

Brownfield Cleanup Program Application

Old Erie Commons Site
Canastota, New York

July 2021

B0258-021-002

Prepared For:

Savarino Companies, LLC



Prepared By:



BROWNFIELD CLEANUP PROGRAM APPLICATION
Old Erie Commons Site
Canastota, New York

Table of Contents

BCP APPLICATION FORM.....	1
Part A.....	1
Section I Requestor Information.....	1
Section II Project Description.....	1
Section III Property's Environmental History	2
Section IV Property Information	3
Part B	5
Section V Additional Requestor Information	5
Section VI Current Property Owner/Operator Information	5
Section VII Requestor Eligibility Information.....	5
Section VIII Property Eligibility Information	7
Section IX Contact List Information.....	7
Section X Land Use Factors	8
Section XI Statement of Certification and Signatures.....	9

LIST OF FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7A	Previous Investigation Locations and Areas of Concern
Figure 7B	Groundwater Exceedances
Figure 8	Adjacent Property Owners
Figure 9	Zoning Map
Figure 10	USDA Soil Type Map
Figure 11	Wetlands Map

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Table of Contents

APPENDIX A: BCP Application Part A – Sections I-IV		Page
Section I	Requestor Information	A-1
Section II	Project Description	A-1
Section III	Property’s Environmental History	A-2
Section IV	Property Information	A-5
Exhibit A1	NYS Corporation & Business Entity Database Information	
Exhibit A2	Signature Consent	
Exhibit A3	Madison County Parcel Detail Report	
Exhibit A4	Sanborn Maps	
APPENDIX B: BCP Application Part B – Sections V-XI		Page
Section VI	Current Property Owner/Operator Information	B-1
Section VII	Requestor Eligibility	B-2
Section IX	Contact List	B-3
Section X	Land Use Factors	B-7
Exhibit B1	Site Access Letter	
Exhibit B2	Document Repository Confirmation	

Previous Environmental Investigations (Provided Electronically on CD)

Phase I Environmental Site Assessment, Former Canastota Casket Company Property, 160 Center Street, Canastota, New York. GHD. September 2019.

Limited Phase II Environmental Site Assessment, Soil and Groundwater Sampling and Laboratory Analysis Results, 160 Center Street, Village of Canastota, New York. GHD. November 2019.

Limited Phase II Environmental Investigation Report, 160 Center Street, Canastota, New York. Benchmark Environmental Engineering & Science, PLLC. May 2021.



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 11*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME Savarino Companies, LLC

ADDRESS 500 Seneca Street, Suite 508

CITY/TOWN Buffalo

ZIP CODE 14204

PHONE (716) 332-5959

FAX (716) 332-5968

E-MAIL sams@savarinocompanies.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.** **See Appendix A; Section I**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (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, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

See Appendix A; Section II

See Figure 5

Section III. Property's Environmental History**See Appendix A; Section III**

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

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 supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X	X	
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

See Appendix A; Section III**See Figures 7A & 7B**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

- | | | | |
|-------------------------------------------------|---------------------------------------------------|---------------------------------------------|------------------------------------------|
| <input type="checkbox"/> Coal Gas Manufacturing | <input checked="" 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 type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: varnishing, painting, machining, casket and furniture manufacturing, and boat building; historic railroad spurs present

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Old Erie Commons				
ADDRESS/LOCATION 160 Center Street				
CITY/TOWN Canastota		ZIP CODE 13032		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village of Canastota, Town of Lenox				
COUNTY Madison		SITE SIZE (ACRES) 2.56		
LATITUDE (degrees/minutes/seconds) 43 ° 4 ' 42.91 "		LONGITUDE (degrees/minutes/seconds) -75 ° 44 ' 54.53 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
160 Center Street	36.63	1	2	2.56
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site. See Appendix A; Section IV				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without 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) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, identify census tract : _____ Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

None

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Appendix A; Section IV

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

If yes, requestor must answer questions on the supplement at the end of this form.

Not Applicable

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

Not Applicable

13. If you have answered Yes to Question 12, 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? ☐ Yes ☐ No

Not Applicable

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, 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.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Samuel Savarino			
ADDRESS 500 Seneca Street, Suite 508			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE (716) 332-5959	FAX (716) 332-5968	E-MAIL sams@savarinocompanies.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science - Christopher Z. Boron, P.G.			
ADDRESS 2558 Hamburg Turnpike			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE (716) 856-0599	FAX (716) 856-0583	E-MAIL cboron@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Knauf Shaw LLP - Alan J. Knauf, Esq.			
ADDRESS 1400 Crossroads Building, 2 State Street			
CITY/TOWN Rochester		ZIP CODE 14614	
PHONE (585) 546-8430	FAX (585) 546-4324	E-MAIL aknauf@nyenvlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor See Appendix B; Section VI			
CURRENT OWNER'S NAME Madison County - Jamie Kowalczyk		OWNERSHIP START DATE: 12/31/2019	
ADDRESS P.O. Box 606			
CITY/TOWN Wampsville		ZIP CODE 13163	
PHONE (315) 366-2378	FAX (315) 366-2742	E-MAIL jamie.kowalczyk@madisoncounty.ny.gov	
CURRENT OPERATOR'S NAME Same as owner			
ADDRESS Same as owner			
CITY/TOWN Same as owner		ZIP CODE Same as owner	
PHONE Same as owner	FAX Same as owner	E-MAIL Same as owner	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
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="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves 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? ☐ Yes ☒ No
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 or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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: **See Appendix B; Section VII**

☐ PARTICIPANT

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.

☒ VOLUNTEER

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.

NOTE: By checking this box, 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; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

See Appendix B; Section VI and VII

☐ Previous Owner ☐ Current Owner ☐ Potential /Future Purchaser ☒ Other Remediation Entity

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. 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 easement on the site. Is this proof attached?



Yes



No

See Appendix B; Exhibit B1

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

See Appendix B; Section XI

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 addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. 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.

See Figure 8

Section X. Land Use Factors**See Appendix B; Section X**

1. What is the current municipal zoning designation for the site? IN - Industrial District

What uses are allowed by the current zoning? (Check boxes, below)

☐ Residential ☐ Commercial ☒ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach 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.

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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

☒ Yes ☐ No

The Site was awarded funding through a competitive selection process by the NYS Canal Corporation as part of a NYS initiative to Reimagine the Canals and to redevelop the Site into a mixed-use pocket neighborhood.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☐ Yes ☒ No

No, the current zoning for the Site is IN-Industrial District, and the planned redevelopment is mixed-use residential and commercial. A zoning change will be requested prior to redevelopment. See Appendix B; Section X. One of the team members on the proposal submitted to redevelop the Site as a pocket neighborhood along the canal is the Madison County Planning Department. The redevelopment plan has the support of Madison County and Village of Canastota.

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Appendix B; Section X.

The Site was awarded funding through a competitive selection process by the NYS Canal Corporation as part of a NYS initiative to Reimagine the Canals and to redevelop the Site into a mixed-use pocket neighborhood.

XI. Statement of Certification and Signatures

(By a requestor other than an individual)

Savarino Companies, LLC

I hereby affirm that I am Authorized Member (title) of _____ (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a 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 the 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: 7/22/21

Signature: _____

Print Name: Samuel J. Savarino

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of **ONLY** the application form and a table of contents.

FOR DEC USE ONLY

BCP SITE T&A CODE: _____

LEAD OFFICE: _____

Supplemental Questions 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 11

Not Applicable

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"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.</p> <p>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)</p> <p>375-3.2:</p> <p>(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</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(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</p> <p>(c) there are no structures.</p> <p>"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.</p>	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. 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*
(*Checking this box 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’ households 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 home owners 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.

BCP Application Summary (for DEC use only)

Site Name: Old Erie Commons

City: Canastota

Site Address: 160 Center Street

County: Madison

Zip: 13032

Tax Block & Lot

Section (if applicable): 36.63

Block: 1

Lot: 2

Requestor Name: Savarino Companies, LLC

City: Buffalo

Requestor Address: 500 Seneca Street, Suite 508

Zip: 14204

Email: sams@savarinocompanies.com

Requestor's Representative (for billing purposes)

Name: Samuel Savarino

Address: 500 Seneca Street, Suite 508

City: Buffalo

Zip: 14204

Email: sams@savarinocompanies.com

Requestor's Attorney

Name: Knauf Shaw LLP - Alan J. Knauf, Esq. **Address:** 1400 Crossroads Building, 2 State Street

City: Rochester

Zip: 14614

Email: aknauf@nyenvlaw.com

Requestor's Consultant

Name: Benchmark Environmental Engineering & Science - Christopher Z. Boron, P.G. **Address:** 2558 Hamburg Turnpike

City: Buffalo

Zip: 14218

Email: cboron@bm-tk.com

Percentage claimed within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

Does Requestor Claim Property is Upside Down: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Affordable Housing Status: ☐ Yes ☐ No ☐ Planned, No Contract

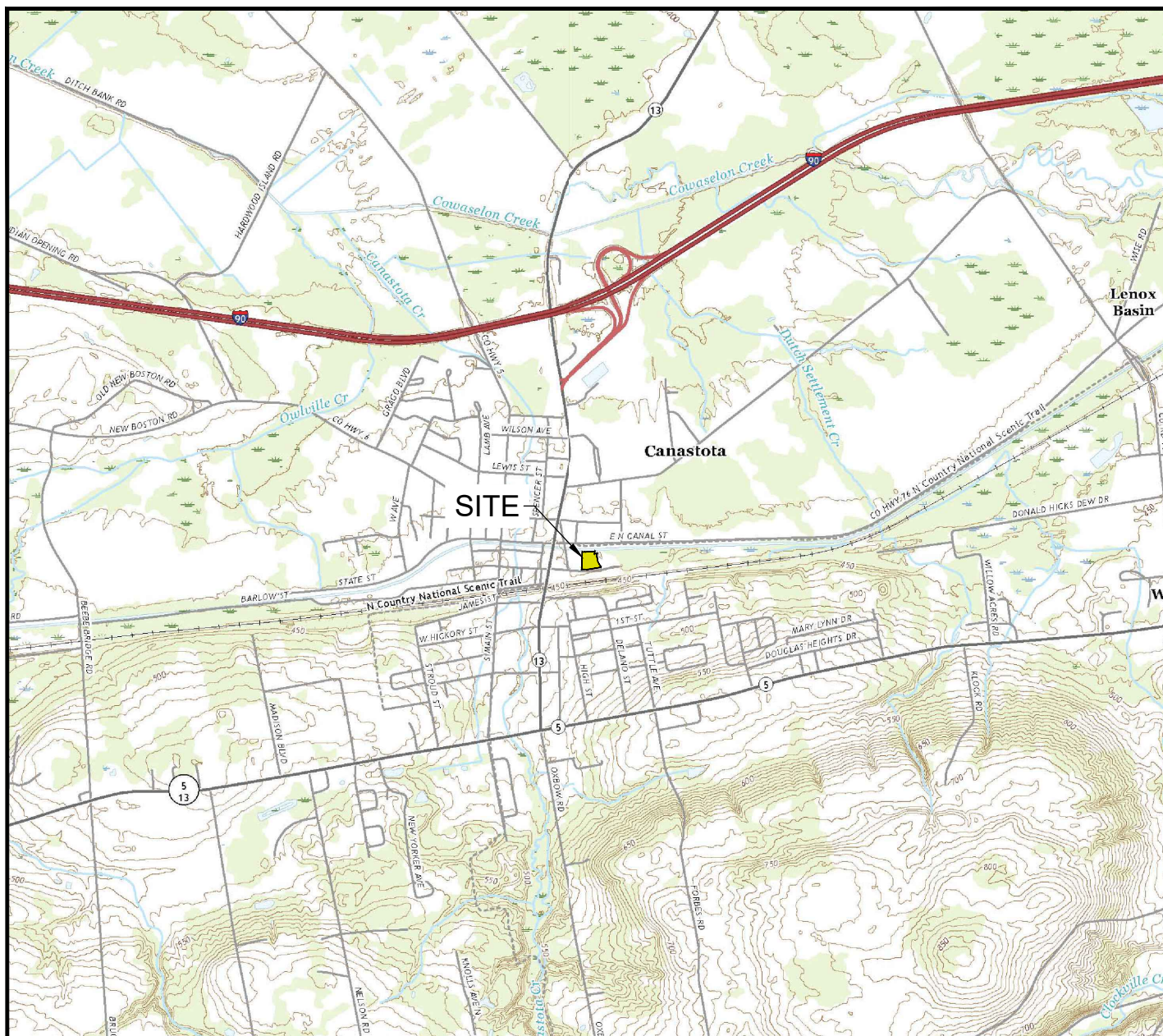
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7A	Previous Investigation Locations and Areas of Concern
Figure 7B	Groundwater Exceedances
Figure 8	Adjacent Property Owners
Figure 9	Zoning Map
Figure 10	USDA Soil Type Map
Figure 11	Wetlands Map

FIGURE 1



3,000' 0' 3,000' 6,000'

SCALE: 1 INCH = 3,000 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0258-021-002

DATE: JUNE 2021

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SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

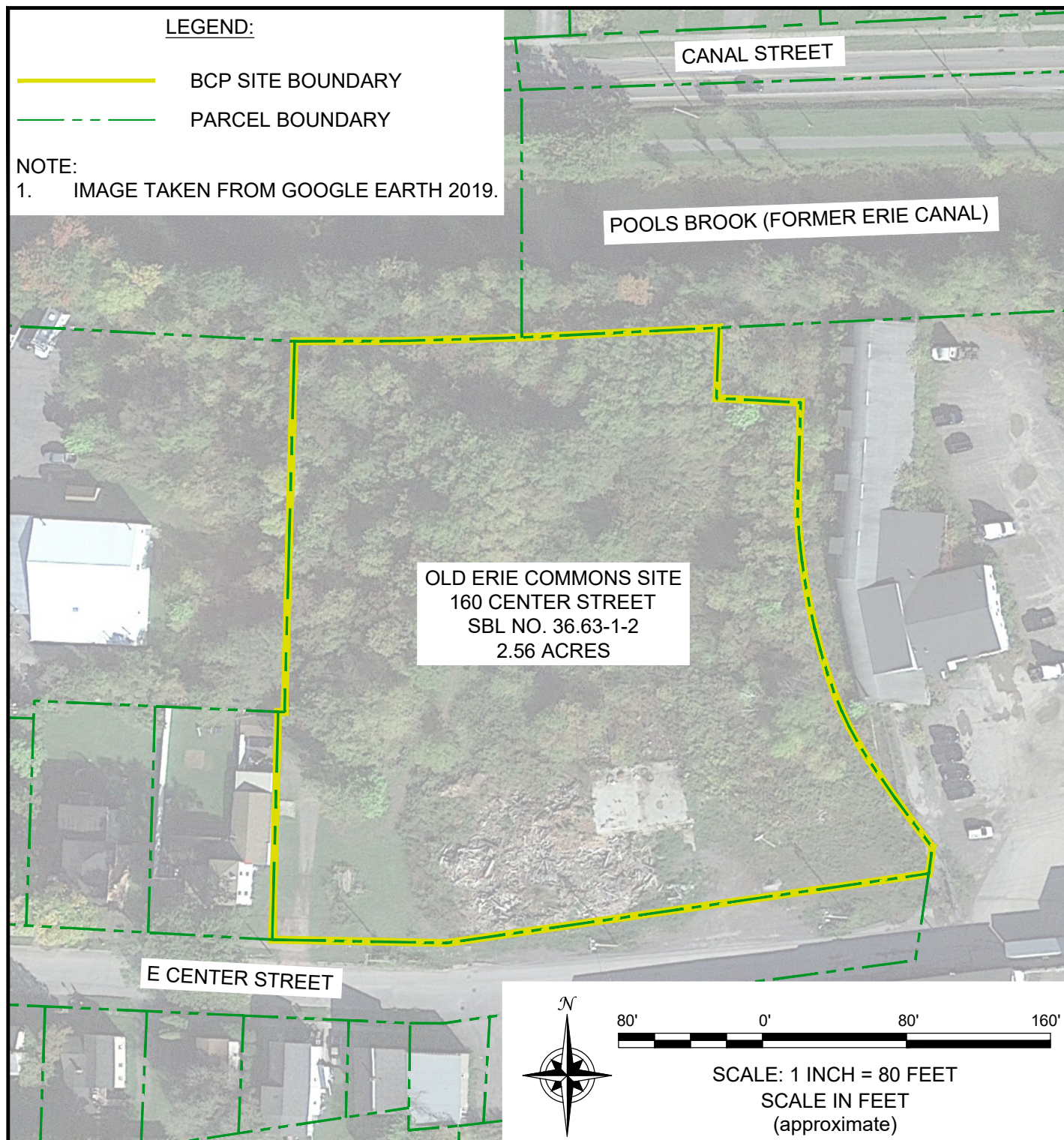
OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK

PREPARED FOR

SAVARINO COMPANIES, LLC

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FIGURE 2



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SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0258-021-002

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK

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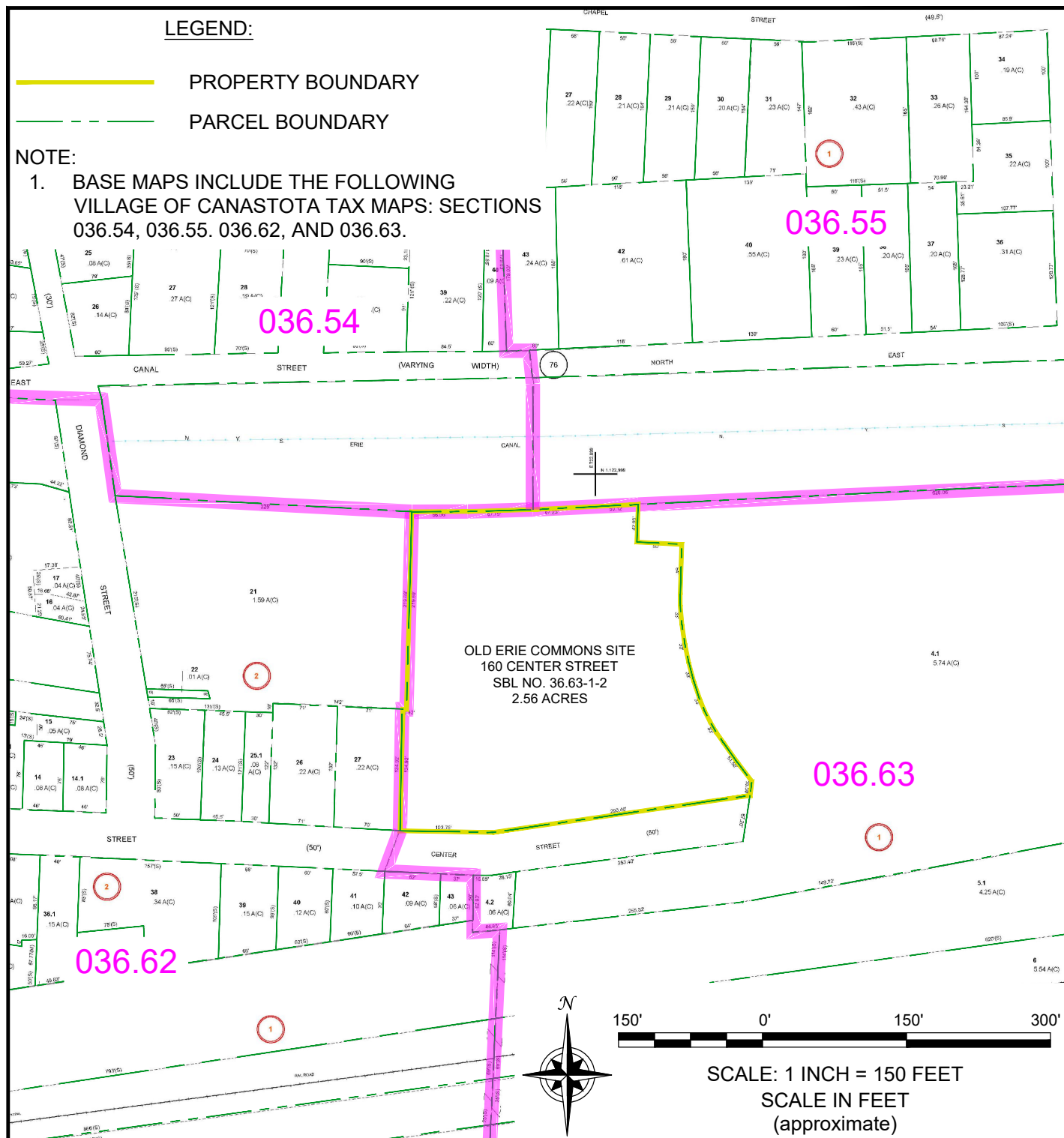
FIGURE 3

LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY

NOTE:

1. BASE MAPS INCLUDE THE FOLLOWING VILLAGE OF CANASTOTA TAX MAPS: SECTIONS 036.54, 036.55, 036.62, AND 036.63.



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SUITE 300
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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

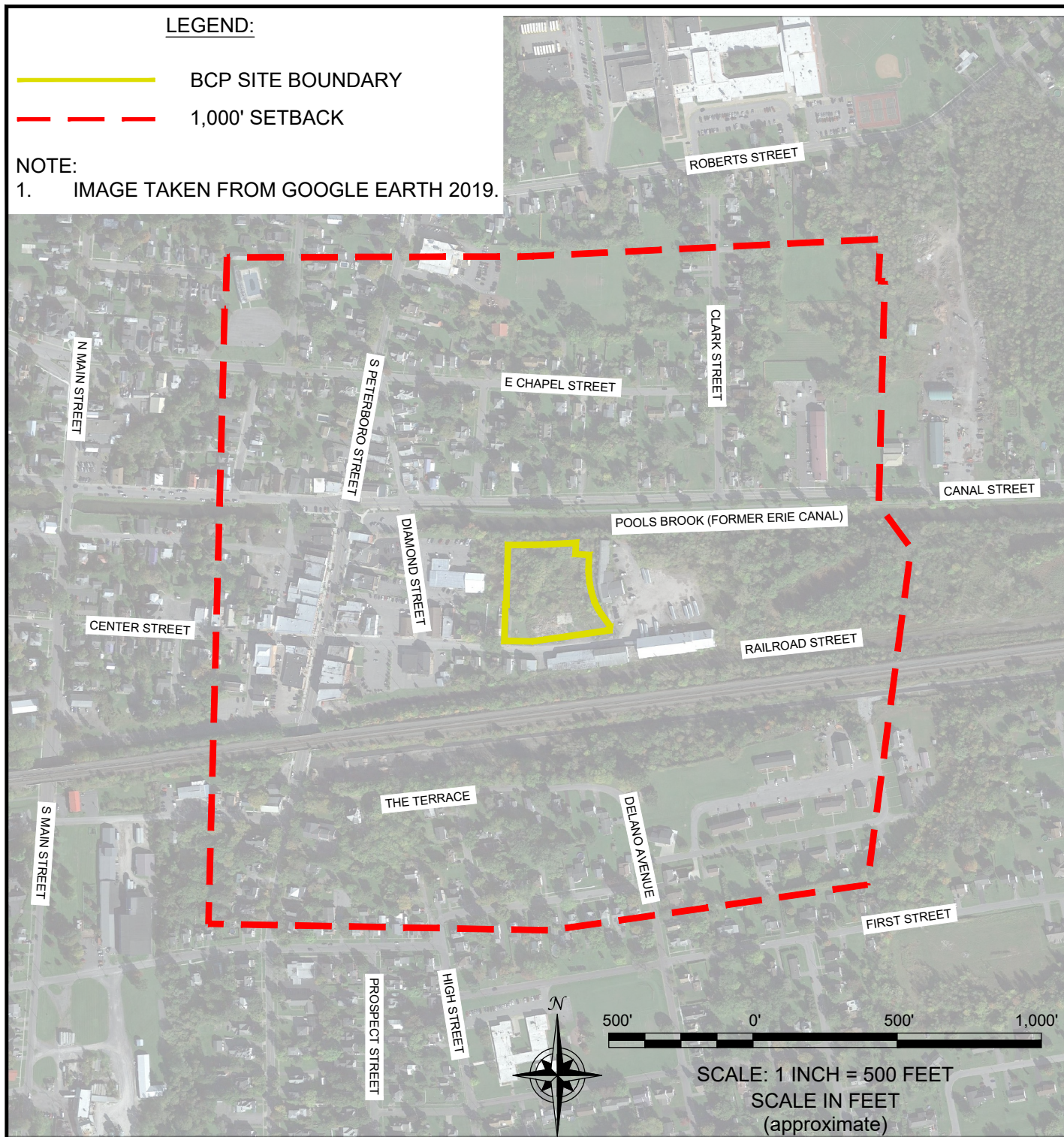
OLD ERIE COMMONS SITE
160 CENTER STREET
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FIGURE 4



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SUITE 300
BUFFALO, NY 14218
(716) 858-0599

PROJECT NO.: B0258-021-002

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PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

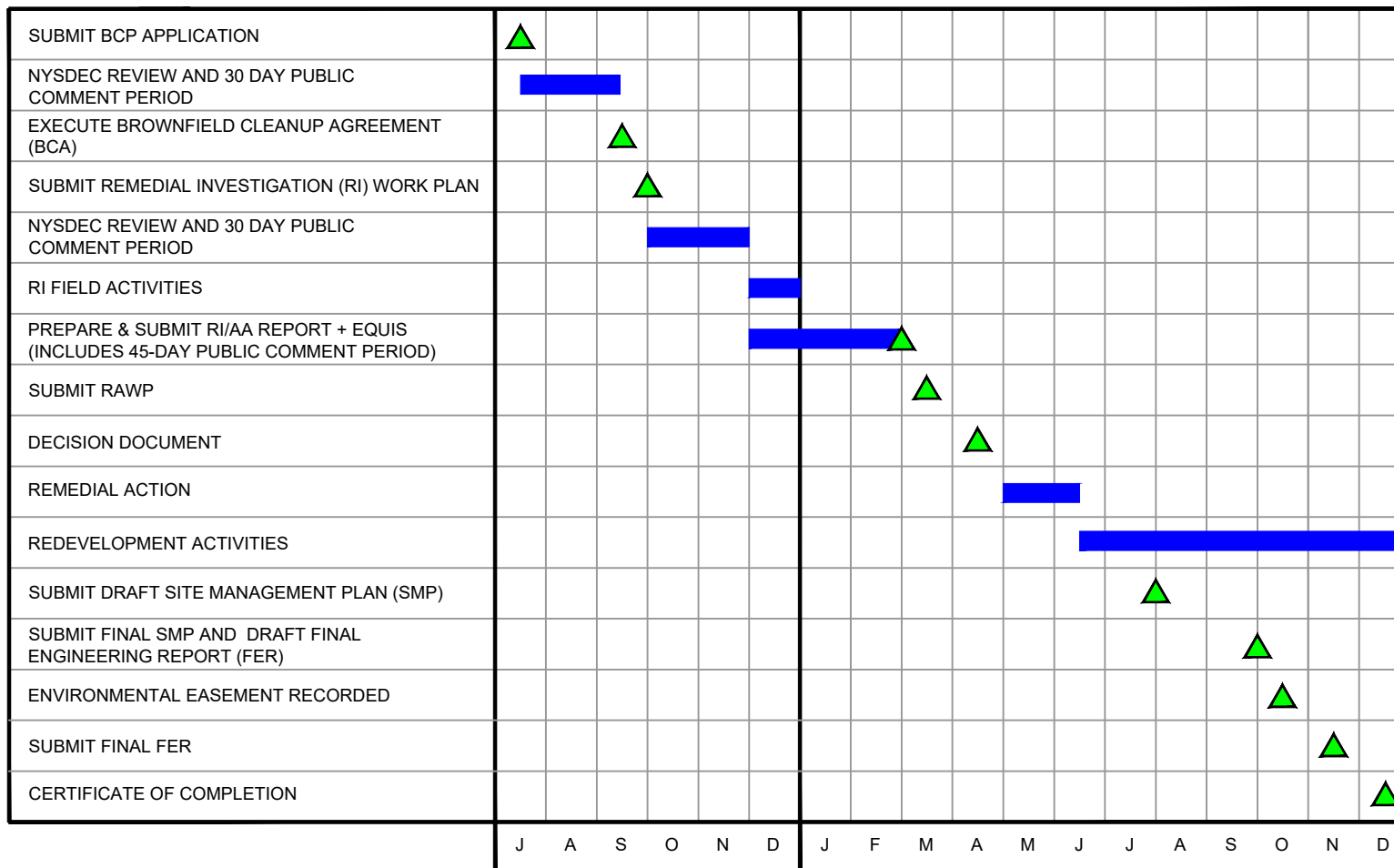
OLD ERIE COMMONS SITE
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PROJECT TASKS:



2021

2022



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SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0258-021-002

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
170 CENTER STREET
CANASTOTA, NEW YORK

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FIGURE 5

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IMAGE PROVIDED BY SAVARINO COMPINIES, LLC.



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0558-021-0992

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PRELIMINARY SITE RENDERING

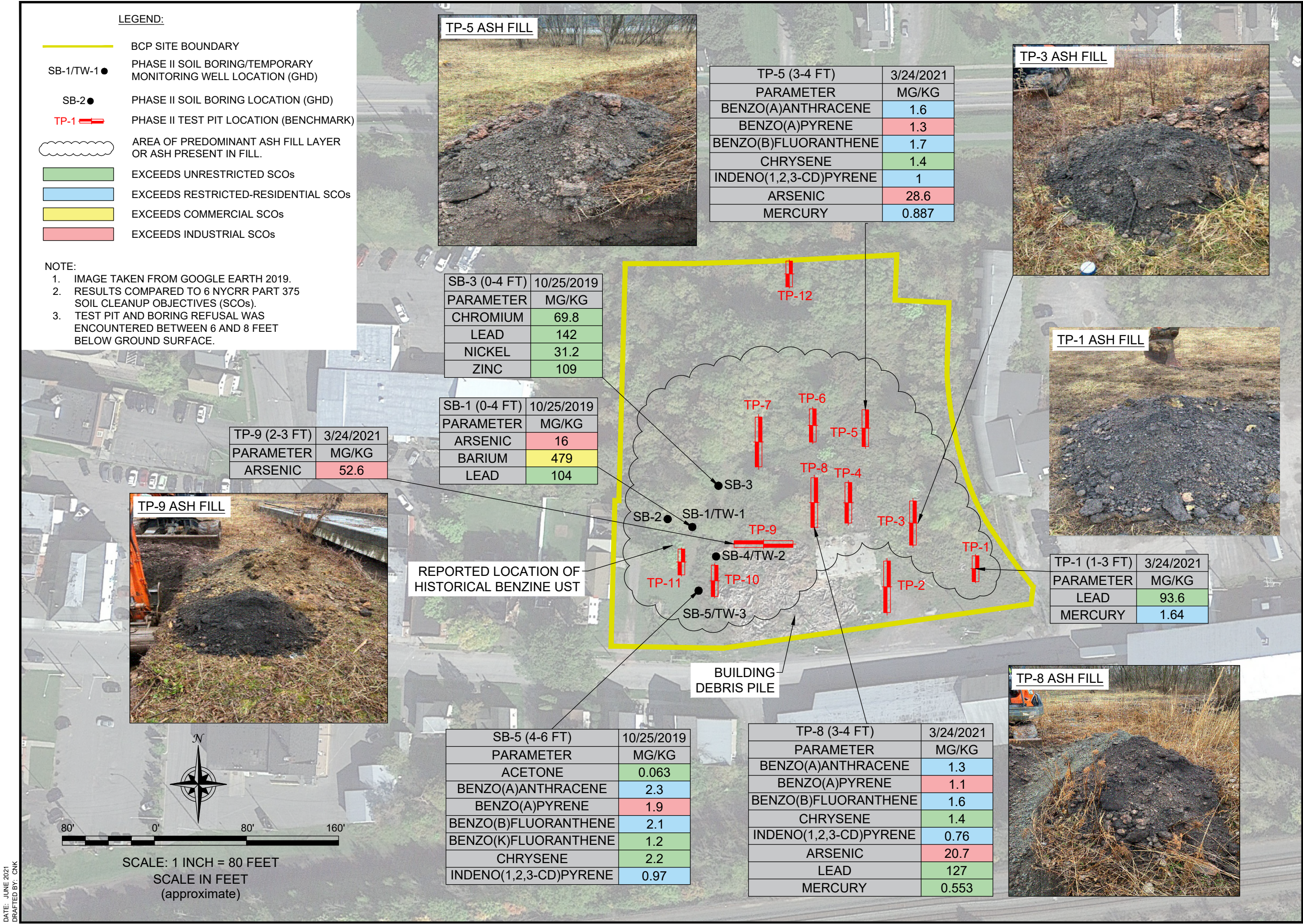
BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK

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FIGURE 6

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INVESTIGATION LOCATIONS AND AREAS OF CONCERN

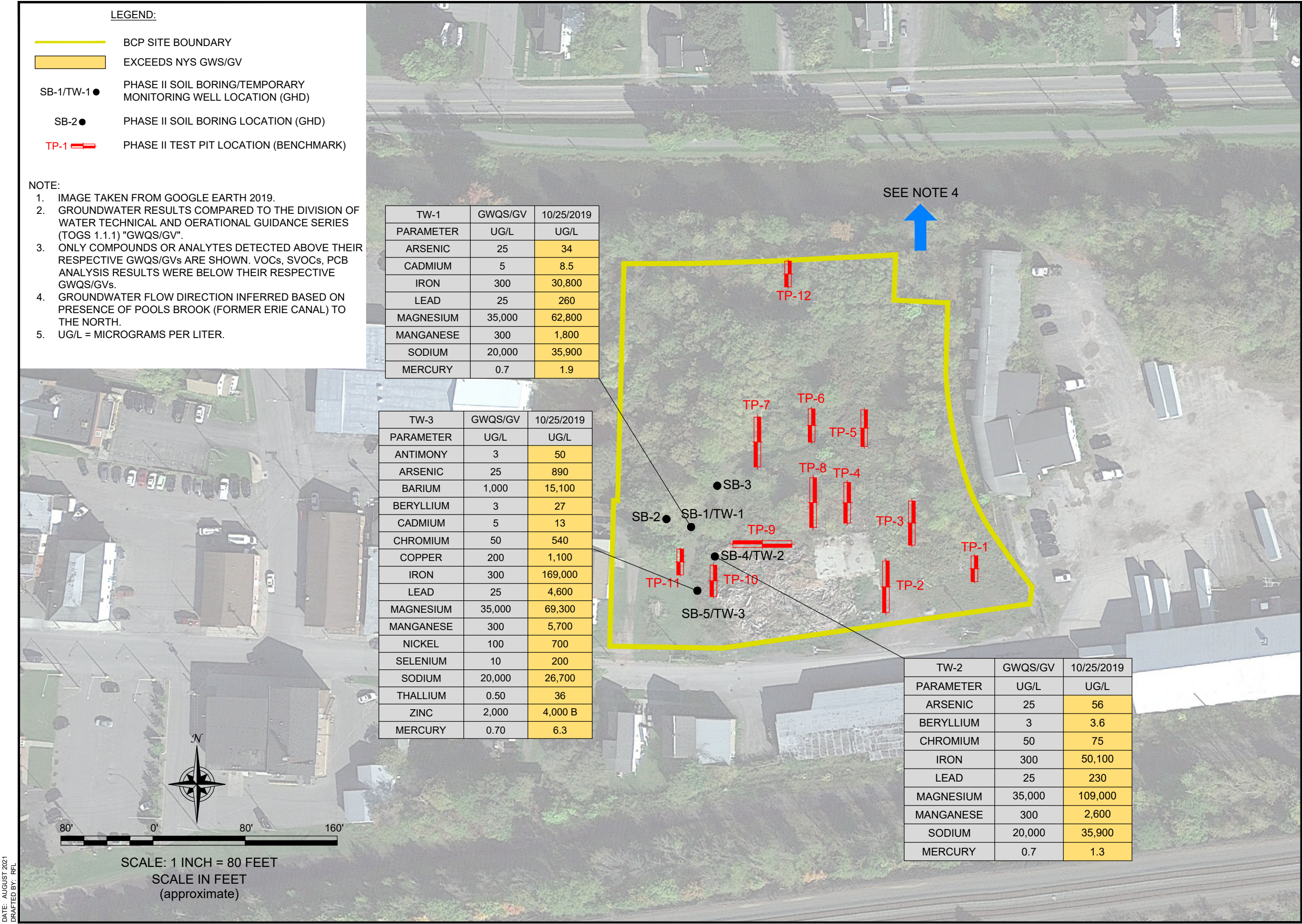
BROWNFIELD CLEANUP PROGRAM APPLICATION
OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK
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SCIENCE, PLLC
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: B0258-021-002

FIGURE 7A

F:\CAD\Benchmark\Savarino\160 Center Street\BCP Application\Figure 7B: Groundwater Exceedances.dwg, 8/13/2021 2:35:43 PM



DATE: AUGUST 2021
DRAFTED BY: RFL

GROUNDWATER EXCEEDANCES

BROWNFIELD CLEANUP PROGRAM APPLICATION
OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK
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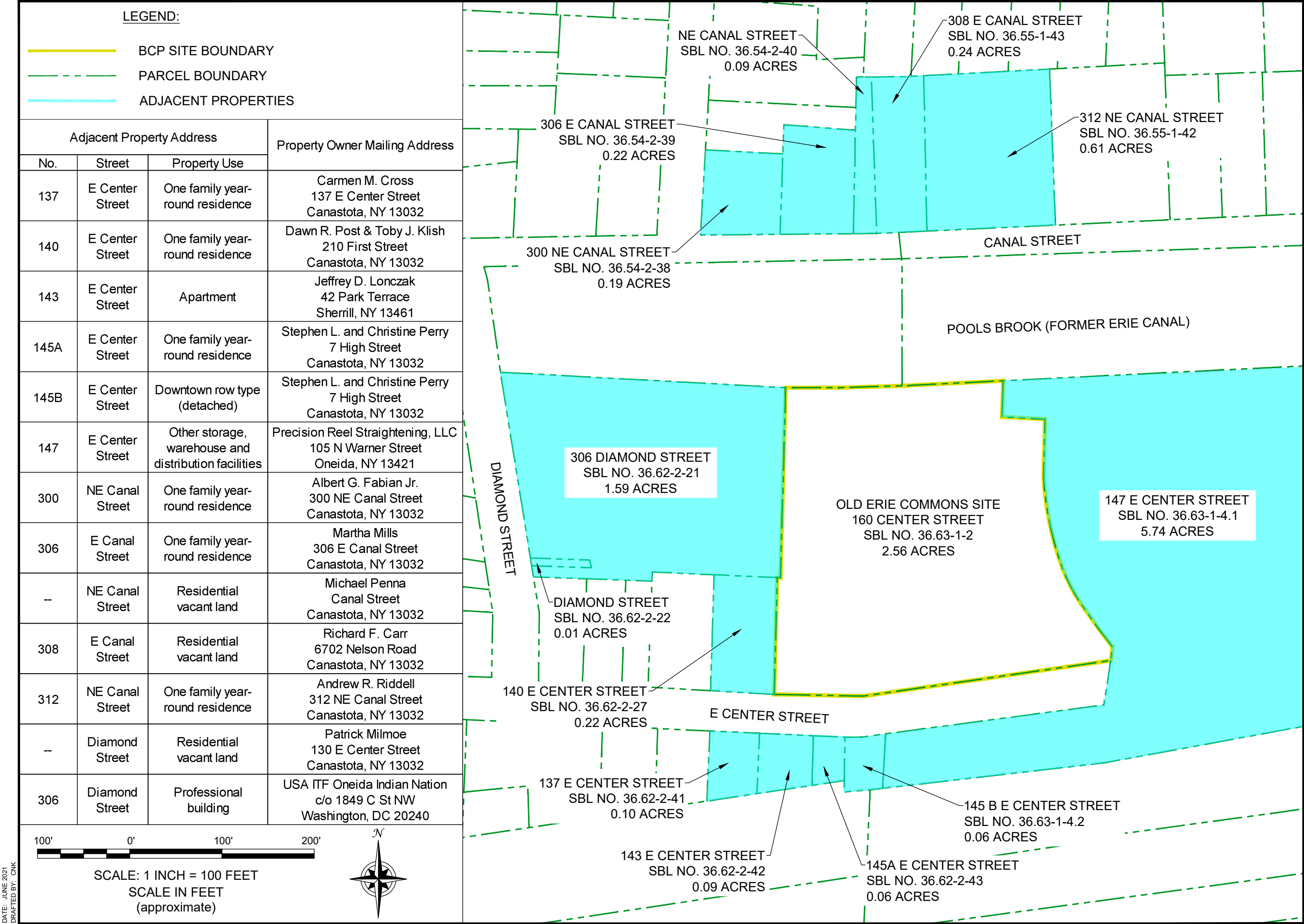
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SCIENCE, PLLC
2558 HAMBURG TURNPIKE
SUITE 300
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FIGURE 7B

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F:\CAD\Benchmark\Savarino\160 Center Street\BCP Application\Figure 8, Adjacent Property Owners.dwg, 6/10/2021 1:37:33 PM, DWG To PDF.p3



DATE: JUNE 2021
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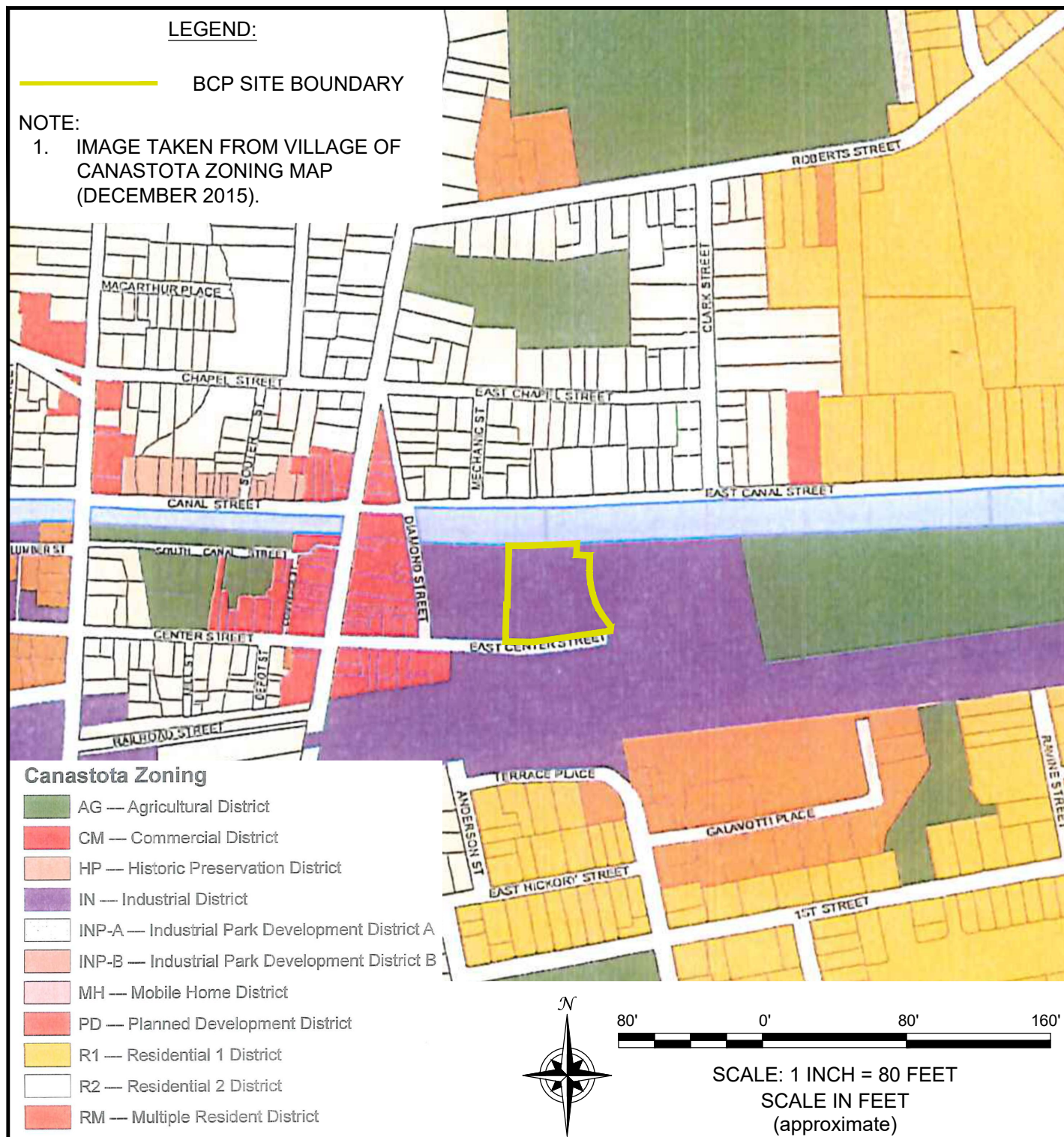
ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK
PREPARED FOR
SAVARINO COMPANIES

FIGURE 8

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FIGURE 9



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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
160 CENTER STREET
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FIGURE 10

LEGEND:

 BCP SITE BOUNDARY

NOTE:

1. IMAGE TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY.



MAP UNIT SYMBOL	MAP UNIT NAME
CFL	CUT AND FILL LAND
GaA	GALEN VERY FINE SANDY LOAM
LaB	LAIRDSVILLE SILT LOAM
LbD3	LAIRDSVILLE SILTY CLAY LOAM
LvA	LOCKPORT SILT LOAM
Mt	MINOA VERY FINE SANDY LOAM
NgA	NIAGARA SILT LOAM
Wv	WEAVER SILT LOAM



SCALE: 1 INCH = 400 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0258-021-002

DATE: JUNE 2021

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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK

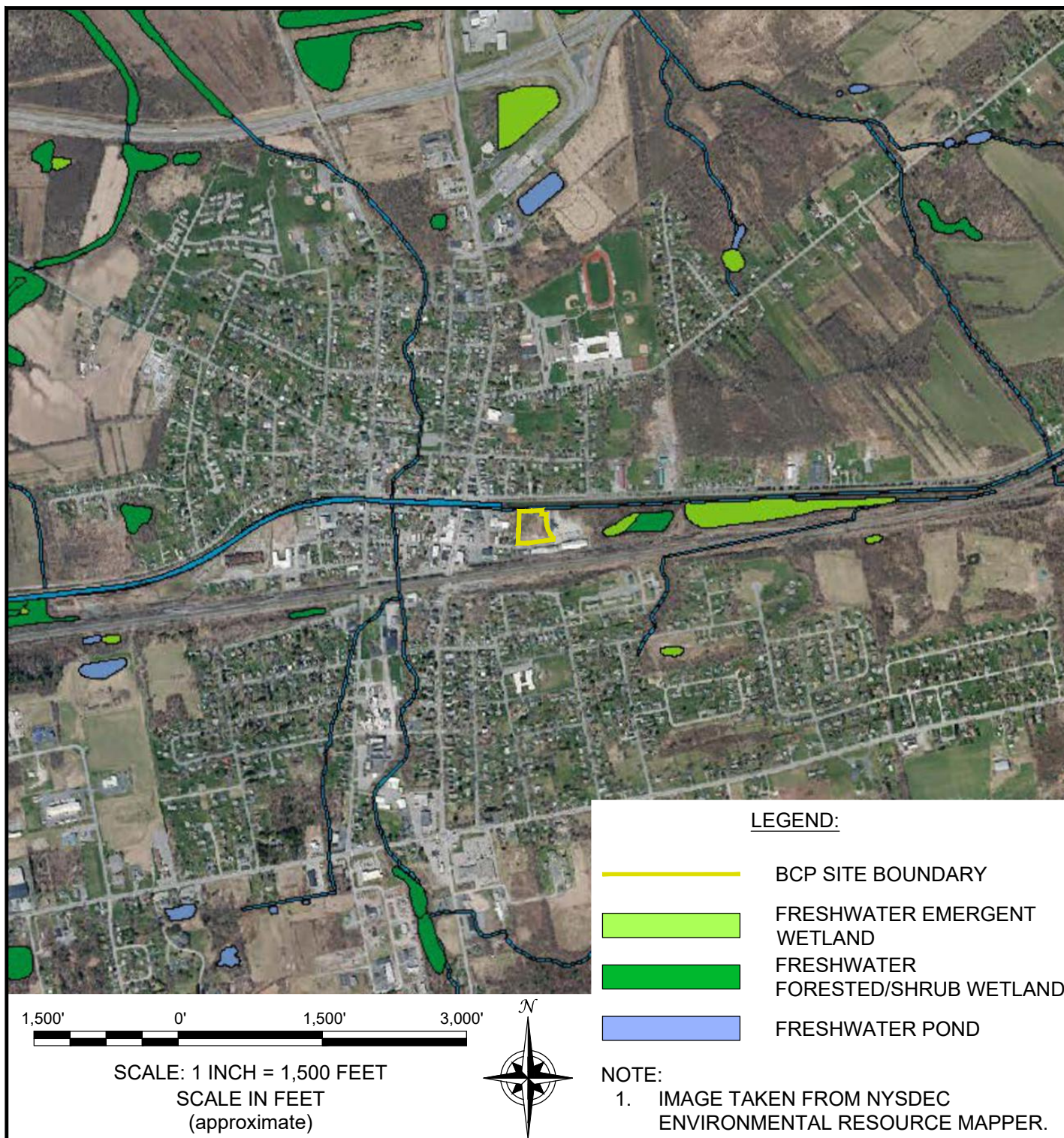
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FIGURE 11



2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 858-0599

PROJECT NO.: B0258-021-002

DATE: JUNE 2021

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WETLANDS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

OLD ERIE COMMONS SITE
160 CENTER STREET
CANASTOTA, NEW YORK

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APPENDIX A

BCP APPLICATION PART A – SECTIONS I - IV

SECTION I – REQUESTOR INFORMATION

SECTION II – PROJECT DESCRIPTION

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION IV – PROPERTY INFORMATION

**EXHIBIT A1 – NYS CORPORATION & BUSINESS ENTITY DATABASE
INFORMATION**

EXHIBIT A2 – SIGNATURE CONSENT

EXHIBIT A3 – MADISON COUNTY PARCEL DETAIL REPORT

EXHIBIT A4 – SANBORN MAPS

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

SECTION I – REQUESTOR INFORMATION

Requestor, Savarino Companies, LLC (Savarino), a New York State limited liability company, is authorized to conduct business in New York State (NYS). A copy of the NYS Corporation and Business Entity Database printout for Savarino is attached as Exhibit A1.

Attached as Exhibit A2 is the resolution of Savarino authorizing specified persons (Samuel J. Savarino) to execute documents or agreements necessary under the NYS Brownfield Cleanup Program (BCP).

Benchmark Environmental Engineering and Science, PLLC (Benchmark), a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project.

SECTION II – PROJECT DESCRIPTION

Savarino, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1 through 4) under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the ±2.56-acre property Site with 10 buildings, consisting of 45 residential units and 6,000 square feet of commercial/retail space in a mixed-income community referred to as Canalside Pocket Neighborhood. The conceptual redevelopment plan is shown on Figure 6.

The Project will result in the remediation, redevelopment, and reuse of an idle, environmentally impacted property located between Center Street and the former Erie Canal (now a portion of Pools Brook) in Canastota, New York.

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the Old Erie Commons Site (hereinafter, the “Project Site” or the “Site”) are provided below.

Phase I Environmental Site Assessment (GHD, September 2019)

A Phase I Environmental Site Assessment (ESA) was performed by GHD at the Site in August 2019. According to the ESA, the Site building was constructed sometime prior to 1890 by the former Canastota Casket Company and was later used by several furniture companies and an agricultural supply company before becoming vacant. The building partially collapsed in July 2011, leading to its full emergency demolition in August 2011. The ESA identified the following findings for the Site:

- **Potential Benzine Underground Storage Tank (UST):** According to historical Sanborn maps, an unknown capacity UST was installed at the Site sometime between 1906 and 1911 and was reportedly used to store benzine. No additional information was provided or able to be reasonably ascertained, including information regarding specific location, closure, and removal. A surface feature with the potential to connect to subsurface structures was identified in the approximate reported location of the historical UST.
- **Historical Site Use:** The Site has been utilized for various operations that involved varnishing, painting, and machining, including casket manufacturing, furniture manufacturing, and boat building, for over 120 years. These operations utilize significant quantities of petroleum products and hazardous substances.
- **Historical Railroad Spurs:** Historically, three (3) railroad spurs were located on-Site and entered the Site from its southeastern corner. One railroad spur crossed the central portion of the Site and terminated on the adjoining property to the west. One railroad spur terminated in the central portion of the Site adjacent to the northern wall of the main historical Site building. One railroad spur crossed the central portion of the Site and terminated near the Site’s northern boundary. In addition, one railroad spur was located immediately adjacent to the Site’s eastern boundary and terminated near the Erie Canal, which adjoins the northern Site boundary. They were present from sometime prior to 1890 until an unknown date after 1963.
- **On-Site Building Debris:** A significant quantity of intermixed brick, stone, concrete, and wood pieces were observed along the southern portion of the Site,

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

generally within the basement of the historical main Site building. The debris pile is documented to contain potential asbestos-containing materials.

- **Former Septic Systems:** Based on the development of the Site dating back to at least the 1890s, it is assumed that at some point in the Site's past, prior to connecting to the municipal sanitary sewer system, a septic system(s) was previously located on-Site.

Limited Phase II Environmental Site Assessment (GHD, November 2019)

A Limited Phase II Environmental Site Assessment was completed by GHD to assess soil and groundwater in the vicinity of the potential UST and was not intended to characterize subsurface conditions for the entirety of the Site. The Limited Phase II activities consisted of a ground penetrating radar (GPR) survey to locate the UST, the completion of five (5) soil borings around the UST area (SB-1 through SB-5), and the installation of three (3) temporary groundwater wells (TW-1 through TW-3). GHD collected three (3) soil samples and three (3) groundwater samples for laboratory analysis of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, and polychlorinated biphenyls (PCBs). The findings of the Limited Phase II are as follows.

- The GPR survey did not confirm or deny the presence of the UST.
- Subsurface conditions consisted of approximately 2 to 5 feet of fill material overlying native soils. Low-level (0.3 to 1.5 parts per million (ppm)) total volatile organic field measurements were noted at the boring locations.
- Groundwater was encountered at approximately 3 feet below ground surface (fbgs).
- One (1) VOC, acetone, was detected exceeding its 6 NYCRR Part 376 Unrestricted Soil Cleanup Objective (USCO) at SB-5 (4-6 ft).
- SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs) were identified exceeding USCOs, Restricted-Residential SCOs (RRSCOs), and Industrial SCOs (ISCOs) at SB-5 (4-6 ft).
- Metals, including arsenic, barium, chromium, lead, nickel, and/or zinc were identified exceeding USCOs, Commercial SCOs (CSCOs), and ISCOs at SB-1 (0-4 ft) and SB-3 (0-4 ft).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

- Metals, including antimony, arsenic, barium, beryllium, cadmium, chromium, copper, iron, lead, magnesium, manganese, nickel, selenium, sodium, thallium, zinc, and/or mercury were identified exceeding TOGS 1.1.1 Groundwater Quality Standards/Guidance Values (GWQS/GV) at TW-1, TW-2, and TW-3.
- The Limited Phase II concluded the sample results taken from the reported vicinity of the historical UST did not exhibit evidence of impacts associated with petroleum or organic compounds.

The ESA did identify other concerns which were not investigated as part of the Limited Phase II. Due to the concerns detailed above, Benchmark recommended completion of a Phase II Environmental Investigation to assess the Site and other concerns which were not investigated.

Phase II Environmental Investigation Report (Benchmark, May 2021)

Benchmark completed a Phase II Environmental Investigation at the Site in March 2021. The Phase II activities consisted of 12 test pits (TP-1 through TP-12) completed across the Site to depths of approximately 3 to 7 fbs. Four (4) soil/fill samples were selected for laboratory analysis, which included SVOCs and metals. Three (3) groundwater samples (TP-3W, TP-5W, and TP-10W) were collected from test pit locations TP-3, TP-5, and TP-10 for laboratory analysis of VOCs. Findings of the Phase II are summarized below:

- Fill materials consisting of black fines, ash, cinders, brick, glass, and metal were observed across the Site to depths of approximately 1.5 to 6 fbs. A predominant ash fill layer was observed at the test pit locations except TP-2 and TP-12. Native soil and weathered bedrock were present underlying the fill materials.
- PAHs were detected in two (2) of the four (4) samples analyzed for SVOCs at concentrations exceeding their respective USCOs, RRSCOs, and/or ISCOs, TP-5 (3-4 ft) and TP-8 (3-4 ft).
- Metals, including arsenic, lead, and/or mercury were detected in the four (4) samples analyzed for RCRA 8 metals at concentrations exceeding respective USCOs, RRSCOs, and/or ISCOs, TP-1 (1-3 ft), TP-5 (3-4 ft), TP-8 (3-4 ft), and TP-9 (2-3 ft).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

The previous investigation locations, field observations, and a summary of analytical results are shown on Figures 7A and 7B. Complete copies of the previous investigation reports are provided as separate PDF files on the enclosed CD.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The Old Erie Commons Site, subject to this BCP application, is in a highly developed residential, commercial, and industrial use area in the Village of Canastota (see Figures 1 and 2). The BCP Site consists of a ±2.56-acre parcel located at 160 Center Street, Village of Canastota, Madison County, New York (SBL No. 36.63-1-2).

The Madison County tax parcel detail report for the 160 Center Street parcel is provided for reference as Exhibit A3.

Easements and Permits

Savarino is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-way along Center Street. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water.

Location

The Site is located between Center Street and the former Erie Canal (now a portion of Pools Brook) in a highly developed residential, commercial, and industrial area of the Village of Canastota, Madison County, New York. The Site is bordered by the old Erie Canal (Pools Brook) to the north, Center Street to the south, residential, commercial, and vacant properties to the west, and a commercial property to the east. Adjacent property owners are identified on Figure 8.

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

According to NYSDEC Environmental Zone (En-Zone) mapping, the Site is not located within an En-Zone.

Site Features

The Site is currently vacant and mainly covered with vegetation (grass and wooded areas) except in the southern central portion of the Site in the vicinity of the former building, where a concrete slab and an associated pile of debris is present from the demolition of the former 5-story building completed in August 2011.

Zoning and Land Use

The redevelopment plan for the Site includes 10 buildings, consisting of 45 residential units and 6,000 square feet of commercial/retail space in a mixed-income community referred to as Canalside Pocket Neighborhood. The current zoning for the Site is IN (Industrial District) according to the December 2015 Village of Canastota Zoning Map (Figure 9). A zoning change will be completed to allow for the development of a mixed-use residential and commercial property. Surrounding properties are zoned IN and R2 (Residential 2 District).

The Site has received funding from the NYS Canal Corporation for its proposed redevelopment to create a mixed-use pocket neighborhood along the former Erie Canal. The funding was provided through a competitive proposal submittal process. The Madison County Planning Department is one of the team members on the team which submitted the proposal.

The Site is currently vacant. The surrounding parcels are currently used as follows:

- north – residential, vacant;
- south – residential, commercial;
- east – commercial; and,
- west – residential, commercial, vacant.

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

Past Use of the Site

The Site has been utilized for various operations that involved varnishing, painting, and machining, including casket manufacturing, furniture manufacturing, and boat building, for over 120 years. The former Site building was constructed prior to 1890 by the former Canastota Casket Company and was later used by several furniture companies and an agricultural supply company before becoming vacant. The building partially collapsed in July 2011, leading to its full emergency demolition in August 2011.

Three (3) railroad spurs were located on-Site entering the Site from its southeastern corner from prior to 1890 until after 1963. An unknown capacity UST was installed at the Site between 1906 and 1911 and was reportedly used to store benzine. No additional information is known regarding its specific location, closure, and removal. A surface feature with the potential to connect to subsurface structures was identified in the approximate reported location of the historical UST, however previous investigations have not identified whether the UST is still present in the subsurface.

Sanborn Maps for the Site are included as Exhibit A4.

Impacted fill materials are present across the Site and may be associated with historic fill material import. We note that an ash fill layer has been identified at a majority of the investigation locations completed (see Figure 7A). Analytical of samples from the ash layer indicate the presence of PAHs and metals. The Site is impacted by SVOCs and metals exceeding USCOs, RRSCOs, CSCOs and/or ISCOs.

Site Geology and Hydrogeology

The Site is located within the Oswego River/Finger Lakes major drainage basin, which includes the Oswego, Oneida, Seneca, and Clyde River, and the majority of the New York Finger Lakes. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as cut and fill land (CFL). Cut and fill land is composed of 70% udorthents (and similar soils) and 30% minor components. Udorthents are defined as

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

soils without defined horizons that form in a humid climate. Cut and fill land is classified as somewhat excessively drained with a slope of 0 to 8 percent (see Figure 11).

The previous investigation identified the Site geology as primarily vegetative topsoil cover over varying types of fill materials, to depths ranging from 1.5 to 6 fbgs. Fill material containing various amounts of ash, cinders, glass, metal, and brick was observed at most investigation locations. A predominant ash fill layer was observed at many locations across the Site (see Figure 7A). A sandy lean clay (potentially native soil) was encountered underlying the fill material.

The Site is situated over the Vernon Formation of the Upper Silurian. The Vernon Formation is part of the Salina Group and consists of shale with black shale horizons. Weathered shale bedrock was encountered at depths ranging between 5.25 to 7 fbgs in the southwest portion of the Site.

Regional groundwater is anticipated to flow north toward Pools Brook (formerly the Erie Canal, see Figure 7B), which is adjacent to the Site. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. Groundwater was encountered during previous investigations between 3 to 5 fbgs. Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells will be installed to assess and characterize groundwater flow patterns and quality during the Remedial Investigation.

There are no NYSDEC wetlands, federally regulated wetlands, or floodplains located on the Site. However, several federally regulated freshwater emergent wetlands and freshwater forested/shrub wetlands are located within a mile of the Site (Figure 11).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

Environmental Assessment Narrative

Soil – Field observations indicate the presence of a predominant ash fill layer and/or fill with ash present throughout the Site. Specifically, the predominant ash fill layer was identified at TP-3, TP-4, TP-5, TP-6, TP-7, TP-8, TP-9, TP-10, and TP-11 and ash intermingled with fill was identified at SB-1, SB-2, SB-3, SB-4, SB-5, TP-1, TP-8, and TP-9. Samples SB-1, SB-3, and SB-5 were partially collected from fill layers, and samples TP-1, TP-5, TP-8, and TP-9 were collected from the predominant ash fill layer. Analytical data (discussed below and in Section III of Appendix A) indicate that soil/fill samples had PAH and/or metal contaminants present above their respective RRSCOs, CSCOs, and/or ISCOs across the Site. PAH and metal contamination is likely associated with the ash fill observed throughout the Site and may also be associated with the prior use of the Site. Figure 7A summarizes field observations and environmental impacts identified during the previous investigations.

Semi-Volatile Organic Compounds

SVOCs were detected above method detection limits (MDLs) in the seven (7) samples analyzed during previous investigations. SVOCs, specifically PAHs, were detected above their respective RRSCOs and/or ISCOs at three (3) of the seven (7) investigation locations, SB-5 (4-6 ft), TP-5 (3-4 ft) and TP-8 (3-4 ft). These locations are shown on Figure 7A.

- Benzo(a)anthracene exceeded its RRSCO (1 mg/kg) at SB-5 (2.3 mg/kg), TP-5 (1.6 mg/kg), and TP-8 (1.3 mg/kg).
- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) at SB-5 (1.9 mg/kg), TP-5 (1.3 mg/kg), and TP-8 (1.1 mg/kg).
- Benzo(b)fluoranthene exceeded its RRSCO (1 mg/kg) at SB-5 (2.1 mg/kg), TP-5 (1.7 mg/kg), and TP-8 (1.6 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at SB-5 (0.97 mg/kg), TP-5 (1 mg/kg), and TP-8 (0.76 mg/kg).

Metal Analytes

Metal analytes were detected above MDLs in the seven (7) samples analyzed during previous investigations. Metal analytes were detected above their respective Part 375 RRSCOs, CSCOs, and/or ISCOs at five (5) of the seven (7) investigation locations, SB-1 (0-4 ft), TP-1

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

(1-3 ft), TP-5 (3-4 ft), TP-8 (3-4 ft), and TP-9 (2-3 ft). These sample locations are shown on Figure 2.

- Arsenic exceeded its ISCO (16 mg/kg) at SB-1 (16 mg/kg), TP-5 (28.6 mg/kg) TP-8 (20.7 mg/kg) and TP-9 (52.6 mg/kg).
- Barium exceeded its CSCCO (400 mg/kg) at SB-1 (479 mg/kg).
- Mercury exceeded its RRSCO (0.81 mg/kg) at TP-1 (1.64 mg/kg) and TP-5 (0.887 mg/kg).

Groundwater – Previous investigation analytical data (discussed below and in Section III of Appendix A) indicate that the Site has metal contaminants present above their respective GWQS/GV in the groundwater at the Site (see Figure 7B). Metal contamination may be associated with the prior use of the Site and/or fill material present as similar impacts are noted in the fill material samples.

Metal Analytes

Metal analytes were detected above MDLs in the three (3) samples analyzed during previous investigations. Naturally occurring metals including iron, magnesium, manganese, and sodium were detected above their respective GWQS/GV at the three (3) investigation locations, TW-1, TW-2, and TW-3. Additional metal analytes were detected above their respective GWQS/GV at the three (3) investigation locations, as summarized below (see Figure 7B).

- Antimony exceeded its GWQS/GV (3 ug/L) at TW-3 (50 ug/L).
- Arsenic exceeded its GWQS/GV (25 ug/L) at TW-1 (34 ug/L), TW-2 (56 ug/L), and TW-3 (890 ug/L).
- Barium exceeded its GWQS/GV (1,000 ug/L) at TW-3 (15,100 ug/L).
- Beryllium exceeded its GWQS/GV (3 ug/L) at TW-2 (3.6 ug/L) and TW-3 (27 ug/L).
- Cadmium exceeded its GWQS/GV (5 ug/L) at TW-1 (8.5 ug/L) and TW-3 (13 ug/L).
- Chromium exceeded its GWQS/GV (50 ug/L) at TW-2 (75 ug/L) and TW-3 (540 ug/L).
- Copper exceeded its GWQS/GV (200 ug/L) at TW-3 (1,100 ug/L).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Old Erie Commons Site

- Lead exceeded its GWQS/GV (25 ug/L) at TW-1 (260 ug/L), TW-2 (230 ug/L), and TW-3 (4,600 ug/L).
- Mercury exceeded its GWQS/GV (0.7 ug/L) at TW-1 (1.9 ug/L), TW-2 (1.3 ug/L), and TW-3 (6.3 ug/L).
- Nickel exceeded its GWQS/GV (100 ug/L) at TW-3 (700 ug/L).
- Selenium exceeded its GWQS/GV (10 ug/L) at TW-3 (200 ug/L).
- Thallium exceeded its GWQS/GV (0.5 ug/L) at TW-3 (36 ug/L).
- Zinc exceeded its GWQS/GV (2,000 ug/L) at TW-3 (4,000 ug/L).

The previous investigation reports are provided electronically on the enclosed CD.

EXHIBIT A1

Department of State

Existing Corporations and Businesses ►

Corporation & Business Entity Database Search

Selected Entity Name: SAVARINO COMPANIES, LLC

Selected Entity Status Information

Current Entity Name: SAVARINO COMPANIES, LLC

DOS ID #: 3786990

Initial DOS Filing Date: MARCH 17, 2009

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

SAVARINO COMPANIES, LLC
500 SENECA STREET, SUITE 508
BUFFALO, NEW YORK, 14204

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies.

Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares Type of Stock \$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
MAR 17, 2009	Actual	SAVARINO COMPANIES, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

[Search Results](#) [New Search](#)

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EXHIBIT A2

SAVARINO COMPANIES, LLC

WRITTEN CONSENT

June 24, 2021

The undersigned being holder of all of the membership interest of **Savarino Companies, LLC**, a New York limited liability company (the "**Company**"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

RESOLVED, that Samuel J. Savarino (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 160 Center Street, Canastota, New York; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

RESOLVED, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.


IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent as of the date first set forth above.



Samuel J. Savarino

State of New York)
County of Erie) ss.:

On the 25th day of June in the year 2021, before me, the undersigned, a Notary Public in and for the said state, personally appeared Samuel J. Savarino del, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public

DEBORAH L. LOGUE
NOTARY PUBLIC, STATE OF NEW YORK
QUALIFIED IN ERIE COUNTY
My Commission Expires January 11, 2023
Notary #01L06018451

EXHIBIT A3



Property Description Report For: 160 Center St, Municipality of V. Canastota



Status: Active
Roll Section: Wholly Exem
Swis: 253601
Tax Map ID #: 36.63-1-2
Property Class: 340 - Vacant indus
Site: COM 1
In Ag. District: No
Site Property Class: 340 - Vacant indus
Zoning Code: IND
Neighborhood Code: 36015 - Can. Downtown
School District: Canastota
Total Assessment: 2020 - \$13,400
Property Desc:
Deed Page: 15
Grid North: 1122818

Total Acreage/Size: 2.56
Land Assessment: 2020 - \$13,400
Full Market Value: 2020 - \$14,031
Equalization Rate: ----
Deed Book: 2020
Grid East: 1043250

Owners

Madison County
 P.O. Box 665
 Wampsville NY 13163

Sales

Sale Date	Price	Property Class	Sale Type	Prior Owner	Value Usable	Arms Length	Addl. Parcels	Deed Book and Page
12/31/2019	\$50,000	340 - Vacant indus	Land Only	Jayson, Derald	No	No	No	2020/15
9/29/2016	\$0	330 - Vacant comm	Land Only	Jayson, Dewane	No	No	No	2016/5576
10/13/2015	\$2,250	330 - Vacant comm	Land Only	Madison County	No	No	No	2015/6334
8/4/2015	\$0	330 - Vacant comm	Land Only	Canal Management Inc	No	No	No	2015/4592
6/15/2005	\$0	449 - Other Storage	Land & Building	Sternick, Scott	No	No	No	1343/341
2/2/2002	\$60,100	449 - Other Storage	Land & Building	Dernlan, Susan K	No	No	No	1216/86
12/4/2001	\$70,000	449 - Other Storage	Land & Building	Pettee, Donald E	No	No	No	1210/118
11/1/1999	\$5,000	449 - Other Storage	Land Only	Pettee, Donald E	No	Yes	No	1144/21
10/31/1999	\$65,100	449 - Other Storage	Land & Building	Deal, Randy H	No	Yes	No	1144/16

Utilities

Sewer Type:	Comm/public	Water Supply:	Comm/public
Utilities:	Gas & elec		

Inventory

Overall Eff Year Built:	Overall Condition:	0
Overall Grade:	Overall Desirability:	3

Buildings

AC%	Sprinkler%	Alarm%	Elevators	Basement Type	Year Built	Condition	Quality	Gross Floor Area (sqft)	Stories
-----	------------	--------	-----------	------------------	---------------	-----------	---------	----------------------------	---------

Site Uses

Use	Rentable Area (sqft)	Total Units
-----	----------------------	-------------

Improvements

Structure	Size	Grade	Condition	Year
-----------	------	-------	-----------	------

Land Types

Type	Size
Primary	1.00 acres
Residual	1.56 acres

Special Districts for 2020

Description	Units	Percent	Type	Value
SU361-Sewer Unit Charge	0.25	0%		0

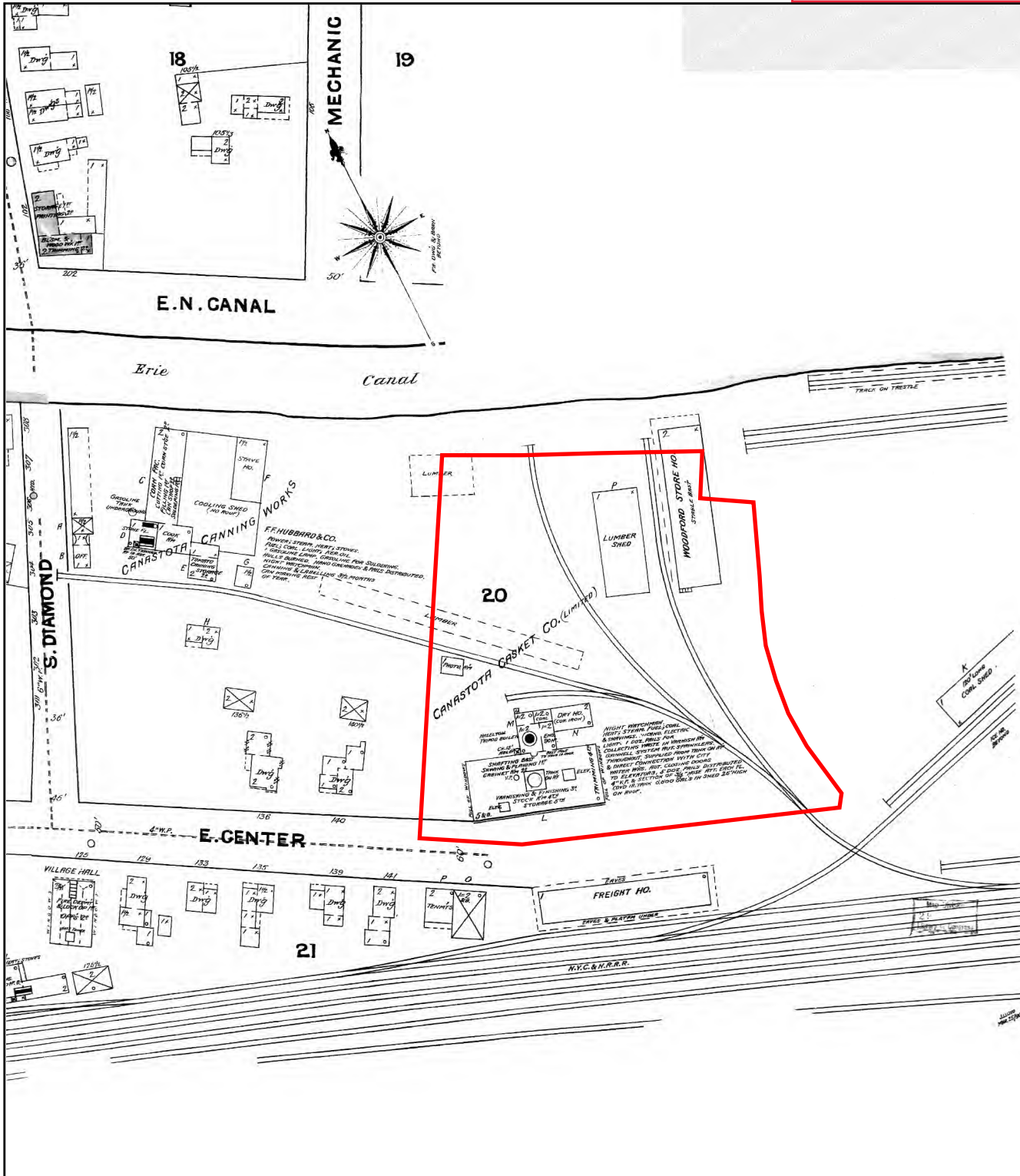
Exemptions

Year	Description	Amount	Exempt %	Start Yr	End Yr	V Flag	H Code	Own %
2020	COUNTY OWN	\$13,400	0	2020		Y		0

Taxes

Year	Description	Amount
2021	Village	\$23.75
2020	County	\$736.78
2020	Village	\$173.03

*** Taxes reflect exemptions, but may not include recent changes in assessment.**



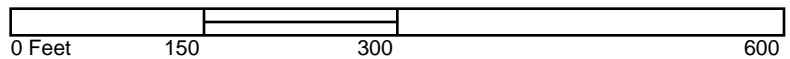
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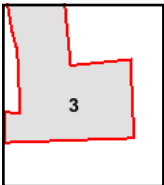
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 City, ST, ZIP: Canastota, NY 13032
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 EDR Inquiry: 5731886.3
 Order Date: 07/29/2019
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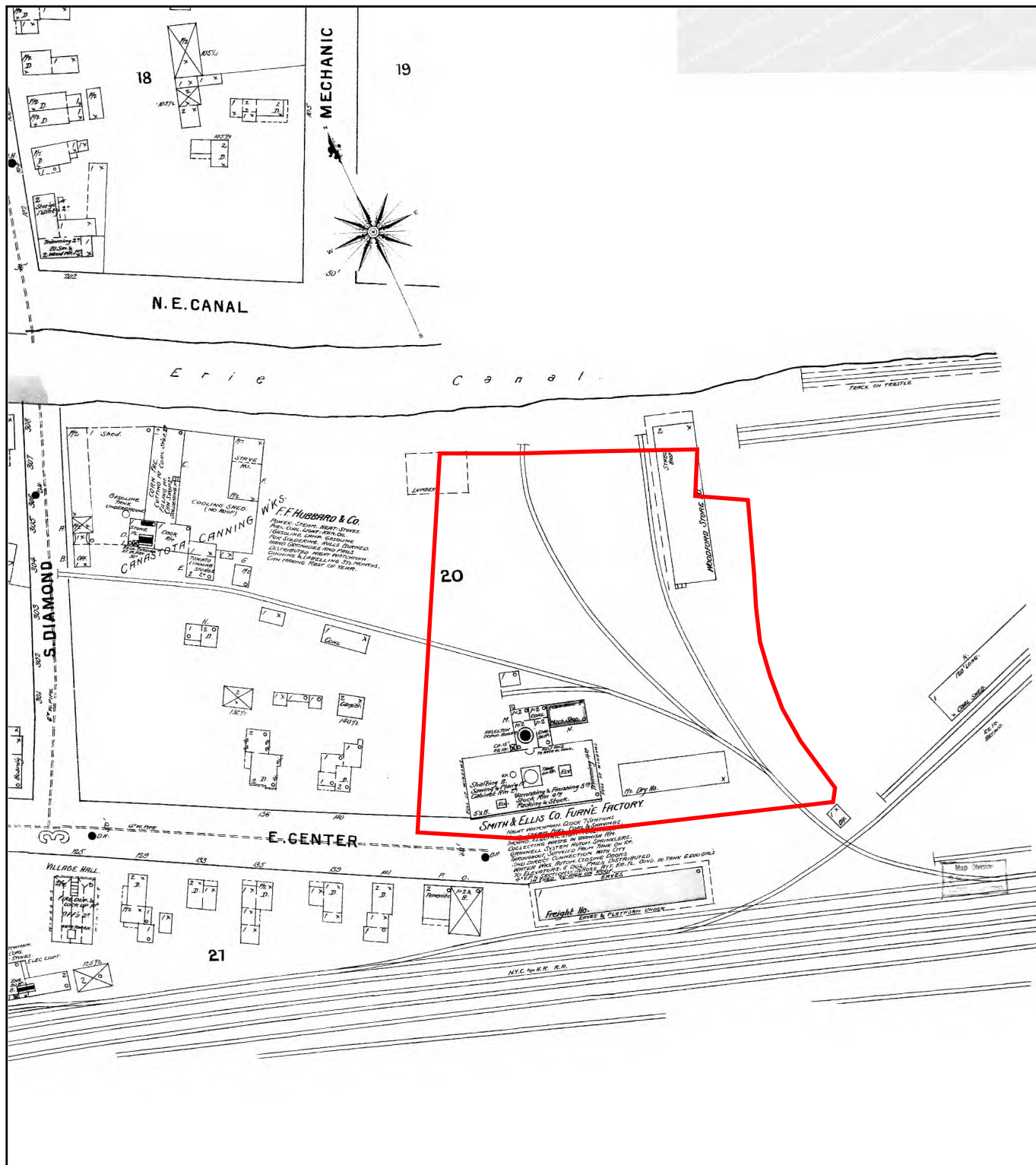


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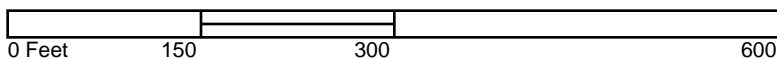
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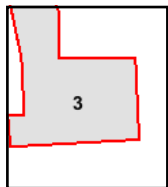
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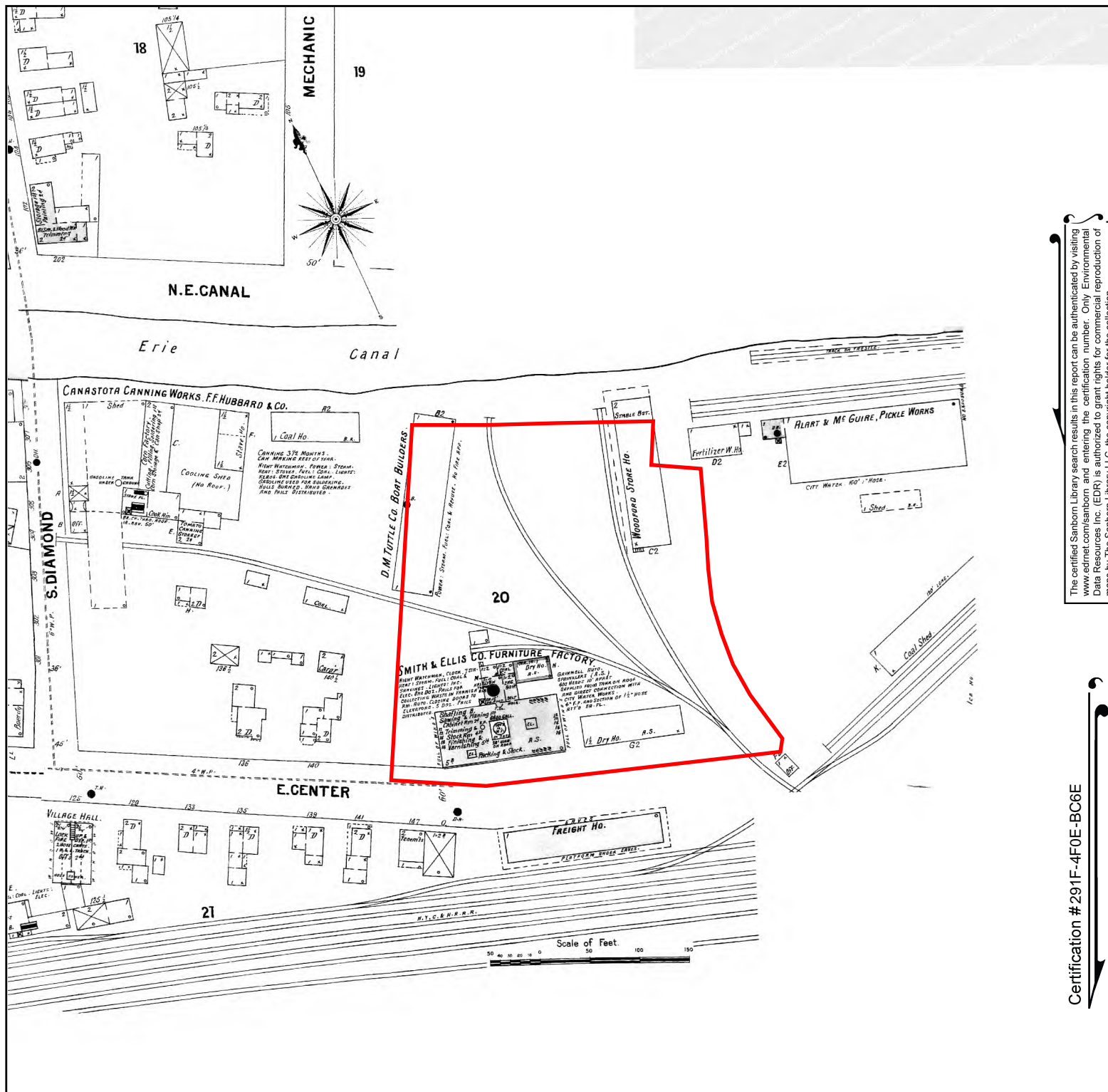


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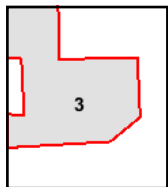
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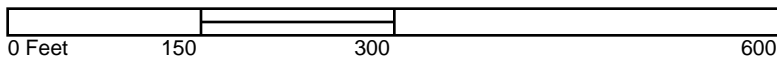
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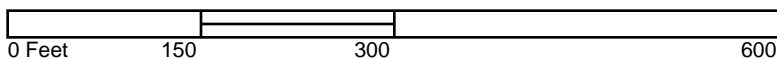
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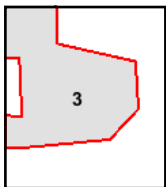
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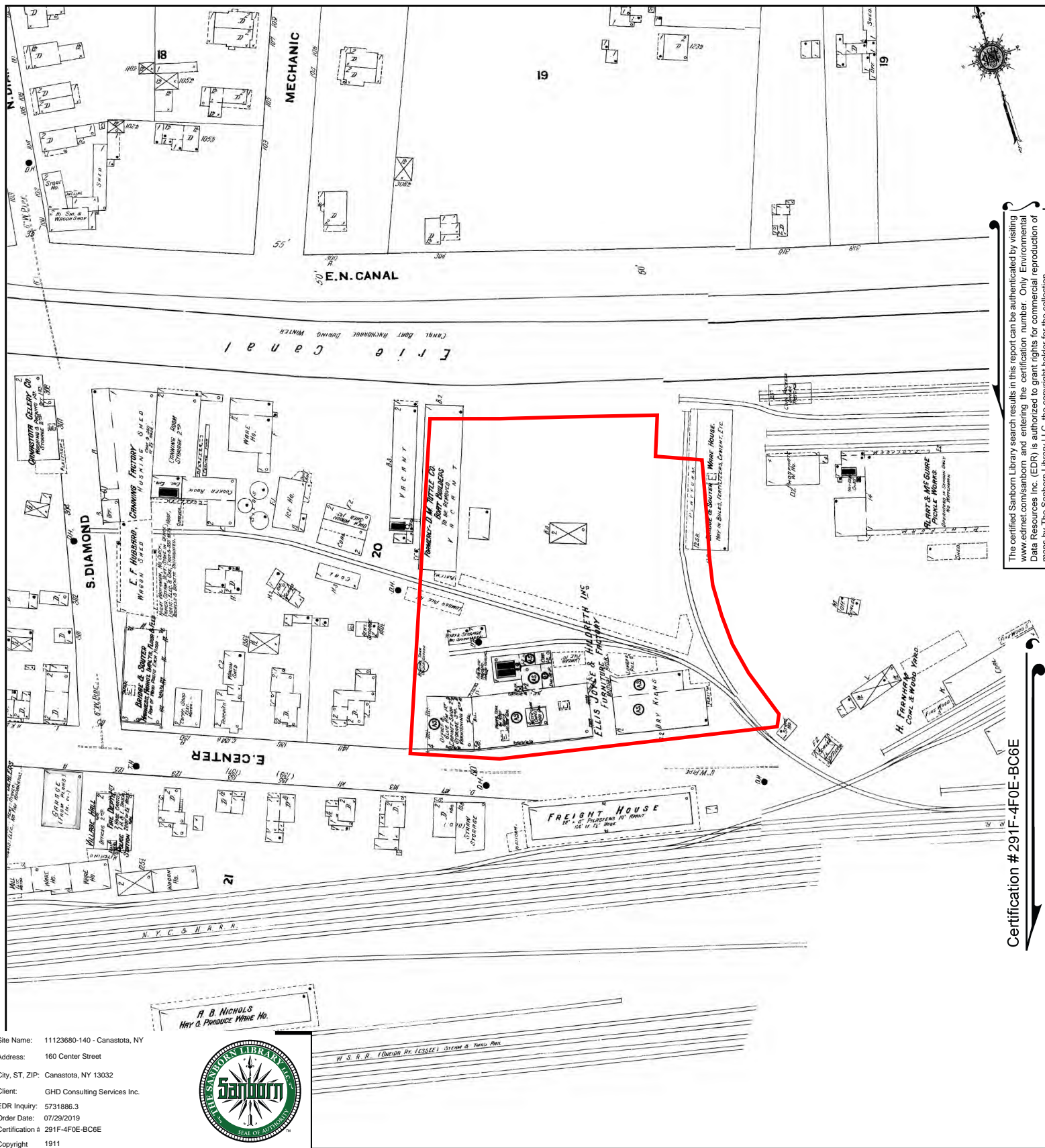


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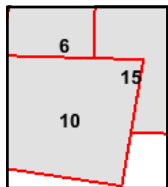
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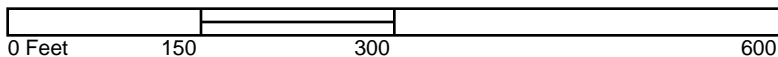
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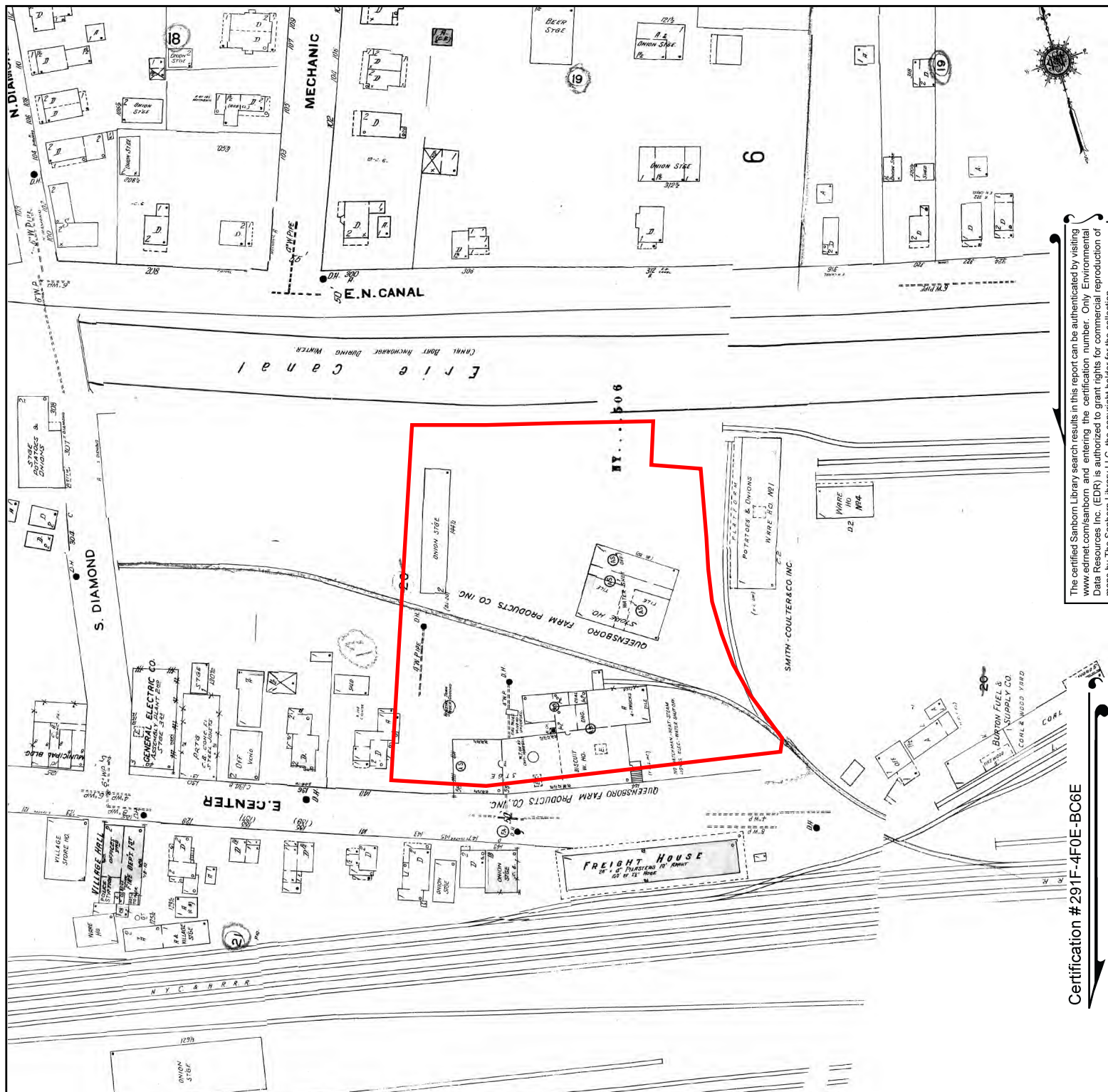


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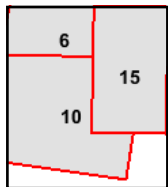
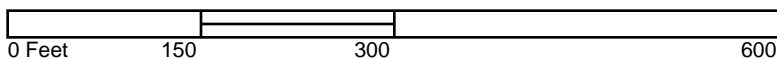
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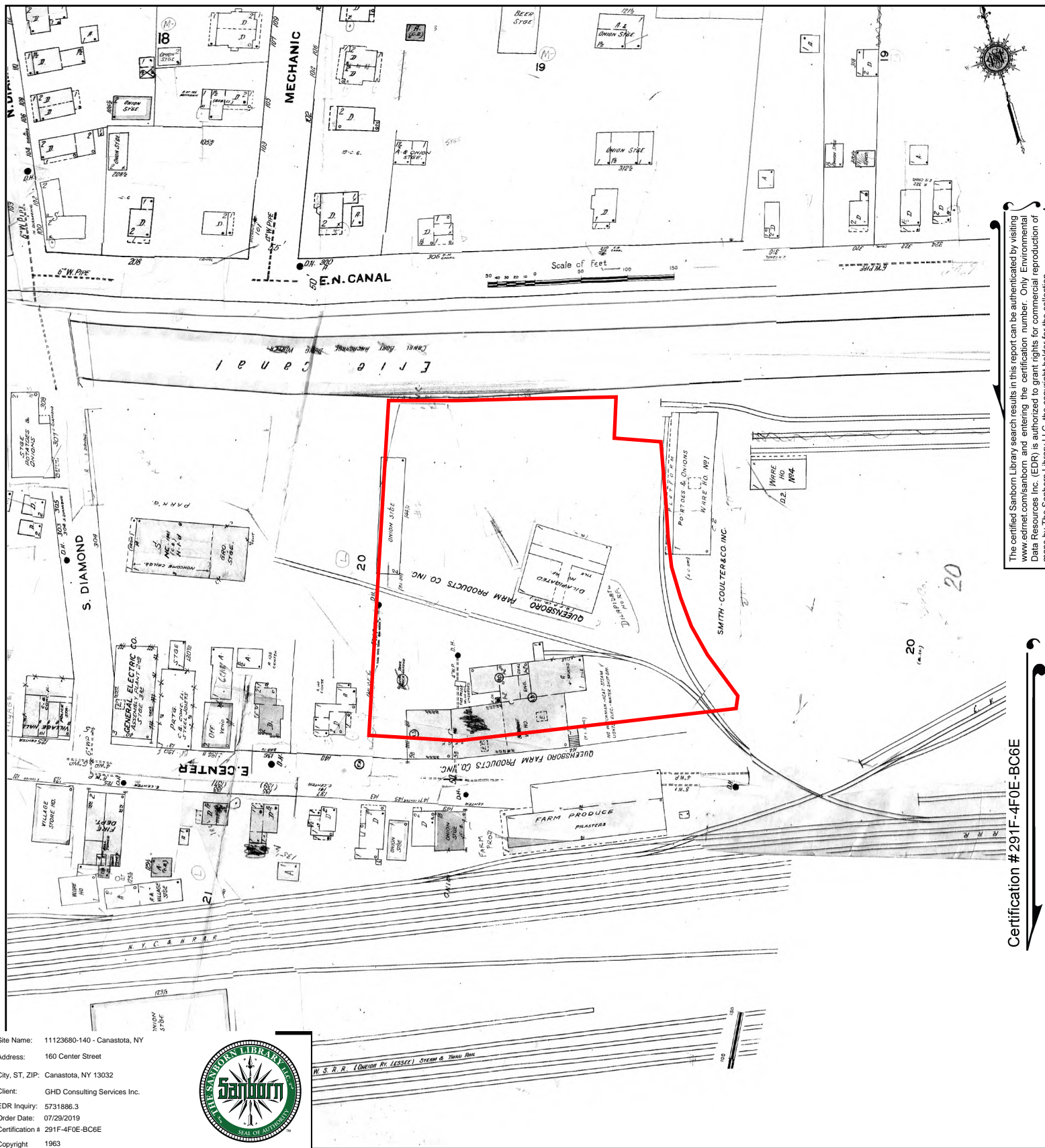


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 Volume 1, Sheet 6





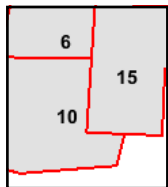
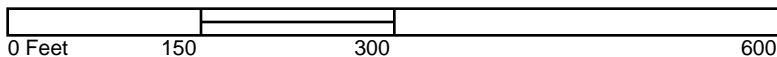
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Volume 1, Sheet 15
 Volume 1, Sheet 10
 Volume 1, Sheet 6



APPENDIX B

BCP APPLICATION PART B – SECTIONS V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

EXHIBIT B1 – SITE ACCESS LETTER

EXHIBIT B2 - DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Information for the previous and current owners/operators is provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
160 Canal Street			
Current Owner/Operator			
Madison County P.O. Box 606 Wampsville, NY 13163 Contact: Jamie Kowalczk Phone: (315) 366-2378 Email: jamie.kowalczk@madisoncounty.ny.gov	Vacant Industrial	December 31, 2019 to Present	Current Owner None – No relationship
Previous Owners/Operators			
Derald Jayson 160 Center Street Canastota, NY 13032	Vacant Industrial	September 2016 to December 31, 2019	Previous Owner None – No relationship
Dewane Jayson 160 Center Street Canastota, NY 13032	Vacant Commercial	October 2015 to September 2016	Previous Owner None – No relationship
Madison County P.O. Box 665 Wampsville, NY 13163	Vacant Commercial	August 2015 to October 2015	Previous Owner None – No relationship
Canal Management, Inc. 520 West 48 th Street, Suite 5E New York, NY 10036	Vacant Commercial	June 2005 to August 2015	Previous Owner None – No relationship
Scott Sternick 520 West 48 th Street, Suite 5E New York, NY 10036	Other storage, warehouse and distribution facilities	February 2002 to June 2005	Previous Owner None – No relationship
Susan K. Dernlan 160 Center Street Canastota, NY 13032	Other storage, warehouse and distribution facilities	December 2001 to February 2002	Previous Owner None – No relationship

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

Randy H. Deal 160 Center Street Canastota, NY 13032	Other storage, warehouse and distribution facilities	March 1997 to October 1999	Previous Owner None – No relationship
William R. Schenk and Beatta K. Schenk 160 Center Street Canastota, NY 13032	Other storage, warehouse and distribution facilities	July 1993 to October 1997	Previous Owner None – No relationship
Queensboro Farm Products Co. Inc. 4 Rasbach Street Canastota, NY 13032	Industrial	November 1942 to July 1993	Previous Owner None – No relationship
Ellis Joyce & Hildreth Inc. Furniture Factory 160 Center Street Canastota, NY 13032	Industrial	At least 1911	Previous Owner/Operator None – No relationship
D.M Tuttle Co. Boat Builders 160 Center Street Canastota, NY 13032	Industrial	At least 1900 to at least 1906	Previous Owner/Operator None – No relationship
Smith & Ellis Company Furniture Factory 160 Center Street Canastota, NY 13032	Industrial	At least 1895 to at least 1906	Previous Owner/Operator None – No relationship
Canastota Casket Company (Limited) 160 Center Street Canastota, NY 13032	Industrial	At least 1890	Previous Owner/Operator None – No relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, Savarino Companies, LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

SVOC, specifically PAHs, and metal impacts are present at the Site. The presence of urban fill and historical use has likely impacted the Site. The Applicant does not currently own the property and does not plan on purchasing the property. Therefore, Savarino Companies, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

The Applicant has approval from the current property owner, Madison County, to access the Site in order to complete the Site investigation and remediation under the BCP. The Site Access Agreement is provided as Exhibit B1.

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project's duration.

Madison County Contacts:

Mark Scimone
Madison County Administrator
P.O. Box 635
Wampsville, NY 13163

John Becker, Chairman
Board of Supervisors
P.O. Box 635
Wampsville, NY 13163

Scott Ingmire, Director
Madison County Planning Department
P.O. Box 606
Wampsville, NY 13163

Michael Keville
Madison County Clerk
P.O. Box 635
Wampsville, NY 13163

Eric Faisst, Public Health Director
Madison County Health Department
P.O. Box 605
Wampsville, NY 13163

Dan Degear, Director
Department of Emergency Management
P.O. Box 577
Wampsville, NY 13163

Town of Lenox Contacts:

Rocco J. DiVeronica, Supervisor
Town of Lenox
205 South Peterboro Street
Canastota, NY 13032

Tom Bush
Town of Lenox Council
205 South Peterboro Street
Canastota, NY 13032

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

Steve Tornabene
Town of Lenox Planning Board
205 South Peterboro Street
Canastota, NY 13032

Village of Canastota Contacts:

Rosanne Warner, Mayor
Village of Canastota
205 South Peterboro Street
Canastota, NY 13032

Jeff Watkins, Trustee
Village of Canastota
205 South Peterboro Street
Canastota, NY 13032

Jenn Farwell, Administrator
Village of Canastota
205 South Peterboro Street
Canastota, NY 13032

Catherine E. Williams, Clerk/Treasurer
Village of Canastota
205 South Peterboro Street
Canastota, NY 13032

Supplier of Potable Water:

Onondaga County Water Authority
200 Northern Concourse
P.O. Box 4949
Syracuse, NY 13221

Local News Media:

Madison County Courier
ATTN: Martha E. Conway
P.O. Box 3
Wampsville, NY 13163

The Oneida Daily Dispatch
ATTN: Kevin Corrado
79 Hurley Avenue
Kingston, NY 12401

WSTM - Ch. 3
ATTN: Matt Mulcahy
1030 James Street
Syracuse, NY 13203

WTVH - Ch. 5
ATTN: Matt Mulcahy
1030 James Street
Syracuse, NY 13203

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

WSYR - Ch. 7
ATTN: Tim Fox
5904 Bridge Street
East Syracuse, NY 13057

WCNY
ATTN: Debbie Stack
P.O. Box 2400
Syracuse, NY 13204

Nearby Schools:

Vanessa T. McClowry, Principal
South Side Elementary School
200 High Street
Canastota, NY 13032

Jennifer L. Carnahan, Principal
Peterboro Street Elementary School
220 North Peterboro Street
Canastota, NY 13032

Michael K. Faustino, Principal
Roberts Street Elementary School
120 Roberts Street
Canastota, NY 13032

Jay P. Altobello, Principal
Canastota Junior/Senior High School
101 Roberts Street
Canastota, NY 13032

Document Repository:

Liz Metzger, Director
Canastota Public Library
102 West Center Street
Canastota, NY 13032

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 8).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
137	E Center Street	One family year-round residence	Carmen M. Cross 137 E Center Street Canastota, NY 13032
140	E Center Street	One family year-round residence	Dawn R. Post & Toby J. Klish 210 First Street Canastota, NY 13032
143	E Center Street	Apartment	Jeffrey D. Lonczak 42 Park Terrace Sherrill, NY 13461
145A	E Center Street	One family year-round residence	Stephen L. and Christine Perry 7 High Street Canastota, NY 13032
145B	E Center Street	Downtown row type (detached)	Stephen L. and Christine Perry 7 High Street Canastota, NY 13032
147	E Center Street	Other storage, warehouse and distribution facilities	Precision Reel Straightening, LLC 105 N Warner Street Oneida, NY 13421
300	NE Canal Street	One family year-round residence	Albert G. Fabian Jr. 300 NE Canal Street Canastota, NY 13032
306	E Canal Street	One family year-round residence	Martha Mills 306 E Canal Street Canastota, NY 13032

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

--	NE Canal Street	Residential vacant land	Michael Penna Canal Street Canastota, NY 13032
308	E Canal Street	Residential vacant land	Richard F. Carr 6702 Nelson Road Canastota, NY 13032
312	NE Canal Street	One family year-round residence	Andrew R. Riddell 312 NE Canal Street Canastota, NY 13032
--	Diamond Street	Residential vacant land	Patrick Milmoie 130 E Center Street Canastota, NY 13032
306	Diamond Street	Professional building	USA ITF Oneida Indian Nation c/o 1849 C St NW Washington, DC 20240

Document Repository

The Canastota Public Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in Exhibit B2.

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is IN (Industrial District) according to the December 2015 Village of Canastota Zoning Map (Figure 9). A zoning change will be completed to allow for the development of a mixed-use residential and commercial property.

2 – Current Use

The Site is currently vacant and mainly covered with vegetation (grass and wooded areas) except in the southern central portion of the Site in the vicinity of the former building, where a concrete slab and an associated pile of debris is present from the demolition of the former 5-story building completed in August 2011.

APPENDIX B
BCP Application – Part B
Section V – Section X
Old Erie Commons Site

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the ±2.56-acre property Site with 10 buildings, consisting of 45 residential units and 6,000 square feet of commercial/retail space, in a mixed-income community referred to as Canalside Pocket Neighborhood.

The redevelopment plan for the Site includes 10 buildings, consisting of 45 residential units and 6,000 square feet of commercial/retail space, in a mixed-income community referred to as Canalside Pocket Neighborhood. The current zoning for the Site is IN-Industrial District. A zoning change will be completed to allow for the development of a mixed-use residential and commercial property. Surrounding properties are zoned IN and R2 (Residential 2 District).

Madison County is the current owner of the property. The redevelopment plan for the Site (Pocket Neighborhood) was awarded funding from the NYS Canal Corporation, in a competitive proposal process to Reimagine the Canals. One of the team members of the winning proposal is the Madison County Planning Department. The redevelopment of the site has the support of Madison County and the Village of Canastota.



EXHIBIT B1

**Madison County
DEPARTMENT OF PLANNING
AND
WORKFORCE DEVELOPMENT**



July 22, 2021

Ms. Kelly A. Lewandowski
NYSDEC – DER/BTS
625 Broadway, 11th Floor
Albany, NY 12233-7020

Re: Old Erie Commons Site
160 Center Street
Canastota, New York

Dear Ms. Lewandowski:

Please be advised that the property located at 160 Center Street, in Canastota, New York is currently owned by Madison County. As such, Madison County is granting full right of access to the property to undertake investigation, remediation (including imposing an environmental easement, if necessary, as part of the remedial strategy), and redevelopment of the property under the New York Brownfield Cleanup Program to Savarino Companies, LLC and its agents.

If you have any questions whatsoever, please do not hesitate to contact me.

Regards,

A handwritten signature in blue ink that reads "Scott Ingmire".

Scott Ingmire, Director
Madison County Planning Department

Scott Ingmire, Director
Jamie Kowalczyk, Assistant Director
Department of Planning and Workforce Development
P.O. Box 606, Wampsville, NY 13163
(315) 366-2376 Voice (315) 366-2742 Fax
scott.ingmire@madisoncounty.ny.gov
jamie.kowalczyk@madisoncounty.ny.gov

Ellen Bowe, Workforce Development Supervisor
Madison County One-Stop Career Center
PO Box 609, Wampsville, NY 13163
(315) 363-2400 Voice (315) 367-1300 Fax
ellen.bowe@madisoncounty.ny.gov

EXHIBIT B2



June 17, 2021

Liz Metzger, Director
Canastota Public Library
102 West Center Street
Canastota, New York 13032

Re: Document Repository for Brownfield Cleanup Program
Old Erie Commons Site
160 Center Street
Canastota, New York

Dear Ms. Metzger:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Canastota Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact me if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

A handwritten signature in blue ink that reads 'Chelsea Kanaley'.

Chelsea Kanaley
Geologist

File: B0258-021-002

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300 | Buffalo, NY 14218
phone: (716) 856-0599 | fax: (716) 856-0583

From: [Liz Metzger](#)
To: [Chelsea N. Kanaley](#)
Subject: Fwd: Document Repository Request - Old Erie Commons Site
Date: Tuesday, June 22, 2021 11:17:38 AM
Attachments: [Document Repository Request - Old Erie Commons Site.pdf](#)

Dear Ms. Kanaley,

The Canastota Public Library will be happy to be the repository for the Old Erie Commons Site documents.

They will be housed at our main desk and will be available for anyone to review.

Sincerely,
Liz Metzger

>

Date: Mon, Jun 21, 2021 at 10:22 AM
Subject: Document Repository Request - Old Erie Commons Site
To: canastota@midyork.org <canastota@midyork.org>

Dear Ms. Metzger,

Please see the attached document repository request for the Brownfield Cleanup Program.

Thank you,

Chelsea Kanaley

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Contracts: Nothing in this message shall be construed as legally binding upon Benchmark or TurnKey.

Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship

PREVIOUS ENVIRONMENTAL INVESTIGATIONS (PROVIDED ELECTRONICALLY)

**PHASE I ENVIRONMENTAL SITE ASSESSMENT, FORMER CANASTOTA
CASKET COMPANY PROPERTY, 160 CENTER STREET, CANASTOTA, NEW
YORK. GHD. SEPTEMBER 2019.**

**LIMITED PHASE II ENVIRONMENTAL SITE ASSESSMENT, SOIL AND
GROUNDWATER SAMPLING AND LABORATORY ANALYSIS RESULTS, 160
CENTER STREET, VILLAGE OF CANASTOTA, NEW YORK. GHD.
NOVEMBER 2019.**

**LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT, 160
CENTER STREET, CANASTOTA, NEW YORK. BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. MAY 2021.**