



## 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 10*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Smith Building, LLC

ADDRESS 225 Wilkinson Street

CITY/TOWN Syracuse

ZIP CODE 13204

PHONE (315) 416-9566

FAX

E-MAIL matthew@paulusdevelopment.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.

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.**

#### 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

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.

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish 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).**

**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	Below RR SCO	Below TOGS	BTEX
Chlorinated Solvents	Below RR SCO	Chloroform + PERC Above Togs	Chloroform, PERC + TCE
Other VOCs	Unknown	Unknown	Unknown
SVOCs	PAH Above RRSCO	Below TOGS	No Elevated Concentrations
Metals	Lead + Copper Above RRSCO	Lead Above TOGS	N/A
Pesticides	Unknown	Unknown	Unknown
PCBs	Unknown	Unknown	Unknown
Other*	GRO/DRO/ORO	N/A	N/A

**\*Please describe:** Gas / Diesel / Oil Range Organics Analysis

**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

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 checked="" 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: \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME The Smith Restaurant Building				
ADDRESS/LOCATION 500 Erie Boulevard East				
CITY/TOWN Syracuse		ZIP CODE 13202		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Syracuse				
COUNTY Onondaga		SITE SIZE (ACRES) 0.334		
LATITUDE (degrees/minutes/seconds) 43 ° 03 ' 1.90 "		LONGITUDE (degrees/minutes/seconds) 76 ° 08 ' 42.52 "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
500 Erie Boulevard East	103.	13	01	0.334
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.				
2. Is the required property map attached to the application? <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 <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : 32</div> <div>             Percentage of property in En-zone (check one):              <input type="checkbox"/> 0-49%              <input type="checkbox"/> 50-99%              <input checked="" type="checkbox"/> 100%           </div>				
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

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.**

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.

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

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

**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)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Matthew Paulus			
ADDRESS 225 Wilkinson Street			
CITY/TOWN Syracuse		ZIP CODE 13204	
PHONE (315) 416-9566	FAX	E-MAIL matthew@paulusdevelopment.com	
NAME OF REQUESTOR'S CONSULTANT AECC/Bradford Engineering D.P.C. - Richard McKenna			
ADDRESS 6308 Fly Road			
CITY/TOWN East Syracuse		ZIP CODE 13057	
PHONE (315) 432-9400	FAX (315) 432-9405	E-MAIL rmckenna@aeccgroupp.com	
NAME OF REQUESTOR'S ATTORNEY Brown Duke & Fogel - Michael Fogel			
ADDRESS 120 Madison Street			
CITY/TOWN Syracuse		ZIP CODE 13202	
PHONE (315) 399-4343	FAX	E-MAIL mfogel@bdflegal.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME (Requestor)		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Smith Restaurant Supply			
ADDRESS 500 Erie Boulevard East			
CITY/TOWN Syracuse		ZIP CODE 13202	
PHONE (315) 474-8731	FAX	E-MAIL	
<b>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".</b>			
<b>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.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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:

☐ 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):

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

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

**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

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.

## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? Central Business District - C-1

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

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

☒ Yes ☐ No

Zoning variance for first floor residential was approved in January 2020.

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

Proposed use is consistent with future land use, historic preservation, bicycle, and sustainability plans within the City of Syracuse Comprehensive Plan 2040.



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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 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: \_\_\_\_\_

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

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

(By a requestor other than an individual)

I hereby affirm that I am AUTHORIZED SIGNATORY (title) of SMITH BUILDING, LLC (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: 2/28/19

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

Print Name: Matthew Paulus

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in 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

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 10**

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
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information. <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
2. Is the property upside down or underutilized as defined below? <span style="float: right;">Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No</span>	
Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>From ECL 27-1405(31):</b>	
<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>	
<b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2:	
<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:** The Smith Restaurant Building  
**City:** Syracuse

**Site Address:** 500 Erie Boulevard East  
**County:** Onondaga **Zip:** 13202

### Tax Block & Lot

**Section (if applicable):** 103. **Block:** 13 **Lot:** 01

**Requestor Name:** Smith Building, LLC  
**City:** Syracuse

**Requestor Address:** 225 Wilkinson Street  
**Zip:** 13204 **Email:** matthew@paulusdevelopment.com

### Requestor's Representative (for billing purposes)

**Name:** Matthew Paulus  
**City:** Syracuse

**Address:** 225 Wilkinson Street  
**Zip:** 13204

**Email:** matthew@paulusdevelopment.com

### Requestor's Attorney

**Name:** Brown Duke & Fogel - Michael Fogel  
**City:** Syracuse

**Address:** 120 Madison Street  
**Zip:** 13202

**Email:** mfogel@bdflegal.com

### Requestor's Consultant

**Name:** AECC/Bradford Engineering D.P.C. - Richard McKenna  
**City:** East Syracuse

**Address:** 6308 Fly Road  
**Zip:** 13057

**Email:** rmckenna@aeccgroupp.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:

## **LIST OF ATTACHMENTS**

**PART A – SECTION I**

**PART A – SECTION II.3**

**PART A – SECTION III.1**

**PART A – SECTION III.3**

**PART A – SECTION IV.1**

**PART A – SECTION IV.2**

**PART A – SECTION IV.10**

**PART B – SECTION VI**

**PART B – SECTION VII**

**PART B – SECTION IX**

**PART B – SECTION X.2**

**PART B – SECTION X.3**

**PART B – SECTION X.5**

**CORPORATE ENTITY INFORMATION**

**PROJECT DESCRIPTION**

**PRIOR INVESTIGATION REPORT**

(AS REQUESTED, THIS REPORT WILL BE SUBMITTED IN  
ELECTRONIC FORMAT ONLY)

**SITE DRAWINGS**

**PROPERTY INFORMATION AND USGS MAP**

**PROPERTY MAP INCLUDING ADJACENT  
PROPERTY OWNERS**

**PROPERTY DESCRIPTION NARRATIVE**

**FORMER PROPERTY OWNERS/OPERATORS**

**VOLUNTEER STATUS CONSIDERATION**

**CONTACT LIST**

**CURRENT USE**

**PROPOSED USE AND CONCEPT SITE PLAN**

**ZONING MAP AND ORDINANCE**

---

**PART A – SECTION I**  
**CORPORATE ENTITY INFORMATION**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through February 19, 2020.

---

Selected Entity Name: SMITH BUILDING, LLC

Selected Entity Status Information

**Current Entity Name:** SMITH BUILDING, LLC

**DOS ID #:** 5587062

**Initial DOS Filing Date:** JULY 15, 2019

**County:** ONONDAGA

**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)**

C/O MATTHEW PAULUS  
PAULUS DEVELOPMENT COMPANY  
225 WILKINSON STREET  
SYRACUSE, NEW YORK, 13204

**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
JUL 15, 2019	Actual	SMITH BUILDING, 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.

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**PART A – SECTION II.3**  
**PROJECT DESCRIPTION**

---

# **PROJECT DESCRIPTION**

## **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

The historic rehabilitation of the Smith Building into a mixed-use commercial and residential building will revitalize an iconic and strategically-located asset in Downtown Syracuse's Central Business District. The Smith Building will provide the community with 38, one-bedroom affordable apartments and street-level commercial spaces.

A Phase II Environmental Site Assessment identified soil, groundwater, and sub-slab/soil vapor contamination associated with historic operations at the Site (gasoline filling station and dry cleaning). A Remedial Investigation will further define the nature and extent of contamination on-site and off-site.

It is anticipated that Interim Remedial Measures will include soil handling/disposal in areas where construction activities require excavations, and the installation of a Sub-Slab Depressurization System (SSDS).

### **Tentative Schedule**

Submittal of BCP Application .....	February 2020
End 30 Day Comment Period .....	March 2020
Execute BCP Agreement.....	April 2020
<b>Submit Remedial Investigation Work Plan.....</b>	<b>April 2020</b>
<b>Submit IRM Work Plan (Limited Soil Handling/Disposal).....</b>	<b>May 2020</b>
End 30 Day RI Comment Period.....	May 2020
DEC Approval of Remedial Investigation Plan .....	May 2020
Begin Investigation Field Work.....	May 2020
Complete Investigation Field Work.....	June 2020
DEC Approval of IRM Work Plan .....	June 2020
<b>Begin Construction.....</b>	<b>July 2020</b>
<b>Submit Draft Remedial Investigation Report .....</b>	<b>July 2020</b>
Significant Threat Determination / Fact Sheet.....	August 2020
DEC Approval of Remedial Investigation Report.....	August 2020
<b>Submit Remedial Action Work Plan with Alternatives Analysis .....</b>	<b>September 2020</b>
End 45 Day Comment Period .....	October 2020
DEC Approval of Remedial Action Work Plan .....	October 2020
Submit Fact Sheet Announcing Start of Construction .....	October 2020
<b>Begin Remediation .....</b>	<b>November 2020</b>
Submit Environmental Easement Package .....	November 2020
<b>Submit Draft Site Management Plan.....</b>	<b>December 2020</b>
Submit Executed Environmental Easement Package .....	December 2020
DEC Approval of Site Management Plan .....	January 2021
Environmental Easement Recorded.....	January 2021
<b>Submit Draft Final Engineering Report .....</b>	<b>February 2021</b>
<b>Complete Construction .....</b>	<b>March 2021</b>
DEC Approval of Draft Final Engineering Report .....	April 2021
Submit Fact Sheet Announcing Final Engineering Report.....	April 2021
<b>Certificate of Completion .....</b>	<b>May 2021</b>
Fact Sheet Describing Institutional/Engineering Controls.....	May 2021

---

**PART A – SECTION III.1**  
**PRIOR INVESTIGATION REPORT**

As requested, this report will be submitted in electronic format only

**PART A – SECTION III.3**  
**SITE DRAWINGS**

---

**PART A – SECTION III.3**  
**SITE DRAWINGS**

---

SAMPLE ID / LOCATION				SB-07
SAMPLING DATE				9/25/2019
SAMPLE DEPTH (feet bgs)				1-4
SVOC	SCO	RISCO	CONC	
Benzolanthracene	1	1	18,000	
Benzolpyrene	1	1	18,000	
Benzobifluoranthene	1	1	21,000	
Chrysene	1	3.9	17,000	
Indeno(1,2,3-cd)pyrene	0.5	0.5	11,000	
Benzokifluoranthene	0.8	3.9	8,900	
Metals	SCO	RISCO	CONC	
Copper	50	270	115 J	
Lead	63	400	504	
Mercury	0.18	0.81	0.72	
Zinc	109	10,000	184	
TPH	SCO	RISCO		
Diesel Range Organics	N/A	N/A	91 J	
Oil Range Organics	N/A	N/A	23	

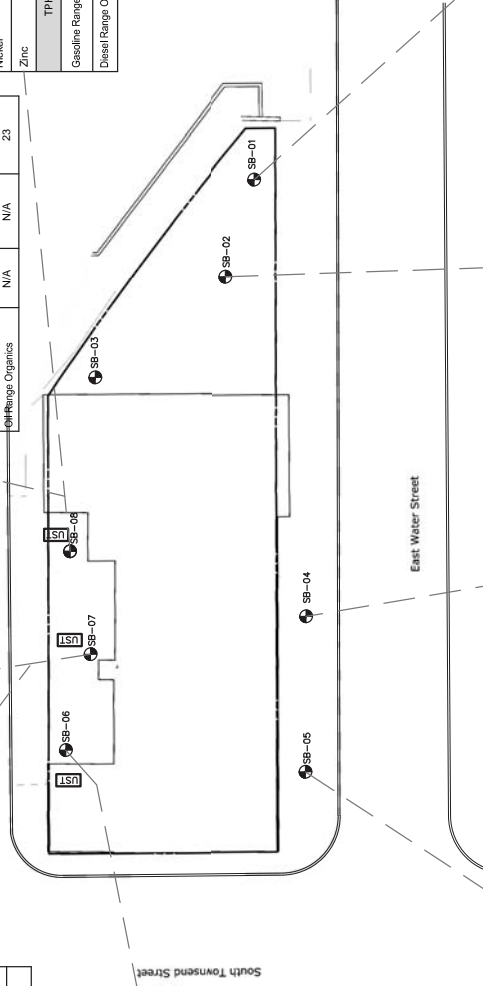
SAMPLE ID / LOCATION				SB-06
SAMPLING DATE				09/26/19
SAMPLE DEPTH (feet bgs)				1-4
SVOC	SCO	RISCO	CONC	
Benzolanthracene	1	1	1,600 J	
Benzolpyrene	1	1	1,600 J	
Benzobifluoranthene	1	1	2,100	
Chrysene	1	3.9	1,600 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	1,300 J	
Metals	SCO	RISCO	CONC	
Copper	50	270	332	
Lead	63	400	2,850	
Nickel	30	310	35.5	
Zinc	109	10,000	326	
TPH	SCO	RISCO	CONC	
Diesel Range Organics	N/A	N/A	63	
Oil Range Organics	N/A	N/A	6.8 J	

SAMPLE ID / LOCATION				SB-07
SAMPLING DATE				9/25/19
SAMPLE DEPTH (feet bgs)				5-8
TPH	SCO	RISCO	CONC	
Diesel Range Organics	N/A	N/A	18 J	
Oil Range Organics	N/A	N/A	5.6 J	

SAMPLE ID / LOCATION				SB-08
SAMPLING DATE				9/25/19
SAMPLE DEPTH (feet bgs)				1-4
SVOC	SCO	RISCO	CONC	
Benzolanthracene	1	1	3,400 J	
Benzolpyrene	1	1	3,300 J	
Benzobifluoranthene	1	1	4,200 J	
Benzokifluoranthene	0.8	3.9	1,700 J	
Chrysene	1	3.9	2,900 J	
Indeno(1,2,3-cd)pyrene	0.5	0.5	2,000 J	
Metals	SCO	RISCO	CONC	
Lead	63	400	382 J	
Zinc	109	10,000	148	
Mercury	0.18	0.81	0.31	
TPH	SCO	RISCO		
Diesel Range Organics	N/A	N/A	100 J	
Oil Range Organics	N/A	N/A	23	

SAMPLE ID / LOCATION				SB-08
SAMPLING DATE				9/25/19
SAMPLE DEPTH (feet bgs)				10-12
SVOC	SCO	RISCO	CONC	
Benzolanthracene	1	1	11,000	
Benzolpyrene	1	1	11,000	
Benzobifluoranthene	1	1	11,000	
Benzokifluoranthene	0.8	3.9	6,400	
Chrysene	1	3.9	11,000	
Indeno(1,2,3-cd)pyrene	0.5	0.5	4,700	
Metals	SCO	RISCO	CONC	
Arsenic	13	16	14.5	
Copper	50	270	531	
Lead	63	400	490	
Mercury	0.18	0.81	0.31	
Nickel	30	310	44.8	
Zinc	109	10,000	344	
TPH	SCO	RISCO	CONC	
Gasoline Range Organics	N/A	N/A	8.6	
Diesel Range Organics	N/A	N/A	860	

Erie Blvd. East



#### LEGEND:

--- APPROXIMATE PROPERTY LINE

● SB-# SOIL BORING LOCATION AND ID

U&T APPROXIMATE LOCATION OF HISTORIC UST

#### TABLE NOTES:

ALL SOIL VALUES ARE REPORTED IN mg/kg (APPROXIMATE PARTS PER MILLION - ppm)

SCO - NYSDEC UNRESTRICTED USE SOIL CLEANUP OBJECTIVE

RISCO - NYSDEC RESTRICTED RESIDENTIAL USE SOIL CLEANUP OBJECTIVE

J - ESTIMATED VALUE (THE CONCENTRATION IS GREATER THAN THE METHOD DETECTION LIMIT, BUT BELOW THE QUANTITATION LIMIT)

BOLD - CONCENTRATION EXCEEDS APPLICABLE RISCO VALUE

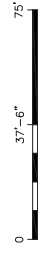
SAMPLE ID / LOCATION				SB-01A
SAMPLING DATE				9/24/19
SAMPLE DEPTH (feet bgs)				1-4
TPH	SCO	RISCO		
Diesel Range Organics	N/A	N/A	310	37.1
Nickel				

SAMPLE ID / LOCATION				SB-04
SAMPLING DATE				09/24/19
SAMPLE DEPTH (feet bgs)				4-7
SVOC	SCO	RISCO	CONC	
Benzolanthracene	1	1	1,100	
Benzolpyrene	1	1	1,100	
Benzobifluoranthene	1	1	1,100	
Chrysene	1	3.9	1,100	

SAMPLE ID / LOCATION				SB-05
SAMPLING DATE				9/25/19
SAMPLE DEPTH (feet bgs)				1-4
SVOC	SCO	RISCO	CONC	
Diesel Range Organics	N/A	N/A	9.9 J	
SAMPLE ID / LOCATION				SB-05
SAMPLING DATE				9/25/19
SAMPLE DEPTH (feet bgs)				5-8
SCO	RISCO	CONC		
Copper	50	270	127	
TPH	SCO	RISCO	CONC	
Diesel Range Organics	N/A	N/A	16 J	

#### NOTES / DISCLAIMERS

- APPROXIMATE PROPERTY LINE BASED ON AERIAL PHOTOGRAPHY SURVEY (C.T. MALE ASSOCIATES).
- ALL LOCATIONS ARE APPROXIMATE.



GRAPHIC SCALE

THE INFORMATION CONTAINED IN THIS ANALYSIS IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT REPRESENT A WARRANTY OF ACCURACY AND IS SUBJECT TO CHANGE WITHOUT NOTICE. THE ANALYSIS WAS CONDUCTED IN ACCORDANCE WITH THE NYSDEC REGULATIONS AND THE NYSDEC APPROVED METHODS. THE ANALYSIS WAS CONDUCTED BY AERIAL PHOTOGRAPHY SURVEY (C.T. MALE ASSOCIATES). A CONTRACTOR SHALL BE RESPONSIBLE FOR THE USE OF THE INFORMATION IN THIS ANALYSIS FOR THE PURPOSES OF THE ANALYSIS. THE ANALYSIS IS NOT A WARRANTY OF ACCURACY AND IS SUBJECT TO CHANGE WITHOUT NOTICE.



PROJECT NO.		20-032
DRAIN:		FEB. 2020
DRAIN BY:		NP
CHECKED BY:		RM

Summary of Analytical Exceedances		FIGURE
In Soil		A-III
Smith Restaurant Supply Building 500 Erie Boulevard East Syracuse, New York 13202		1



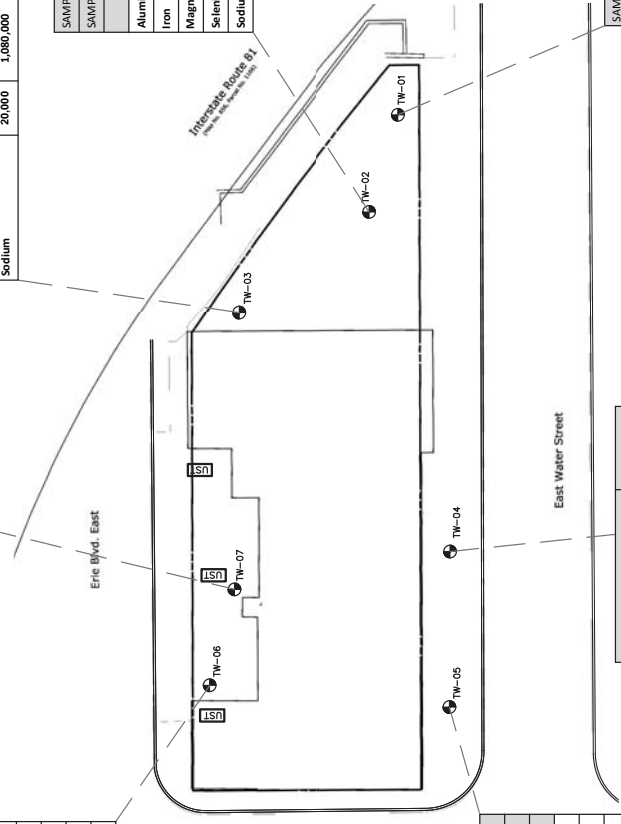


SAMPLE ID / LOCATION		TW-07	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Chloroform		7	11
Metals		AWQS	CONC
Aluminum		100	560
Iron		300	640
Sodium		20,000	191,000

SAMPLE ID / LOCATION		TW-06	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Chloroform		7	9.3
Metals		AWQS	CONC
Aluminum		100	8,800
Iron		300	12,800
Lead		25	110
Magnesium		35,000	41,200
Sodium		20,000	190,000

SAMPLE ID / LOCATION		TW-03	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Tetrachloroethene (PERC)		5	7.6
Metals		AWQS	CONC
Aluminum		100	110 J
Iron		300	39,900
Sodium		20,000	1,080,000

SAMPLE ID / LOCATION		TW-02	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Aluminum		100	400
Iron		300	450
Magnesium		35,000	57,500
Selenium		10	13 J
Sodium		20,000	567,000



SAMPLE ID / LOCATION		TW-05	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Aluminum		100	1,900
Iron		300	3,700
Magnesium		35,000	63,100
Sodium		20,000	1,980,000

SAMPLE ID / LOCATION		TW-04	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Chloroform		7	10
Tetrachloroethene (PERC)		5	9.6
Metals		AWQS	CONC
Aluminum		100	2,200 J
Magnesium		35,000	2,600
Sodium		20,000	294,000

SAMPLE ID / LOCATION		TW-01	
SAMPLING DATE		09/26/19	
VOC		AWQS	CONC
Aluminum		100	6,800
Iron		300	8,300
Magnesium		35,000	71,900
Manganese		300	350
Selenium		10	39
Sodium		20,000	508,000

LEGEND:

--- APPROXIMATE PROPERTY LINE

● TW-#

TEMPORARY GROUNDWATER MONITORING WELL LOCATION AND ID

U&T

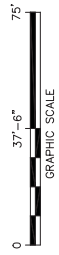
APPROXIMATE LOCATION OF HISTORIC U&T

TABLE NOTES:


ALL GROUNDWATER VALUES ARE REPORTED IN ug/L (APPROXIMATE PARTS PER BILLION - ppb)  
AWQS - NYSDEC AMBIENT WATER QUALITY STANDARD OR GUIDANCE VALUE  
J-ESTIMATED VALUE (THE CONCENTRATION IS GREATER THAN THE METHOD DETECTION LIMIT, BUT BELOW THE QUANTITATION LIMIT)  
BOLD - CONCENTRATION EXCEEDS APPLICABLE AWQS VALUE

NOTES /DISCLAIMERS:

- APPROXIMATE PROPERTY LINE BASED ON PROVIDED PROPERTY SURVEY (C.T. MALE ASSUMES OWNERS HAVE REVIEWED AND APPROVED LOCATIONS ARE APPROXIMATE.
- ALL LOCATIONS ARE APPROXIMATE.



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AEC&E CONSULTING CORPORATION  
Asbestos & Environmental  
Consulting Corporation  
6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO. 20-032

DRAIN: FEB. 2020

DRAIN BY: NP

CHECKED BY: RM

Summary of Analytical Exceedances  
In Groundwater

Smith Restaurant Supply Building  
500 Erie Boulevard East  
Syracuse, New York 13202

FIGURE  
A-III

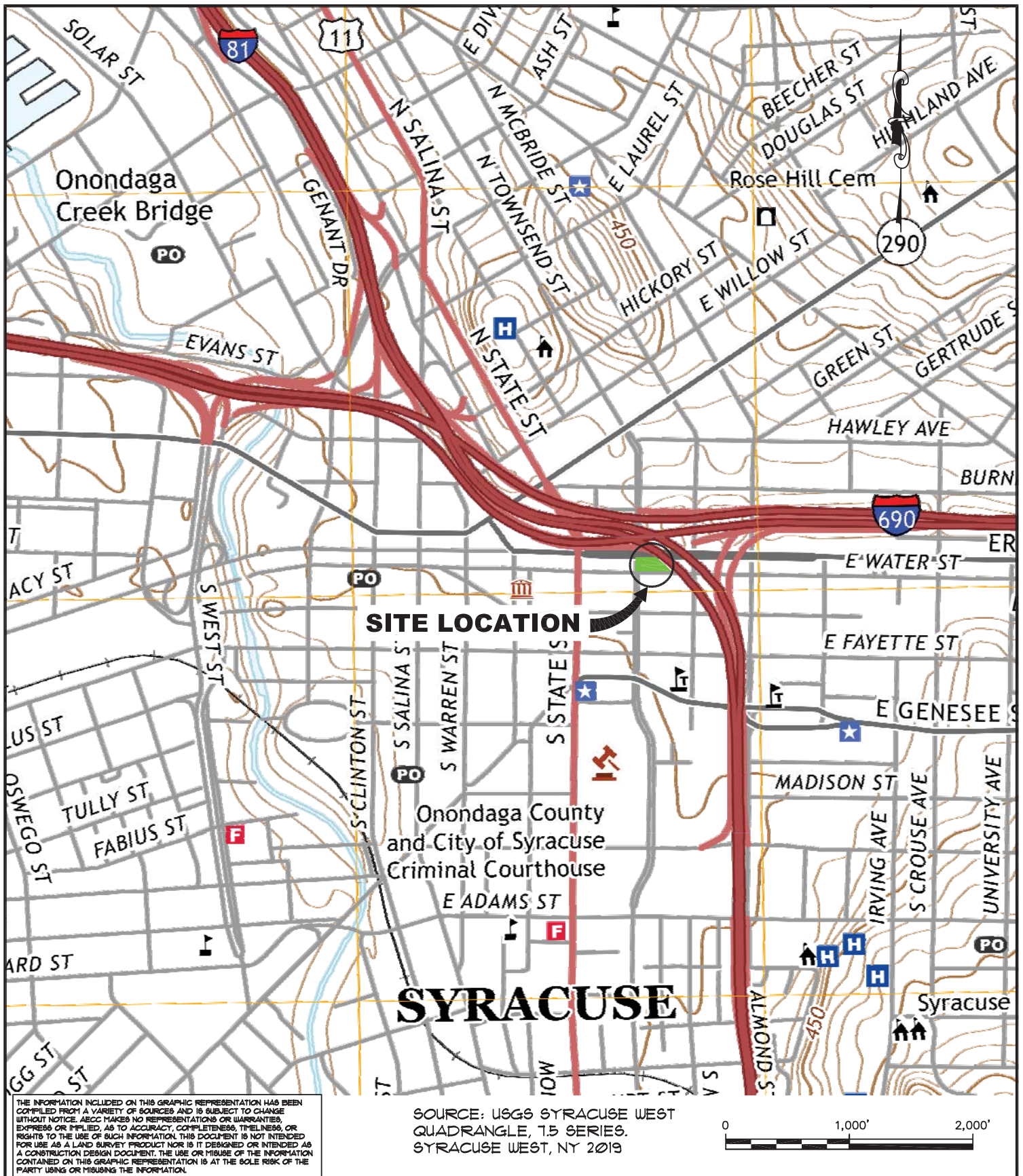
2



## **PART A – SECTION IV.1**

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### **PROPERTY INFORMATION AND USGS MAP**



Asbestos & Environmental  
Consulting Corporation

6308 Fly Road  
East Syracuse, NY 13057

PROJECT NO. 20-032

DRAWN: FEB 2020

DRAWN BY: NP

CHECKED BY: RM

## SITE LOCATION PLAN

Smith Restaurant Supply Building  
500 Erie Boulevard East  
Syracuse, New York 13202

FIGURE

**A-IV**



# Property Description Report For: 500 Erie Blvd E & Townsend St, Municipality of City of Syracuse

No Photo Available

		<b>Status:</b>	Active
		<b>Roll Section:</b>	Taxable
		<b>Swis:</b>	311500
		<b>Tax Map ID #:</b>	103.-13-01.0
		<b>Property #:</b>	1526000701
		<b>Property Class:</b>	710 - Manufacture
		<b>Site:</b>	COM 1
		<b>In Ag. District:</b>	No
		<b>Site Property Class:</b>	710 - Manufacture
		<b>Zoning Code:</b>	014
		<b>Neighborhood Code:</b>	15820
		<b>School District:</b>	Syracuse
<b>Total Acreage/Size:</b>	147.37 x 78.74	<b>Total Assessment:</b>	2020 - Tentative \$535,000 2019 - \$535,000
<b>Land Assessment:</b>	2020 - Tentative \$224,000 2019 - \$90,100		
<b>Full Market Value:</b>	2020 - Tentative \$713,333 2019 - \$685,897		
<b>Equalization Rate:</b>	----	<b>Property Desc:</b>	Lot1p2 Blk Adj 49 P Aband St Blk 49 Tr Canal Lands 147.37x78.74x232.75 Br bldg
<b>Deed Book:</b>	2019	<b>Deed Page:</b>	44966
<b>Grid East:</b>	617047	<b>Grid North:</b>	1111776

## Taxes

Year	Description	Amount
------	-------------	--------

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

## **PART A – SECTION IV.2**

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### **PROPERTY MAP INCLUDING ADJACENT PROPERTY OWNERS**







**PART A – SECTION IV.10**

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**PROPERTY DESCRIPTION**

# **PROPERTY DESCRIPTION AND ENVIRONMENTAL ASSESSMENT**

## **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

### **Location**

The Smith Restaurant Building property (Site) is located on 0.334 acres in the Central Business District of the City of Syracuse. It is bordered to the north, northwest and northeast by Erie Boulevard and the Interstate 81/690 corridor, to the east by the Interstate 81/690 corridor, to the southeast by Water Street and a parking lot, to the south by Water Street and an abandoned parcel (recently demolished building), to the southwest by a Goodyear Tire Center (including auto repair), and to the west by a bank.

### **Site Features**

The Site is situated at an elevation of approximately 400 feet above mean sea level, and is generally flat. The surrounding area is also relatively flat. The nearest surface water feature is Onondaga Creek, located approximately 3,300 feet to the west of the Site.

The existing building, which encompasses the majority of the Site, is comprised of two contiguous parts (totaling approximately 31,196 square feet):

- a three-story, timber framed (with exterior brick mass walls) section
- a six-story, steel framed (with concrete mass walls) section

In addition, two asphalt parking lots are located on the Site:

- a 2,000 square foot alcove to the north of the building, along Erie Boulevard East
- a 4,500 square foot lot in the eastern section of the Site, along Water Street

### **Current Zoning and Land Use**

The Site is zoned Central Business District – Office and Service District Restricted (CBD-OSR). The current and proposed uses are in accordance with existing zoning. The surrounding parcels are currently utilized for commercial purposes. The nearest residential area is located more than 1,000 feet from the Site (on the opposite side of the Interstate 690 corridor).

### **Past Use of the Site**

The Site supports a historical factory building which was constructed in 1853. A restaurant supply company and storage space has occupied the building since at least 1963. Prior to (and in some cases, during) the current use, portions of the building have been used as a restaurant, laundry and cleaner facility, gasoline filling station, used car lot, mattress factory, toy warehouse, and other various commercial and industrial uses. The eastern portion of the original building was demolished during the construction of the Interstate 81/690 corridor. The Site's existing eastern parking lot is located within the footprint of the demolished section of the building. The former Erie Canal was located along the northern property border of the Site (it was subsequently filled to create Erie Boulevard).

Specific uses that appear to have led to contamination at the Site include:

- A gasoline filling station was located on the northern portion of the subject site as shown in historical Sanborn Maps (1951 map) and recorded in city directory records (listed as Lent Edgar H Gas Station in 1939). The gasoline filling station, which included three USTs, was constructed by 1939 and closed between 1951 and 1953.
- Patrick's 2-Hour Cleaning and Laundry was located in the one-story extension building on the northeast portion of the Site and operated at least between 1949 and 1955 based on city directory records.

As part of environmental due diligence, the Requestor procured a Phase I and Phase II ESA to be completed at the Site. No remedial actions have been completed at the Site. It is possible that the USTs associated with the gasoline filling station have been removed (no records were provided prior to the issuance of the ESA reports).

### **Site Geology and Hydrogeology**

According to New York State Geological Survey, the bedrock in the area of the Site is shale and dolostone (on border of Syracuse & Vernon Formation – Upper Silurian in age).

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 soil has been significantly altered by past development activities. The characterization of Site soils as 'Urban Land' is not unexpected given the urban history of the Site and vicinity.

Previous investigation at the Site included the use of Geoprobe drilling techniques that encountered soil consisting of silt and clay, with alternating layers of fine to coarse sand and gravel. The Geoprobe investigation included eight boring locations and encountered refusal (estimated as bedrock or a similarly restrictive layer) at depths ranging from 20' to 24' below ground surface (bgs) at seven of the eight boring locations. Refusal was encountered at 13' bgs at one location on the Site.

Groundwater was encountered at depths ranging from approximately 12' - 16' bgs during previous investigation, and was determined to flow in a general east to west direction across the Site. Based on local topography, it is assumed that broader groundwater flow is to the west and northwest towards Onondaga Creek, en route to Onondaga Lake.

As the Site is situated in a dense urban environment, there are no surface waters or wetlands on or in the vicinity of the Site.

### **Environmental Assessment**

It is recommended that the reader refer to the Site Drawing in Part A - Section III.3 of the attachments to this BCP Application.

Based on investigations performed to date, the primary contaminants of concern are:

- Soils: Polycyclic Aromatic Hydrocarbons (PAHs) and lead. In addition, gasoline range organics (GRO), diesel range organics (DRO), and oil range organics (ORO).
- Groundwater: Chlorinated solvents (chloroform and tetrachloroethene) and lead
- Soil Vapor: Chlorinated solvents (chloroform, tetrachloroethene,, trichloroethene, etc.) and petroleum (benzene, ethylbenzene, naphthalene, etc.)

Within soils, the following contaminants were detected above Restricted Residential Soil Cleanup Objectives (SCOs):

- Individual PAHs (Benzo[a]anthracene, Benzo[a]pyrene, Benzo[b]fluoranthene, etc.) exceeded their respective SCOs by a factor of ~2 in the south-central and northwestern portion of the Site, and by a factor of ~10 - 20 in the north-central portion of the Site.
- Lead exceeded its respective SCO by a factor of ~1.2 - 7 in the northern portion of the Site.
- Also of note, DRO and/or ORO were detected in soils across the Site; and staining, odors, and GRO were detected in the north-central portion of the Site. Note that GRO, DRO, and ORO do not have applicable standards / SCOs, but their presence may be indicative of weathered / degraded petroleum contamination.

Within groundwater, the following contaminants were detected above applicable groundwater standards:

- Chloroform (10-11 ppb) exceeded the groundwater standard of 7 ppb in the central and northwestern portions of the Site
- Tetrachloroethene (7.6-9.6 ppb) exceeded the groundwater standard of 5 ppb in the east-central and south-central portions of the Site
- Lead (110 ppb) exceeded the groundwater standard of 25 ppb in one sample from the northwest corner of the Site.

Soil vapor and sub-slab vapor sampling were limited to the north-central and northeastern portions of the Site. Within soil vapor, the following contaminants were detected above applicable NYSDOH standards (i.e. – “Mitigate” levels):

- Trichloroethene (70 - 350 ug/m<sup>3</sup>)
- Tetrachloroethene (7,400 ug/m<sup>3</sup>)

The results of the soil, groundwater, and soil vapor testing correspond to the locations of historical gasoline USTs in the northern portion of the Site, historical drycleaning operations in the central portion of the Site, and typical urban fill used throughout the Site.

The requestor did not test for PCBs, pesticides, or PFAS since these contaminants were not expected to be of primary concern.

## **PART B – SECTION VI**

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**FORMER PROPERTY OWNERS/OPERATORS**

## **FORMER OWNERS AND OPERATORS**

### **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

#### **Historical Addresses**

The subject site has been comprised of several parcels with both Water Street and Erie Boulevard East addresses:

<b>Years</b>	<b>Subject Site Historical Addresses</b>
1910 - 1920	501 - 515 East Water Street (Odds)
1921 - 1961	500 - 510 Erie Boulevard East (Evens) 501 - 515 East Water Street (Odds)
1962 - 1989	500 - 510 Erie Boulevard East (Evens) 501 - 507 East Water Street (Odds)
1990 - Present Day	500 Erie Boulevard East No Addresses Listed for East Water Street

#### **Former Operators**

A mix of Polk's City Directory images and EDR Digital Archive records from 1939 to 2014 (in approximate 5 year intervals) were provided as part of a Phase I ESA. These city directories were reviewed to determine past operators at the Site, and are summarized below:

<b>Year</b>	<b>Former Operators</b>
1939	506 Erie Boulevard - Lent Edgar H gas station 501 East Water Street - Smith H A Machinery Co, Dalrae Tools Co, MacRae Machinery Co 507 East Water Street - Vacant 511 East Water Street - Penfield Manufacturing Co (Bedding)
1944	500 Erie Boulevard - Syracuse Motors used car lot 507 East Water Street - Smith H A Machinery Co, Service Machine & Tool Co, Madden Louis designing engineer 507 East Water Street - Vacant 511 East Water Street - Penfield Manufacturing Co (Bedding)
1949	500 Erie Boulevard - Smith Restaurant Supply Co Inc. 510 Erie Blvd - Patrick's 2 Hour Cleaning & Laundry 507 East Water Street - Madden Louis J designing engineer, American Home Furnishings Corp
1955	500 Erie Boulevard - Julian Nick 500 Erie Boulevard - Smith Restaurant Supply Co Inc. 510 Erie Boulevard - Patrick Jos E 510 Erie Boulevard - Patrick's Two Hour Cleaning & Laundry 507 East Water Street - WYBAR Electronics

Year	Former Operators
1959	500 Erie Boulevard - Smith Restaurant Supply Co Inc. 510 Erie Boulevard - Therlsen's Inc. 507 East Water Street - Vacant
1964	500 Erie Boulevard - Aurthur Securities Corp Holding, Smith Restaurant Supply Co Inc. 506 Erie Boulevard -Vacant 510 Erie Boulevard - Intrigue Room Restaurant 507 East Water Street - Onondaga Hobby and Toys Co Inc.
1968	500 Erie Boulevard - Authur Securities Corp Holding, Smith Restaurant Supply Co Inc. 506 Erie Boulevard -Vacant 507 East Water Street - Smith Restaurant Supply Co Inc. (Warehouse & Storage)
1972	500 Erie Boulevard - Authur Securities Corp Holding Corp, Smith Restaurant Supply Co Inc. 507 East Water Street - Smith Restaurant Supply Co Inc. (Warehouse & Storage)
1977	500 Erie Boulevard - Authur Securities Corp Holding Corp, Smith Restaurant Supply Co Inc. 507 East Water Street - Smith Restaurant Supply Co Inc. (Warehouse & Storage)
1983	500 Erie Boulevard - Smith Restaurant Supply Co Inc. 507 East Water Street - Smith Restaurant Supply Co Inc. (Warehouse & Storage)
1988	500 Erie Boulevard - Smith Restaurant Supply Co Inc. 507 East Water Street - Smith Restaurant Supply Co Inc. (Warehouse & Storage)
1992	500 Erie Boulevard - Manwaring FW Co, Smith Restaurant Supply Co Inc. East Water Street - Address Unlisted
1995	500 Erie Boulevard - Manwaring FW Co, Smith Restaurant Supply Co Inc. East Water Street - Address Unlisted
2000	500 Erie Boulevard - Smith Restaurant Supply Co Inc. East Water Street - Address Unlisted
2005	500 Erie Boulevard - Smith Restaurant Supply Co Inc. East Water Street - Address Unlisted
2010	500 Erie Boulevard - Smith Restaurant Supply Co Inc., Smiths Housewares East Water Street - Address Unlisted
2014	500 Erie Boulevard - Smith Restaurant Supply Co Inc., Smiths Warehouse & Restaurant Supply East Water Street - Address Unlisted
Current	500 Erie Boulevard - Smith Warehouse & Restaurant Supply*

\*Obtained from site reconnaissance and current business' website

An internet search was performed to determine the status of the prior operators. Only two operators were determined to still be in business. The contact information for these businesses is listed below:



**Smith Restaurant Supply:**Before March 7:

500 Erie Blvd East  
Syracuse, NY 13202  
(315) 474-8731

After March 7:

3410 Erie Blvd East  
Syracuse, NY 13214  
(315) 474-8731

**Patrick's Dry Cleaning**

2201 West Genesee Street  
Syracuse, NY 13219  
(315) 468-454

Requestor has no relationship to any current or former operator.

**Former Owners**

A Certificate of Title was reviewed to determine past owners of the Site. The oldest mentioned transaction in the Certificate of Title was dated 1948. A summary is provided below. The contact information for each Owner is listed below the first entry of each owner:

Year	Former and Current Owners
1948	<p><b>City of Syracuse</b> 233 East Washington Street Syracuse, NY 13202 (315) 448-8005 to <b>Smith Restaurant Supply Co, Inc.</b> (see contact info in Former and Current Operators section, above)</p>
1951	<p><b>Smith Restaurant Supply Co, Inc.</b> to <b>Lester Serling</b> (deceased May 16, 1980)</p>
1967	<p><b>Rahkin Holding Corporation</b> (unknown) <i>and</i> <b>Penfield Manufacturing Company</b> (permanently closed) To <b>Lester Serling</b></p>
1981	<p><b>Estate of Lester A. Serling (Jeanne K. Serling, Executrix)</b> (assumed deceased; born 1910) to <b>Lester A. Serling Testamentary Trust (Arnold J. Hodes, Trustee)</b> 17183 Shaddock Lane Boca Raton, FL 33487 (deceased July 26, 2012)</p>

Year	Former and Current Owners
2012	<p style="text-align: center;"> <b>Lester A. Serling Testamentary Trust (Arnold J. Hodes, Trustee)</b>  <b>to</b>  <b>Beth Ann Kupperman (2/3<sup>rd</sup> interest)</b>  139 Windward Drive  Palm Beach Gardens, FL 33418  (deceased August 3, 2015)  <b>and</b>  <b>M. John Kupperman (1/3<sup>rd</sup> interest)</b>  114 Stonecrest Drive  Manlius, NY 13104  (315) 692-4254 </p>
2019	<p style="text-align: center;"> <b>Beth Ann Kupperman and</b>  <b>M. John Kupperman</b>  <b>to</b>  <b>Smith Building, LLC</b>  (Requestor) </p>

Requestor has no relationship to any former owner.

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**PART B – SECTION VII**  
**VOLUNTEER STATUS CONSIDERATION**

# **VOLUNTEER CONSIDERATION**

## **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

The Requestor qualifies as a Volunteer with respect to the Site because it did not own or operate the Site at the time of the release of contamination at the Site and did not otherwise cause or contribute to contamination at the Site. The Requestor performed all appropriate inquiries prior to its acquisition of the Site, i.e., they retained a qualified environmental consultant to conduct a Phase I Environmental Site Assessment (ESA) and Phase II ESA of the Site, and is voluntarily applying to be accepted into the New York State Brownfield Cleanup Program to undertake all required investigation and remediation of the Site prior to and/or concurrent with its redevelopment plans. Any potential exposures for the current use of the site are limited to soil vapor intrusion. Therefore, Requestor is limiting access to the basement at this time. In addition, the current tenant is vacating the building further reducing the potential for exposures while the Site is being remediated.

**PART B – SECTION IX**  
**CONTACT LIST**

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# **CONTACT LIST INFORMATION**

## **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

### **ONONDAGA COUNTY**

Onondaga County Government  
J.Ryan McMahon II, County Executive  
John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202  
(315) 435-3516

Onondaga County Planning Board  
Daniel Cupoli, Chairperson  
John H. Mulroy Civic Center, 11th Floor  
421 Montgomery Street  
Syracuse, New York 13202  
(315) 435-2611

### **CITY OF SYRACUSE**

City of Syracuse  
Ben Walsh, Mayor  
203 City Hall  
233 East Washington Street  
Syracuse, New York 13202  
(315) 448-8005

City Planning Commission  
Steven Kulick, Chairperson  
203 City Hall, Common Council Chambers  
233 East Washington Street  
Syracuse, New York 13202  
(315) 448-8005

### **PUBLIC WATER SUPPLIER**

Syracuse Department of Water  
101 North Beech Street  
Syracuse, New York 13210  
(315) 448-8340  
[WaterOperations@syr.gov.net](mailto:WaterOperations@syr.gov)

### **LOCAL NEWS MEDIA**

WSYR-TV  
James Campagna, News Director  
5904 Bridge Street  
East Syracuse, New York 13057  
(315) 446-9900  
[assignmentdesk@LocalSYR.com](mailto:assignmentdesk@LocalSYR.com)

Syracuse Post Standard  
Syracuse Media Group  
220 South Warren Street  
Syracuse, New York 13202  
(315) 470-0011  
[citynews@syracuse.com](mailto:citynews@syracuse.com)  
[features@syracuse.com](mailto:features@syracuse.com)

WSTM / WSTQ / WTVH  
Rae Fulkerson, News Director  
1030 James Street  
Syracuse, New York 13203  
(315) 477-9441  
[news@cnycentral.com](mailto:news@cnycentral.com)

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

### **DOCUMENT REPOSITORY** *(see attached confirmation letter at end of this section)*

Onondaga County Library  
Local History and Genealogy Department  
LHG-Floor 5  
The Galleries of Syracuse  
447 South Salina Street  
Syracuse, New York 13202  
(315) 435-1900  
[reference@onlib.org](mailto:reference@onlib.org)

## **ADJACENT PROPERTY OWNERS**

### **Tax Parcel / Property Address / Current Use**

Tax Parcel: 103.-14-01.0  
421 Water Street East & Townsend Street /  
444 Erie Boulevard East  
M&T Bank - Branch

Tax Parcel: 103.-20-01.0  
110-12 Townsend Street South & Water Street /  
424 East Water Street  
Goodyear Tire Center

Tax Parcel: 103.-21-12.0  
105 Townsend Street South & Water Street /  
500 East Water Street  
Vacant Commercial Land

Tax Parcel: 103.-21-01.0  
512 Water Street East To Block Alley  
Parking Lot

Tax Parcel: 103.-21-02.0  
516 Water Street East To Block Alley  
Parking Lot

### **Owner Name / Address**

Mr TV Realty Corp  
1641 Britannia Boulevard  
Punta Gorda, Florida 33980

Goodyear Tire & Rubber Co.  
Real Estate Department 824  
1144 Market Street  
Akron, Ohio 44316

Republic Holding LLC  
545 Broadway 4<sup>th</sup> Floor  
Brooklyn, New York 11206

Republic Holding LLC  
545 Broadway 4<sup>th</sup> Floor  
Brooklyn, New York 11206

Syracuse Holdings USA LLC  
545 Broadway 4<sup>th</sup> Floor  
Brooklyn, New York 11206

Note: The Interstate 81/690 corridor lies to the north and east of the site. The corridor is approximately 400 feet wide to the north, and approximately 550 wide to the east.

## Daria Miller

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**From:** Local History [lhg@onlib.org]  
**Sent:** Tuesday, February 25, 2020 3:48 PM  
**To:** Daria Miller  
**Subject:** Re: Document Repository Request

Hi Daria:

It sounds like we can accommodate that size so it would be fine to send them.

Thanks,

Dan

Local History/Genealogy  
Onondaga County Public Library  
447 South Salina St  
Syracuse NY 13202  
(315)435-1900

While there is no charge for this online service, responding to email queries requires library staffing and resources. Donations to the above address are always greatly appreciated.

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**From:** Daria Miller <DMiller@aeccgroupp.com>  
**Sent:** Tuesday, February 25, 2020 2:42 PM  
**To:** Local History <lhg@onlib.org>  
**Subject:** RE: Document Repository Request

Sorry for the delay, I had to get with the project manager for the size of the project. It looks like the volume will grow to approximately 1,000 pages. I believe they have to be on record for a year after completion, so until May 2021-ish.

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**From:** Local History [mailto:lhg@onlib.org]  
**Sent:** Monday, February 24, 2020 3:48 PM  
**To:** Daria Miller  
**Subject:** Fw: Document Repository Request

Ms Miller:

We would be interested in serving as a repository for the brownfield cleanup of the Smith Restaurant building. However, as our space is at a premium since the building renovation, can you give an estimate of the shelf area needed for the documents and the mandatory retention period?

Thank you.

Dan Smith  
Librarian



Local History/Genealogy  
Onondaga County Public Library  
447 South Salina St  
Syracuse NY 13202  
(315)435-1900

While there is no charge for this online service, responding to email queries requires library staffing and resources. Donations to the above address are always greatly appreciated.

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**From:** Rene Battelle <RBattelle@onlib.org>  
**Sent:** Monday, February 24, 2020 12:14 PM  
**To:** Local History <lhg@onlib.org>  
**Subject:** Fw: Document Repository Request

See below. Daria said she had worked with the LHG department before. Can you respond to her and indicate our agreement to hold these documents?

Thanks!

René Battelle  
Manager

Central Library  
447 S. Salina St.  
Syracuse, NY 13202  
315-435-1900

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**From:** Daria Miller <DMiller@aeccgroup.com>  
**Sent:** Monday, February 24, 2020 12:07 PM  
**To:** Rene Battelle <RBattelle@onlib.org>  
**Cc:** Richard McKenna <rmckenna@aeccgroup.com>  
**Subject:** Document Repository Request

Ms. Battelle:

Asbestos & Environmental Consulting Corporation (AECC) is currently working with Smith Building, LLC on a NYDSEC Brownfield Cleanup Program (BCP) at the Smith Restaurant Building located at 500 Erie Boulevard East, in the City of Syracuse, New York.

A Brownfield site is a real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. The goal of the NYSDEC's BCP is to encourage private-sector cleanups of Brownfields and to promote their redevelopment as a means to revitalize economically blighted communities. The BCP is an alternative to Greenfield development and is intended to remove some of the barriers to, and provide tax incentives for, the redevelopment of urban Brownfields.

To facilitate the remedial process and enable citizens to participate more fully in decision that affect their health, the DEC will require opportunities for citizen involvement and will encourage consultation with the public early in the process. One part of this citizen involvement requirement is the ability for the public to review milestone documents at a local document repository (library). Typical documents that will be submitted as part of a BCP project are:

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

The Application for the Brownfield Program requires a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property. Therefore, we are requesting that the Onondaga County Public Library, located at The Galleries of Syracuse; agree to be the repository for this endeavor project. If you are in agreement, please respond via email stating that you agree to hold the documents for the Smith Restaurant Building BCP project; and that they will be made available to the inquiring public at a location designated by the library.

Thank you in advance for your time and consideration. We look forward to your response. Please feel free to contact me with any questions or concerns.

***Daria Miller***

Administrative Assistant  
Asbestos & Environmental Consulting Corporation (AECC)  
6308 Fly Road  
East Syracuse, NY 13057  
315.432.9400  
dmiller@aeccgroup.com  
[www.aeccgroup.com](http://www.aeccgroup.com)



**PART B – SECTION X.2**

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**CURRENT USE**

## **CURRENT USE**

### **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

The Smith Restaurant Supply Building is currently utilized for retail sale of kitchen-related items and housewares, coffee roasting and grinding, public showrooms, and warehousing of the business' retail items.

## **PART B – SECTION X.3**

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### **PROPOSED USE AND CONCEPT SITE PLAN**

# **PROPOSED USE**

## **SMITH RESTAURANT SUPPLY BUILDING 500 ERIE BOULEVARD EAST, CITY OF SYRACUSE, NEW YORK**

The historic rehabilitation of the Smith Building into a mixed-use commercial and residential building will revitalize an iconic and strategically-located asset in Downtown Syracuse's Central Business District. The Building will feature custom over-sized windows, brand-new energy efficient appliances (including in-unit washers and dryers), and an open kitchen design. A proposed addition to the Smith Building will be constructed on the east end of the Smith Building to accommodate a stairwell and one elevator for residential residents.

The Smith Building will provide the community with pet-friendly affordable apartments and two proposed commercial tenant suites for retail, office, or fitness uses (totaling approximately 2,523 square feet of commercial space). Furthermore, the Building will feature amenities including a 24-hour fitness studio, a state-of-the-art security system, bike storage, and on-site surface parking.

The affordable housing will include 38 one-bedroom apartments, which will occupy approximately 21,258 square feet (approximately 559 square feet per apartment). The affordability breakdown is as follows:

- Approximately 80% of the apartments will be affordable to households earning 80.0% of Average Median Income (AMI)
- Approximately 20.0% of the apartments will be affordable to households earning 65.0% of AMI
- One apartment will be affordable to households earning 50.0% of AMI.

The historic rehabilitation of the Smith Building will meet the standards for rehabilitation set forth in Title 36 of the Code of Federal Regulations, Part 67.7, or any successor provisions, as amended, so the development of the Building qualifies for New York State and Federal Historic Tax Credits.

Client:

Client:

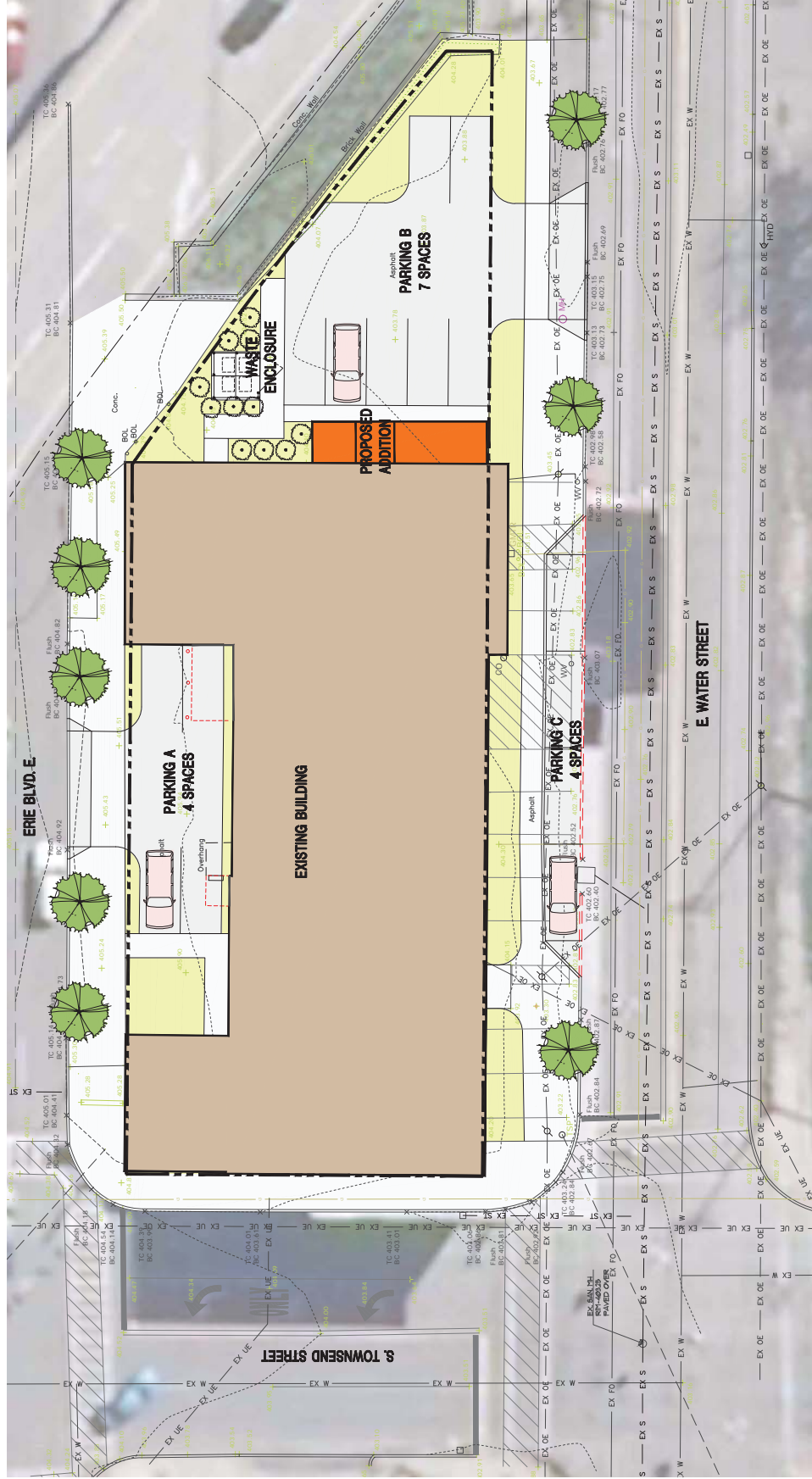
SMITH BUILDING  
 500 E. ERIE BLVD., CITY OF SYRACUSE, NY

REVISIONS

DATE	SEPT. 06, 2019
BY	AS NOTED

CONCEPT  
 PLAN

**L-010**



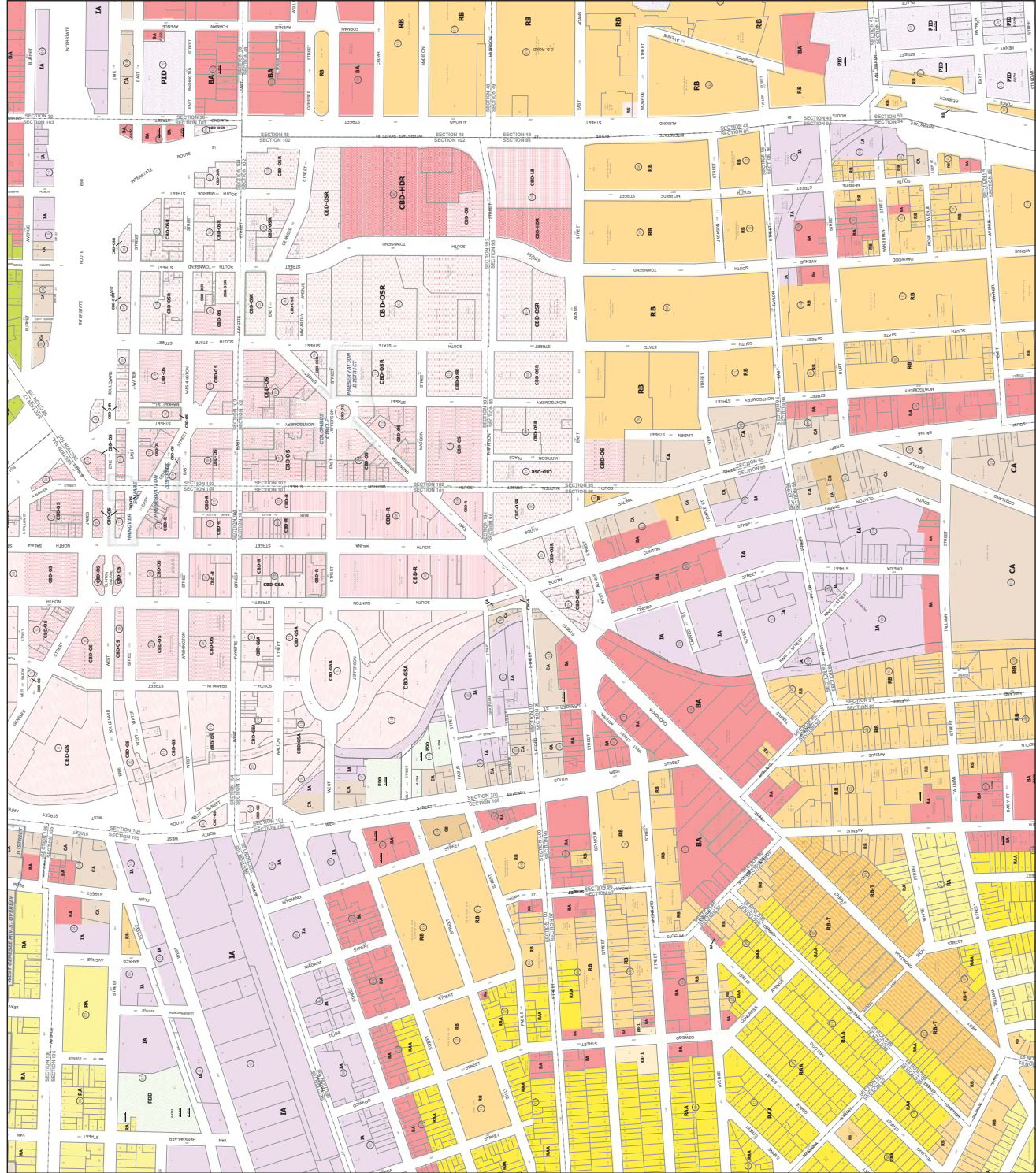
1 CONCEPT SITE PLAN



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**PART B – SECTION X.5**  
**ZONING MAP AND ORDINANCE**





## PART B

### SECTION IV CENTRAL BUSINESS DISTRICTS

#### Article 3 CBD Office and Service District (Restricted)

1. Purpose and Intent:

The Office and Service District (Restricted) is intended to provide the same basic activities as the Office and Service District but with less intense development in order to protect adjacent residential districts and encourage large uses or activities that may be permitted to develop within the unrestricted Office and Service District.

2. Uses Permitted:

The following uses, compatible with the predominant "office character" of the district shall be permitted:

- a. Retail Trade - Permitted trade establishments in the Office and Service District (Restricted) include, but are not limited to the following:

Food, drugs, and liquor dealers; restaurants; general merchandise retailers; apparel and accessories retailers; furniture, furnishings, and appliance dealers; book stores, stationery and art suppliers; sporting goods stores; catalog sales facilities; toy and hobby shops; florist shops; camera and photographic supply dealers; optical goods stores; cigar stores; news dealers; gift, novelty, and souvenir stores.

These uses are permitted, provided they do not exceed eight thousand (8000) square feet in floor area except as provided in Paragraph 3, Retail Use Exceptions.

- b. Services - Private and public offices; finance, insurance, and real estate services; business services; catering services; professional services; wholesale and manufacturing sales offices; photographic studios; beauty and barber shops; shoe repair shops; small appliance repair shops; watch and jewelry repair services; hotel and residential hotels; theaters; travel bureaus; instructional services such as music and dancing schools; day-care centers; business and commercial schools; trade and vocational schools; colleges and universities.

In addition: Libraries, governmental offices and buildings; public safety and welfare activities; display and exhibition centers; auditoriums; religious buildings; civic organizations; telephone and telegraph communication offices; newspaper publishing offices; radio and TV studios; postal communications facilities; and other compatible uses.

- c. Accessory Uses - Storage, warehousing, manufacturing and other accessory uses customarily required and clearly incidental to a permitted retail, office or service use located in the same building as the principal use.
- d. On-site parking.
- e. Private garages.
- f. Residential units above the first floor only.

3. Retail Use Exceptions:

Retail areas in the CBD Office and Service District (Restricted) may exceed the maximum permitted floor areas, provided the City Planning Commission shall find either:

- a. That the retail use requires additional floor space due to low intensity of use for economic operation; or
- b. That the retail use requires exceptionally large storage or display areas in comparison with the customary retailing activities; or
- c. That the retail use, because of a change in merchandising methods, requires a greater floor area than heretofore considered necessary.

Further, that the retail use qualifying under (a), (b) or (c) shall have no deleterious effect upon properties in the immediate area.

4. Special Uses Permitted:

The following special uses shall be permitted in the CBD Office and Service District (Restricted):

- a. Planned Developments - See Part B, Section IV, Article 8, Planned Developments & F.A.R. Premiums.
- b. Parks and playgrounds.
- c. Parking lots; parking garages.
- d. Transportation terminals.
- e. Indoor amusement and recreation establishments.
- f. Schools.
- g. Gasoline service stations.

5. Yard Requirements: (Not applicable.)

6. Coverage:

a. Structural Coverage:

Maximum permitted structural coverage shall be 70%.

b. Parking Surface Coverage:

Maximum permitted parking surface coverage shall be 100%.

7. Floor Area Ratio (F.A.R.) Requirements:

- a. The term "floor area ratio" shall be defined as follows:

The ratio between total site area and total floor area permitted in any district. The floor area of the building considered for the computation of floor area ratio shall be restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included in the computations. Where the ground level changes a full story in height or more along a building facade, the floor area of such story shall be prorated in proportion to the average story height above grade. Total site area shall be the entire site within the property lines of any development.

- b. The maximum F.A.R. permitted in a CBD Office and Service District (Restricted), shall be 2.0.
- c. The maximum F.A.R. may be further increased by the premiums hereinafter described, in the amounts specified:

<u>Desired Characteristics &amp; Amenities in CBD Retail Development</u>	<u>F.A.R. Premium</u>
Plaza or Interior Open Space	1.0
Street Arcade	0.5
Internal Arcade	0.5
Passenger Loading	0.5
Consolidated Freight Loading	1.0
Adjoining Public Open Space	0.5

For an explanation of the requirements necessary to qualify for the above-noted premiums, see Part B, Section IV, Article 8, Planned Developments & F.A.R. Premiums.

8. Marquees and Canopies:

A marquee is any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which does not extend along the entire building frontage.

A canopy is any permanent awning or shelter with no support from the sidewalk which projects from a building facade and which extends for the entire building frontage.

Hotel and theater marquees shall be permitted and may project not more than twelve (12) feet into a public right-of-way, but in no case shall said marquee project closer than two (2) feet from the street curb line, with the underside of the marquee not less than ten (10) feet above the sidewalk level. Canopies shall project into the public right-of-way not more than ten (10) feet or closer than two (2) feet from the street curb line and shall have a clearance above sidewalk level of not less than ten (10) feet nor more than fourteen (14) feet.

9. Review of Parking Site Plans:

The site plan for any proposed or expanded use permitted in this CBD district as a regular, special, or accessory use which provides twenty (20) or more new or additional parking spaces shall be forwarded by the appropriate agencies to the City Planning Commission, the Commissioner of Public Works, and the City Engineer.

B-IV-3

The Commission, in consultation with the Commissioner of Public Works and the City Engineer shall review such site plan and determine the adequacy of design features, including the determination of whether the means of ingress and egress are adequate to allow safe and efficient vehicle access and the design is such as to minimize interference with traffic movement on nearby streets and highways.

10. Off-Street Loading:

Loading facilities for each building shall be required according to the provisions set forth in Part C, Section III, Article 2 of this Ordinance.

Amended 4/14/97

## **REQUESTOR INFORMATION**

### **SMITH BUILDING, LLC**

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

<b>Entity Name / Requestor</b>	<b>Members/Owners</b>	<b>Contact Information</b>
Smith Building, LLC (a New York Limited Liability Company)	Paulus Capital, LLC is the sole member of Smith Building, LLC	225 Wilkinson Street Syracuse, NY 13204 (315) 416-9566 matthew@paulusdevelopment.com

The NYS Department of State's Corporation and Business Entity Database information for Smith Building, LLC has been attached to the BCP Application. The entity is herein referred to as (the "Requestor").

In accordance with the attached Member Consent Authorization Agreement, Matthew Paulus is authorized to execute Brownfield Cleanup Program documents on behalf of the Requestor.



## SMITH BUILDING, LLC AUTHORIZATION TO COMPLETE REMEDIAL REQUIREMENTS

The undersigned, being all of the members of Smith Building, LLC, a New York limited liability company (the "Company") hereby certify as of February 28<sup>th</sup>, 2020, as follows and adopt the following resolutions and authorize the Company to authorize and direct Matthew Paulus (the "Authorized Signatory") to take the following actions on behalf of the Company:

WHEREAS, the Company desires to undertake actions necessary to redevelop 500 Erie Boulevard East, Onondaga County, Syracuse, NY 13202, Section 103, Block 13, Lot 1 (the "Property" or the "Site").

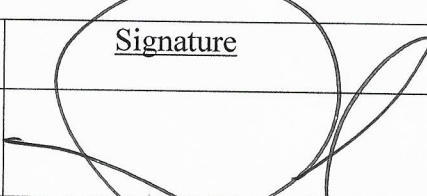
WHEREAS, in connection with the redevelopment of the Property, the Company has or will prepare and submit an application to participate in the New York State Brownfield Cleanup Program ("BCP") and, if accepted into the BCP, enter into a Brownfield Cleanup Agreement ("BCA"); file related documents with the New York State Department of Environmental Conservation ("DEC") to participate in the BCP; and 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:

<u>Authorized Signatory</u>	<u>Title</u>	<u>Signature</u>
Matthew Paulus	Manager of Paulus Capital, LLC	

**IN WITNESS WHEREOF**, the undersigned have signed and sealed this Member Consent on February 28<sup>th</sup>, 2020.

MEMBER:

Paulus Capital, LLC

By: Matthew Paulus, Manager