

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM , Revision 15

BLOCK OF WASHINGTON, E. SECOND & PARK
CITY OF DUNKIRK, CHAUTAUQUA COUNTY, NEW YORK



Submitted For:

**Regan Development Corporation
1055 Saw Mill River Road #204
Ardsley, NY 10502**

Prepared by:



960 Busti Avenue, Suite B-150
Buffalo, New York 14213

Revised August 2023

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SUBSURFACE ESAs – ELECTRONIC VERSION ONLY ON DVD – FILE 2

2012 Phase II ESA by TurnKey & 2023 Phase 2 ESA by BE3





SUBMITTAL INSTRUCTIONS:

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

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

a. VIA EMAIL:

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

b. VIA GROUND MAIL:

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

PROPOSED SITE NAME:	
Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.	
If yes, provide existing site number: _____	<input type="radio"/> Yes <input checked="" type="radio"/> No
Is this a revised submission of an incomplete application?	
If yes, provide existing site number: <u>C907042</u>	<input checked="" type="radio"/> Yes <input type="radio"/> No



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SECTION I: Property Information					
PROPOSED SITE NAME Block of Washington, E. Second & Park					
ADDRESS/LOCATION Washington, East Second, and Park Streets					
CITY/TOWN Dunkirk				ZIP CODE 14048	
MUNICIPALITY (LIST ALL IF MORE THAN ONE) Dunkirk					
COUNTY Chautauqua				SITE SIZE (ACRES) 1.36	
LATITUDE			LONGITUDE		
42	29	09.25	79	19	57.78
Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column. <div style="float: right; border: 1px solid red; padding: 2px; font-size: small;">See Attachment A - Figure 1-County Tax map & Table 1 Property Parcels</div>					
ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.					
Parcel Address		Section	Block	Lot	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description. (See Attachment A - Figure 3-Site Boundary Survey)					Y <input checked="" type="radio"/> N <input type="radio"/>
2. Is the required property map included with the application? (Application will not be processed without a map) (See Attachment A-Figures 1,2,3,&4)					Y <input checked="" type="radio"/> N <input type="radio"/>
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) (See attachment A - Figure 5) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>					Y <input type="radio"/> N <input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information. (See Attachment A - Figure 6)					Y <input checked="" type="radio"/> N <input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information See Attach A-Figure 7					Y <input checked="" type="radio"/> N <input type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____					Y <input type="radio"/> N <input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		Y	N			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>			
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: C907042		<input checked="" type="radio"/>	<input type="radio"/>			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.		<input type="radio"/>	<input checked="" type="radio"/>			
<table border="0" style="width: 100%;"> <tr> <td style="width: 60%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):		<input type="radio"/>	<input checked="" type="radio"/>			
<table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><u>Type</u></td> <td style="width: 33%;"><u>Issuing Agency</u></td> <td style="width: 33%;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>		
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>			
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. (This Section does not apply)						
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input type="radio"/>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input type="radio"/>			
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input type="radio"/>			
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.						
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.						
Initials of each Requestor: _____						

SECTION II: Project Description

(See Attachment B)

1. The project will be starting at: Investigation Remediation

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

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

Yes No N/A

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

RIWP RAWP IRM No

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

Is this information attached? Yes No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? C-2 Community Business

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

Residential Commercial Industrial

(See Figure 9 Zoning Map & SECTION I-Current Zoning & Land Use)

3. Current use (select all that apply):

Residential Commercial Industrial Recreational Vacant

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

Is this summary included with the application? (See Attachment C)

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

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

Residential Commercial Industrial

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

6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? (See Attachment C)

<input checked="" type="radio"/>	<input type="radio"/>
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7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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8. Do current and/or recent development patterns support the proposed use?

<input checked="" type="radio"/>	<input type="radio"/>
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9. Is the proposed use consistent with applicable zoning laws/maps? (See Attachment C) Please provide a brief explanation. Include additional documentation if necessary.

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

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

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

SECTION IV: Property's Environmental History

(See Attachment D)

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

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

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

*Please describe other known contaminants and the media affected:
Groundwater and soil Gas based on assessment history

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

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

Are the required drawings included with this application? YES NO

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

<input type="checkbox"/> Coal Gas Manufacturing	<input 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 checked="" type="checkbox"/> Unknown

Other: Coal storage & Rail line use

SECTION V: Requestor Information				
NAME Regan Development Corporation				
ADDRESS 1055 Saw Mill River Road #204				
CITY/TOWN Ardsley		STATE NY	ZIP CODE 10502	
PHONE (914) 693-6613		EMAIL larry@reganddevelopment.com		
			Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?			<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached? (See Attachment E)			<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A			<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? (See Attachment E) Documents that are not properly certified will not be approved under the BCP.			<input checked="" type="radio"/>	<input type="radio"/>

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

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>

12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:

<p>PARTICIPANT</p> <p>A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p>	<p><input type="checkbox"/> VOLUNTEER <input checked="" type="checkbox"/></p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p>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.</p>
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13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes No N/A

(See Attachment F)

SECTION VI: Requestor Eligibility (CONTINUED)

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

 Previous Owner
 Current Owner
 Potential/Future Purchaser
 Other: _____

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

Is this proof attached?

 Yes No N/A (See Attachment F)**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Larry Regan

ADDRESS 1055 Saw Mill River Road #204

CITY Ardsley

STATE NY

ZIP CODE 10502

PHONE (914) 693-6613

EMAIL larry@reganddevelopment.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Brydges

COMPANY Brydges Engineering in Environment and Energy

ADDRESS 960 Busti Avenue, Suite B-150

CITY Buffalo

STATE NY

ZIP CODE 14213

PHONE (716) 249-6880

EMAIL jbrydges@be3corp.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Michael W. Tyzko

COMPANY Bousquet Holstein PLLC

ADDRESS 110 West Fayette Street - One Lincoln Center, Suite 1000

CITY Syracuse

STATE NY

ZIP CODE 13202

PHONE (315) 701 6366

EMAIL MTyszko@BHLAWPLLC.com

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information

**See Attachment G
Multiple Owners**

CURRENT OWNER		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OWNERSHIP START DATE		
CURRENT OPERATOR		
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

SECTION X: Property Eligibility Information

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

SECTION X: Property Eligibility Information (continued)

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

SECTION XI: Site Contact List

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

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

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

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

Date: 6/21/23 Signature: _____

Print Name: Gabe Regan

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

(This Section does not Apply)

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.

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

From ECL 27-1405(31):

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

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

375-3.2:

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

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

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

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

Check appropriate box below:

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

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

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

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

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

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

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

No – not a planned renewable energy facility site

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

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

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

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

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

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

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

No

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

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

ATTACHMENT A

SECTION I: PROPERTY INFORMATION

Figure 1 – Section I - County Tax Map

Figure 2 – Section I - Site Location Map – USGS 7.5-minute

Figure 3 – Section I – Site Boundary Survey

**Figure 4 – Section I – Site Boundary on Current Aerial with
Adjacent Property Owners**

Figure 5 – Section I – En-zone Map

Figure 6 – Section I – Disadvantaged Communities Map

Figure 7 – Section I and Section III BOA/Property Location

**Figure 8 & 8a- Section I and Section IV - Previous Investigation
Locations & Contaminant Exceedances**

Figure 9 – Section I & Section III – Zoning Map

Table 1 – List of Site 11 Parcels

Table 2 – BE3 Phase 2 Soil Sample Results

Table 3 – TurnKey Phase 2 Soil & GW Sample Results



SECTION I – PROPERTY INFORMATION

Location

The 1.36-acre site encompasses eleven parcels located within the city block of Washington Avenue, East Second Street and Park Avenue, City of Dunkirk, Chautauqua County, New York (refer to **Figure 2** - Site Location Map). The eleven parcels include:

- 220 Washington – SBL #79.57-1-79
- 208-214 Washington – 79.57-1-81
- Park Ave. Rear - 79.57-1-80
- E. Second - 79.57-1-2
- E. Second St - 79.57-1-73
- 215 Park Ave. -79.57-1-75
- 211 Park Ave. - 79.57-1-74
- Park Ave. - 79.57-1-72
- 207 Park Ave. - 79.57-1-71
- E. Second St - 79.57-1-70
- E. Second St. 79.57-1-69

Table 1 provides acreage and ownership of each of the above parcels.

The site boundary encompassing the above parcels is depicted on **Figure 1** tax parcel map and **Figure 3** site boundary survey. The site is in a commercial and mixed residential area of the City of Dunkirk, New York, about 350 yards, and two city blocks south of Lake Erie and about 0.17-miles northeast of Dunkirk City Hall. The general middle of the site is located at latitude 42° 29' 09.25" N; Longitude 79° 19' 57.78" W. The immediate area around the site is mainly mixed urban commercial use and residential. See **Figure 4** for adjacent property owners and at the end of this section. According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type AB designated for Census Tract 355 (see **Figure 5**), a Disadvantaged Community (see **Figure 6**) and the Dunkirk Brownfield Opportunity Area (see **Figure 7**) .

Site Features

Only two of the eleven parcels that make up the site have buildings. The 220 Washington Avenue (SBL #79.57-1-79) has a two-story former manufacturing facility and 208-214 Washington Avenue (SBL #79.57-1-81) which shares a common wall and was part of the same former manufacturing facility historically. Currently the 220 Washington Avenue property is occupied by a fence and sign manufacturing facility. The 208-214 Washington Avenue facility is vacant and in disrepair with the second and third floors not safely accessible. The remaining parcels within the site boundary are composed of vacant undeveloped land or contain parking/walk areas (approximately 80% of total site area) supporting residential units within the same block along East second Street

The site is generally flat and gently sloping north towards city streets and Lake Erie. Surface and shallow groundwater flow most likely has been impacted over time by the

various developments and fills as well as foundations, street beds, and utility lines. Surface water is directed to adjacent streets and low spots in properties with storm drains. In general groundwater most likely flows north towards Lake Erie

Current Zoning and Land Use

The site is currently vacant with the exception of parcel 220 Washington Avenue (SBL #79.57-1-79). According to the City of Dunkirk Comprehensive Plan-Zoning Map, the current zoning for the Site is defined as C-2 Community Business (see **Figure 9**). Any future redevelopment will be in accordance with the local zoning. The surrounding parcels are as follows: north – C-2 Community Business ; south – C-2 Community Business; east – C-2 Community Business and, west – CBD Central Business District. The site is in the Dunkirk City Brownfield Opportunity Area (BOA) and the planned use is consistent with the BOA.

Past Use of the Site

The site has a history of manufacturing component parts for automobiles (springs, drive shafts, and rubber tires) and the manufacturing of car bodies and roadside dinner cars (208-204-220 Washington Avenue parcels). Other parcels within the site were associated with coal storage and rail use as well as other commercial uses. These past uses appear to have led to site contamination including impacted soil detected during Phase 2 ESAs. No remedial activities were undertaken prior to the BCP application.

Site Geology and Hydrogeology

No surface water bodies, or wetland areas are located within the site area. The nearest waterbody is Lake Erie less than a half a mile north of the properties. Topography also suggests runoff generally flows towards the north-northwest and to adjacent streets and low spots on the site. Weathered bedrock (apparent shale) is encountered at depths of between 11 and 14 feet. Groundwater is encountered at a depth of approximately 6-8 feet. Based on local topography, groundwater likely flows in a northerly direction towards Lake Erie. Subsurface conditions generally consist of fill with some construction and demolition debris (brick with some cement), cinder, ash, and some coal. Fill depths range from 2 to 4 feet bgs in most locations across the site. Below the fill is brown silty clay or red-brown stiff silty-clay. Weathered bedrock (apparent shale) is encountered at depths of between 11 and 14 feet.

Based on the results of Phase 2 ESAs, various metal compounds and SVOCs (primarily PAHs) were detected in soil samples from across the site with concentrations above NYSDEC Part 375 residential, restricted residential, commercial, and/or industrial SCOs.

Environmental Assessment

Various Environmental assessments have occurred on the property including the following:

- Phase I and II ESAs were performed by TurnKey Environmental Restoration, LLC in 2010 and 2012, respectively on the parcel address 208-214 Washington Avenue only.
- Phase 1 and II ESAs were performed by BE3 in November 2022 and February 2023, respectively on the complete site (11 parcels).

Based on the above investigations, the primary contaminants of concern at the site include the following:

Soil - PAHs and metals (primarily arsenic, lead, mercury and manganese). **Figures 8 and 8a** and **Tables 2 and 3** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded.

Other potential contamination Sources:

Groundwater – four temporary groundwater wells were established during the Phase II investigations and groundwater grab samples collected for analysis of VOCs only. No VOCs were detected above their NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (see **Table 3**).

Soil Vapor & Indoor Air – No assessment of soil vapor or indoor air has been carried out to date. This assessment will be part of the Remedial Investigation program.

Adjacent Property Owners

A list of Adjacent property owners is provided below and on **Figure 4**.

21 2nd Street
 TP13 LLC
 2 Keenland Ct.
 Cinnaminson, NJ 08077
 SBL 79.57-1-1

33 & 37 2nd Street
 City of Dunkirk Housing Authority
 15 Main Street
 Dunkirk, NY 14048
 SBL 79.57-1-4

E. 3rd Street Rear
 State of NY
 Albany, NY 12201
 SBL 79.57-1-78

E. 3rd Street
 State of NY
 Albany, NY 12201
 SBL 79.57-1-76

E. 3rd Street
State of NY
Albany, NY 12201
SBL 79.14-4-27

214 Central Ave.
The People of the State of NY
State University
Albany, NY 12246
SBL 79.14-4-33

Resident- 201 Washington Ave.
Iglesia Bautista Hispana
201 Washington Ave.
Dunkirk, NY. 14048
SBL 79.14-4-22

Resident- 200 Park Ave.
Neishaly Rodriquez Hernandez
211A Smith Ct.
Dunkirk, NY. 14048
SBL 79.57-1-5

Resident- 204 Park Ave.
Joseph Reynolds
10564 Southwestern Blvd
Irving, NY. 14081
SBL 79.57-1-68

Resident- 206 Park Ave.
Mingqi Cheng
207 King Street
Dunkirk, NY. 14048
SBL 79.57-1-67

Resident- 208 Park Ave.
Denise Stuart
208 Park Ave.
Dunkirk, NY. 14048
SBL 79.57-1-64

Resident- 210 Park Ave.
Apostolic House of Prayer #2
210 Park Ave.
Dunkirk, NY. 14048

SBL 79.57-1-63
Resident- Park Ave.
Apostolic House of Prayer #2
Park Ave.
Dunkirk, NY 14048
SBL 79.57-1-58

Resident- Third Street
City of Dunkirk
342 Central Ave.
Dunkirk, NY 14048
SBL 79.57-1-59

Resident- Deer Street
City of Dunkirk
342 Central Ave.
Dunkirk, NY 14048
SBL 79.57-1-53

PROPERTY LOCATION

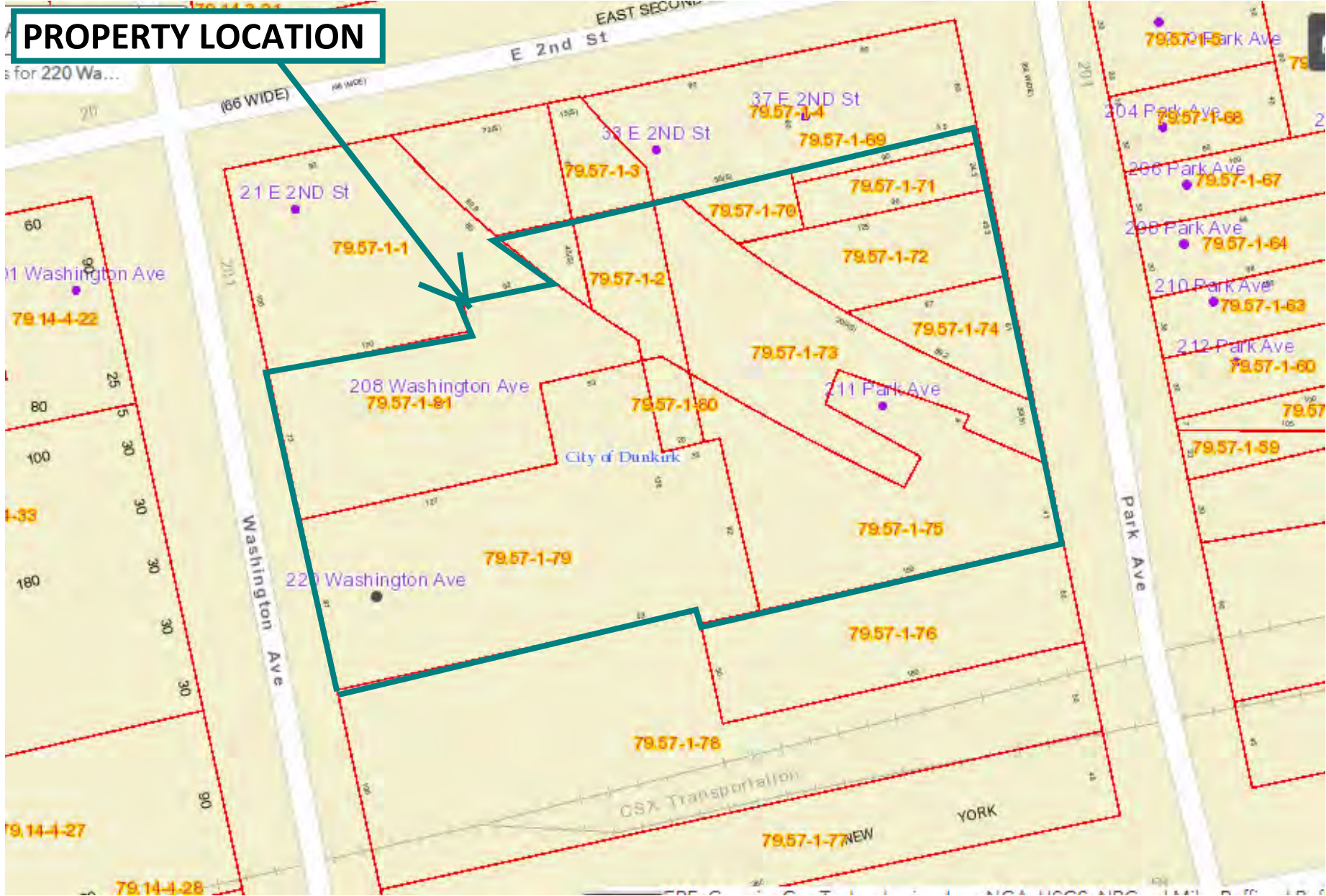
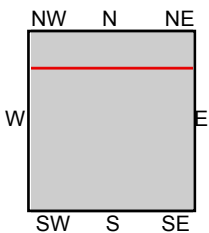
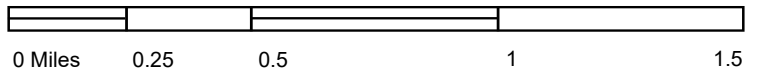


FIGURE 1 - Chautauqua County Dunkirk Tax and Parcel Map



This report includes information from the following map sheet(s).



TP, Dunkirk, 2019, 7.5-minute
 N, North of Dunkirk, 2019, 7.5-minute

FIGURE 2
Site Location Map



MEASUREMENTS SHOWN HEREON ARE BASED ON A CONTROL TRAVERSE WITH ELECTRO-OPTICAL INSTRUMENTS PRECISE TO 5 SECONDS OF ARC (0"00'05") AND 0.01 FEET. SURVEY AND MAP FOLLOW STANDARDS OF THE NIAGARA FRONTIER LAND SURVEYORS' ASSOCIATION. THIS DRAWING IS VALID AS OF THE DATE SHOWN. IT IS NOT TO BE USED FOR FUTURE DESIGN, CONSTRUCTION, FENCING OR BOUNDARY DETERMINATION WITHOUT UPDATED FIELD VERIFICATION. NO INVESTIGATION OR STATEMENT IS MADE WITH RESPECT TO POSSIBLE CLAIMS OF ADVERSE POSSESSION BY OTHERS.

WARNING: STATEMENTS AS TO THE STATUS OF A SURVEY (CHANGE OR NO CHANGE) CAN BE MADE ONLY BY A PRACTICING, LICENSED SURVEYOR WHO HAS SUPERVISED A FIELD CREW TO INSPECT PREMISES AND COMPARE SAME WITH THE CURRENT DEED OF RECORD. UNAUTHORIZED ALTERATION HERETO OR PLAGIARISM HEREOF, MAY BE A VIOLATION OF NEW YORK STATE LAW OR REGULATION. ORIGINAL SURVEYOR'S PRINTS OF THIS DRAWING BEAR (1) THE SURVEYOR'S SIGNATURE (2) THE SURVEYOR'S CIRCULAR STAMP AND (3) THE SURVEYOR'S CIRCULAR, EMBOSSED SEAL.

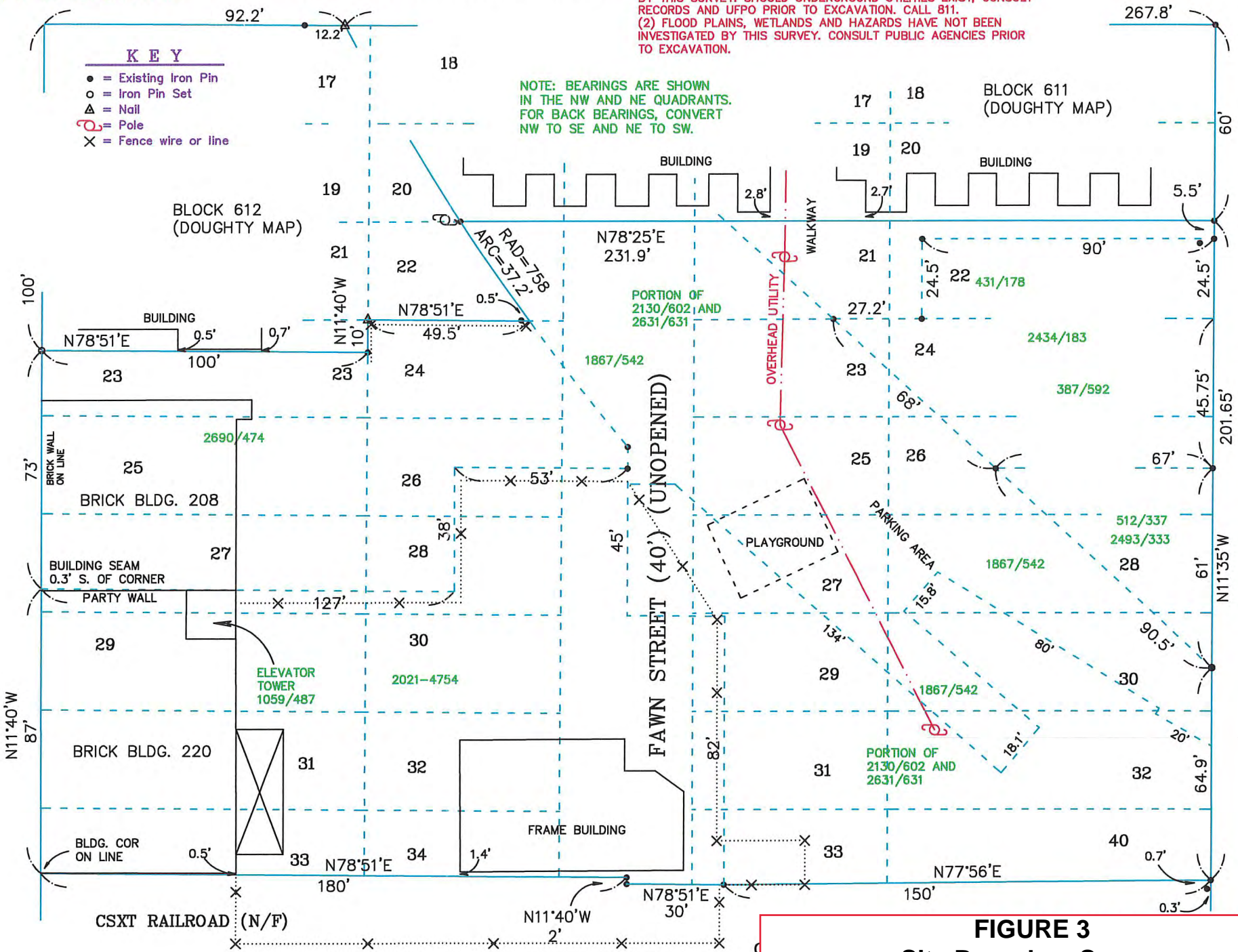


NOTE: LOT NOS. REFER TO THE 1838 NEVINS REDRAFT OF THE 1836 DOUGHTY MAP.

EAST SECOND STREET (66')

CAUTION: (1) UNDERGROUND FEATURES HAVE NOT BEEN INVESTIGATED BY THIS SURVEY. SHOULD UNDERGROUND UTILITIES EXIST, CONSULT RECORDS AND UFPO PRIOR TO EXCAVATION. CALL 811. (2) FLOOD PLAINS, WETLANDS AND HAZARDS HAVE NOT BEEN INVESTIGATED BY THIS SURVEY. CONSULT PUBLIC AGENCIES PRIOR TO EXCAVATION.

WASHINGTON AVENUE (66')



DRAWING OF
BOUNDARY SURVEY
 PROPERTY FOR
REGAN DEVELOPMENT

CITY OF DUNKIRK
 CHAUTAUQUA COUNTY NEW YORK
 SCALE: 1" = 40' OCTOBER 18, 2022
 LAND SURVEYOR, NYS LIC. NO. 50944



FIGURE 3
Site Boundary Survey

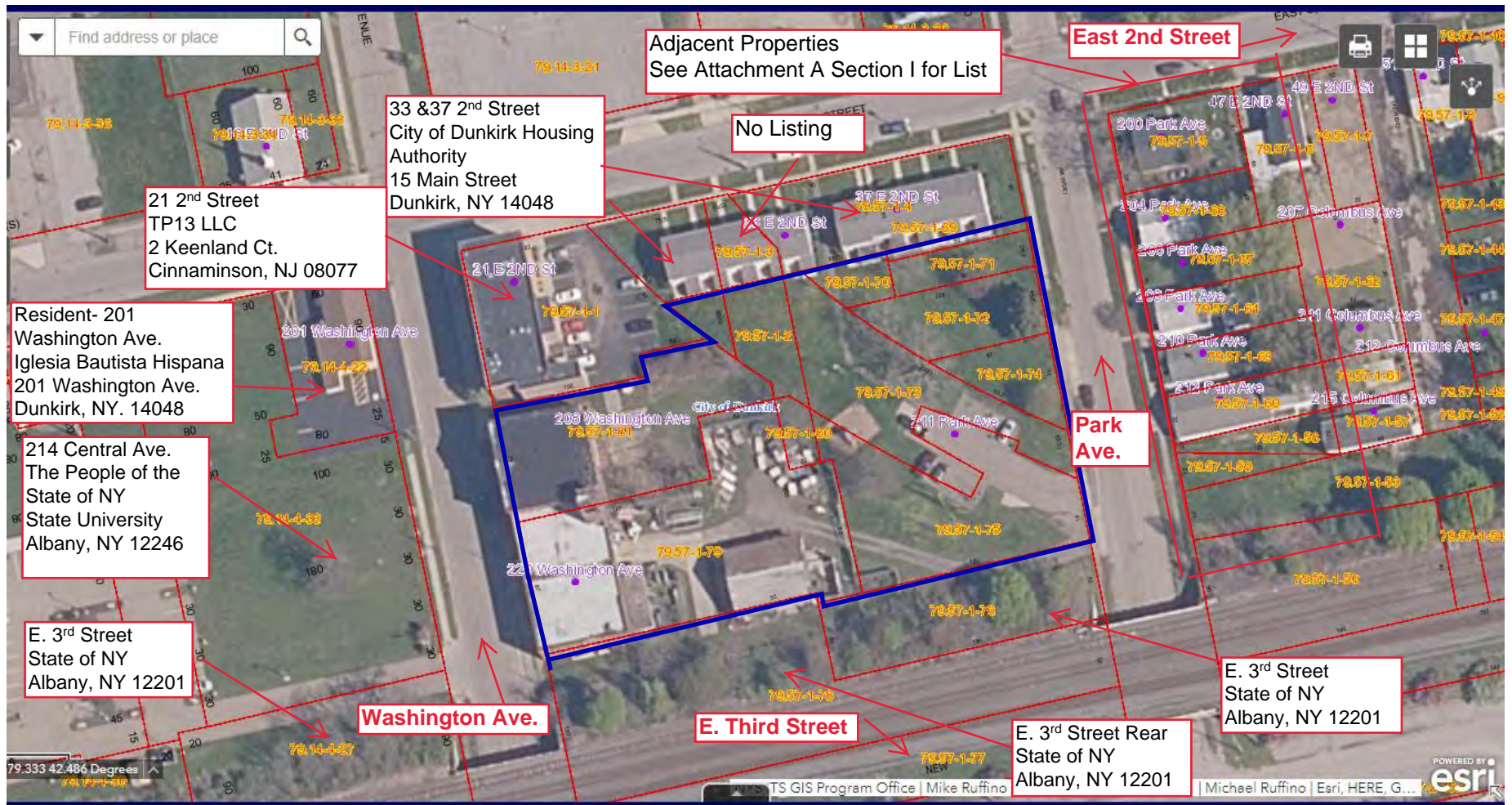


FIGURE 4 - Site Boundary Map With Adjacent Property Owners



FIGURE 5- Site Not In Designated Enzone

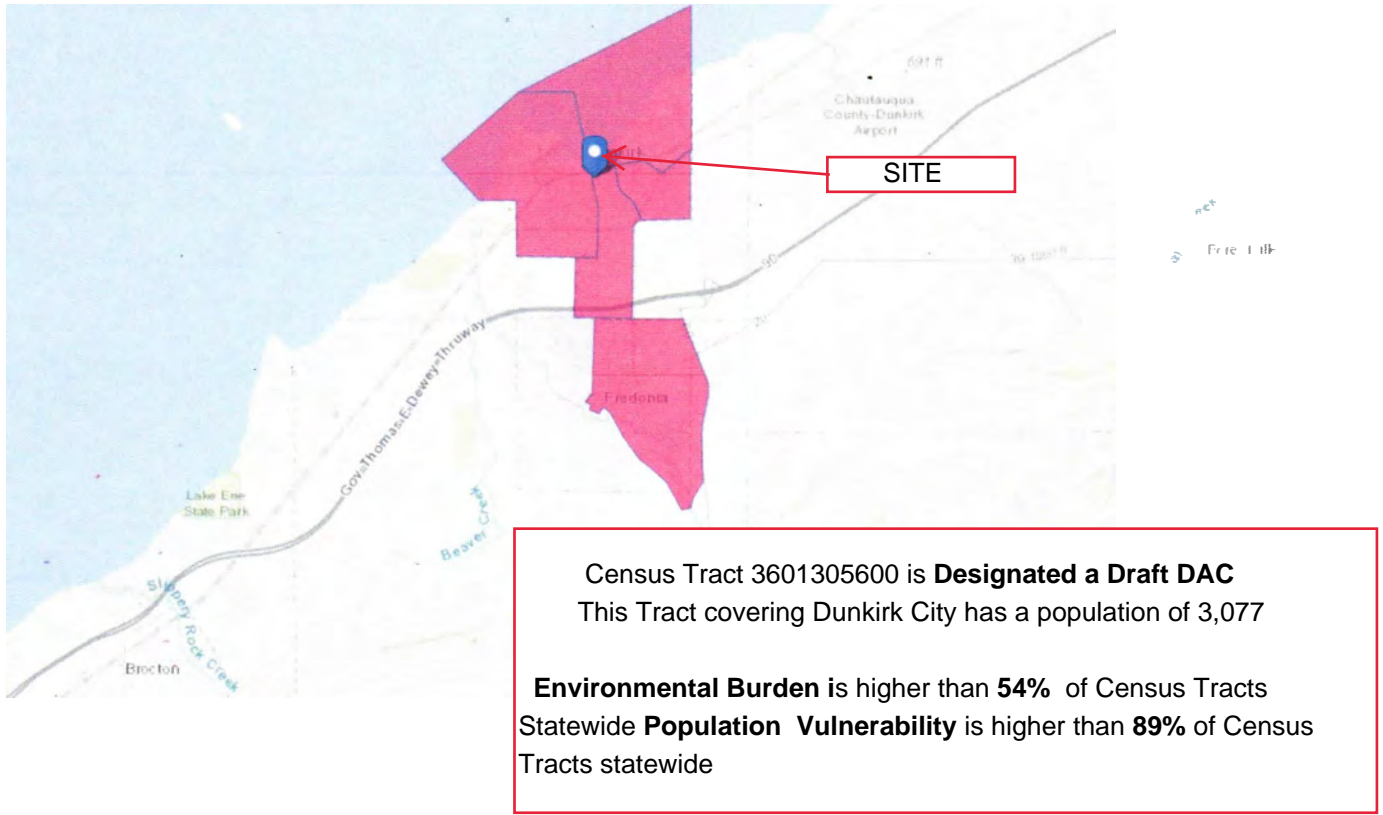


FIGURE 6: Disadvantaged Community Map

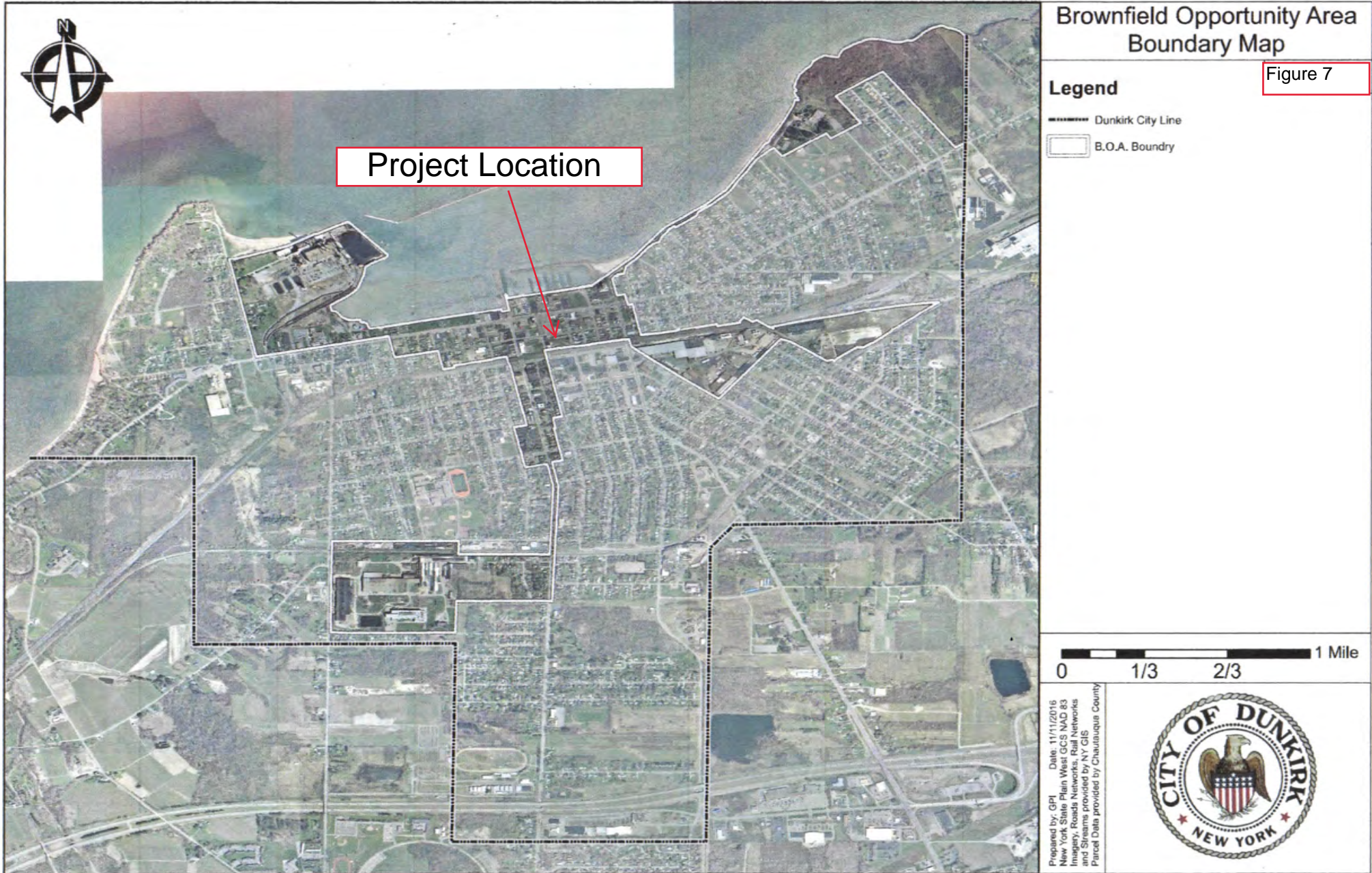
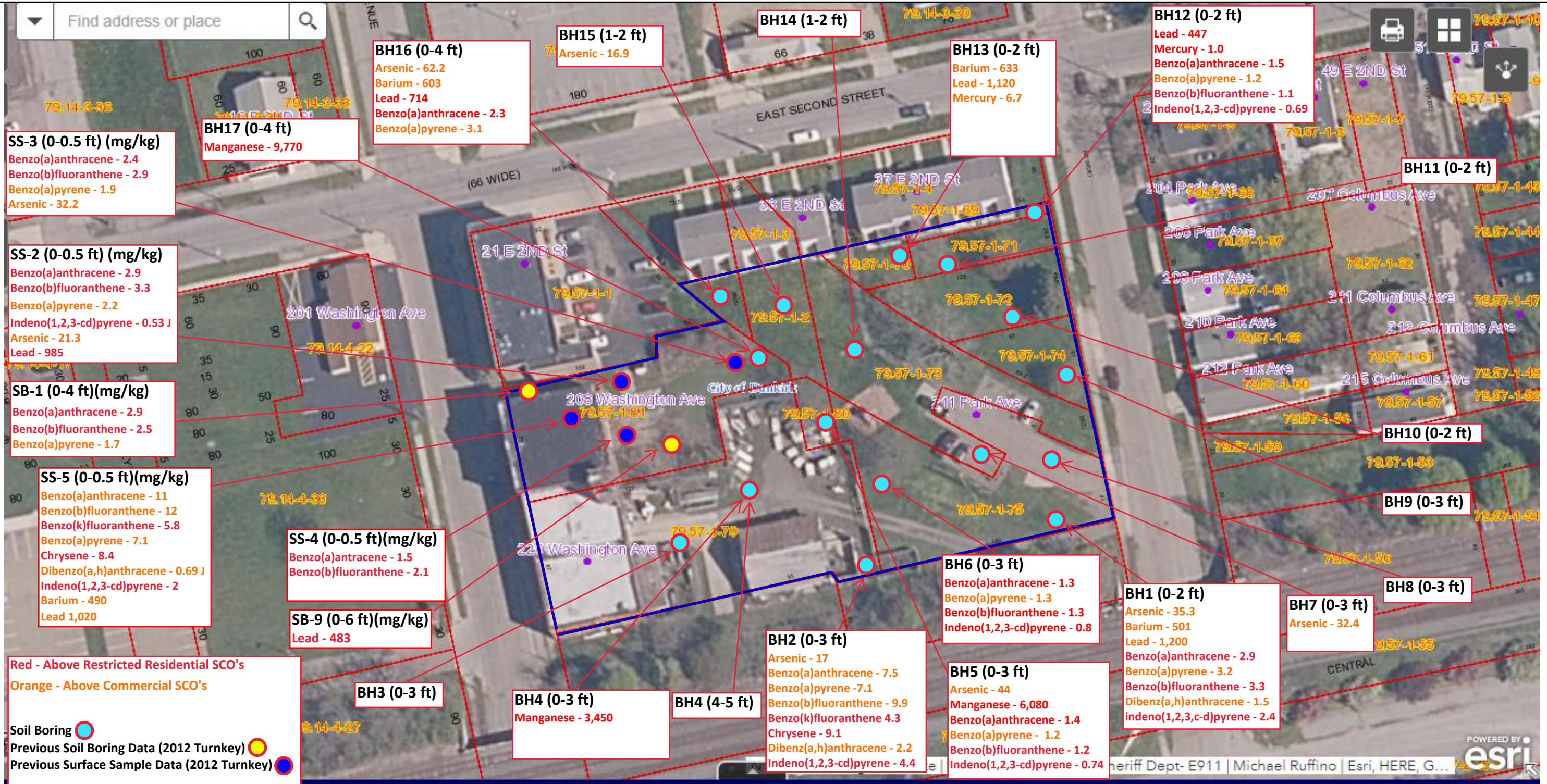


FIGURE 7 - Dunkirk City Brownfield Opportunity Area

FIGURE 8 - Phase II ESA - Block of Washington, E. 2nd & Park-Boring Soil Sample Locations & Analytical Results



Boring Locations

Dunkirk
New York

1/13/2023
Regan Development - Dunkirk



LEGEND

- SITE BOUNDARY
- PROPERTY BOUNDARY
- SB-1 ● SOIL BORINGS
- TMW-1 ⊙ TEMPORARY MONITORING WELLS
- SS-1 ■ SURFACE SAMPLES

INVESTIGATION SAMPLE LOCATIONS

PHASE II ENVIRONMENTAL SITE INVESTIGATION
 208-214 WASHINGTON AVENUE SITE

DUNKIRK, NEW YORK
 PREPARED FOR
 CHADWICK BAY, LLC

FIGURE



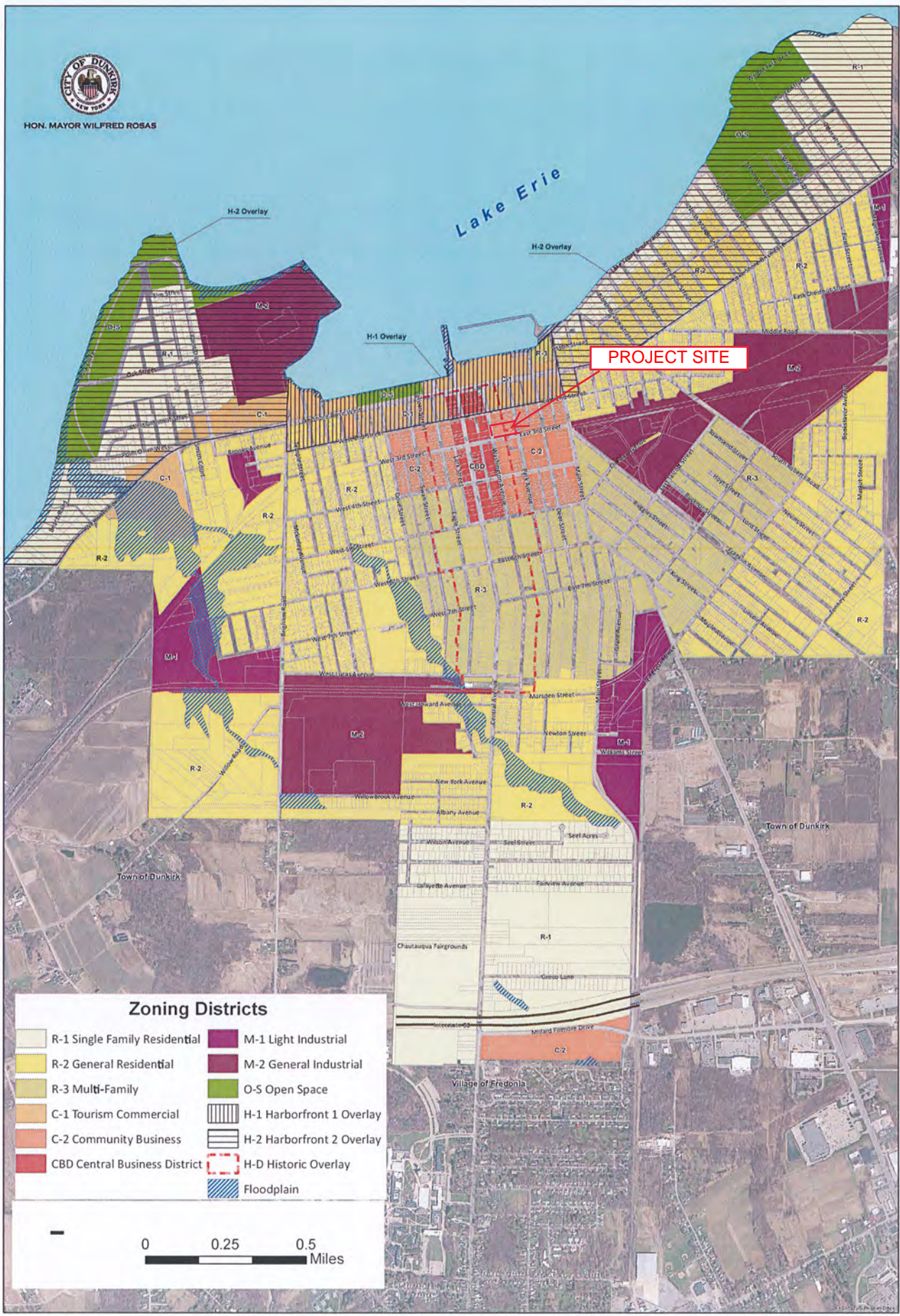
2558 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0835

PROJECT NO.: 0254-012-100
 DATE: APRIL 2012
 DRAFTED BY: JGT

Figure 8a - TurnKey Investigation Sample Locations 2012 Phase 2 ESA

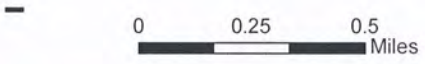


HON. MAYOR WILFRED ROSAS



Zoning Districts

- R-1 Single Family Residential
- R-2 General Residential
- R-3 Multi-Family
- C-1 Tourism Commercial
- C-2 Community Business
- CBD Central Business District
- M-1 Light Industrial
- M-2 General Industrial
- O-S Open Space
- H-1 Harborfront 1 Overlay
- H-2 Harborfront 2 Overlay
- H-D Historic Overlay
- Floodplain



City of Dunkirk Comprehensive Plan
ZONING MAP

FIGURE 9 - Zoning Map - Site-C-2 Community Business

TABLE 1 - List of The Site Eleven (11) Parcels and their SBLs and Acreage

	ADDRESS	SBL	APPROX. ACRES	OWNER
1	220 Washington Avenue	79.57-1-79	0.42	David Paradis
2	208-214 Washington Ave.	79.57-1-81	0.31	Washington Ave Revitalization Company LLC
3	Park Ave Rear	79.57-1-80	0.02	City of Dunkirk Housing Auth
4	East Second Street	79.57-1-2	0.08	City of Dunkirk Housing Auth
5	215 Park Ave.	79.57-1-75	0.14	City of Dunkirk Housing Auth
6	211 Park Ave.	79.57-1-74	0.10	City of Dunkirk Housing Auth
7	East Second Street	79.57-1-73	0.06	City of Dunkirk Housing Auth
8	Park Ave.	79.57-1-72	0.13	City of Dunkirk Housing Auth
9	207 Park Ave.	79.57-1-71	0.05	City of Dunkirk Housing Auth
10	East Second Street	79.57-1-70	0.04	City of Dunkirk Housing Auth
11	East Second Street	79.57-1-69	0.01	City of Dunkirk Housing Auth

**TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	BE3 Phase II Report January 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)	
	BH1 0-2	BH2 0-3	BH3 0-3	BH4 0-3	BH4 4-5	BH5 0-3	BH6 0-3	BH7 0-3	BH8 0-3	Restricted Residential	Commerical
	1/13/2023										
METALS/INORGANICS											
Arsenic	35.3	17.0	3.6	11.4	ND	44.0	10.2	32.4	4.2	16	16
Barium	501	221	39.5	73.0	ND	141.0	248	109	90.7	400	400
Beryllium	1.2	2.10	0.23 J	0.5	ND	0.89	0.78	1.10	0.85	72	590
Cadmium	1.2	0.7	0.094 J	0.3	ND	0.35	0.62	0.37	0.17 J	4.3	9.3
Chromium	22.3	18.7	6.1	28.1	ND	78.0	13.6	17.4	6.5	180	1,500
Copper	114.0	64.5	9.6	20.4	ND	63.7	54.6	41.0	31.8	270	270
Lead	1200	245	60.6	10.6	ND	31.6	386	90	47.9	400	1,000
Manganese	313 B	482 B	108 B	3450.0	ND	6080 B	198 B	261 B	290 B	2,000	10,000
Mercury	0.52 B	0.23 B	0.35 B	0.04 B	ND	0.051 B	0.28 B	0.16 B	0.035 B	0.81	2.8
Nickel	25.8	38.0	6.1	13.9	ND	49.4	16.7	23.3	8.4	310	310
Selenium	3.0 J	ND	ND	1.5 J	ND	1.3 J	1.0 J	1.1 J	ND	180	1,500
Silver	0.54 J	ND	ND	ND	ND	0.34 J	0.34 J	ND	ND	180	1,500
Zinc	353	146	54.4	17.1	ND	22.7	174	91.4	39.8	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)											
Acenaphthene	0.61 J	ND	ND	ND	ND	0.38	0.11 J	ND	ND	100	500
Acenaphthylene	ND	ND	ND	ND	ND	ND	0.036 J	ND	ND	100	500
Anthracene	1.2 J	1.3 J	ND	ND	ND	0.84	0.37	ND	ND	100	500
Benzo(a)anthracene	2.9	7.5	ND	ND	ND	1.4	1.3	0.086 J	ND	1	5.6
Benzo(a)pyrene	3.2	7.1	0.38 J	0.032 J	ND	1.2	1.3	0.13 J	ND	1	1
Benzo(b)fluoranthene	3.3	9.9	0.47 J	0.04 J	ND	1.2	1.2	0.17 J	ND	1	5.6
Benzo(g,h,i)perylene	5.4	4.2	0.31 J	0.038 J	ND	0.83	0.85	0.15 J	ND	100	500
Benzo(k)fluoranthene	1.4 J	4.3	0.16 J	ND	ND	0.64	0.72	0.071 J	ND	3.9	56
Chrysene	3.1	9.1	0.30 J	ND	ND	1.3	1.4	0.13 J	ND	3.9	56
Dibenz(a,h)anthracene	1.5 J	2.2	ND	ND	ND	0.24	0.27	0.047 J	ND	0.33	0.56
Dibenzofuran	0.33 J	ND	ND	ND	ND	0.22	0.074 J	ND	ND	59	350
Fluoranthene	7.0	11	0.49 J	0.029 J	ND	2.9	2.2	0.14 J	3.5 J	100	500
Fluorene	0.55 J	0.37 J	ND	ND	ND	0.39	0.11 J	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	2.40	4.4	0.27 J	0.034 J	ND	0.74	0.8	0.11 J	ND	0.5	5.6
Naphthalene	ND	ND	ND	ND	ND	0.13 J	0.071 J	ND	ND	100	500
Phenanthrene	6.0	4.5	0.27 J	0.036 J	ND	3.1	1.6	0.11 J	ND	100	500
Pyrene	6.0	8.2	0.46 J	0.037 J	ND	3.1	2.3	0.17 J	3.2 J	100	500

Notes: All units in parts per million (ppm)
 ND Analyte not detected
 - Not Applicable or sample not tested for this analyte
 J Estimated Concentration
 B Analyte detected in method blank

	Analyte detected
	Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
	Reported concentration greater than or equal to the NYSDEC Commercial SCO

**TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	BE3 Phase II Report January 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)	
	BH9 0-3	BH10 0-2	BH11 0-2	BH12 0-2	BH13 0-2	BH14 1-2	BH15 1-2	BH-16 0-4	BH-17 0-4	Restricted Residential	Commerical
	1/13/2023										
METALS/INORGANICS											
Arsenic	10.7	12.5	10.0	9.4	15.1	8.3	16.9	62.2	11.5	16	16
Barium	155	180.0	194	203	633	89.7	131	603	161	400	400
Beryllium	0.8	0.92	0.74	0.50	0.89	0.80	0.95	0.6	1.20	72	590
Cadmium	0	0.460	0.95	0.63	0.7	0.23 J	0.40	1.6	0.45	4.3	9.3
Chromium	26.8	26.6	33.1	16.5	28.2	11.0	12.9	145.0	51.9	180	1,500
Copper	32.1	33.2	58.6	30.9	70.8	49.0	84.5	114.0	37.1	270	270
Lead	104.0	281.0	393.0	447	1120	70.6	192	714	12	400	1,000
Manganese	302 B	375 B	320 B	365 B	762 B	288 B	336 B	1910 B	9770 B	2,000	10,000
Mercury	0.15 B	0.15 B	0.32 B	1.0 B	6.7 B	0.44 B	0.27 B	0.30 B	0.008 J B	0.81	2.8
Nickel	33.7	31.6	44.6	15.6	30.1	20.7	24.6	44.1	22.9	310	310
Selenium	0.65 J	ND	ND	ND	1.1 J	ND	1.4 J	3.9 J	3.5 J	180	1,500
Zinc	105.0	176.0	261	284	438	93.1	99	376.0	41.7	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)											
Acenaphthene	ND	0.049 J	ND	0.42	ND	ND	ND	ND	ND	100	500
Acenaphthylene	ND	ND	ND	ND	ND	0.13 J	0.028 J	ND	ND	100	500
Anthracene	ND	0.19 J	ND	0.9	ND	ND	ND	ND	ND	100	500
Benzo(a)anthracene	ND	0.39	ND	1.5	0.093 J	0.44 J	0.28	2.3 J	ND	1	5.6
Benzo(a)pyrene	0.18 J	0.38	ND	1.2	0.13 J	0.57 J	0.27	3.1 J	ND	1	1
Benzo(b)fluoranthene	0.21 J	0.42	ND	1.1	0.15 J	0.83 J	0.34	ND	ND	1	5.6
Benzo(g,h,i)perylene	ND	0.26	ND	0.740	0.095 J	0.38 J	0.16 J	ND	ND	100	500
Benzo(k)fluoranthene	0.14 J	0.2 J	ND	0.63	0.061 J	0.29 J	0.16 J	ND	ND	3.9	56
Chrysene	ND	0.43	ND	1.5	0.14 J	0.52 J	0.3	ND	ND	3.9	56
Dibenz(a,h)anthracene	ND	0.084 J	ND	0.18 J	ND	ND	0.051 J	ND	ND	0.33	0.56
Dibenzofuran	ND	0.051 J	ND	0.16 J	ND	ND	0.03 J	ND	ND	59	350
Fluoranthene	0.39 J	0.8	6.3 J	2.9	0.250	0.61 J	0.31	6.0 J	0.027 J	100	500
Fluorene	ND	0.064 J	ND	0.340	ND	ND	ND	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	0.13 J	0.25	ND	0.69	0.095 J	0.37 J	0.16 J	ND	ND	0.5	5.6
Naphthalene	ND	0.039 J	ND	ND	ND	ND	0.041 J	ND	ND	100	500
Phenanthrene	0.25 J	0.77	5.8 J	3.6	0.19 J	0.2 J	0.23	4.8 J	ND	100	500
Pyrene	0.35 J	0.83	5.0 J	3.6	0.260	0.51 J	0.35	4.5 J	0.027 J	100	500

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

Analyte detected

Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

Reported concentration greater than or equal to the NYSDEC Commercial SCO

Table 3 - TurnKey 2012 Phase 2 ESA Analytical Results



Sheet 1 of 3

SUMMARY OF SURFACE SOIL ANALYTICAL RESULTS

208-214 WASHINGTON STREET SITE

DUNKIRK, NEW YORK

Parameter ¹	Unrestricted SCOs (mg/Kg) ²	Restricted Residential SCOs (mg/Kg) ³	Restricted Commercial SCOs (mg/Kg) ⁴	SAMPLE LOCATION			
				SS-2 (0'-0.5')	SS-3 (0'-0.5')	SS-4 (0'-0.5')	SS-5 (0'-0.5')
Poly-Aromatic Hydrocarbons (PAHs)⁵ - mg/Kg							
Acenaphthylene	100	100	500	0.29 J	0.17 J	0.14 J	0.92 J
Acenaphthene	20	100	500	0.1 J	0.27 J	0.13 J	0.39 J
Anthracene	100	100	500	0.56 J	0.68 J	0.39 J	3.6
Benzo(a)anthracene	1	1	5.6	2.9	2.4	1.5	11
Benzo(b)fluoranthene	1	1	5.6	3.3	2.9	2.1	12
Benzo(k)fluoranthene	0.8	1	56	1.3	1.2	1.2	5.8
Benzo(g,h,i)perylene	100	100	500	0.47 J	0.46 J	0.41 J	1.7
Benzo(a)pyrene	1	1	1	2.2	1.9	1.3	7.1
Chrysene	1	1	56	3.3	2.4	1.8	8.4
Dibenzo(a,h)anthracene	0.33	0.33	0.56	0.13 J	0.19 J	0.17 J	0.69 J
Fluoranthene	100	100	500	5.4	5.7	3.4	25
Fluorene	30	100	500	ND	0.22 J	0.12 J	0.56 J
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	0.53 J	0.5 J	0.4 J	2
Naphthalene	12	100	500	0.46 J	0.21 J	0.13 J	0.25 J
Phenanthrene	100	100	500	2.5	3.9	2	15
Pyrene	100	100	500	4.7	ND	2.5	17
RCRA Metals - mg/Kg							
Arsenic	13	16	16	21.3	32.2	10.6	13.2
Barium	350	400	400	133	184	153	490
Cadmium	2.5	4.3	9.3	1.2	0.44	1.3	1.9
Chromium	30	180	400	20.4 B7	16.3 B7	23.2 B7	28.9 B7
Lead	63	400	1000	985	289	353	1020
Mercury	0.18	0.81	2.8	0.19	0.09	0.072	0.093
Polychlorinated Biphenyls (PCBs)⁵ - mg/Kg							
Aroclor 1221	0.1	1	1	ND	0.31	ND	ND
Aroclor 1254	0.1	1	1	ND	ND	0.18 J	ND
Aroclor 1260	0.1	1	1	ND	ND	0.13 J	ND

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC Part 375 Unrestricted Soil Cleanup Objectives (SCOs).
3. Values per NYSDEC Part 375 Restricted-Residential Soil Cleanup Objectives (SCOs).
4. Values per NYSDEC Part 375 Restricted-Commercial Soil Cleanup Objectives (SCOs).
5. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.

Definitions:

ND = Parameter not detected above laboratory detection limit.

"-" = No SCO available.

J = Estimated value; result is less than the sample quantitation limit but greater than zero.

B7 = Analyte was detected in method blank at or above method reporting limit.

Concentration found in the sample was 10 times above the concentration found in the blank.

BOLD	= Value exceeds Unrestricted SCOs
BOLD	= Value exceeds Restricted Residential SCOs
BOLD	= Value exceeds Restricted Commercial SCOs

Table 3 Continued TurnKey 2012 Phase 2 ESA Analytical Results



SUMMARY OF SUBSURFACE SOIL ANALYTICAL RESULTS

208-214 WASHINGTON STREET SITE

DUNKIRK, NEW YORK

Parameter ¹	Unrestricted SCOs (mg/Kg) ²	Restricted Residential SCOs (mg/Kg) ³	Restricted Commercial SCOs (mg/Kg) ⁴	SAMPLE LOCATION				
				SB-1 (0'-4')	SB-4 (0'-6')	SB-6 (0'-6')	SB-9 (0'-6')	SB-9 (12'-14')
TCL plus STARS Volatile Organic Compounds (VOCs)⁵ - mg/Kg								
Acetone	0.05	100	500	NA	NA	NA	NA	0.014 J
Cyclohexane	--	--	--	NA	NA	NA	NA	0.0009 J
Methylcyclohexane	--	--	--	NA	NA	NA	NA	0.0018 J
Poly-Aromatic Hydrocarbons (PAHs)⁵ - mg/Kg								
Acenaphthylene	100	100	500	0.3	0.023 J	0.013 J	0.037 J	NA
Acenaphthene	20	100	500	0.83	ND	ND	0.14 J	NA
Anthracene	100	100	500	2	0.025 J	0.048 J	0.39	NA
Benzo(a)anthracene	1	1	5.6	2.9	0.14 J	0.19 J	0.88	NA
Benzo(b)fluoranthene	1	1	5.6	2.5	0.2 J	0.2 J	0.98	NA
Benzo(k)fluoranthene	0.8	1	56	1.1	0.057 J	0.1 J	0.34	NA
Benzo(g,h,i)perylene	100	100	500	0.27	0.034 J	0.38 J	0.16 J	NA
Benzo(a)pyrene	1	1	1	1.7	0.1 J	0.15 J	0.61	NA
Chrysene	1	1	56	2.6	0.16 J	0.19 J	0.89	NA
Dibenzo(a,h)anthracene	0.33	0.33	0.56	0.16 J	ND	0.022 J	0.058 J	NA
Fluoranthene	100	100	500	6.1	0.28	0.38	2	NA
Fluorene	30	100	500	0.97	ND	0.016 J	0.14 J	NA
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	0.34	0.038 J	0.039 J	0.16 J	NA
Naphthalene	12	100	500	0.51	0.031 J	0.035 J	0.06 J	NA
Phenanthrene	100	100	500	6.5	0.15 J	0.22	1.8	NA
Pyrene	100	100	500	4.1	0.2 J	0.27	1.5	NA
RCRA Metals - mg/Kg								
Arsenic	13	16	16	13.1	14	9.8	8.3	NA
Barium	350	400	400	400	162	93.9	55.7	NA
Cadmium	2.5	4.3	9.3	1.7	1.3	ND	0.26	NA
Chromium	30	180	400	16 B7	17 B7	7.5 B7	9.7 B7	NA
Lead	63	400	1000	359	353	78	483	NA
Mercury	0.18	0.81	2.8	0.3	0.041	0.046	0.068	NA

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC Part 375 Unrestricted Soil Cleanup Objectives (SCOs).
3. Values per NYSDEC Part 375 Restricted-Residential Soil Cleanup Objectives (SCOs).
4. Values per NYSDEC Part 375 Restricted-Commercial Soil Cleanup Objectives (SCOs).
5. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.

Definitions:

ND = Parameter not detected above laboratory detection limit.
 NA = Sample not analyzed for parameter.
 "--" = No SCO available.
 J = Estimated value; result is less than the sample quantitation limit but greater than zero.
 B7 = Analyte was detected in method blank at or above method reporting limit.
 Concentration found in the sample was 10 times above the concentration found in the blank.

BOLD	= Value exceeds Unrestricted SCOs
BOLD	= Value exceeds Restricted Residential SCOs
BOLD	= Value exceeds Restricted Commercial SCOs



Table 3 Continued Turnkey Phase 2 ESA Analytical Results

Sheet 3 of 3

**SUMMARY OF GROUNDWATER ANALYTICAL RESULTS
208-214 WASHINGTON STREET SITE
DUNKIRK, NEW YORK**

Parameter ¹	NYSDEC Class GA Groundwater Quality Standards ²	Sample Locations		
		TMW-1	TMW-2	TMW-3
<i>TCL plus STARS Volatile Organic Compounds (VOCs) - ug/L</i>				
Acetone	50	4.8 J	ND	3.7 J
Carbon disulfide	60	0.85 J	ND	0.68 J
Cyclohexane	--	9.3	ND	1.7
2-Hexanone	50	1.4 J	ND	ND
1,2,4 Trimethylbenzene	5	3.9	ND	ND
1,3,5 Trimethylbenzene	5	1.1	ND	ND
Methylcyclohexane	--	15	ND	3.5
Total Xylene	5	3.3	ND	ND

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC part 703.5, table 1, Class GA Groundwater Quality Standards.
3. Excludes TICs identified in the laboratory blank.

Definitions:

- ND = Parameter not detected above laboratory detection limit.
- = No SCO available.
- J = Estimated value; result is less than the sample quantitation limit but greater than zero.

BOLD	Sample Result exceeds NYSDEC Groundwater Quality Standards. (None)
-------------	--

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Figure 10 – Preliminary Project Schedule



SECTION II – Project Description – Short Description of Development

The re-development of the site composed of the “Block of Washington, E. Second & Park” (11 parcels) will be for the construction of multi-family apartment units, associated parking area and recreational/greenspace.

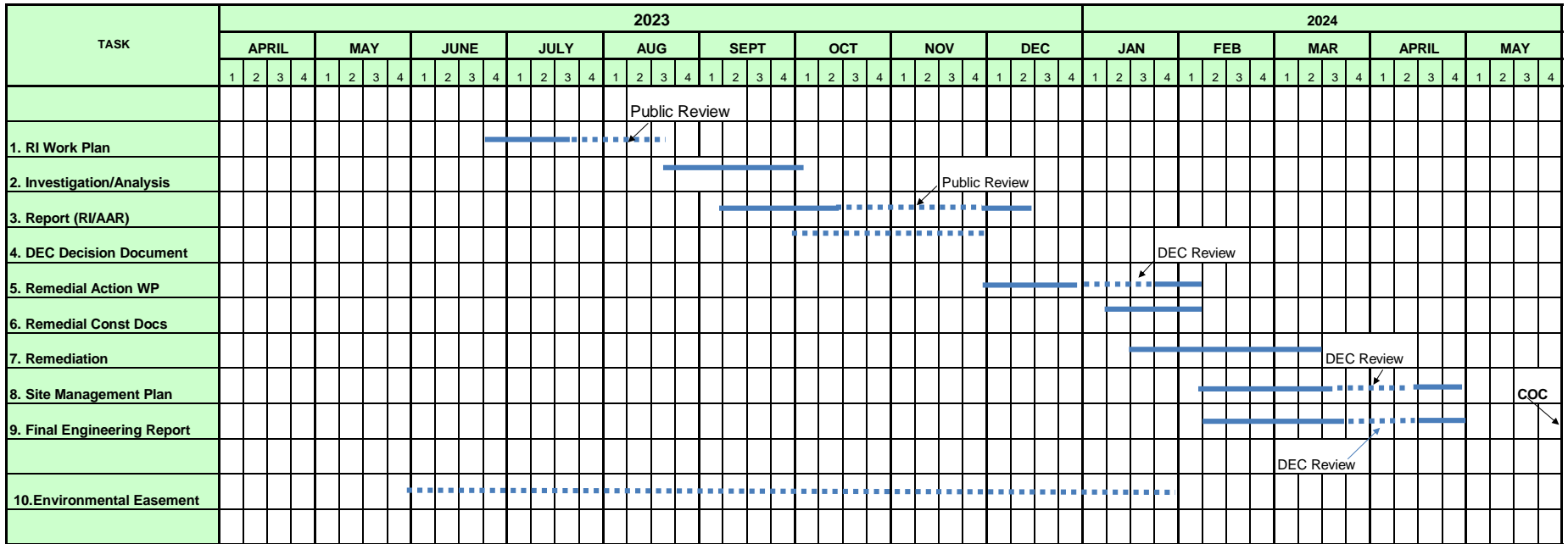
Regan Development Corporation, acting as a Volunteer, will complete additional investigation and remediate the site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

Project Start Date & Anticipated Certificate of Completion

The project will **start work** with the preparation of a Remedial Investigation (RI) Work Plan and complete a RI upon acceptance into the BCP **during calendar year 2023** and will complete remediation for an **anticipated Certificate of Completion (COC)** in early 2024. A preliminary project schedule is shown on **Figure 10**.

FIGURE 10

**BCP PRELIMINARY PROJECT SCHEDULE - JUNE 2023
BLOCK OF WASHINGTON, E. SECOND AND PARK - DUNKIRK, NY**



ATTACHMENT C

SECTION III: LAND USE FACTORS

Figure 1 – County Tax map

Figure 6 – Disadvantaged Communities Map

Figure 7 – City of Dunkirk BOA

Figure 9 – Zoning Map



SECTION III – Land Use Factors

Application Section III #4 – Summary of Current Business Operations or Uses – possible contaminant source areas and date site became vacant

The current zoning for the Site is C-2 Community Business (City of Dunkirk Comprehensive Plan). Refer to **Figure 9** the City of Dunkirk Zoning Plan. The immediate area around the site is mainly mixed urban commercial use and residential.

Historically the 208-214-220 Washington Avenue parcels (refer to **Figure 1**) were used for wholesale auto parts in the 1960s to the 1990s, auto sales and service in the 1940s and for the Mulholland company factory - makers of roadside dining cars, automobile body parts, carriages and springs from the late 1800s through at least the 1930s. The Mulholland firm constructed a new traditional brick and wood frame plant on Washington Street in 1886. The firm changed its line of production with the changing times. Its original specialization was in manufacturing carriage springs, and later it diversified into the manufacture of component parts for automobiles (springs, drive shafts, and rubber tires). For a few years around 1910, complete automobiles were being assembled but from 1915 to 1925, it produced only car bodies. Around 1930, the firm shifted to the manufacture of streamlined roadside diners (steel-framed dining cars, 30 feet long and 10 feet wide). The Mulholland company continued through 1933, but then disappeared from the records, perhaps a victim of the Depression. After 1935, the factory was used for the manufacture of malted milk and storage of wholesale groceries. The actual date of last use of portions of the complex is not known. Currently the 220 Washington Avenue parcel is occupied by a fence and sign manufacturing facility. The 208-214 Washington Avenue parcel is vacant. See Table 4 SECTION IX for parcel use and abandonment.

All of the other parcels within the site, with the exception of 220 Washington parcel (see above) , are currently vacant. The parcels in the center of the site historically were part of the Burns Coal & Building Supply Company during the 1940s through the 1960s. Some of the parcels along Park Avenue in the east-center and southeastern part of the site, historically, contained a bottle warehouse in the 1960s, an Ice Cream Depot in the 1930s and 1940s, a sugar warehouse in the 1920s and a tin shop in the late 1800s.

The contaminants in the soils (metals, PAHs and possible solvents/petroleum products) are most likely due to the above historical operations on site particularly coal operations and auto parts manufacturing.

Application Section III #6 – Proposed Post-Remediation Use

The planned reuse of the Site will be for the construction of multi-family apartment units, associated parking area and recreational/greenspace.

Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?

The proposed reuse is not consistent with the current zoning which is C-2 Community Business, however, the City of Dunkirk is willing to work with the applicant to change the zoning of the site to R-3 Multi Family to accommodate the proposed reuse of the site. Refer to **Figure 9** current zoning map.

Application Section III #10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The site is in the Dunkirk City Disadvantaged Community Tract (see **Figure 6**) and in the Brownfield Opportunity Area (BOA) (see **Figure 7**) which demonstrates that the proposed project is consistent with adopted land use plans.

PROPERTY LOCATION

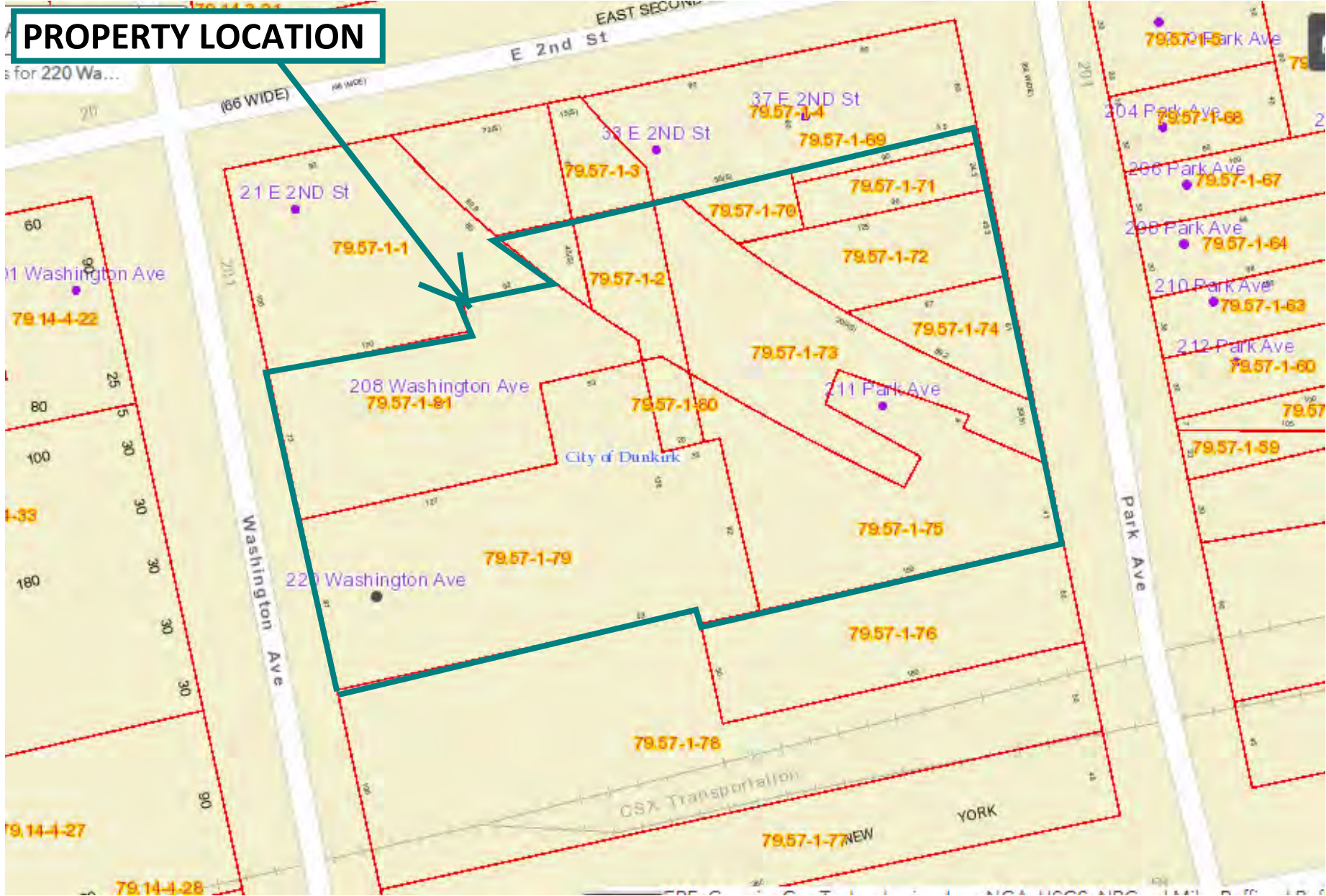


FIGURE 1 - Chautauqua County Dunkirk Tax and Parcel Map

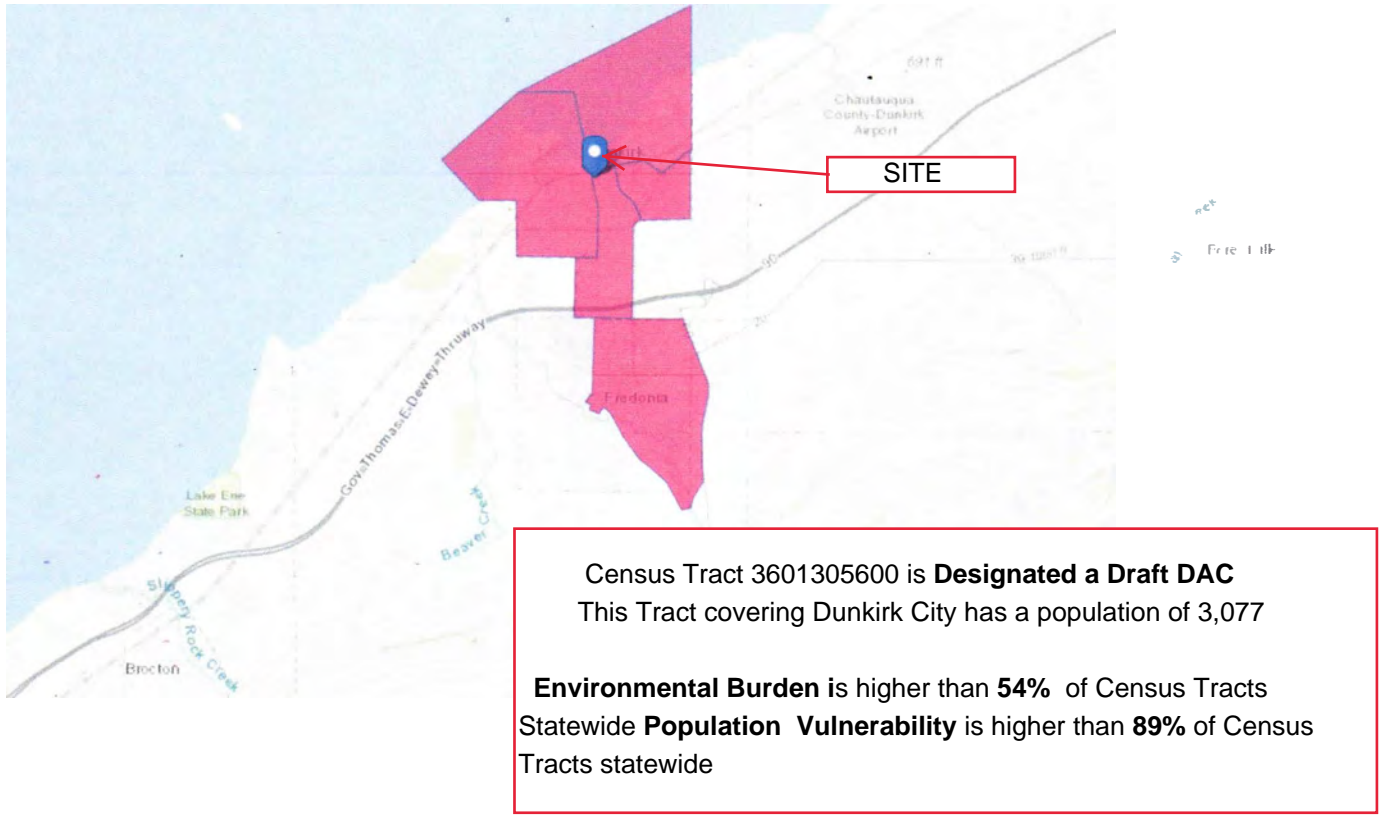


FIGURE 6: Disadvantaged Community Map

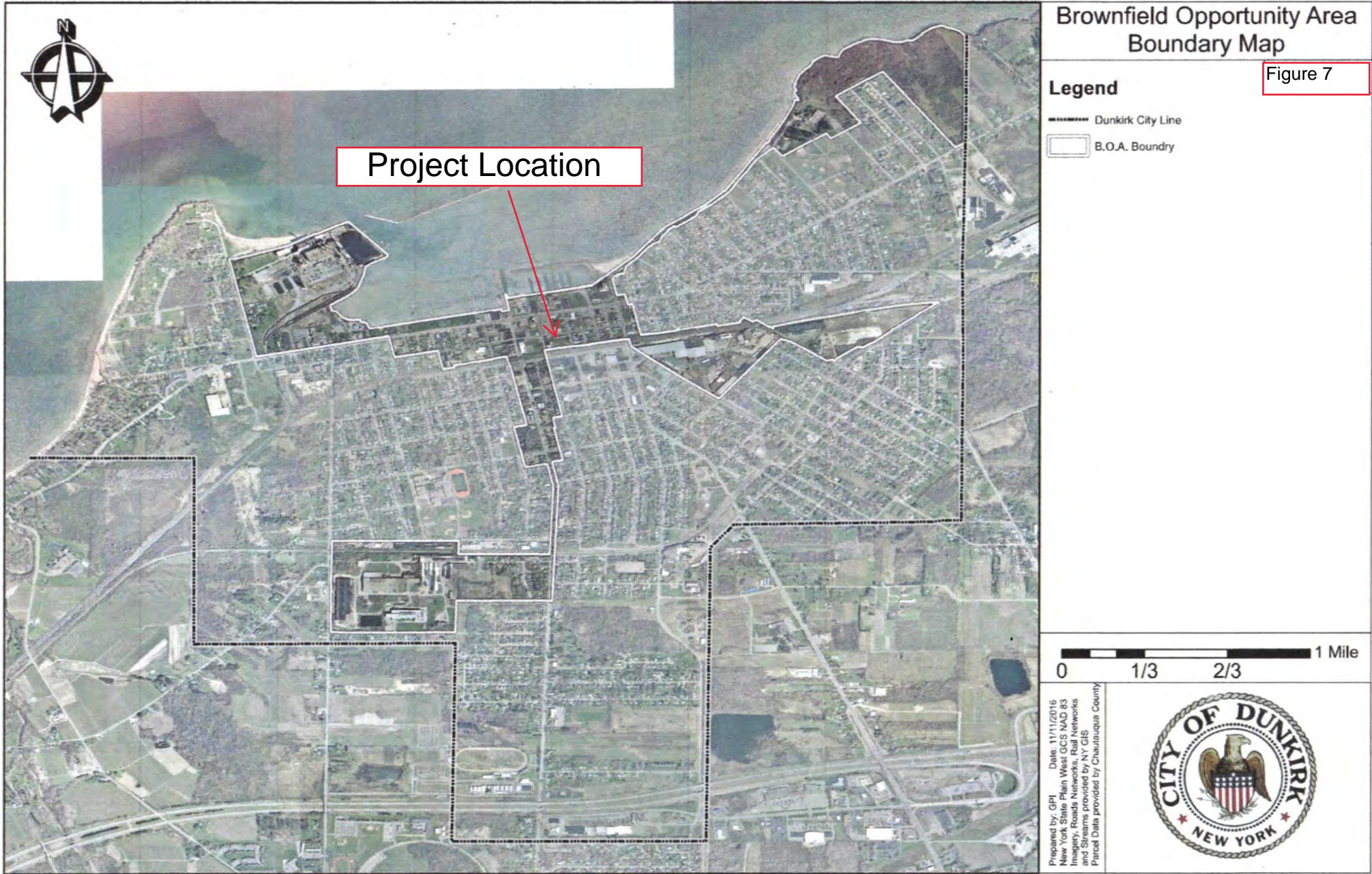
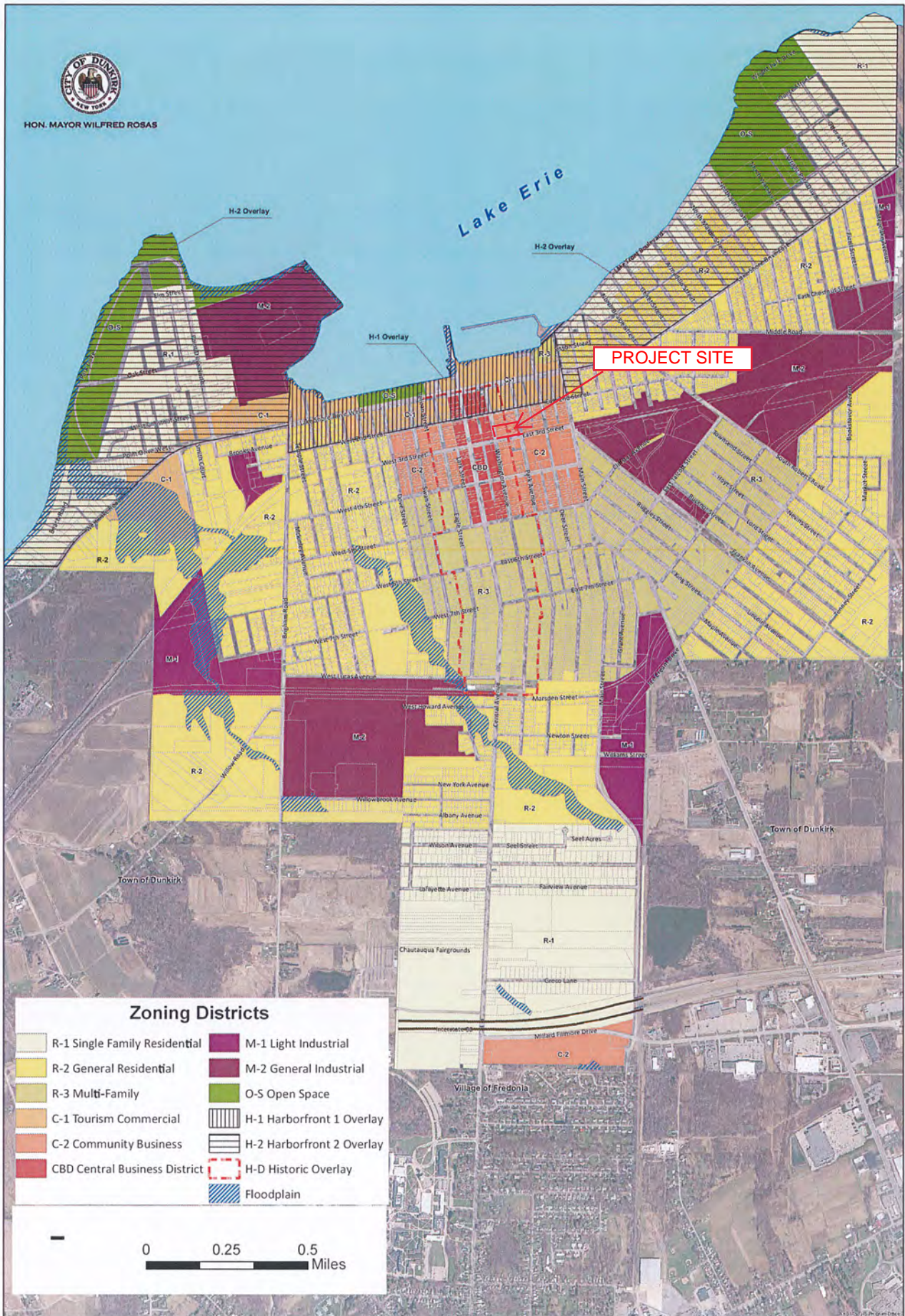


FIGURE 7 - Dunkirk City Brownfield Opportunity Area

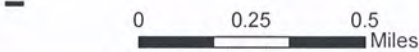


HON. MAYOR WILFRED ROSAS



Zoning Districts

- R-1 Single Family Residential
- R-2 General Residential
- R-3 Multi-Family
- C-1 Tourism Commercial
- C-2 Community Business
- CBD Central Business District
- M-1 Light Industrial
- M-2 General Industrial
- O-S Open Space
- H-1 Harborfront 1 Overlay
- H-2 Harborfront 2 Overlay
- H-D Historic Overlay
- Floodplain



City of Dunkirk Comprehensive Plan
ZONING MAP

FIGURE 9 - Zoning Map - Site-C-2 Community Business

ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

**Figure 8 & 8a - Previous Investigation Locations &
Contaminant Exceedances**

Table 2 - BE3 Phase 2 Soil Sample Results

Table 3 – TurnKey Phase 2 Soil & GW Sample Results



SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

Electronic copies (**Portable Document Format (PDF)**) of Phase I and Phase II ESA Reports completed by BE3 in November 2022 and February 2023, respectively (per ECL 27-1407(1)) are included with this application. Also, included in electronic format (PDF) are the 2010 Phase I ESA by TurnKey for the City of Dunkirk and the 2012 Phase II ESA by TurnKey for Chadwick Bay, LLC. Both Turnkey ESAs were only for the 208-214 Washington Street parcel (SBL 79.57-1-81).

These reports establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site. Attached **Figures 8 & 8a** and **Tables 2 & 3** provide levels of contamination of environmental media (soil) above SCGs detected as of the submission of this application.

Historically the 208-214-220 Washington Avenue parcels were used for wholesale auto parts in the 1960s to the 1990s, auto sales and service in the 1940s and for the Mulholland company factory - makers of roadside dinning cars, automobile body parts, carriages and springs from the late 1800s through at least the 1930s. After 1935, the factory was used for the manufacture of malted milk and storage of wholesale groceries. All of the other parcels within the site, with the exception of 220 Washington parcel, are currently vacant. The parcels in the center of the site historically were part of the Burns Coal & Building Supply Company during the 1940s through the 1960s. Some of the parcels along Park Avenue in the east-center and southeastern part of the site, historically, contained a bottle warehouse in the 1960s, an Ice Cream Depot in the 1930s and 1940s, a sugar warehouse in the 1920s and a tin shop in the late 1800s.

The primary contaminants found during the BE3 Phase II ESA which focused on site soils are associated with impacted fill or urban fill including semi-volatile organic (SVOCs), mainly Polyaromatic Hydrocarbon compounds (PAHs) and metal compounds. However, historical uses and investigations indicate petroleum/tanks, PCBs, and chlorinated solvents impacts.

TurnKey’s 2010 Phase 1 ESA identified the following REC at the 208-214 Washington Avenue

- The Site was formerly occupied by the Mulholland Company from the 1880s through at least the 1930s; historic uses include manufacture of various items such as wagon springs, carriages, automobile bodies, and dining cars. During that time, uses also included blacksmith shops, wood shops, printing, painting and machine shops. Environmental concerns associated with these types of past uses include use and/or storage of various petroleum products, chemicals and heavy metals.

BE3’s 2022 Phase 1 ESA revealed the following recognized environmental conditions (RECs) in connection with the subject properties:

- manufacturing of component parts for automobiles (springs, drive shafts, and

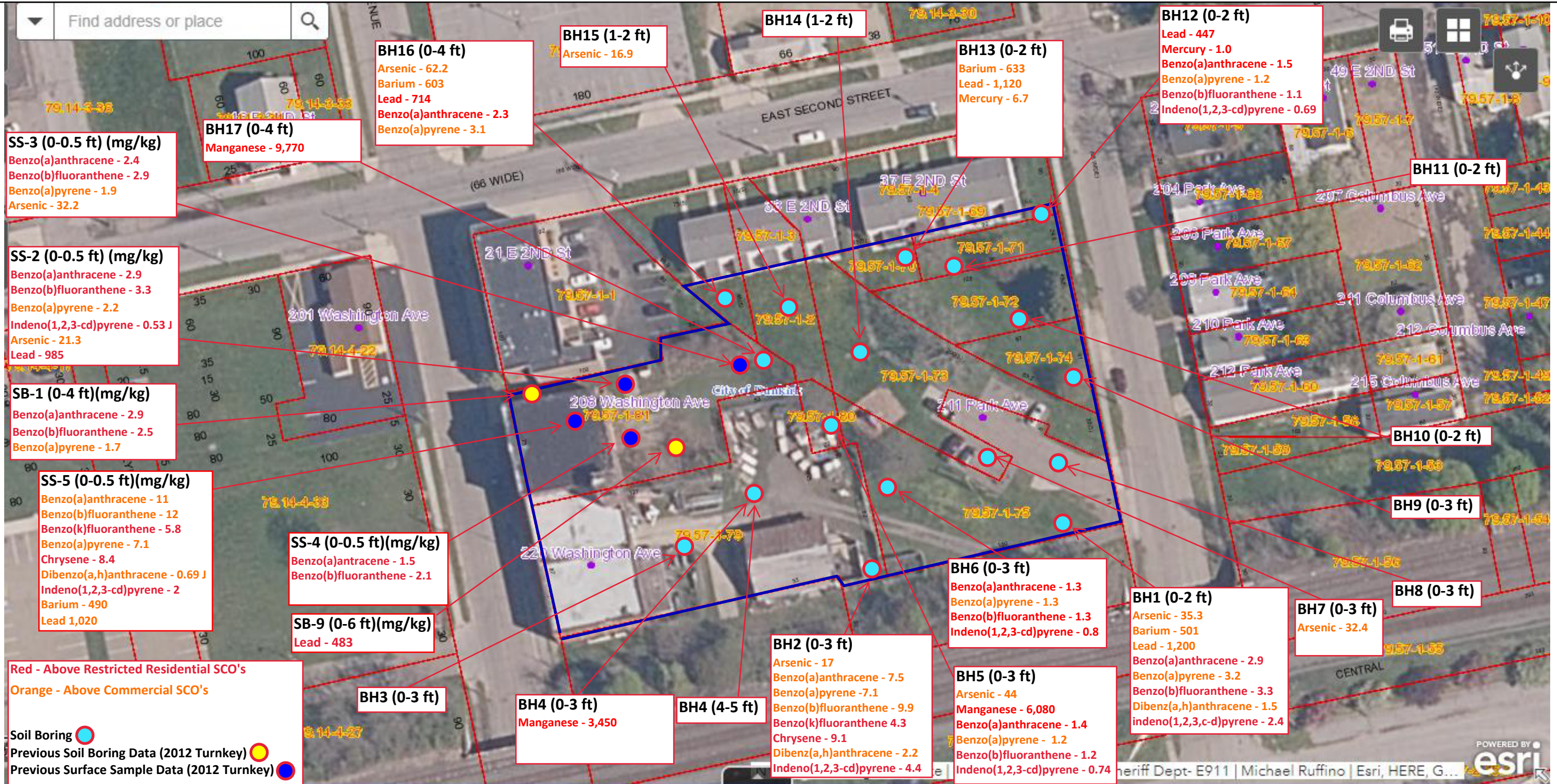
rubber tires) and later of manufacturing car bodies and dinners at the 208-204-220 Washington Avenue parcels.

- coal storage, possible refining and rail use as well as other commercial uses on some of the eleven parcels.
- Identification of fill materials across most of the properties

BE3's Phase 1 also noted that site structures most likely contain lead-based paint and asbestos and would require a formal survey to document levels and locations.

Further investigation of the above RECs would be undertaken as part of the BCP Remedial Investigation (RI).

FIGURE 8 - Phase II ESA - Block of Washington, E. 2nd & Park-Boring Soil Sample Locations & Analytical Results



Boring Locations

Dunkirk
New York

1/13/2023
Regan Development - Dunkirk



LEGEND

- SITE BOUNDARY
- PROPERTY BOUNDARY
- SB-1 SOIL BORINGS
- ⊙ TMW-1 TEMPORARY MONITORING WELLS
- SS-1 SURFACE SAMPLES

INVESTIGATION SAMPLE LOCATIONS

PHASE II ENVIRONMENTAL SITE INVESTIGATION
 208-214 WASHINGTON AVENUE SITE

DUNKIRK, NEW YORK
 PREPARED FOR
 CHADWICK BAY, LLC

FIGURE



2558 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0835

PROJECT NO.: 0254-012-100

DATE: APRIL 2012

DRAFTED BY: JGT

Figure 8a - TurnKey Investigation Sample Locations 2012 Phase 2 ESA

**TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	BE3 Phase II Report January 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)	
	BH1 0-2	BH2 0-3	BH3 0-3	BH4 0-3	BH4 4-5	BH5 0-3	BH6 0-3	BH7 0-3	BH8 0-3	Restricted Residential	Commerical
	1/13/2023										
METALS/INORGANICS											
Arsenic	35.3	17.0	3.6	11.4	ND	44.0	10.2	32.4	4.2	16	16
Barium	501	221	39.5	73.0	ND	141.0	248	109	90.7	400	400
Beryllium	1.2	2.10	0.23 J	0.5	ND	0.89	0.78	1.10	0.85	72	590
Cadmium	1.2	0.7	0.094 J	0.3	ND	0.35	0.62	0.37	0.17 J	4.3	9.3
Chromium	22.3	18.7	6.1	28.1	ND	78.0	13.6	17.4	6.5	180	1,500
Copper	114.0	64.5	9.6	20.4	ND	63.7	54.6	41.0	31.8	270	270
Lead	1200	245	60.6	10.6	ND	31.6	386	90	47.9	400	1,000
Manganese	313 B	482 B	108 B	3450.0	ND	6080 B	198 B	261 B	290 B	2,000	10,000
Mercury	0.52 B	0.23 B	0.35 B	0.04 B	ND	0.051 B	0.28 B	0.16 B	0.035 B	0.81	2.8
Nickel	25.8	38.0	6.1	13.9	ND	49.4	16.7	23.3	8.4	310	310
Selenium	3.0 J	ND	ND	1.5 J	ND	1.3 J	1.0 J	1.1 J	ND	180	1,500
Silver	0.54 J	ND	ND	ND	ND	0.34 J	0.34 J	ND	ND	180	1,500
Zinc	353	146	54.4	17.1	ND	22.7	174	91.4	39.8	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)											
Acenaphthene	0.61 J	ND	ND	ND	ND	0.38	0.11 J	ND	ND	100	500
Acenaphthylene	ND	ND	ND	ND	ND	ND	0.036 J	ND	ND	100	500
Anthracene	1.2 J	1.3 J	ND	ND	ND	0.84	0.37	ND	ND	100	500
Benzo(a)anthracene	2.9	7.5	ND	ND	ND	1.4	1.3	0.086 J	ND	1	5.6
Benzo(a)pyrene	3.2	7.1	0.38 J	0.032 J	ND	1.2	1.3	0.13 J	ND	1	1
Benzo(b)fluoranthene	3.3	9.9	0.47 J	0.04 J	ND	1.2	1.2	0.17 J	ND	1	5.6
Benzo(g,h,i)perylene	5.4	4.2	0.31 J	0.038 J	ND	0.83	0.85	0.15 J	ND	100	500
Benzo(k)fluoranthene	1.4 J	4.3	0.16 J	ND	ND	0.64	0.72	0.071 J	ND	3.9	56
Chrysene	3.1	9.1	0.30 J	ND	ND	1.3	1.4	0.13 J	ND	3.9	56
Dibenz(a,h)anthracene	1.5 J	2.2	ND	ND	ND	0.24	0.27	0.047 J	ND	0.33	0.56
Dibenzofuran	0.33 J	ND	ND	ND	ND	0.22	0.074 J	ND	ND	59	350
Fluoranthene	7.0	11	0.49 J	0.029 J	ND	2.9	2.2	0.14 J	3.5 J	100	500
Fluorene	0.55 J	0.37 J	ND	ND	ND	0.39	0.11 J	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	2.40	4.4	0.27 J	0.034 J	ND	0.74	0.8	0.11 J	ND	0.5	5.6
Naphthalene	ND	ND	ND	ND	ND	0.13 J	0.071 J	ND	ND	100	500
Phenanthrene	6.0	4.5	0.27 J	0.036 J	ND	3.1	1.6	0.11 J	ND	100	500
Pyrene	6.0	8.2	0.46 J	0.037 J	ND	3.1	2.3	0.17 J	3.2 J	100	500

Notes: All units in parts per million (ppm)
 ND Analyte not detected
 - Not Applicable or sample not tested for this analyte
 J Estimated Concentration
 B Analyte detected in method blank

	Analyte detected
	Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
	Reported concentration greater than or equal to the NYSDEC Commercial SCO

**TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	BE3 Phase II Report January 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)	
	BH9 0-3	BH10 0-2	BH11 0-2	BH12 0-2	BH13 0-2	BH14 1-2	BH15 1-2	BH-16 0-4	BH-17 0-4	Restricted Residential	Commerical
	1/13/2023										
METALS/INORGANICS											
Arsenic	10.7	12.5	10.0	9.4	15.1	8.3	16.9	62.2	11.5	16	16
Barium	155	180.0	194	203	633	89.7	131	603	161	400	400
Beryllium	0.8	0.92	0.74	0.50	0.89	0.80	0.95	0.6	1.20	72	590
Cadmium	0	0.460	0.95	0.63	0.7	0.23 J	0.40	1.6	0.45	4.3	9.3
Chromium	26.8	26.6	33.1	16.5	28.2	11.0	12.9	145.0	51.9	180	1,500
Copper	32.1	33.2	58.6	30.9	70.8	49.0	84.5	114.0	37.1	270	270
Lead	104.0	281.0	393.0	447	1120	70.6	192	714	12	400	1,000
Manganese	302 B	375 B	320 B	365 B	762 B	288 B	336 B	1910 B	9770 B	2,000	10,000
Mercury	0.15 B	0.15 B	0.32 B	1.0 B	6.7 B	0.44 B	0.27 B	0.30 B	0.008 J B	0.81	2.8
Nickel	33.7	31.6	44.6	15.6	30.1	20.7	24.6	44.1	22.9	310	310
Selenium	0.65 J	ND	ND	ND	1.1 J	ND	1.4 J	3.9 J	3.5 J	180	1,500
Zinc	105.0	176.0	261	284	438	93.1	99	376.0	41.7	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)											
Acenaphthene	ND	0.049 J	ND	0.42	ND	ND	ND	ND	ND	100	500
Acenaphthylene	ND	ND	ND	ND	ND	0.13 J	0.028 J	ND	ND	100	500
Anthracene	ND	0.19 J	ND	0.9	ND	ND	ND	ND	ND	100	500
Benzo(a)anthracene	ND	0.39	ND	1.5	0.093 J	0.44 J	0.28	2.3 J	ND	1	5.6
Benzo(a)pyrene	0.18 J	0.38	ND	1.2	0.13 J	0.57 J	0.27	3.1 J	ND	1	1
Benzo(b)fluoranthene	0.21 J	0.42	ND	1.1	0.15 J	0.83 J	0.34	ND	ND	1	5.6
Benzo(g,h,i)perylene	ND	0.26	ND	0.740	0.095 J	0.38 J	0.16 J	ND	ND	100	500
Benzo(k)fluoranthene	0.14 J	0.2 J	ND	0.63	0.061 J	0.29 J	0.16 J	ND	ND	3.9	56
Chrysene	ND	0.43	ND	1.5	0.14 J	0.52 J	0.3	ND	ND	3.9	56
Dibenz(a,h)anthracene	ND	0.084 J	ND	0.18 J	ND	ND	0.051 J	ND	ND	0.33	0.56
Dibenzofuran	ND	0.051 J	ND	0.16 J	ND	ND	0.03 J	ND	ND	59	350
Fluoranthene	0.39 J	0.8	6.3 J	2.9	0.250	0.61 J	0.31	6.0 J	0.027 J	100	500
Fluorene	ND	0.064 J	ND	0.340	ND	ND	ND	ND	ND	100	500
Indeno(1,2,3-cd)pyrene	0.13 J	0.25	ND	0.69	0.095 J	0.37 J	0.16 J	ND	ND	0.5	5.6
Naphthalene	ND	0.039 J	ND	ND	ND	ND	0.041 J	ND	ND	100	500
Phenanthrene	0.25 J	0.77	5.8 J	3.6	0.19 J	0.2 J	0.23	4.8 J	ND	100	500
Pyrene	0.35 J	0.83	5.0 J	3.6	0.260	0.51 J	0.35	4.5 J	0.027 J	100	500

Notes: All units in parts per million (ppm)

- ND Analyte not detected
- Not Applicable or sample not tested for this analyte
- J Estimated Concentration

	Analyte detected
	Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO
	Reported concentration greater than or equal to the NYSDEC Commercial SCO

Table 3 - TurnKey 2012 Phase 2 ESA Analytical Results



Sheet 1 of 3

SUMMARY OF SURFACE SOIL ANALYTICAL RESULTS

208-214 WASHINGTON STREET SITE

DUNKIRK, NEW YORK

Parameter ¹	Unrestricted SCOs (mg/Kg) ²	Restricted Residential SCOs (mg/Kg) ³	Restricted Commercial SCOs (mg/Kg) ⁴	SAMPLE LOCATION			
				SS-2 (0'-0.5')	SS-3 (0'-0.5')	SS-4 (0'-0.5')	SS-5 (0'-0.5')
Poly-Aromatic Hydrocarbons (PAHs)⁵ - mg/Kg							
Acenaphthylene	100	100	500	0.29 J	0.17 J	0.14 J	0.92 J
Acenaphthene	20	100	500	0.1 J	0.27 J	0.13 J	0.39 J
Anthracene	100	100	500	0.56 J	0.68 J	0.39 J	3.6
Benzo(a)anthracene	1	1	5.6	2.9	2.4	1.5	11
Benzo(b)fluoranthene	1	1	5.6	3.3	2.9	2.1	12
Benzo(k)fluoranthene	0.8	1	56	1.3	1.2	1.2	5.8
Benzo(g,h,i)perylene	100	100	500	0.47 J	0.46 J	0.41 J	1.7
Benzo(a)pyrene	1	1	1	2.2	1.9	1.3	7.1
Chrysene	1	1	56	3.3	2.4	1.8	8.4
Dibenzo(a,h)anthracene	0.33	0.33	0.56	0.13 J	0.19 J	0.17 J	0.69 J
Fluoranthene	100	100	500	5.4	5.7	3.4	25
Fluorene	30	100	500	ND	0.22 J	0.12 J	0.56 J
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	0.53 J	0.5 J	0.4 J	2
Naphthalene	12	100	500	0.46 J	0.21 J	0.13 J	0.25 J
Phenanthrene	100	100	500	2.5	3.9	2	15
Pyrene	100	100	500	4.7	ND	2.5	17
RCRA Metals - mg/Kg							
Arsenic	13	16	16	21.3	32.2	10.6	13.2
Barium	350	400	400	133	184	153	490
Cadmium	2.5	4.3	9.3	1.2	0.44	1.3	1.9
Chromium	30	180	400	20.4 B7	16.3 B7	23.2 B7	28.9 B7
Lead	63	400	1000	985	289	353	1020
Mercury	0.18	0.81	2.8	0.19	0.09	0.072	0.093
Polychlorinated Biphenyls (PCBs)⁵ - mg/Kg							
Aroclor 1221	0.1	1	1	ND	0.31	ND	ND
Aroclor 1254	0.1	1	1	ND	ND	0.18 J	ND
Aroclor 1260	0.1	1	1	ND	ND	0.13 J	ND

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC Part 375 Unrestricted Soil Cleanup Objectives (SCOs).
3. Values per NYSDEC Part 375 Restricted-Residential Soil Cleanup Objectives (SCOs).
4. Values per NYSDEC Part 375 Restricted-Commercial Soil Cleanup Objectives (SCOs).
5. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.

Definitions:

ND = Parameter not detected above laboratory detection limit.

"-" = No SCO available.

J = Estimated value; result is less than the sample quantitation limit but greater than zero.

B7 = Analyte was detected in method blank at or above method reporting limit.

Concentration found in the sample was 10 times above the concentration found in the blank.

BOLD	= Value exceeds Unrestricted SCOs
BOLD	= Value exceeds Restricted Residential SCOs
BOLD	= Value exceeds Restricted Commercial SCOs

Table 3 Continued TurnKey 2012 Phase 2 ESA Analytical Results



SUMMARY OF SUBSURFACE SOIL ANALYTICAL RESULTS

208-214 WASHINGTON STREET SITE

DUNKIRK, NEW YORK

Parameter ¹	Unrestricted SCOs (mg/Kg) ²	Restricted Residential SCOs (mg/Kg) ³	Restricted Commercial SCOs (mg/Kg) ⁴	SAMPLE LOCATION				
				SB-1 (0'-4')	SB-4 (0'-6')	SB-6 (0'-6')	SB-9 (0'-6')	SB-9 (12'-14')
TCL plus STARS Volatile Organic Compounds (VOCs)⁵ - mg/Kg								
Acetone	0.05	100	500	NA	NA	NA	NA	0.014 J
Cyclohexane	--	--	--	NA	NA	NA	NA	0.0009 J
Methylcyclohexane	--	--	--	NA	NA	NA	NA	0.0018 J
Poly-Aromatic Hydrocarbons (PAHs)⁵ - mg/Kg								
Acenaphthylene	100	100	500	0.3	0.023 J	0.013 J	0.037 J	NA
Acenaphthene	20	100	500	0.83	ND	ND	0.14 J	NA
Anthracene	100	100	500	2	0.025 J	0.048 J	0.39	NA
Benzo(a)anthracene	1	1	5.6	2.9	0.14 J	0.19 J	0.88	NA
Benzo(b)fluoranthene	1	1	5.6	2.5	0.2 J	0.2 J	0.98	NA
Benzo(k)fluoranthene	0.8	1	56	1.1	0.057 J	0.1 J	0.34	NA
Benzo(g,h,i)perylene	100	100	500	0.27	0.034 J	0.38 J	0.16 J	NA
Benzo(a)pyrene	1	1	1	1.7	0.1 J	0.15 J	0.61	NA
Chrysene	1	1	56	2.6	0.16 J	0.19 J	0.89	NA
Dibenzo(a,h)anthracene	0.33	0.33	0.56	0.16 J	ND	0.022 J	0.058 J	NA
Fluoranthene	100	100	500	6.1	0.28	0.38	2	NA
Fluorene	30	100	500	0.97	ND	0.016 J	0.14 J	NA
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	0.34	0.038 J	0.039 J	0.16 J	NA
Naphthalene	12	100	500	0.51	0.031 J	0.035 J	0.06 J	NA
Phenanthrene	100	100	500	6.5	0.15 J	0.22	1.8	NA
Pyrene	100	100	500	4.1	0.2 J	0.27	1.5	NA
RCRA Metals - mg/Kg								
Arsenic	13	16	16	13.1	14	9.8	8.3	NA
Barium	350	400	400	400	162	93.9	55.7	NA
Cadmium	2.5	4.3	9.3	1.7	1.3	ND	0.26	NA
Chromium	30	180	400	16 B7	17 B7	7.5 B7	9.7 B7	NA
Lead	63	400	1000	359	353	78	483	NA
Mercury	0.18	0.81	2.8	0.3	0.041	0.046	0.068	NA

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC Part 375 Unrestricted Soil Cleanup Objectives (SCOs).
3. Values per NYSDEC Part 375 Restricted-Residential Soil Cleanup Objectives (SCOs).
4. Values per NYSDEC Part 375 Restricted-Commercial Soil Cleanup Objectives (SCOs).
5. Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparison to SCOs.

Definitions:

- ND = Parameter not detected above laboratory detection limit.
- NA = Sample not analyzed for parameter.
- "--" = No SCO available.
- J = Estimated value; result is less than the sample quantitation limit but greater than zero.
- B7 = Analyte was detected in method blank at or above method reporting limit.
- Concentration found in the sample was 10 times above the concentration found in the blank.

BOLD	= Value exceeds Unrestricted SCOs
BOLD	= Value exceeds Restricted Residential SCOs
BOLD	= Value exceeds Restricted Commercial SCOs



Table 3 Continued Turnkey Phase 2 ESA Analytical Results

Sheet 3 of 3

**SUMMARY OF GROUNDWATER ANALYTICAL RESULTS
208-214 WASHINGTON STREET SITE
DUNKIRK, NEW YORK**

Parameter ¹	NYSDEC Class GA Groundwater Quality Standards ²	Sample Locations		
		TMW-1	TMW-2	TMW-3
TCL plus STARS Volatile Organic Compounds (VOCs) - ug/L				
Acetone	50	4.8 J	ND	3.7 J
Carbon disulfide	60	0.85 J	ND	0.68 J
Cyclohexane	--	9.3	ND	1.7
2-Hexanone	50	1.4 J	ND	ND
1,2,4 Trimethylbenzene	5	3.9	ND	ND
1,3,5 Trimethylbenzene	5	1.1	ND	ND
Methylcyclohexane	--	15	ND	3.5
Total Xylene	5	3.3	ND	ND

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per NYSDEC part 703.5, table 1, Class GA Groundwater Quality Standards.
3. Excludes TICs identified in the laboratory blank.

Definitions:

- ND = Parameter not detected above laboratory detection limit.
- = No SCO available.
- J = Estimated value; result is less than the sample quantitation limit but greater than zero.

BOLD Sample Result exceeds NYSDEC Groundwater Quality Standards. (None)

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

NYSDOS Corporation & Business Entity



SECTION V – Requester Information

The Requestor, REGAN DEVELOPMENT CORP. is a corporation authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Larry Regan is the Chief Executive Officer.

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by a New York State licensed professional engineer.

Department of State

Division of Corporations

Entity Information

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

Entity Details



ENTITY NAME: REGAN DEVELOPMENT CORP.	DOS ID: 1401496
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC BUSINESS CORPORATION	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: -	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 11/21/1989	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 11/21/1989	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: WESTCHESTER	NEXT STATEMENT DUE DATE: 11/30/2023
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: REGAN DEVELOPMENT CORP.

Address: 1055 SAW MILL RIVER ROAD, SUITE 204, ARDSLEY, NY, UNITED STATES, 10502

Chief Executive Officer's Name and Address

Name: LARRY REGAN

Address: 1055 SAW MILL RIVER ROAD, SUITE 204, ARDSLEY, NY, UNITED STATES, 10502

Principal Executive Office Address

Address: 1055 SAW MILL RIVER ROAD, ARDSLEY, NY, UNITED STATES, 10502

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share
NO PAR VALUE	200	\$0.00000

ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Statement



SECTION VI – Requestor Eligibility

The Requestor, Regan Development Corp., qualifies as a “Volunteer” in accordance with NY ECL27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). The Volunteer Requestor has no relationship to the current series of owners and operators and has never utilized the premises other than developing re-development concepts for the property.

Further investigation in 2023 was completed with permission of the current owners in preparation for redevelopment studies and to identify any further remedial concerns.

The Requestor became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site; and is entitled to Volunteer status under NY ECL27-1405(1)(b).

Attached are letters from the current site owners authorizing site access sufficient to complete remediation to the NYSDEC and the requestor and that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.

CITY OF DUNKIRK HOUSING AUTHORITY

15 N. Main Street
P.O. Box 1030
Dunkirk, N.Y. 14048
(716) 366-8740 FAX (716) 366-3272

March 31, 2023

NYSDEC Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Property Access Agreement - NYSDEC Brownfield Cleanup Program – East 2nd Street (SBL: 79.57-1-2), East 2nd Street (SBL: 79.57-1-73), East 2nd Street (SBL: 79.57- 1-70), East 2nd Street (SBL: 79.57-1-69), Park Avenue Rear (SBL: 79.57-1-80), 215 Park Avenue (SBL: 79.57-1-75), 211 Park Avenue (SBL: 79.57-1-74), Park Avenue (SBL: 79.57-1-72) and 207 Park Avenue (SBL: 79.57-1-7), Dunkirk, NY

To whom it may concern:

Please be advised that I am the owner of the above-referenced properties (the "Site"). As owner of the Site, I am aware of and acknowledge that Regan Development Corporation will be filing an application to enter the NYSDEC Brownfield Cleanup Program (the "BCP") and, after acceptance into the BCP, will be executing a Brownfield Cleanup Agreement ("BCA") with the NYSDEC for environmental investigation and remediation of the Site. As owner of the Site, I authorize Regan Development Corporation (and any of its designated contractors and consultants) unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with any DEC requirements and the provisions of the BCP and the BCA.

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

Sincerely,

Elizabeth Cardona



Executive Director
City of Dunkirk Housing Authority



15 N. Main Street
P.O. Box 1030
Dunkirk, NY 14048
Office: 716-366-8740
Cell: 716-960-0091
Fax: 716-366-3272
dha@netsync.net



“To provide drug free, decent, safe, and sanitary housing for eligible families and to provide opportunities and promote self-sufficiency and economic independence for residents.”

March 31, 2023

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Property Access Agreement - NYSDEC Brownfield Cleanup Program – 220 Washington Avenue, Dunkirk, NY

To whom it may concern:

Please be advised that I am the owner of the above-referenced property (the “Site”). As owner of the Site, I am aware of and acknowledge that Regan Development Corporation will be filing an application to enter the NYSDEC Brownfield Cleanup Program (the “BCP”) and, after acceptance into the BCP, will be executing a Brownfield Cleanup Agreement (“BCA”) with the NYSDEC for environmental investigation and remediation of the Site.

As owner of the Site, I authorize Regan Development Corporation (and any of its designated contractors and consultants) unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with any DEC requirements and the provisions of the BCP and the BCA.

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

Sincerely,

David Paradis
12021 Angell Road
Silver Road, NY 14136
(716) 366-2000

David P. Paradis

dotloop verified
04/04/23 5:38 PM EDT
VJDY-YCU7-U5ZA-US8C

March 31, 2023

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Property Access Agreement - NYSDEC Brownfield Cleanup Program – 208-214 Washington Avenue, Dunkirk, NY

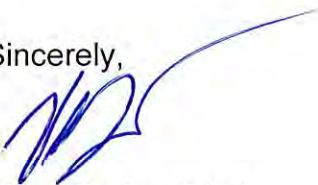
To whom it may concern:

Please be advised that I am authorized as Chair of the Dunkirk Local Development Corporation and the Washington Avenue Revitalization Company, LLC as the owners of (the "Site") to sign documents pertaining ownership. As owner of the Site, we are aware of and acknowledge that Regan Development Corporation will be filing an application to enter the NYSDEC Brownfield Cleanup Program (the "BCP") and, after acceptance into the BCP, will be executing a Brownfield Cleanup Agreement ("BCA") with the NYSDEC for environmental investigation and remediation of the Site.

As authorized to act on behalf of the ownership, I authorize Regan Development Corporation (and any of its designated contractors and consultants) unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with any DEC requirements and the provisions of the BCP and the BCA.

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

Sincerely,



Vince DeJoy, Chair
Dunkirk Local Development Corporation
Washington Avenue Revitalization Co.
338 Central Avenue, Suite 210
Dunkirk, NY 14048

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION

Table 4 – Current/Previous Parcel Owners/Operators Within Site Boundary



SECTION IX – Current/Previous Property Owner Operator Information

The Current/Previous Owners/Operators are listed on attached Table 4. The Requester has no relationship to any of the owners listed in the table.

TABLE 4 - CURRENT/PREVIOUS PARCEL OWNERS/OPERATORS WITHIN SITE BOUNDARY

	PARCEL ADDRESS & SBL #	CURRENT OWNER-ADDRESS-PHONE	OWNERSHIP START	CURRENT OPERATOR	PREVIOUS OWNER/OPERATORS	DATES OWNED	USE	RELATIONSHIP TO REQUESTER
1	220 Washington Avenue 79.57-1-79	David Paradis - 12021 Angell Rd. Silver Creek NY 14136 716-366-2000	1994	Same -Paradis Fence & Flag Co. - Storage materials/equipment for home remodeling & Fencing	Mulholland company	1888-1993+/-	Auto parts Manufacturing & food product storage	None
2	208-214 Washington Ave. 79.57-1-81	Washington Ave Revitalization Company LLC 338 Central Ave,Suite 210 Dunkirk NY 14048 Vince Dejoy - Chair vdejoy@cityofdunkirk.com	2009	Same - unoccupied	Mulholland company	1888-1993+/-	Auto parts Manufacturing & food product storage	None
3	Park Ave Rear 79.57-1-80	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Mulholland company	1888-1993+/-	Auto parts Manufacturing & food product storage	None
4	East Second Street 79.57-1-2	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Burns Coal & Building Supply Company	1940s - 1960s	Coal storage/rail use & Warehousing	None
5	215 Park Ave. 79.57-1-75	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Burns Coal & Building Supply Company	1940s - 1960s	Coal storage/rail use & Warehousing	None
6	211 Park Ave. 79.57-1-74	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2002	Same - unoccupied	tin shop sugar warehouse ice cream depot bottle warehouse	Late 1800s 1920s 1930s 1960s	Warehousing/commercial/light Manufacturing	None
7	East Second Street 79.57-1-73	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Burns Coal & Building Supply Company	1940s - 1960s	Coal storage/rail use & Warehousing	None
8	Park Ave. 79.57-1-72	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2000	Same - unoccupied	Burns Coal & Building Supply Company	1940s - 1960s	Coal storage/rail use & Warehousing	None
9	207 Park Ave. 79.57-1-7	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2000	Same - unoccupied	Residential unknown	Before 2000	Residential	None
10	East Second Street 79.57-1-70	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Residential unknown	before 2007	Residential & rail tracks	None
11	East Second Street 79.57-1-69	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740 Elizabeth Cardona - Director dha@netsync.net	2007	Same - unoccupied	Residential unknown	before 2007	Residential	None

ATTACHMENT H

**SECTION XI: SITE CONTACT LIST INFORMATION
and
Document Repository Letter**



SECTION XI – Site Contact List and Doc Repository Letter

Site Contact List

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

Chautauqua County Contacts:

Paul Wendel Jr.
Chautauqua County Executive
Gerace Office Building – 3 N. Erie St.
Mayville, NY 14757-1007

Kevin Muldowney
Chautauqua Co. Legislator District 1
10 Beach Rd
Dunkirk, NY 14048

Courtney Domst
Chautauqua Co. Planning and Economic
Development
214 Central Ave., Suite 144
Dunkirk, NY 14048

Mark Geise
Chautauqua Co. Planning and Economic Development
214 Central Ave., Suite 144
Dunkirk, NY 14048

Larry Barmore Chautauqua
County Clerk, County Courthouse
3 North Erie St.
Mayville, NY 14757

Chautauqua County Local Emergency
2 Academy Street, Suite A, Room 106
Mayville, NY 14757

Director Michael Faulk
Chautauqua Co. Health Dept.
7 North Erie St.
Mayville, NY 14757-1007

Mark Geise
CCIDA
201 West Third St., Suite 115
Jamestown, NY 14701

[City of Dunkirk Contacts:](#)

Willie Rosas, Mayor City of Dunkirk
342 Central Ave
Dunkirk, NY 14048

Chris Piede, Chairman
City of Dunkirk Planning Board
342 Central Ave
Dunkirk, NY 14048

Natalie Luczkowiak,
Councilwoman, City of Dunkirk
342 Central Ave
Dunkirk, NY 14048

Vince DeJoy, Director
City of Dunkirk
Dept. of Planning and Development 338 Central Ave.
Dunkirk, NY 14048

[Supplier of Potable Water:](#)

Dunkirk Water Department
342 Central Ave
Dunkirk, NY 14048

[Local News Media:](#)

The Observer
PO Box 391
Dunkirk, NY 14048-0391

WGRZ TV - Ch. 2
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch 4
2077 Elmwood Avenue
Buffalo, NY 14207

Business First
465 Main Street
Buffalo, NY 14203-1793

WBEN News Radio 930
500 Corporate Pkwy
Suite 200
Buffalo, NY 14226

WNED, Environmental News Desk
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

[Nearby Schools:](#)

Northern Chautauqua Catholic School
336 Washington Avenue
Dunkirk, NY 14048

Erie 2 Chautauqua-Cattaraugus BOCES
324 Central Avenue
Dunkirk, NY 14048

Dunkirk Middle School
525 Eagle Street
Dunkirk, NY 14048

Dunkirk High School
620 Marauder Drive
Dunkirk, NY 14048

[Document Repository:](#)

Brenda Nickerson, Library Director
Dunkirk Free Library
536 Central Ave
Dunkirk, NY 142048

Adjacent Property Owners

21 2nd Street
TP13 LLC
2 Keenland Ct.
Cinnaminson, NJ 08077
SBL 79.57-1-1

33 & 37 2nd Street
City of Dunkirk Housing Authority
15 Main Street
Dunkirk, NY 14048
SBL 79.57-1-4

E. 3rd Street Rear
State of NY
Albany, NY 12201
SBL 79.57-1-78

E. 3rd Street
State of NY
Albany, NY 12201
SBL 79.57-1-76

E. 3rd Street
State of NY
Albany, NY 12201
SBL 79.14-4-27

214 Central Ave.
The People of the State of NY
State University
Albany, NY 12246
SBL 79.14-4-33

Resident- 201 Washington Ave.
Iglesia Bautista Hispana
201 Washington Ave.
Dunkirk, NY. 14048
SBL 79.14-4-22

Resident- 200 Park Ave.
Neishaly Rodriquez Hernandez
211A Smith Ct.
Dunkirk, NY. 14048
SBL 79.57-1-5

Resident- 204 Park Ave.
Joseph Reynolds
10564 Southwestern Blvd
Irving, NY. 14081
SBL 79.57-1-68

Resident- 206 Park Ave.
Mingqi Cheng
207 King Street
Dunkirk, NY. 14048
SBL 79.57-1-67

Resident- 208 Park Ave.
Denise Shuart
208 Park Ave.
Dunkirk, NY. 14048
SBL 79.57-1-64

Resident- 210 Park Ave.
Apostolic House of Prayer #2
210 Park Ave.
Dunkirk, NY. 14048
SBL 79.57-1-63

Resident- Park Ave.
Apostolic House of Prayer #2
Park Ave.
Dunkirk, NY 14048
SBL 79.57-1-58

Resident- Third Street
City of Dunkirk
342 Central Ave.
Dunkirk, NY 14048
SBL 79.57-1-59

Resident- Deer Street
City of Dunkirk
342 Central Ave.
Dunkirk, NY 14048
SBL 79.57-1-53

Current Parcel Owners within Site Boundary

	PARCEL ADDRESS & SBL #	CURRENT OWNER-ADDRESS-PHONE
1	220 Washington Avenue 79.57-1-79	David Paradis - 12021 Angell Rd. Silver Creek NY 14136 716-366-2000
2	208-214 Washington Ave. 79.57-1-81	Washington Ave Revitalization Co. 338 Central Ave, Suite 210 Dunkirk NY 14048
3	Park Ave Rear 79.57-1-80	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
4	East Second Street 79.57-1-2	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
5	215 Park Ave. 79.57-1-75	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
6	211 Park Ave. 79.57-1-74	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
7	East Second Street 79.57-1-73	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
8	Park Ave. 79.57-1-72	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
9	207 Park Ave. 79.57-1-7	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
10	East Second Street 79.57-1-70	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740
11	East Second Street 79.57-1-69	City of Dunkirk Housing Authority N 15 Main St Dunkirk NY 14048 716-366-8740



960 Busti Avenue, Suite B-150
Buffalo, NY 14213
716.249.6880 be3corp.com

April 4, 2023

Jason Hammond
Library Director
Dunkirk Public Library
536 Central Ave.
Dunkirk, New York 14048

Re: Document Repository for Brownfield Cleanup Program (BCP)
Block of Washington, E. Second & Park Site
Dunkirk, New York

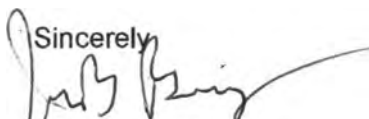
Dear Mr. Hammond:

BE3 is preparing an application to the New York State Department of Environmental Conservation (NYSDEC) for entry into the NYSDEC BCP for the site noted above.

We are requesting your agreement to have the Dunkirk Public Library act as a document repository for the above reference Site. In the future, with your signed agreement below, we would be sending various documents relating to the Site that should be made available for public review upon request.

NYSDEC requires a signed agreement from the document repository to be included in the BCP application. If you are in agreement, please email Oberry@be3corp.com) to me a copy of this signed letter.

Thank you for your consideration.

Sincerely,

John B. Berry, P.E.
BE3 Corp

 04/05/2023
Jason Hammond - Library Director Dunkirk
Public Library