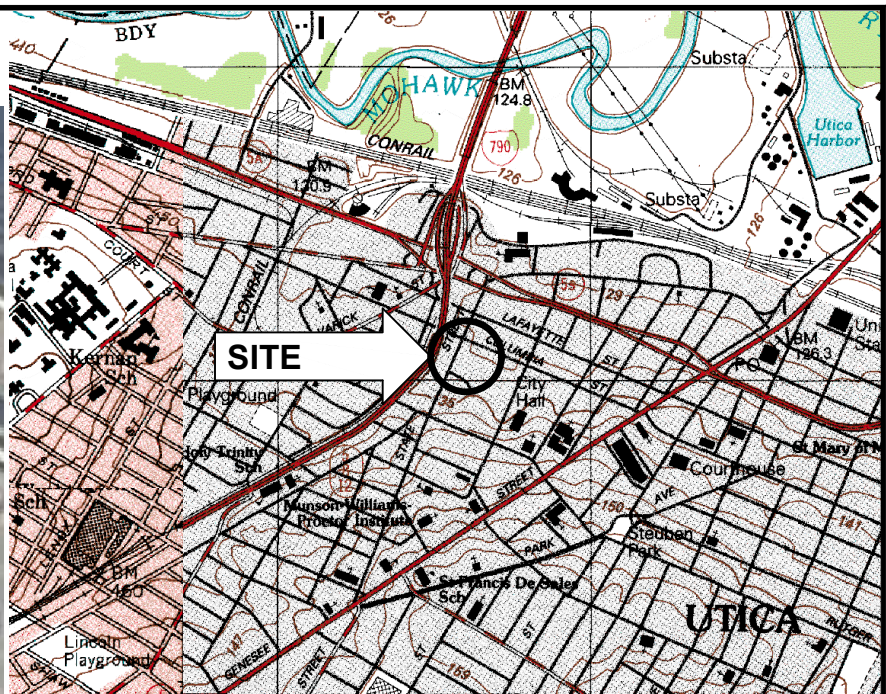


**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 2**

**Figure 2, BCP Boundaries Plan**





**SITE LOCATION**

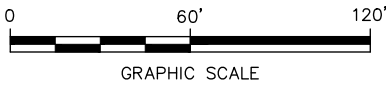


**LEGEND:**

--- BCP BOUNDARY LINES

**NOTES:**

1. AERIAL PHOTOGRAPH FROM GOOGLE EARTH WEBSITE (PHOTO TAKEN OCTOBER, 2017).
2. APPROXIMATE PROPERTY LINE BASED ON ONEIDA COUNTY GIS MAPS.
3. ALL LOCATIONS ARE APPROXIMATE.
4. IMAGES SHOWN OUTSIDE OF PROPERTY BOUNDARY MAY NOT BE ACCURATE, DUE TO MAJOR CONSTRUCTION EVENTS ON THE SURROUNDING PROPERTIES.



THE INFORMATION INCLUDED ON THIS GRAPHIC REPRESENTATION HAS BEEN COMPILED FROM A VARIETY OF SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. AECC MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO ACCURACY, COMPLETENESS, TIMELINESS, OR RIGHTS TO THE USE OF SUCH INFORMATION. THIS DOCUMENT IS NOT INTENDED FOR USE AS A LAND SURVEY PRODUCT NOR IS IT DESIGNED OR INTENDED AS A CONSTRUCTION DESIGN DOCUMENT. THE USE OR MISUSE OF THE INFORMATION CONTAINED ON THIS GRAPHIC REPRESENTATION IS AT THE SOLE RISK OF THE PARTY USING OR MISUSING THE INFORMATION.



**AECC**  
ENVIRONMENTAL CONSULTING

Asbestos & Environmental  
Consulting Corporation

6308 Fly Road  
East Syracuse, NY 13057

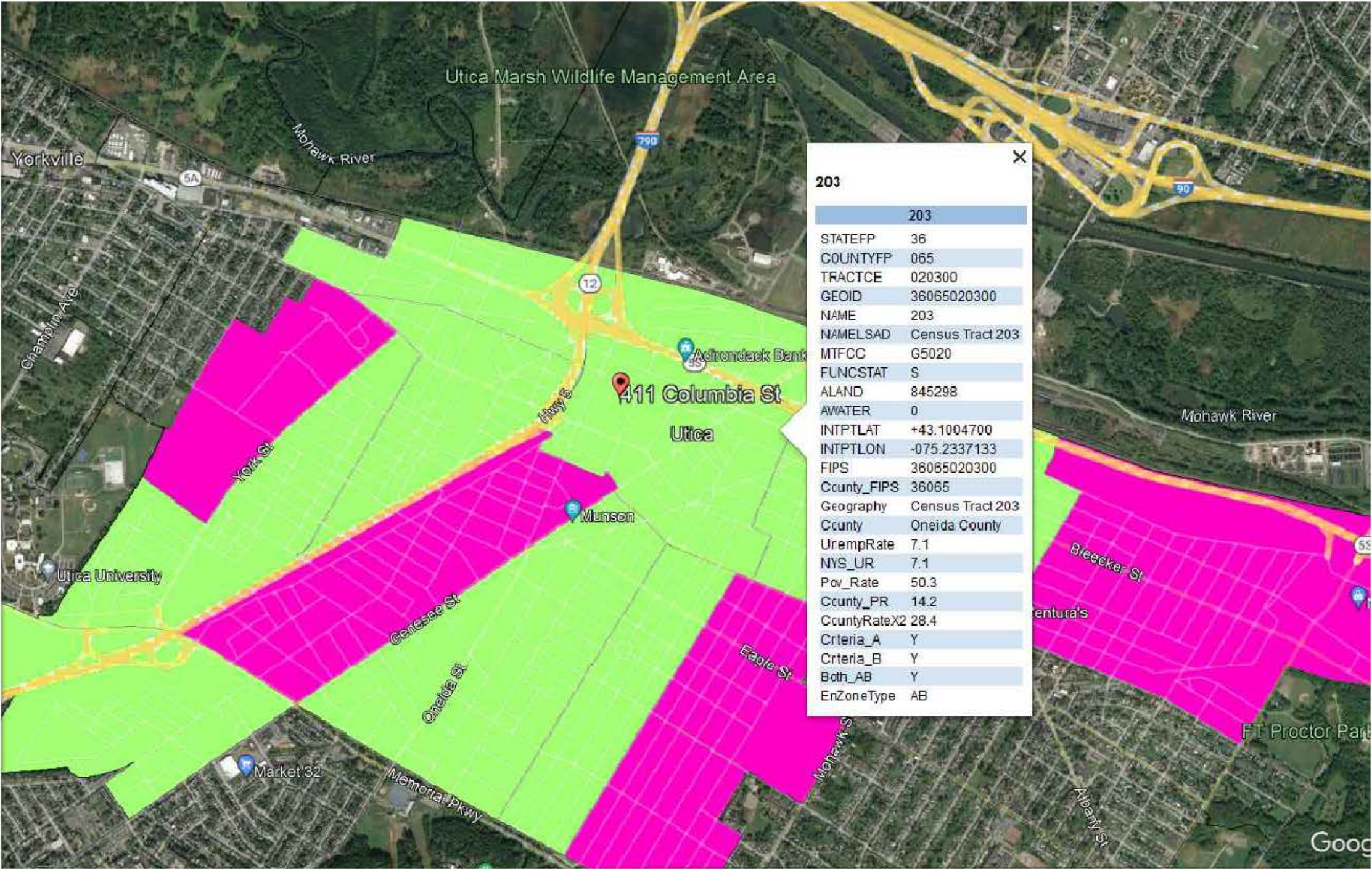
PROJECT NO.	21-015	<b>411 COLUMBIA STREET REDEVELOPMENT SITE</b> <b>411 Columbia Street</b> <b>Utica, New York 13502</b>	<b>FIGURE</b>  <b>2</b>
DRAWN:	JAN. 2024		
DRAWN BY:	WF		
CHECKED BY:	BB		
		BCP BOUNDARIES PLAN	



**EXHIBIT 3**

**Figure 3, En-Zone Overlay Plan**





THE INFORMATION INCLUDED ON THIS GRAPHIC REPRESENTATION HAS BEEN COMPILED FROM A VARIETY OF SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. AECG MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO ACCURACY, COMPLETENESS, TIMELINESS, OR RIGHTS TO THE USE OF SUCH INFORMATION. THIS DOCUMENT IS NOT INTENDED FOR USE AS A LAND SURVEY PRODUCT NOR IS IT DESIGNED OR INTENDED AS A CONSTRUCTION DESIGN DOCUMENT. THE USE OR MISUSE OF THE INFORMATION CONTAINED ON THIS GRAPHIC REPRESENTATION IS AT THE SOLE RISK OF THE PARTY USING OR MISUSING THE INFORMATION.



**AECG**  
Asbestos & Environmental  
Consulting Corporation  
6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO.	21-015
DRAWN:	JAN. 2024
DRAWN BY:	WF
CHECKED BY:	BB

**411 COLUMBIA STREET REDEVELOPMENT SITE**  
**411 Columbia Street**  
**Utica, New York 13502**

EN-ZONE OVERLAY PLAN



**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 4**

**Property Description and Environmental Assessment**

## **PROJECT DESCRIPTION NARRATIVE & ENVIRONMENTAL ASSESSMENT**

### **411 COLUMBIA STREET REDEVELOPMENT SITE 411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

#### **Project Location**

The 1.09± acre 411 Columbia Street Redevelopment Site (Site) is located at 411 Columbia Street, in the City of Utica, Oneida County, New York. The Site is situated between Columbia Street, Court Street, Cornelia Street, and State Street. Surrounding properties are generally commercial (medical); however, an affordable housing apartment building is also adjacent to the property.

The property (Tax ID #318.41-2-38) may be found on Oneida County Tax Map Section 318, available at <https://www.arcgis.com/apps/webappviewer/index.html?id=18e988c601f54b62a60f36f39fce5a92>

A copy of the tax map may be found in Exhibit 1. The property metes and bounds description is as follows:

*All that piece or parcel of land situate in the City of Utica, County of Oneida and State of New York bounded and described as follows: Beginning at a point in the southerly line of Columbia Street, said point being located distant 187.16 feet southeasterly from the southeast corner of Columbia Street and State Street, and being more particularly shown as the northwesterly corner of Parcel 1-D-3 on a Map No. 1320 dated March 21, 1973 entitled "MAP OF PROPERTY BELONGING TO THE UTICA URBAN RENEWAL AGENCY PROJECT NO. 1 UTICA, N.Y.", and filed in the City Engineering Department and the Oneida County Clerk's Office Utica, New York; running the southeasterly along the southerly line of Columbia Street a distance of 223.74 feet to a point marking the Northeastly Corner of Parcel 1-D-3 above referred to; thence southwesterly forming an interior angle of 89 deg. 54 min. 20 sec. with the last described line and along the easterly line of said Parcel 1-D-3 and along the westerly line of Property belonging to MEELAN RUG CO., INC., as shown on the above referred to map a distance of 212.0 feet to a point marking the southeasterly corner of the hereindescribed parcel of land, said point being also in the northerly line property belonging to the NEW YORK STATE URBAN DEVELOPMENT CORPORATION as shown on the above referred to map; thence northwesterly forming an interior angle of 90 deg. 05 min. 40 sec. with the last described line and along the southerly line of said parcel 1-D-3 a distance of 223.68 feet to a point marking the southwesterly corner of said parcel 1-D-3; thence northeasterly forming an interior angle of 89 deg. 55 min. 30 sec. with the last described line and along the westerly line of said parcel 1-D-3 a distance of 212.0 feet to the place of beginning. Cont. 47-427.42 sq. ft.*

#### **Site Features**

The Site currently consists of a vacant building (former plumbing supply) consisting of approximately 10,400 square feet of gross floor area. The building is a single story, slab-on-grade structure. The building footprint comprises approximately 25% of the Site.

#### **Current Zoning & Land Use**

The Site is currently vacant and located within the Central Business District. Since the proposed re-development project (medical office building with possible apartments on the upper floors), future development plans will not require a zoning change; however, they will be consistent with future land use and sustainability plans within the City of Utica's Urban and Economic Development Plans.

#### **Past Uses of the Site**

The following history of operators of the Site was compiled during a 2021 Phase I Environmental Site Assessment, completed prepared by Ambient Environmental, Inc, which included the following sources: historical Sanborn fire insurance maps, a review of pertinent background and historical information, an evaluation of physical setting sources, interviews with persons knowledgeable of the property, a review of environmental records, photographic documentation and property detail reports found on the Oneida County real property website.



<b>Time Period</b>	<b>Former Operator Information</b>
1883-1925	Lutheran Church and Sunday School
1925-1950	Vacant
1950-1970	Used Car Business
1970-1973	Vacant
1973-2023	JP O'Brien Plumbing Supply
2023-current	Vacant – purchased by Utica Med Building, LLC on March 31, 2023

Since March 31, 2023, the Site has been owned by Utica Med Building, LLC, the entity submitting this Brownfield Cleanup Application.

### **Site Geology & Hydrogeology**

The Site is situated at an elevation of approximately 430 feet above mean sea level and is generally flat. The surrounding areas are also relatively flat. The nearest surface water feature is the Mohawk River, located approximately 0.5 miles northeast of the Site. The former Chenango Canal existed west of the site and used to be connected to the Erie Canal (just north of the Site).

According to the USDA online soil survey database, the soil at the Site is considered Urban Land. The term Urban Land indicates that a significant portion of the Site is covered by impervious surface (i.e., buildings, pavement), or that the soils have been significantly altered by past development activities. The characterization of Site soils as Urban Land is not unexpected given the industrial / urban history of the Site and surrounding areas.

According to the New York State Geological Survey - Surficial Geologic Map of New York (Hudson Mohawk Sheet), the native soil overburden materials consist primarily of lacustrine and outwashed sands and gravels, associated with proglacial lake deposition. They are usually calcareous and laminated, with variable thicknesses up to 60 feet.

The New York State Geological Survey - Geologic Map of New York (Finger Lakes Sheet) reveals that the bedrock in the area of the Site is generally shale (within the Trenton group – Middle Ordovician in age). Shale bedrock was observed to be present at 26-40 feet below ground surface, as determined during geotechnical borings completed at the Site.

There are no surface waters or wetlands on-or-in the immediate vicinity of the Site.

### **Environmental Assessments**

It is recommended that the reader refer to the Site Drawings in Part A - Section III.3 and the Historical Environmental Summary Report in Part A - Section III.1 of the attachments to this BCP Application. The following environmental assessments and investigations have occurred at the Site:

Phase I ESA - A 2021 Phase I ESA prepared by Ambient Environmental, Inc. This report described one (1) recognized environmental condition (REC) associated with the subject property. The one REC identified was the presence of multiple reported spills at a property (gas station) proximate to the Site.

Phase II ESA - In order to address the REC presented in the Phase I ESA, the Asbestos & Environmental Consulting Corporation (AECC) conducted a Phase II ESA in 2023. The Phase II ESA included:

- Soil Boring & Sampling Activities - During the period of March 1-3, 2023, a total of eight (8) borings were advanced to a depth of 26-40 feet below ground surface (bgs), as follows:
  - Three (3) borings were advanced on the west side of the building near the property line,
  - One (1) boring was advanced in the parking area (just west of the building), and
  - Four (4) borings were advanced in proximity to each corner of the building.

The soil samples collected for laboratory analysis were selected based upon field observations encountered at each location. In general, soil samples were collected from surface soils (directly beneath the vegetative or asphalt / sub-base layers) as well as from the boring interval exhibiting the highest PID response; however, if no PID response was observed, the subsurface sample was collected from the interval directly above the groundwater interface or from within layers exhibiting characteristics of “fill” materials. During soil boring activities, sixteen (16) samples were collected at various depths and submitted for volatile organic compound (VOC), semi-volatile organic compound (SVOC), metals, and polychlorinated biphenyls (PCBs) analysis.

- Surficial Soil Sampling Activities - On April 5, 2023, five (5) surficial soil samples were collected beneath the vegetative layer (within the interval of 0-6” bgs). These samples were submitted for SVOC and metals analysis.
- Groundwater Sampling Activities - Temporary groundwater monitoring wells were installed at the three (3) locations. On April 4, 2023, the temporary wells were developed and sampled; however, only two (2) wells properly developed for sampling purposes. These samples were submitted for VOC, SVOC, metals, and PCBs analysis.

Specific SVOCs and metals exceeding their respective Unrestricted Soil Cleanup Objectives (USCOs) were detected in soils (see Tables 1, 2, 3 & 4) at multiple locations and at various depths. In addition, specific metals exceeding their respective Ambient Water Quality Standard (AWQS) were detected in the two (2) groundwater samples collected (see Table 5).

**INTENTIONALLY LEFT BLANK**

**Table 1: Soil Exceedances of USCOs**

Compound	SB-01 0-6" 3/1/2023	SB-01 2-3' 3/1/2023	SB-02 0-6" 3/2/2023	SB-02 5-6' 3/2/2023	SB-03 6-12" 3/1/2023	SB-03 7-8' 3/1/2023
Benzo[a]anthracene	1.40	ND	6.20	0.92	0.52	ND
Benzo[a]pyrene	1.90	ND	8.10	1.10	0.58	ND
Benzo[b]fluoranthene	2.20	ND	8.20	1.10	0.68	0.03
Benzo[k]fluoranthene	0.98	ND	4.20	0.64	0.28	ND
Chrysene	1.60	ND	5.50	0.86	0.59	ND
Dibenz[a,h]anthracene	ND	ND	1.20	0.20	ND	ND
Indeno[1,2,3-cd]pyrene	0.75	ND	4.70	0.72	0.25	ND
2-Methylnaphthalene	ND	ND	ND	ND	ND	ND
Arsenic	9.8	6.0	19.2	11.7	12.0	9.6
Barium	372	246	1050	224	138	35.7
Chromium, Total	14.8*	15.5*	22.3*	19.8*	20.0*	11.8*
Copper	32.8	18.1	48.8	45.1	50.9	26.0
Iron	20900	20700	47300	24800	26800	19300
Lead	206	39.4	4710	713	364	12.8
Manganese	4210	3520	2330	1580	741	446
Mercury	0.53	0.11	2.90	1.0	0.64	0.02
Zinc	117	59.9	190	133	159	61.7

**Table Notes**

All results presented in mg/kg (ppm)

\* - The SCO for chromium is represented as "hexavalent chromium / trivalent chromium" – any result <1 may be an exceedance of the USCO

Dark Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Orange: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Yellow: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Light Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Green: Value exceeds NYS Part 375 Unrestricted Soil Cleanup Objective

BOLD: Value exceeds NYS Part 375 Protection of Groundwater Standard

**Table 2: Soil Exceedances of USCOs**

Compound	SB-04 6-12" 3/2/2023	SB-04 8-10' 3/2/2023	SB-05 6-12" 3/2/2023	SB-05 5-6' 3/2/2023	SB-06 6-12" 3/1/2023	SB-06 4-5' 3/1/2023
Benzo[a]anthracene	ND	0.42	63.00	2.40	ND	ND
Benzo[a]pyrene	ND	0.45	76.00	3.00	ND	ND
Benzo[b]fluoranthene	ND	0.51	81.00	3.50	ND	ND
Benzo[k]fluoranthene	ND	ND	44.00	1.70	ND	ND
Chrysene	ND	ND	59.00	2.40	ND	ND
Dibenz[a,h]anthracene	ND	ND	10.00	ND	ND	ND
Fluoranthene	ND	0.81	180.00	6.20	ND	ND
Indeno[1,2,3-cd]pyrene	ND	0.28	38.00	1.70	ND	ND
2-Methylnaphthalene	ND	ND	ND	ND	ND	ND
Pyrene	ND	0.71	130.00	4.80	ND	ND
Arsenic	8.3	3.7	3.3	8.1	5.5	13.4
Barium	57.7	105	17.3	46.2	54.8	55.9
Chromium, Total	16.3*	16.4*	10.9*	11.6*	16.0*	12.4*
Copper	33.5	35.5	6.6	21.9	27.2	26.0
Iron	21000	25700	4420	18600	10500	37000
Lead	24.8	76.8	8.6	22.4	79.0	13.8
Manganese	570	421	246	356	243	544
Mercury	0.045	0.092	0.011	0.058	0.12	0.027
Zinc	71.2	120	37.4	49.6	48.8	72.1

**Table Notes**

All results presented in mg/kg (ppm)

\* - The SCO for chromium is represented as "hexavalent chromium / trivalent chromium" – any result &lt;1 may be an exceedance of the USCO

Dark Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Orange: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Yellow: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Light Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Green: Value exceeds NYS Part 375 Unrestricted Soil Cleanup Objective

BOLD: Value exceeds NYS Part 375 Protection of Groundwater Standard



**Table 3: Soil Exceedances of USCOs**

Compound	SB-07 0-6" 3/3/2023	SB-07 8-8.5" 3/3/2023	SB-08 12-18" 3/3/2023	SB-08 8-9" 3/3/2023	SB-09-SS 0-6" 4/5/2023	SB-10-SS 0-6" 4/5/2023
Benzo[a]anthracene	0.72	0.21	ND	ND	ND	ND
Benzo[a]pyrene	0.79	0.19	ND	ND	0.70	0.69
Benzo[b]fluoranthene	0.98	0.22	ND	ND	0.81	0.88
Benzo[k]fluoranthene	0.39	0.10	ND	ND	0.39	0.36
Chrysene	0.82	0.21	ND	ND	0.69	0.70
Dibenz[a,h]anthracene	ND	0.04	ND	ND	ND	ND
Indeno[1,2,3-cd]pyrene	0.41	0.10	ND	ND	0.47	0.50
2-Methylnaphthalene	ND	ND	ND	ND	ND	ND
Arsenic	8.2	7.0	2.1	6.4	21.0	6.5
Barium	107	40.7	7.3	85.4	85.4	72.2
Chromium, Total	22.7*	12.4*	4.3*	11.2*	30.7*	0.66*
Copper	41.2	26.0	4.8	18.5	40.5	1.3
Iron	25300	23000	2570	16100	19200	23700
Lead	149	11.8	6.4	4.9	87.8	91.7
Manganese	673	368	239	543	730	738
Mercury	0.12	0.064	ND	0.014	0.25	0.21
Nickel	30.5	17.8	3.5	15.5	23.8	32.5
Zinc	103	56.2	8.4	29.3	130	91.7

**Table Notes**

All results presented in mg/kg (ppm)

\* - The SCO for chromium is represented as "hexavalent chromium / trivalent chromium" – any result <1 may be an exceedance of the USCO

Dark Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Orange: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Yellow: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Light Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Green: Value exceeds NYS Part 375 Unrestricted Soil Cleanup Objective

BOLD: Value exceeds NYS Part 375 Protection of Groundwater Standard

**Table 4: Soil Exceedances of USCOs**

Compound	SB-11-SS 0-6" 4/5/2023	SB-12-SS 0-6" 4/5/2023	SB-13-SS 0-6" 4/5/2023
Benzo[a]anthracene	0.52	ND	0.23
Benzo[a]pyrene	0.61	ND	0.42
Benzo[b]fluoranthene	0.67	ND	0.45
Benzo[k]fluoranthene	ND	ND	0.23
Chrysene	0.61	ND	0.31
Dibenz[a,h]anthracene	0.12	ND	ND
Indeno[1,2,3-cd]pyrene	0.41	ND	0.39
2-Methylnaphthalene	ND	ND	ND
Arsenic	7.6	4.4	17.9
Barium	72.2	45.3	73.1
Chromium, Total	17	14.4	15.5
Cobalt	7.4	5.5	51.8
Copper	28.1	20.5	31
Iron	19500	13100	23200
Lead	113	120	184
Manganese	713	354	803
Mercury	0.61	0.052	0.15
Nickel	19.9	20.6	64.6
Zinc	93.9	92.1	97.8

**Table Notes**

All results presented in mg/kg (ppm)

\* - The SCO for chromium is represented as "hexavalent chromium / trivalent chromium" – any result <1 may be an exceedance of the USCO

Dark Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Orange: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Yellow: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Light Blue: Value exceeds NYS Part 375 Industrial Soil Cleanup Objective

Green: Value exceeds NYS Part 375 Unrestricted Soil Cleanup Objective

BOLD: Value exceeds NYS Part 375 Protection of Groundwater Standard

**Table 5: Groundwater Exceedances of AWQS**

Compound	TW-01 4/4/2023	TW-02 4/4/2023
Iron	0.60	0.37
Magnesium	77.3	32.4
Manganese	0.34	0.041
Sodium	83.4	736

**Table Notes:**

All results presented in mg/L

Red: Sample exceeds New York TOGS 111 Ambient Water Quality Standard

## **Conclusions**

AECC presents the following conclusions regarding the prior environmental assessments and investigations relative to the Site:

- The Site is a 1.09± acre parcel of land, which historically supported several different businesses in a very industrial / urban section of the City of Utica, including a used car sales / service operation.
- The current plan for redevelopment involves the construction of a medical office building, with the possibility of residential apartment units on the upper floors.
- The Phase I ESA, completed by Ambient Environmental, discussed the potential for the Site to be impacted due to a Recognized Environmental Condition. As such, a Phase II ESA was conducted.
- Phase II laboratory results show that SVOC and metals contamination are present in soils across the Site and at various depths. This includes exceedances of industrial SCOs at multiple locations. In addition, metals contamination was found in both groundwater samples.
- Due to the known contamination in soils exceeding Unrestricted SCOs and groundwater exceeding the New York TOGS 111 Ambient Water Quality Standard, the Site appears to meet the criteria for acceptance into the New York State Brownfield Cleanup Program.

**EXHIBIT 5**

**Figure 4, Soil & Groundwater Exceedances**



TW-01 4/4/2023	
Iron	0.60
Magnesium	77.3
Manganese	0.34
Sodium	83.4

SB-05-6-12" 3/2/2023	
Benzo[a]anthracene	63
Benzo[a]pyrene	76
Benzo[b]fluoranthene	81
Benzo[k]fluoranthene	44
Chrysene	59
Dibenz[a,h]anthracene	10.00J
Fluoranthene	180
Indeno[1,2,3-cd]pyrene	38
Pyrene	130
Iron	4420 *

SB-05-5-6' 3/2/2023	
Benzo[a]anthracene	2.40 J F1 F2
Benzo[a]pyrene	3.00 J F1 F2
Benzo[b]fluoranthene	3.50 J F2
Benzo[k]fluoranthene	1.70 J
Chrysene	2.40 J F1 F2
Indeno[1,2,3-cd]pyrene	1.70 J
Iron	18600 *

SB-02-0-6" 3/2/2023	
Benzo[a]anthracene	6.2
Benzo[a]pyrene	8.1
Benzo[b]fluoranthene	8.2
Benzo[k]fluoranthene	4.2
Chrysene	5.5
Dibenz[a,h]anthracene	1.20J
Indeno[1,2,3-cd]pyrene	4.7
Mercury	2.9
Arsenic	19.2
Barium	1050
Iron	47300 *
Lead	4710
Manganese	2330 B
Zinc	190

SB-02-5-6' 3/2/2023	
Indeno[1,2,3-cd]pyrene	0.72
Benzo[a]pyrene	1.1
Benzo[b]fluoranthene	1.1
Mercury	1.0
Iron	24800*
Lead	713
Zinc	133

SB-11-SS-0-6" 4/5/2023	
Iron	19500 B *
Mercury	0.61 F1 F2
Lead	113 B

SB-03-6-12" 3/1/2023	
Mercury	0.64
Copper	50.9
Iron	26800 *
Lead	364
Zinc	159

SB-03-7-8' 3/1/2023	
Iron	19300 *

THE INFORMATION INCLUDED ON THIS GRAPHIC REPRESENTATION HAS BEEN COMPILED FROM A VARIETY OF SOURCES AND IS SUBJECT TO CHANGE WITHOUT NOTICE. AECC MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, AS TO ACCURACY, COMPLETENESS, TIMELINESS, OR RIGHTS TO THE USE OF SUCH INFORMATION. THIS DOCUMENT IS NOT INTENDED FOR USE AS A LAND SURVEY PRODUCT NOR IS IT DESIGNED OR INTENDED AS A CONSTRUCTION DESIGN DOCUMENT. THE USE OR MISUSE OF THE INFORMATION CONTAINED ON THIS GRAPHIC REPRESENTATION IS AT THE SOLE RISK OF THE PARTY USING OR MISUSING THE INFORMATION.

SB-01 0-6" 3/1/2023	
Benzo[a]anthracene	1.40 J
Benzo[a]pyrene	1.90 J
Benzo[b]fluoranthene	2.20 J
Benzo[k]fluoranthene	0.98 J
Chrysene	1.60 J
Indeno[1,2,3-cd]pyrene	0.75 J
Mercury	0.53 F1
Barium	372
Iron	20900 *
Lead	206
Manganese	4210 B
Zinc	117

SB-01-2-3' 3/1/2023	
Iron	20700 *
Manganese	3520 B

SB-04-6-12" 3/2/2023	
Iron	21000 *
SB-04-8-10' 3/2/2023	
Iron	25700 *
Lead	76.8
Zinc	120

SB-10-SS-0-6" 4/5/2023	
Indeno[1,2,3-cd]pyrene	0.50 J
Iron	23700 B *
Mercury	0.21
Lead	91.7 B
Nickel	32.5 B

SB-07-0-6" 3/3/2023	
Iron	25300 *
Lead	149 F1
Nickel	30.5
SB-07-8-8.5" 3/3/2023	
Iron	23000 *
TW-02 4/4/2023	
Iron	0.37
Sodium	736

SB-09-SS-0-6" 4/5/2023	
Mercury	0.25
Arsenic	21.0
Iron	19200 B *
Lead	87.8 B
Zinc	130

SB-08-12-18" 3/3/2023	
Iron	2570 *

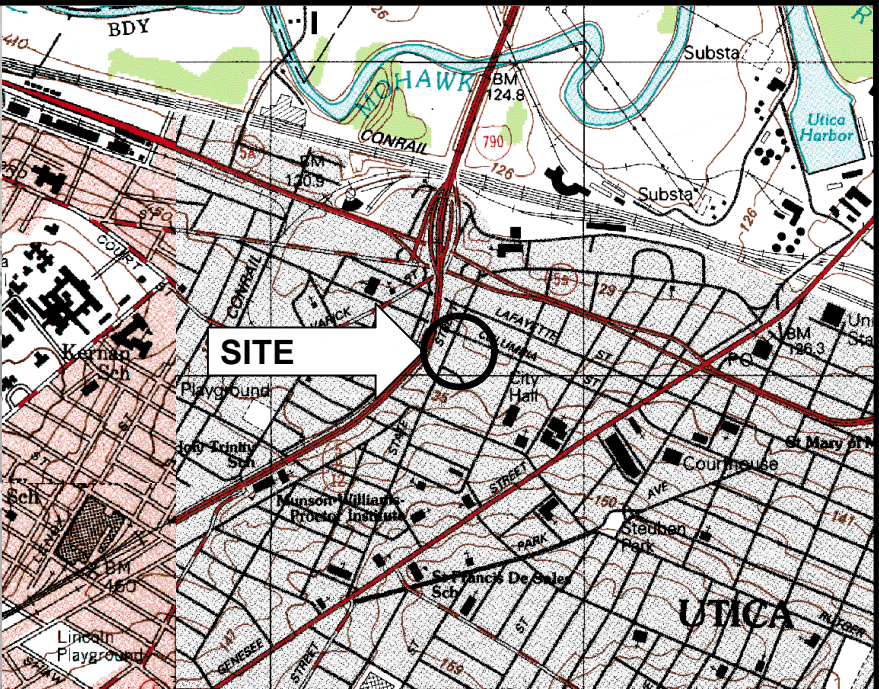
SB-08-8-9' 3/3/2023	
Iron	16100 *

SB-13-SS-0-6" 4/5/2023	
Arsenic	17.9
Cobalt	51.8*
Iron	23200 B *
Lead	184 B
Nickel	64.6 B

SB-12-SS-0-6" 4/5/2023	
Iron	13100 B *
Lead	120 B

SB-06-6-12" 3/1/2023	
Iron	10500 *
Lead	79.0
SB-06-4-5' 3/1/2023	
Arsenic	13.4
Iron	37000 *

SUBJECT PROPERTY LOCATED WITHIN DASHED BOUNDARY



SITE LOCATION

DATA NOTES & LEGEND

- Value exceeds NYS Part 375 Industrial Soil Cleanup Objective
- Value exceeds NYS Part 375 Commercial Soil Cleanup Objective
- Value exceeds NYS Part 375 Restricted Residential Soil Cleanup Objective
- Value exceeds NYS Part 375 Residential Soil Cleanup Objective
- Value exceeds NYS Part 375 Unrestricted Soil Cleanup Objective
- Value exceeds NYS Part 375 Protection of Groundwater Standard
- Value exceeds New York TOGS 111 Ambient Water Quality Standard

All soil values reported in mg/kg (approximate parts per million - ppm)  
TW-01 and TW-02 reported in mg/L  
B - Compound found in blank and sample  
J - Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value  
F1 - MS and or MSD recovery exceeds control limits  
F2 - MS/MSD RPD exceeds control limits  
\*Residential Soil Cleanup Objective derived from NYS CP-51  
ND - Compound 'Not Detected' at the reporting limit  
NS - No applicable standard

- NOTES:
- AERIAL PHOTOGRAPH FROM GOOGLE EARTH WEBSITE (PHOTO TAKEN OCTOBER, 2017).
  - APPROXIMATE PROPERTY LINE BASED ON ONEIDA COUNTY GIS MAPS.
  - ALL LOCATIONS ARE APPROXIMATE.
  - IMAGES SHOWN OUTSIDE OF PROPERTY BOUNDARY MAY NOT BE ACCURATE, DUE TO MAJOR CONSTRUCTION EVENTS ON THE SURROUNDING PROPERTIES.
- 0 60' 120'  
GRAPHIC SCALE

Asbestos & Environmental Consulting Corporation  
6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO.	21-015
DRAWN:	JAN. 2024
DRAWN BY:	WF
CHECKED BY:	BB

**411 COLUMBIA STREET REDEVELOPMENT SITE**  
**411 Columbia Street**  
**Utica, New York 13502**

SOIL & GROUNDWATER EXCEEDANCES

FIGURE  
**4**



**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 6**

**Description of Project and Schedule**

## PROJECT DESCRIPTION

### **411 COLUMBIA STREET REDEVELOPMENT SITE 411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

The development of this site will eliminate a source of blight and redevelop a strategically located asset in Downtown Utica, adjacent to the new Wynn Hospital. The proposed re-development project is anticipated to be a medical office building, with possible residential apartments on the upper floors. Future development will not require a zoning change and will be consistent with future land use, historic preservation, bicycle, and sustainability plans within the City of Utica's Comprehensive Plan 2040. Neighboring properties are currently zoned commercial, central business district, and residential.

A Phase II Environmental Site Assessment identified soil contamination associated with imported fill and historic operations at the Site. A Remedial Investigation will further define the nature and extent of contamination. The investigation will include areas beneath the building slabs. A pre-demolition asbestos survey was previously completed for the building. At this time, it is assumed that remediation activities will, at a minimum, include the excavation of contaminated site soils. Additionally, it is anticipated that the existing vacant structure will be demolished as a component of redevelopment of the Site.

BB  
2/6/24

### **Tentative Schedule**

Submittal of BCP Application .....	January 2024
Letter of Completeness .....	February 2024
End 30-Day Comment Period .....	March 2024
Execute BCP Agreement .....	April 2024
<b>Submit Citizen Participation Plan .....</b>	<b>April 2024</b>
<b>Submit Remedial Investigation (RI) Work Plan .....</b>	<b>May 2024</b>
End 30-Day RI Work Plan Comment Period .....	June 2024
DEC Approval of RI Work Plan .....	June 2024
Begin RI Field Work .....	June 2024
Complete Investigation Field Work .....	July 2024
<b>Submit Draft Remedial Investigation Report .....</b>	<b>August 2024</b>
Significant Threat Determination / Fact Sheet .....	August 2024
DEC Approval of RI Report .....	September 2024
<b>Submit Remedial Action (RA) Work Plan with Alternatives Analysis .....</b>	<b>October 2024</b>
End 45-Day RA Work Plan Comment Period .....	December 2024
DEC Approval of RA Work Plan .....	January 2025
Submit Fact Sheet Announcing Start of Construction .....	February 2025
<b>Begin Remediation .....</b>	<b>March 2025</b>
<b>Complete Remediation / Begin Construction .....</b>	<b>May 2025</b>
Submit Environmental Easement Package .....	June 2025
<b>Submit Draft Site Management Plan .....</b>	<b>July 2025</b>
Submit Executed Environmental Easement Package .....	August 2025
DEC Approval of Site Management Plan .....	August 2025
Environmental Easement Recorded .....	September 2025
<b>Submit Draft Final Engineering Report .....</b>	<b>October 2025</b>
DEC Approval of Draft Final Engineering Report .....	November 2025
Submit Fact Sheet Announcing Final Engineering Report .....	November 2025
<b>Receive Certificate-of-Completion .....</b>	<b>December 2025</b>
Fact Sheet Describing Institutional / Engineering Controls .....	January 2026
<b>Complete Construction Activities .....</b>	<b>May 2026</b>

**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 7**

**Summary of Business Operations**



## FORMER OWNERS & OPERATORS

### 411 COLUMBIA STREET REDEVELOPMENT SITE 411 COLUMBIA STREET, CITY OF UTICA, NEW YORK

The following history of owners and operators of the Site were obtained from a Phase I Environmental Site Assessment, dated August 12, 2021, prepared by Ambient Environmental, Inc., and review of the property's Title Abstract:

#### OWNERS:

Owner	Start Date	End Date	Last Known Address & Phone Number	Relationship to Requestor
Wladyslaw Cieslak & Agata Cieslak	May 6, 1920	Dec. 29, 1960	Deceased	None
Antonina Tichena	Jan. 9, 1939	March 26, 1960	Unknown	None
Frank Nawoj & Joseph Nawoj & Jozefa Nawoj	May 13, 1940	Apr. 24, 1959	Deceased	None
Harry Kamino	Aug. 3, 1942	March 3, 1960	Deceased	None
The Joseph & Feiss Company	Sept. 30, 1943	May 7, 1963	Bankrupt, appears to have been purchased by Men's Wearhouse	None
Charles Giehl & Henrietta Giehl	April 30, 1944	June 9, 1959	Deceased	None
Clayton A. Boucher & Margaret Boucher	June 15, 1945	May 29, 1959	Deceased	None
Antonia Sachuk	June 30, 1945	March 26, 1960	Unknown	None
Geffen Realty Corporation	Sept. 2, 1946	Jan. 10, 1963	Unknown	None
Sam Chow	Aug. 13, 1947	Aug. 6, 1953	Unknown	None
Duane R. Evans & William T. Evans	Jan. 17, 1947	May 7, 1959	Unknown	None
Geffen Motors, Inc.	Nov. 29, 1949	Jan. 10, 1963	Unknown	None
Alexander Pliska & Clementine Pliska	Dec. 7, 1950	Apr. 28, 1959	Deceased	None
Joseph Tichena	June 13, 1951	March 26, 1960	Unknown	None
Lew Hee Tai	July 27, 1953	May 7, 1959	Unknown	None
Jennie Kamino	Dec. 9, 1954	March 3, 1960	Unknown	None
Season Skipper, Inc.	May 4, 1954	June 5, 1962	Unknown	None
City of Utica	Apr. 22, 1959	Nov. 13, 1962	1 Kennedy Plaza Utica, New York 13502 (315) 792-0125	None

BB  
4/6/24

Owner	Start Date	End Date	Last Known Address/Phone	Relationship to Requestor
City of Utica	Nov. 12, 1962	Nov. 19, 1969	1 Kennedy Plaza Utica, New York 13502 (315) 792-0125	None
Utica Urban Renewal Agency	Nov. 17, 1969	Nov. 8, 1974	1 Kennedy Plaza Utica, New York 13502 (315) 792-0181	None
James P. O'Brien & Kenneth P. Ray	Nov. 6, 1974	Nov. 9, 1974	Deceased	None
J.P. O'Brien Plumbing & Heating Supply, Inc.	Nov. 7, 1974	March 31, 2023	Jim P. O'Brien 7215 Dugway Road Clinton, New York 13323 (315) 853-3304	None

*\*Note: At the time of the Phase I ESA completed by Ambient Environmental, Inc., the "current Owner" was JP O'Brien Plumbing and Heating, Inc. The Requestor (Utica Med Building, LLC) is the current owner, as of March 31, 2023, and has no relationship to any former owner or operator of the Site.*

Please note that the Title search is presumed to encompass a larger footprint than the current parcel, and as such may contain owners/operators that did not necessarily own or operate within the boundaries of the current parcel, but are listed as title holders in the abstract.

## **OPERATORS:**

Owner	Start Date	End Date	Last Known Address/Phone	Relationship to Requestor
Church of the Redeemer	1883	1925	Unknown	None
Vacant	1925	1949	N/A	N/A
The Joseph & Feiss Company	1943	1963	Bankrupt, appears to have been purchased by Men's Wearhouse	None
Geffen Motors, Inc.	1949	1963	Unknown	None
Season Skipper, Inc.	1954	1962	Unknown	None
City of Utica, presumed vacant	1959	1969	1 Kennedy Plaza Utica, New York 13502 (315) 792-0125	None
Utica Urban Renewal Agency, presumed vacant	1969	1974	1 Kennedy Plaza Utica, New York 13502 (315) 792-0181	None
J.P. O'Brien Plumbing & Heating Supply, Inc.	1974	2023	Jim P. O'Brien 7215 Dugway Rd Clinton, New York 13323 (315) 853-3304	None

BB  
2/6/24

**CURRENT USE**

**411 COLUMBIA STREET REDEVELOPMENT SITE  
411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

The Site is currently vacant and has been so since March 31, 2023. The building doors are locked.

BB  
2/6/24

**Supplemental Information / Documentation for BCP Application  
411 Columbia Street Redevelopment Site  
411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 8**

**Consistency with Zoning  
and Community Master Plans**



## **PROPOSED USE**

### **411 COLUMBIA STREET REDEVELOPMENT SITE 411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

The proposed re-development project is anticipated to include the construction of a medical office building, with the possibility for apartments on the upper floors.

Future development will not require a zoning change and will be consistent with future land use, historic preservation, bicycle, and sustainability plans within the City of Utica. Neighboring properties are currently zoned commercial, central business district, and residential.

**Supplemental Information / Documentation for BCP Application  
411 Columbia Street Redevelopment Site  
411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 9**

**Phase I ESA**

**Prepared by Ambient Environmental, August 2021**

**Included as a separate PDF file**

**Supplemental Information / Documentation for BCP Application  
411 Columbia Street Redevelopment Site  
411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 10**

**Phase II ESA**

**Prepared by Asbestos & Environmental Consulting Corporation, May 2023**

**Included as a separate PDF file**

**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 11**

**Department of State Printout / List of Owners' Names**



# Department of State

## Division of Corporations

### Entity Information

[Return to Results](#)[Return to Search](#)

#### Entity Details

**ENTITY NAME:** UTICA MED BUILDING, LLC**DOS ID:** 5860097**FOREIGN LEGAL NAME:****FICTITIOUS NAME:****ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** 203 LLC - LIMITED LIABILITY COMPANY LAW**ENTITY STATUS:** ACTIVE**DATE OF INITIAL DOS FILING:** 10/19/2020**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 10/19/2020**INACTIVE DATE:****FOREIGN FORMATION DATE:****STATEMENT STATUS:** CURRENT**COUNTY:** ONONDAGA**NEXT STATEMENT DUE DATE:** 10/31/2024**JURISDICTION:** NEW YORK, UNITED STATES**NFP CATEGORY:**[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

**The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:**

**Name:** UTICA MED BUILDING, LLC**Address:** 6308 FLY ROAD, EAST SYRACUSE, NY, UNITED STATES, 13058

**Electronic Service of Process on the Secretary of State as agent: Not Permitted**

Chief Executive Officer's Name and Address

**Name:****Address:**

Principal Executive Office Address

**Address:**

Registered Agent Name and Address

**Name:****Address:**

Entity Primary Location Name and Address

**Name:****Address:**

Farmcorpflag

**Is The Entity A Farm Corporation: NO**

Stock Information

Share Value

Number Of Shares

Value Per Share

## **REQUESTOR INFORMATION**

**411 COLUMBIA STREET REDEVELOPMENT SITE  
411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

Contact information and the names of members / owners of Utica Med Building, LLC are set forth below:

<b>Entity Name / Requestor</b>	<b>Members / Owners</b>	<b>Address &amp; Phone Number</b>
Utica Med Building, LLC (a New York State Limited Liability Company)	Bryan Bowers, Managing Member ( <a href="mailto:bbowers@aeccgroup.com">bbowers@aeccgroup.com</a> )  Michael Licata, Member ( <a href="mailto:Mike.Licata@bowers-development.com">Mike.Licata@bowers-development.com</a> )	6308 Fly Road E. Syracuse, New York 13057 (315) 432-9400

The NYS Department of State's Corporation and Business Entity Database information for Utica Med Building, LLC has been attached to the BCP Application. Utica Med Building, LLC shall be the Requestor for this project.

In accordance with the attached Authorization to Complete Remedial Requirements, Bryan Bowers (the Managing Member for Utica Med Building, LLC) is authorized to execute Brownfield Cleanup Program documents on behalf of the Requestor.

**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 12**

**Member Consent Authorization**



**UTICA MED BUILDING, LLC**

**AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS**

The undersigned, being members of Utica Med Building, LLC, a New York limited liability company (the "Company") hereby certify as of January 22, 2024, as follows and adopt the following resolutions and authorize the Company to authorize and direct Bryan Bowers (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to authorize the Authorized Signatory to undertake actions necessary to redevelop the 411 Columbia Street Redevelopment Project, located at 411 Columbia Street, Oneida County, Utica, New York 13502, Tax Map Number: 318.041-2-38, (the "Property" or the "Site").

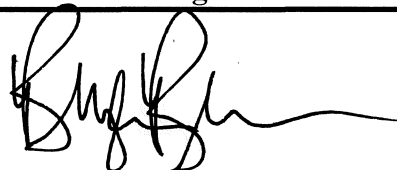
WHEREAS, in connection with the redevelopment of the Property, the Company is authorized to: (1) submit an application to participate in the New York State Brownfield Cleanup Program ("BCP"), (2) enter into a Brownfield Cleanup Agreement ("BCA") if the Site is accepted into the BCP, (3) file related documents with the New York State Department of Environmental Conservation ("DEC") in order to participate in the BCP, and (4) undertake certain environmental remediation work related thereto consistent with applicable laws, regulations and guidance under the BCP (collectively referred to as the "Remedial Program Requirements").

NOW THEREFORE, BE IT

RESOLVED, the Authorized Signatory be, and hereby is, authorized and directed, in the name of and on behalf of the Company, to execute and to deliver all applications, documents and instruments required to effectuate the BCA (including execution of the BCA), and make any filings required to comply with the BCA consistent with the Remedial Program Requirements; and be it further;

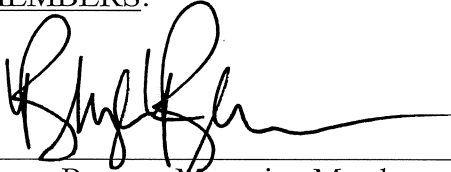
RESOLVED, that this Authorization may be signed in any number of counterparts, including but not limited to electronic, and shall become effective as of the date herein below written when each person named below shall have signed a copy hereof; and

RESOLVED, The Authorized Signatory is authorized to bind the Company as an Authorized Signatory for the purposes set forth in this Authorization, the signature set forth opposite his name below is his actual signature:

Authorized Signatory	Signature
Bryan Bowers	

**IN WITNESS WHEREOF**, the undersigned have signed and sealed this Member Consent on January 22, 2024.

MEMBERS:

A handwritten signature in black ink, appearing to read 'Bryan Bowers', written over a horizontal line.

Bryan Bowers, Managing Member

A handwritten signature in black ink, appearing to read 'Michael Licata', written over a horizontal line.

Michael Licata, Member

**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 13**

**Volunteer Statement**

## **VOLUNTEER CONSIDERATION STATEMENT**

### **411 COLUMBIA STREET REDEVELOPMENT SITE 411 COLUMBIA STREET, CITY OF UTICA, NEW YORK**

The Requestor (Utica Med Building, LLC) qualifies as a Volunteer because it did not own or operate the Site at the time of the release / introduction of environmental contamination and did not otherwise cause or contribute to the contamination identified at the Site.

Historic operations, specifically the Site's use as a used car business, are the basis for qualifying it for eligibility in the BCP. This operation (1950-1970) was described in the Phase I Environmental Site Assessment by Ambient Environmental, Inc. The Phase II Environmental Site Assessment confirmed the presence of several types of contaminants at the Site likely associated with these historic (pre-1989) operations.

The Requestor is voluntarily applying to be accepted into the New York State Brownfield Cleanup Program to undertake all required investigation / remediation of the Site prior to and/or concurrent with its redevelopment plans, under the oversight of the New York State Department of Environmental Conservation.

The Site and surrounding area are supplied with municipal potable water. Therefore, potential exposures associated with the current state of the Site (vacant) appear to be limited to SVOC / metals in surface soils. In order to prevent casual exposure to surface soils, metal fencing shall be installed at the property lines upon acceptance into the program, along with signage that forbids trespassing.



**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 14**  
**Site Contact List**

## **CONTACT LIST INFORMATION**

### **411 COLUMBIA STREET REDEVELOPMENT PROJECT 411 COLUMBIA STREET, UTICA, NEW YORK**

#### **ONEIDA COUNTY**

Oneida County Government  
Anthony J. Picente, Jr., County Executive  
Oneida County Office Building  
800 Park Avenue  
Utica, New York 13501  
(315) 798-5700

Oneida County Department of Planning  
James J. Genovese II, Commissioner  
Comprehensive Planning Program  
321 Main Street  
Utica, New York 13501  
(315) 798-5710

#### **CITY OF UTICA**

City of Utica  
Michael Galime, Mayor  
1 Kennedy Plaza  
Utica, New York 13502  
(315) 792-0100

City Planning Board  
Joseph Burke, Chair  
1 Kennedy Plaza  
Utica, New York 13502  
(315) 792-0181

#### **PUBLIC WATER SUPPLIER**

Mohawk Valley Water Authority  
1 Kennedy Plaza  
Utica, New York 13502  
(315) 792-0301  
[info@mvwa.us](mailto:info@mvwa.us)

#### **LOCAL NEWS MEDIA**

WKTV  
Steve McMurray, VP and General Manager  
5936 Smith Hill Road  
Utica, New York 13501  
(315) 733-0404  
[news@wktv.com](mailto:news@wktv.com)

Utica Observer-Dispatch  
Edward Harris, Reporter  
70 Genesee Street Utica,  
Utica, New York 13501  
(315) 470-0011  
[eharris@uticaod.com](mailto:eharris@uticaod.com)

Spectrum News  
815 Erie Boulevard East  
Syracuse, New York 13210  
(315) 234-1000 ext. 2  
[yournews@charter.com](mailto:yournews@charter.com)

Sentinel Media Company  
Thomas Caputo, Staff Writer  
111 Langley Road  
Rome, New York 13441  
[tcaputo@rnymedia.com](mailto:tcaputo@rnymedia.com)

#### **PROPOSED DOCUMENT REPOSITORY**

Utica Public Library  
303 Genesee Street  
Utica, New York 13501  
(315) 735-2279

#### **NEARBY DAYCARE FACILITIES**

The Court Street Children's Center  
415 Court Street  
Utica, New York 13502  
(315) 731-1722

BB  
2/6/24

**ADJACENT PROPERTY OWNERS**

<u>Parcel Designation</u>	<u>Property Address</u>	<u>Owner Name / Address</u>
318.41-2-37	Central Utica Building 413 Columbia Street Utica, New York 13502 (west of subject property)	Mohawk Valley Health System 1656 Champlin Avenue Utica, New York 13502
318.41-2-(39 & 40)	Vacant Lots 409 Columbia Street Utica, New York 13502 (east of subject property)	Mohawk Valley Health System 1656 Champlin Avenue Utica, New York 13502
318.41-2-41	Kennedy Plaza 800 Fay Street Utica, New York 13502 (south of subject property)	People of the State of New York 207 Genesee Street Utica, New York 13501
318.41-2-(18 through 36)	Wynn Hospital 111 Hospital Drive Utica, New York 13502 (north of subject property)	Mohawk Valley Health System 1656 Champlin Avenue Utica, New York 13502

**Supplemental Information / Documentation for BCP Application**  
**411 Columbia Street Redevelopment Site**  
**411 Columbia Street, City of Utica, New York 13502**

**EXHIBIT 15**

**Document Repository Request**



January 22, 2024

Mr. Chris Sagaas, Library Director  
Utica Public Library  
303 Genesee Street  
Utica, New York 13501

**RE: Request to Serve as the Local Document Repository  
New York State Brownfield Cleanup Program Requirement  
411 Columbia Street, City of Utica, New York 13502**

Dear Mr. Sagaas:

On behalf of the property owner (Utica Med Building, LLC), the Asbestos & Environmental Consulting Corporation (AECC) is submitting an application to enter its property into the New York State Brownfield Cleanup Program (BCP). For purposes of the application / BCP, the subject site shall be referred to as the 411 Columbia Street Redevelopment Site, located at 411 Columbia Street, City of Utica, Oneida County, State of New York.

A brownfield site is real property where contamination has been identified at concentrations exceeding New York State Department of Environmental Conservation (NYSDEC) soil cleanup objectives or other health-based / environmental standards, criteria, or guidance (adopted by the NYSDEC) that are applicable based upon the reasonably-anticipated future use of the property. The goal of the NYSDEC BCP is to encourage private-sector cleanups of brownfield sites and to promote their redevelopment as a means to revitalize communities. The BCP is an alternative to greenfield development and is intended to remove some of the environmental barriers towards development, while providing certain tax credits for reaching project-related goals.

To help facilitate the remedial process and allow citizens to participate in decisions that may affect their property, business, health, etc., the NYSDEC requires opportunities for citizen involvement and encourages consultation with the public early in the process. One part of this citizen involvement requirement is the ability for the public to be able to review milestone documents at a local document repository (i.e. local library). Typical documents submitted as part of a BCP project include, but are not necessarily limited to the following:

- Community Participation Plan (CPP)
- Remedial Investigation Work Plan (RIWP)
- Interim Remedial Measures (IRM) Work Plan
- Remedial Investigation Report (RIR)
- Remedial Action Work Plan (RAWP) or Remedial Work Plan (RWP)
- Alternative Analysis Report (AAR)
- Site Management Plan (SMP)
- Final Engineering Report (FER)
- NYSDEC Facts Sheets
- NYSDEC Decision Document



Mr. Chris Sagaas, Library Director  
Utica Public Library  
**Request to Serve as the Local Document Repository**  
**New York State Brownfield Cleanup Program Requirement**  
**411 Columbia Street, City of Utica, New York 13502**

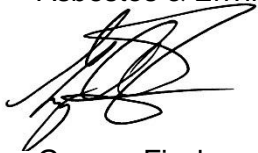
The Application for the Brownfield Program requires a copy of an acknowledgement from the local repository indicating that it agrees to act as the document repository. Therefore, we are respectfully requesting that the Utica Public Library agree to serve as the repository for the duration of this brownfield cleanup project.

The volume of documents associated with this project will be significant and may well exceed 2,000 pages. Project-related documents shall need to be on record for a year post completion of the associated work. Based upon the current timeline for remediation activities, it should be anticipated that these documents will need to be available until May 2026.

If you are in agreement, please respond via mail or email (please see my contact information in the signature block below) stating that the Utica Public Library agrees to retain the documents for the 411 Columbia Street Redevelopment Site BCP Project and that they will be made available to the inquiring public at a specific location designated at the library.

Thank you for your time and consideration of this request. If you have any questions, please do not hesitate to contact me directly at AECC's corporate office (315-432-9400).

Sincerely,  
Asbestos & Environmental Consulting Corporation



George Fischer  
Senior Staff Professional  
Asbestos & Environmental Consulting Corporation  
6308 Fly Road  
East Syracuse, New York 13057  
[gfisher@aeccgroup.com](mailto:gfisher@aeccgroup.com)

## George Fischer

---

**From:** Chris Sagaas <csagaas@uticapubliclibrary.org>  
**Sent:** Tuesday, January 23, 2024 12:00 PM  
**To:** George Fischer  
**Cc:** Bryan Bowers  
**Subject:** Re: NYSDEC BCP Program Repository Request

Hi, George - Utica Public Library agrees to serve as document repository for the project's documentation. Thanks - Chris

On Tue, Jan 23, 2024 at 11:57 AM George Fischer <[gfischer@aeccgroup.com](mailto:gfischer@aeccgroup.com)> wrote:

Good morning Mr. Sagaas,

Please see our attached request to utilize the Utica Public Library as a document repository for a potential Brownfield Cleanup Project at 411 Columbia Street in Utica.

As stated in the attached request, we must identify a facility that will act as a document repository for project related documentation; we typically use local libraries as repositories.

If you have any questions, please feel free to contact me at your convenience.

Please review the attached and respond at your earliest convenience, thank you.

With kindest regards,

George Fischer

Senior Staff Professional

mobile 315.569.0474



AECC Environmental Consulting

6308 Fly Rd.

East Syracuse, NY 13057

office 315.432.9400

fax 315.432.9405

[gfischer@aeccgroup.com](mailto:gfischer@aeccgroup.com)

[www.aeccgroup.com](http://www.aeccgroup.com)

--

Christopher W. Sagaas  
Director  
Utica Public Library  
303 Genesee Street  
Utica NY 13501  
(315) 735-2279 x202  
[csagaas@uticapubliclibrary.org](mailto:csagaas@uticapubliclibrary.org)  
[www.uticapubliclibrary.org](http://www.uticapubliclibrary.org)  
He/Him/His