May 20, 2024

Len Zinoman
New York State Department of Environmental Conservation
Bureau of Technical Support
Site Control Section
625 Broadway, 11th Floor
Albany, NY 12233-7020

Re: Revised Brownfield Cleanup Application – 166 East 4th Street (BCP Site No. C907051)

On May 17, 2024, the New York State Department of Environmental Conservation (NYSDEC) provided Regan Development Corp. with a letter of incompleteness regarding the Brownfield Cleanup Application completed for 166 East 4th Street (BCP Site No. C907051) located in Dunkirk, Chautauqua County, New York. On behalf of Regan Development Corp., BE3 has provided the following responses to comments below in red.

Section II: Project Description

- Please correct and update the project schedule provided:
  - Provide the approximate time of signing the BCA before the RIWP review and approval timeframe.
  - The schedule indicates a RI Work Plan went out for public comment in November 2023. We have no record of receiving a Draft RI Work plan with this or the previously denied BCP application.

Response: Figure 10 (Project Schedule) has been amended to reflect that the approximate time of signing the BCA before the RIWP review and approval timeframe is anticipated for the first or second week of June 2024 (See Task 0. Signing of the BCA) and to appropriately outline the RI Work Plan schedule. All subsequent dates have been adjusted accordingly.

Additional Comments

- In the top section of Page 1 of the revised application, please change the answer to the question, “Is this an application to amend an existing BCA with a major modification?” from Yes to No. A BCA was never executed for this site.

Response: The top section of Page 1 of the revised application has been revised to change the answer to the question, “Is this an application to amend an existing BCA with a major modification?” from Yes to No.

- In the top section of Page 1 of the revised application, please select “yes” to indicate that the submittal is a revised application and include the NYSDEC site code in the space provided.

Response: The top section of Page 1 of the revised application has been revised to select “yes” to indicate that the submittal is a revised application. Additionally, the associated NYSDEC site code (C907051) has been added in the space provided.

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM , Revision 15

166 EAST 4TH STREET
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

BE3 BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

May 2024

TABLE OF CONTENTS

ATTACHMENTS & FIGURES

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
   a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
   b. one individual file (PDF) of each previous environmental report; and,
   c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below. **Please select only ONE submittal method – do NOT submit both email and ground mail.**
   a. VIA EMAIL:
      - Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
      - Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
      - Subject line of the email: "*BCP Application NEW - *Proposed Site Name**"
      - Email your submission to 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: 166 East 4th Street	
Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments. If yes, provide existing site number: _____	○ **Yes** ◉ **No**
Is this a revised submission of an incomplete application? If yes, provide existing site number: C907051	◉ **Yes** ○ **No**

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME 166 East 4th Street

ADDRESS/LOCATION 166 East 4th Street

CITY/TOWN Dunkirk | ZIP CODE 14048

MUNICIPALITY (LIST ALL IF MORE THAN ONE) Dunkirk

COUNTY Chatauqua | SITE SIZE (ACRES) 2.15

LATITUDE			LONGITUDE		
°	‘	“	°	‘	“
42	29	5.05	79	19	50

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting “p/o” in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.
ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS. See attachment A - Figure 1 - County tax Map

Parcel Address	Section	Block	Lot	Acreage
166 East 4th Street	79.57	2	15.1	2.15

	Y	N
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	◉	○
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 and 4	◉	○
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% ◉ 1-49% ○ 50-99% ○ 100% ○	○	◉
4. Is the project located within a disadvantaged community? See Attachment A - Figure 6 See application instructions for additional information.	◉	○
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. See Attach A - Figure -7	○	◉
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	○	◉

SECTION I: Property Information (CONTINUED)	Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	○	◉
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.	○	◉
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	○	◉
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	○	◉
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: ___	○	◉
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. Easement/Right-of-Way Holder — Description	○	◉
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): Type — Issuing Agency — Description	○	◉
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?	◉	○

Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.

	Y	N
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.	○	○
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	○	○
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?	○	○

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

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 and Land Use

3. Current use (select all that apply):

   Residential ☐ Commercial ☑ Industrial ☐ Recreational ☐ Vacant ☑

	Y	N
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	◉	○
5. Reasonably anticipated post-remediation use (check all that apply): Residential ☑ Commercial ☐ Industrial ☐ If residential, does it qualify as single-family housing? N/A ○	○	○
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	◉	○
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	○	◉
8. Do current and/or recent development patterns support the proposed use?	◉	○
9. Is the proposed use consistent with applicable zoning laws/maps? See Attachment C Please provide a brief explanation. Include additional documentation if necessary.	◉	○
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? See Attachment C Please provide a brief explanation. Include additional documentation if necessary.	◉	○

SECTION IV: Property's Environmental History

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

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	☐	☑	☑
Chlorinated Solvents	☐	☐	☐
Other VOCs	☐	☑	☑
SVOCs	☑	☐	☐
Metals	☑	☑	☐
Pesticides	☐	☐	☐
PCBs	☐	☐	☐
PFAS	☐	☐	☐
1,4-dioxane	☐	☐	☐
Other – indicated below	☐	☐	☐

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? ◉ YES ○ NO

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

☐ Coal Gas Manufacturing	☐ Manufacturing	☐ Agricultural Co-Op	☐ Dry Cleaner
☐ Salvage Yard	☐ Bulk Plant	☐ Pipeline	☐ Service Station
☐ Landfill	☐ Tannery	☐ Electroplating	☑ Unknown

Other: Residential and commercial

SECTION V: Requestor Information			
NAME REGAN DEVELOPMENT CORP.			
ADDRESS 1055 Saw Mill River Road #204			
CITY/TOWN Ardsley	STATE NY	ZIP CODE 10502	
PHONE (914) 693-6613	EMAIL larry@regandevelopment.com		

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	◉	○
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	◉	○
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 ◉	○	○
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.**	◉	○

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?	○	◉
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	○	◉
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.	○	◉
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?	○	◉
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.	○	◉
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?	○	◉

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?	○	◉
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?	○	◉
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?	○	◉
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?	○	◉
11. Are there any unregistered bulk storage tanks on-site which require registration?	○	◉

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:

☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	☑ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By 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. **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.**

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

See Attachment F

Yes ◉ No ○ N/A ○

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@regandevelopment.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 100			
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?	◉	○
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 ○	◉	○

SECTION IX: Current Property Owner and Operator Information	See Attachment H	
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.	○	◉
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: _____	○	◉

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: _____	○	◉
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 ◉	○	○
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: _____	○	◉
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.	○	◉

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 Org M (title) of REGO DEVELOPMENT CORP. (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: 4/26/24 Signature: _____

Print Name: Larry REGO

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

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

BCP App Rev 15

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

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(l) 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:

(l) "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.

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 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 - Section I and Section IV - Previous Investigation Locations & Contaminant Exceedances
Figure 9 – Section I & Section III – Zoning Map
Figure 11 – Vapor Exceedances with Proposed Build

Table 1 – List Site Parcel
Table 2, 3, 5, 6 and 7 – BE3 Phase II Analytical Results
Table 4 – Current/Previous Parcel Owners/Operators

SECTION I – PROPERTY INFORMATION

Location

The 2.15-acre site encompasses one parcel located 166 East 4th Street, City of Dunkirk, Chautauqua County, New York (refer to **Figure 2** - Site Location Map). The parcel includes:

- 166 East 4th Street – SBL #79.57-2-15.1

Table 1 provides acreage and ownership of the above parcel. The site boundary encompassing the above parcel 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, 0.5-miles southeast of Dunkirk Beach, about 2.7-miles west of the Chautauqua Airport and approximately 2.2-miles north-northwest of the State University of New York at Fredonia. The general middle of the subject property is located at latitude 42° 29' 5.05" N; Longitude 79° 19' 50.00" 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 357 (see **Figure 5**), a Disadvantaged Community (see **Figure 6**) and adjacent to the Chadwick Bay Brownfield Opportunity Area (see **Figure 7**) .

Site Features

The middle of the property contains a portion of a larger commercial plaza. The structure on the subject property contains two storefronts: the western storefront is currently occupied by Family Dollar and the adjacent storefront, a former VA clinic, is currently vacant. The site is generally flat and gently sloping north northwest. 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.

Current Zoning and Land Use

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 site is in proximity to Chadwick Bay Brownfield Opportunity Area (BOA) and the planned use is consistent with the BOA.

Past Use of the Site

Historically, the area surrounding the subject property was predominantly residential and commercial. Sanborn maps indicate that from 1888 to 1964, the subject property contained several residences. The area was redeveloped into commercial buildings which can be seen in aerial photographs dating back to 1985. Historical street

directories indicate the subject property has been occupied by a Family Dollar from 1985 to 2020 and a VA clinic from 2010 to 2020. The VA clinic is currently vacant.

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 8 and 12 feet. Groundwater is encountered at a depth of approximately 13 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) and cinder. 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 8 and 12 feet.

Based on the results of Phase 2 ESAs, urban fill conditions exist at the property ranging from at least 1-2.5 feet bgs resulting in a few metals and several SVOC compounds above NYSDEC restricted residential SCOs. One metal compound (arsenic) and one SVOC (Benzo(a)pyrene) was detected above industrial SCOs. TOGS values for several metals were exceeded in both monitoring wells and two volatile compounds were also exceeded in monitoring well (MW-2).

Environmental Assessment

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

- Phase 1 and 2 ESAs were performed by BE3 in June 2023, September 2023, and April 2024 on the site.
- A Site Suitability was also performed by BE3 in March 2023.

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

Soil - PAHs and metals (arsenic, lead, and mercury) above restricted residential SCOs. Lead was detected above commercial SCOs. Arsenic and benzo(a)pyrene were detected above industrial SCOs. **Figure 8** and **Tables 2, 3, 5 and 6** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded.

Groundwater – three temporary groundwater wells were established during the Phase II investigations and groundwater grab samples collected. Metals and VOCs were detected above their NYSDEC Technical and Operational Guidance Series (TOGS) 1.1.1 Ambient Water Quality Standards and Guidance Values (see **Tables 3 and 6**). In addition, several TICs were identified in temporary monitoring well MW-2 indicating the presence of weathered petroleum compounds.

Soil Vapor, Sub-Slab & Outdoor Air – An assessment of soil vapor, sub-slab and outdoor air was performed during the Phase II investigations for USEPA TO-15 compounds. Air samples were collected in regulated summa canisters over a 24-hour period. Cyclohexane, heptane, and hexane in the soil vapor were found at concentrations recommended for mitigation by the NYSDOH Soil Vapor/Indoor Air Decision Matrices (see **Table 7**).

Adjacent Property Owners

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

Parcel Address: 168-180 East 4th Street
Parcel SBL: 79.57-2-28.1
Owner: Chadwick Bay, LLC
Owner's Address: 325 Essjay Road, Williamsville, NY 14221

Parcel Address: 128 East 4th Street
Parcel SBL: 79.57-2-28.2
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

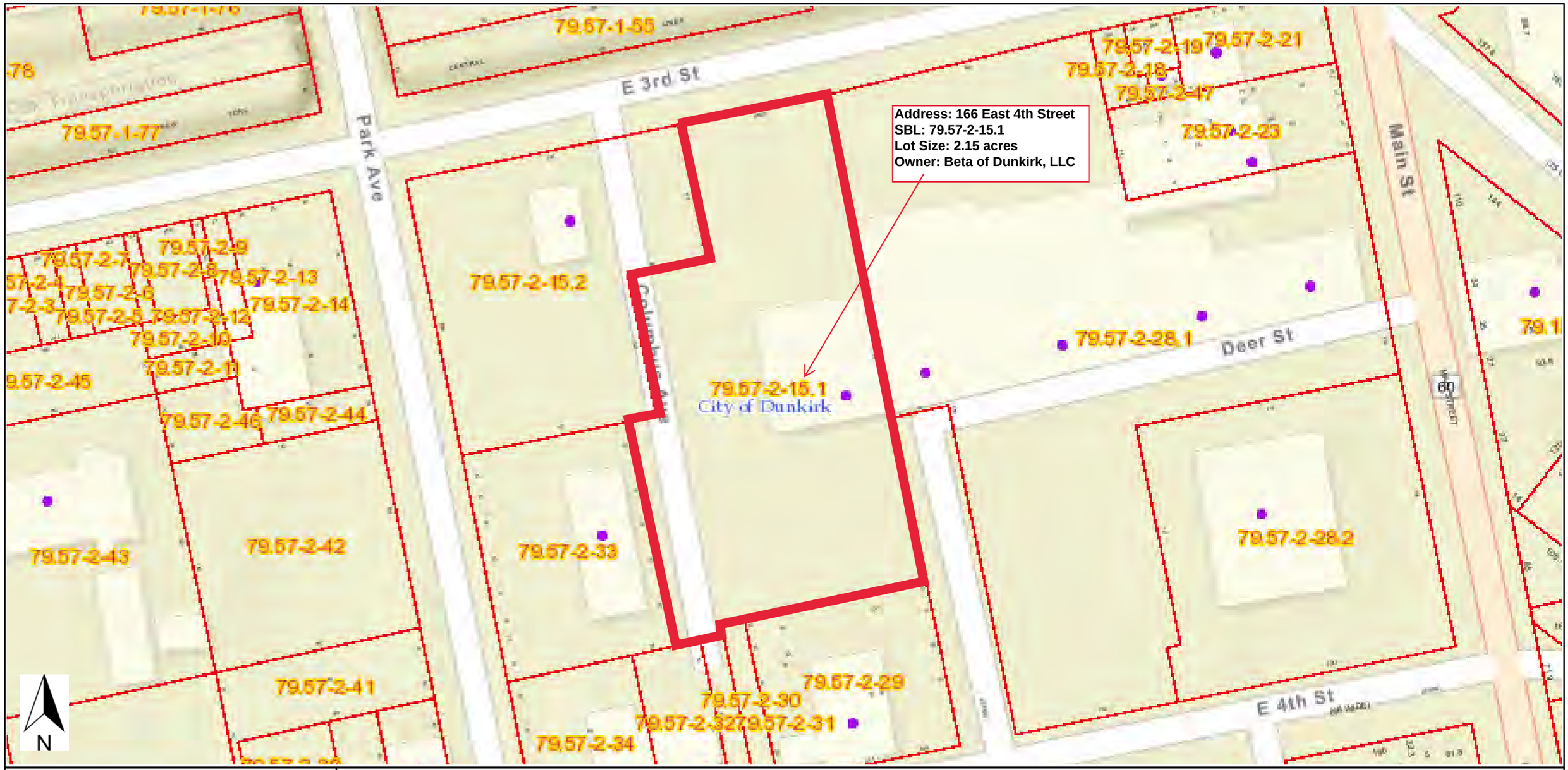
Parcel Address: Columbus Street
Parcel SBL: 79.57-2-30
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

Parcel Address: Columbus Street
Parcel SBL: 79.57-2-31
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

Parcel Address: 108-114 East 4th Street
Parcel SBL: 79.57-2-32
Owner: J & M 4th Street
Owner's Address: 333 Lord Street, Dunkirk, NY 14048

Parcel Address: 322 Park Avenue
Parcel SBL: 79.57-2-33
Owner: CCK Realty Company
Owner's Address: 332 Park Avenue, Dunkirk, NY 14048

Parcel Address: 75 East 3rd Street
Parcel SBL: 79.57-2-15.2
Owner: Chautauqua Center, Inc.
Owner's Address: 319 Central Avenue, Dunkirk, NY 14048



BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 1: 166 East 4th Street - Parcel Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development

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

0 Miles 0.25 0.5 1 1.5

NW N NE
W E
SW S SE

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

Figure 2 - Site Location Map

SITE NAME: 166 East 4th Street
ADDRESS: 166 East 4th Street
Dunkirk, NY 14048
CLIENT: BE3

N

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.

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: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

PARK AVENUE (66') (formerly Elk Street)

EAST THIRD STREET (66' R.)

O/H UTIL.
STORM
WATER (RECORD 8")
GAS
U/G ELEC.
CURB
SIDEWALK
CURB CUT
RIM=595.0 (ASPH. COVERED)
12" CLAY INV=590.4
RIM=594.4
TOP NUT HYDRANT = 598.3
RIM=595.7 (NO PIPES)
RIM=595.8 INV=585.3
RIM=595.7 (NO PIPES)
RIM=596.0 INV=589.6
NATIONAL FUEL AND NIAGARA MOHAWK R.O.W. AND EASEMENT, 1820/41
AREA OF EASEMENT, 8/16/82.
15' AREA OF MODIFIED EASEMENT, 7/20/82, DUNKIRK URBAN RENEWAL AGENCY TO NIAGARA MOHAWK POWER CO., NY TELEPHONE COMPANY, AND NATIONAL FUEL GAS DISTRIBUTION CORPORATION.
Electric Box
LAWN
235'
125'
90°01'
90°01'
596.0
595.0
595.5
595.6
BLOCK 568
(DOUGHTY MAP)
115'
ASPHALT
EDGE OF ASPHALT
VERIZON
SAN 30"
STORM 18"
RIM=595.6 INV=586.4
RIM=595.5 INV=590.6
596.5
597.0
597.5
598.0
160.5'D.M.
0.5'
Asphalt
DEER STREET (Closed)
CONC. SIDEWALK
57'
Formerly Fox Street, 40' Wide
COLUMBUS AVENUE (Closed)
68'
270°01'
89°59'
595.5
592.8
121'
12" CONC
18"
30"
ASPHALT
BUILDING
BLOCK 569
(DOUGHTY MAP)
CLEANOUTS
99.5'
598.5
269°56'
90°00'
0.9'D.M. AT DEFLECTION ANGLE OF 89°56' EAST (SEE DETAIL BELOW)
100' D.M.
100'
0.85'
2573/846
1 Story Block (FAMILY DOLLAR) FLOOR= 988.7
WEST LINE DEER STREET (CLOSED)
1 Story Block
℄ PARTY WALL AGREEMENT 1982/50
PARALLEL WITH E. THIRD STREET
89°59'
CONC
32'
RIM=596.0
592.4
596.5
592.1
591.7
RIM=597.2
RIM=597.0 INV=587.4
99.5'
SIDEWALK
DEFLECTION ANGLE 1°48' WEST
24.5' D.M.
88°09'
DEFLECTION ANGLE 1°52' EAST
598.0
RIM=597.9
12" CONC
593.2
SEE PARKING AGREEMENT, 1982/50 AND AMENDED AGREEMENT, 2668/393
4"PVC INV=593.2
6"PVC 594.2
INV=593.2
INV=595.1
6" PVC
12" CONC. INV=593.5
RIM=597.5
200' D.M.
PARKING SPACES AVAILABLE FOR LEASE TO LAKE SHORE SAVINGS BANK, 2668/393
LIGHT POLE
PARALLEL WITH EAST LINE PARK AVENUE
141' D.M.
RIM=598.6 INV=588.8
RIM=598.3
SAN
10'D.M.
90°01'
598.5
45' D.,M.
89°59'
270°01'
PARALLEL WITH E. THIRD STREET
EDGE OF ASPHALT
180' D.,M.
15' UTILITY EASEMENT N/F
FLAG POLE
599.0
599.5
89°59'
ELECTRIC BOXES
CURB
RIM=599.1 INV=594.9

K E Y
● = EXISTING IRON PIN
○ = IRON PIN SET
⊡ = PLASTIC STAKE
△ = SPIKE OR NAIL
= POLE
= MANHOLE
= STORM RECEIVER
= HYDRANT
⊗ = GAS VALVE
STRUCTURES MEASURED HEAD HEIGHT AT SIDING.

RECORD NORTH

DETAIL 1" = 10'
WEST LINE DEER STREET
0.5'
OUTSIDE FACE OF WALL
269°56'
89°56'
90°00'
PARTY WALL
℄ PARTY WALL

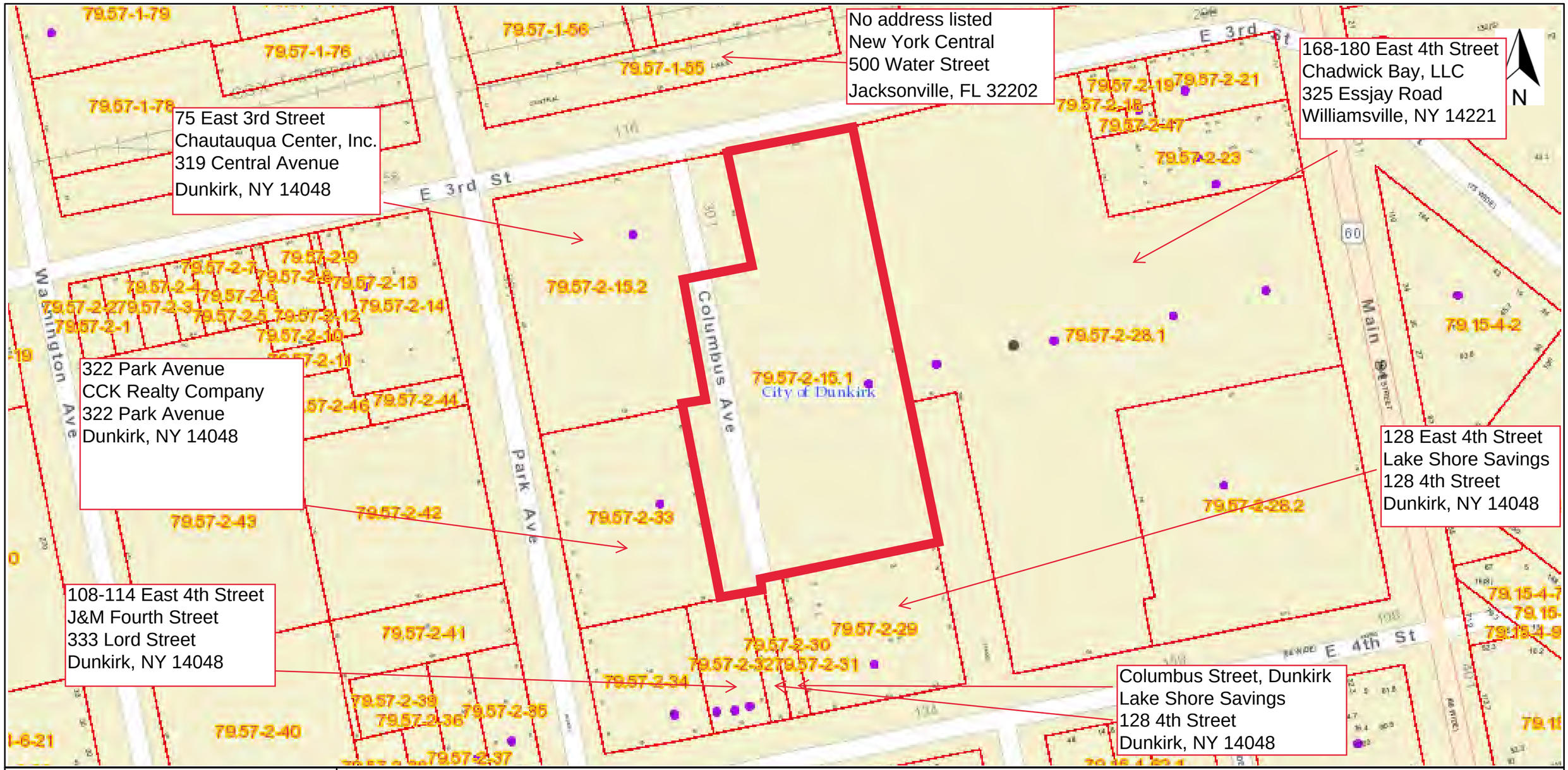
Figure 3 - Site Boundary Survey

DRAWING OF
BOUNDARY SURVEY
PROPERTY FOR
REGAN
CITY OF DUNKIRK
CHAUTAUQUA COUNTY NEW YORK
SCALE: 1" = 40' APRIL 14, 2023

LAND SURVEYOR, NYS LIC. NO. 50944 R2

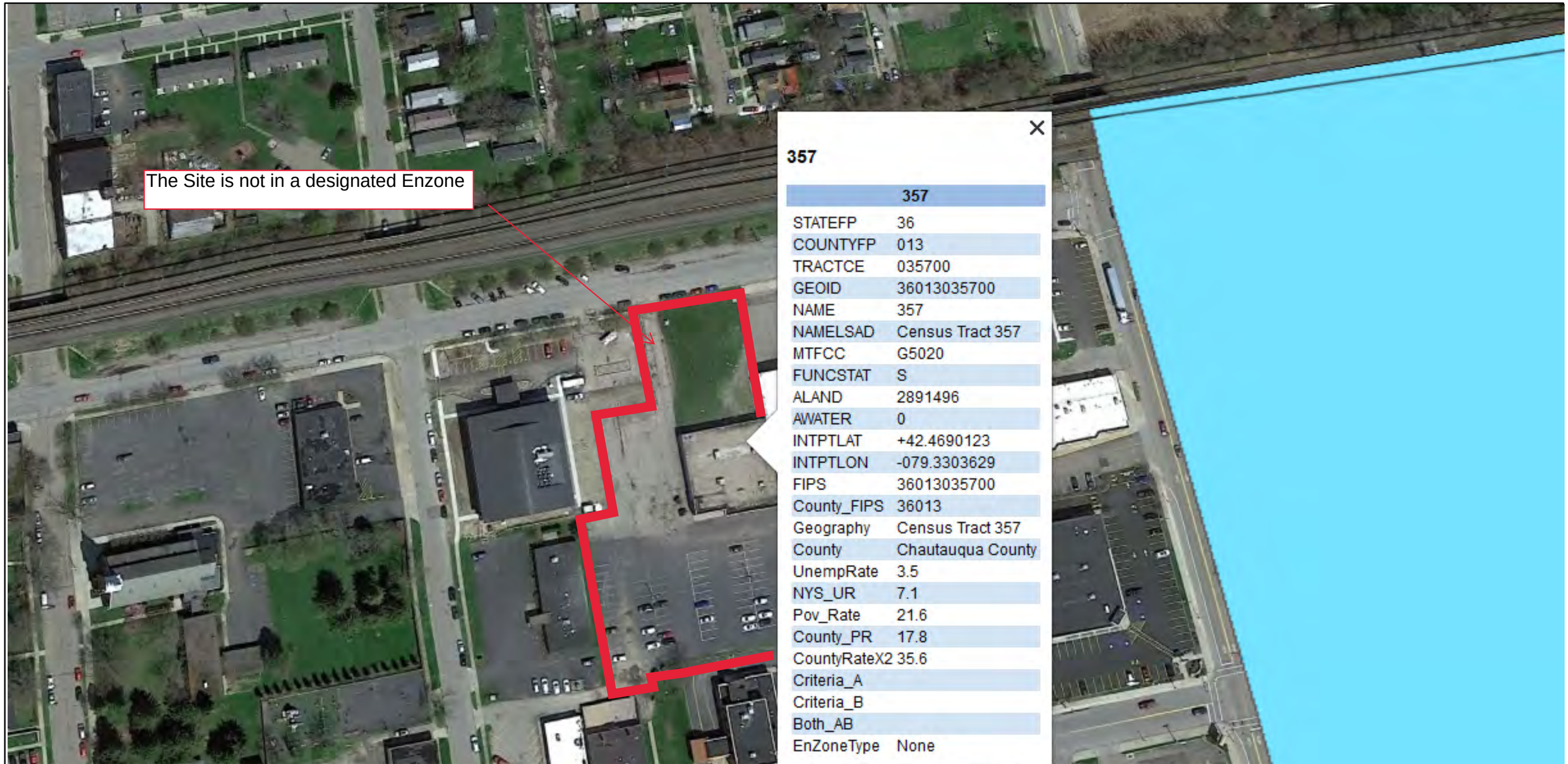
STATE OF NEW YORK
MATTHEW J. PIETRO
NO. 050944
LICENSED LAND SURVEYOR

WOODBURY PIETRO SURVEYING – OFFICE OF MATTHEW J. PIETRO, LS 12 E. 5TH STREET DUNKIRK, NY 14048 366-1990

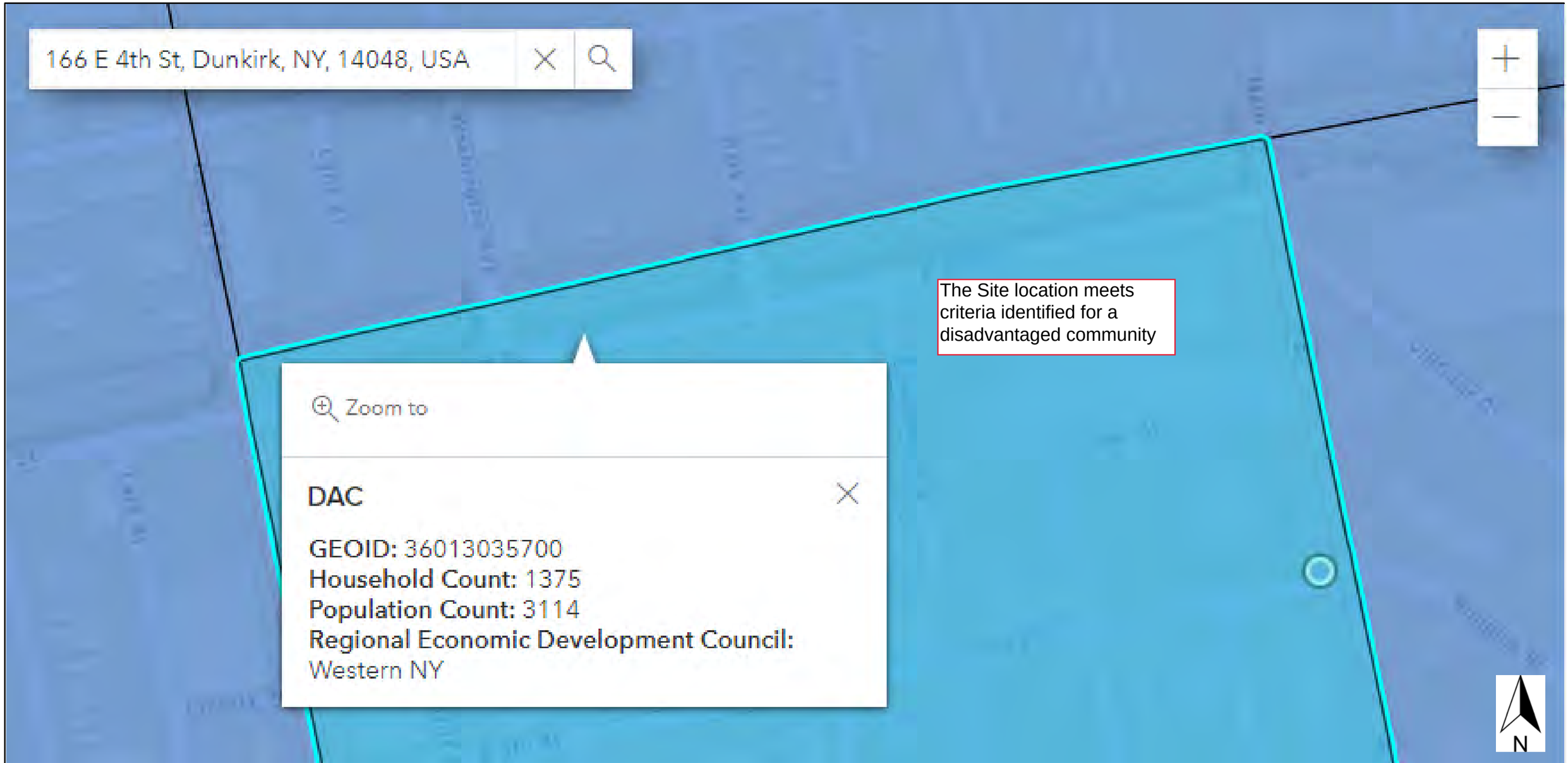


BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 4: Site Boundary Map with Adjacent Property Owners
166 East 4th Street	10/16/2023
Dunkirk, New York	Regan Development

N



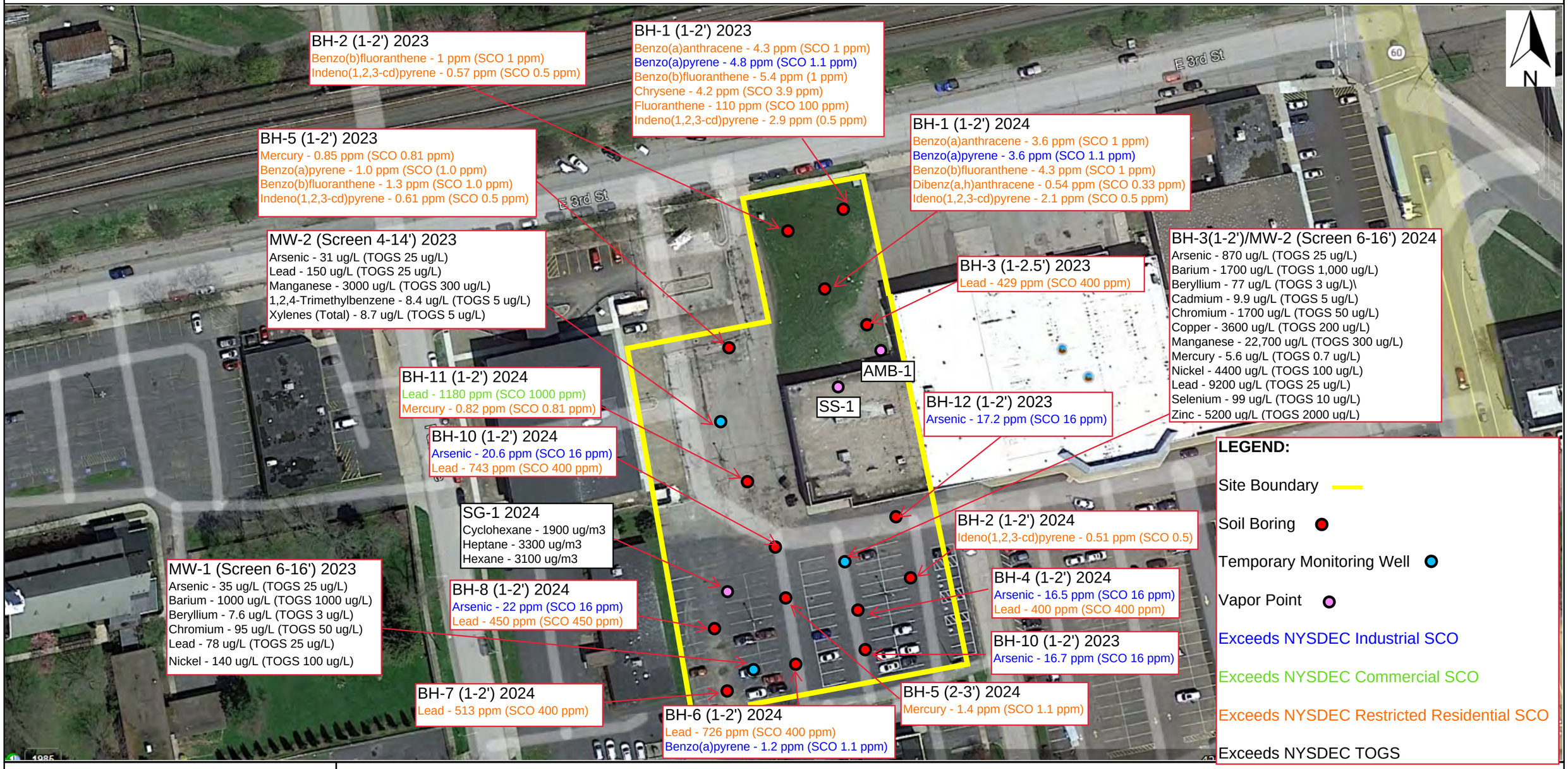
BE3 BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 5: En-zone Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development



BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 6: Disadvantaged Communities Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development

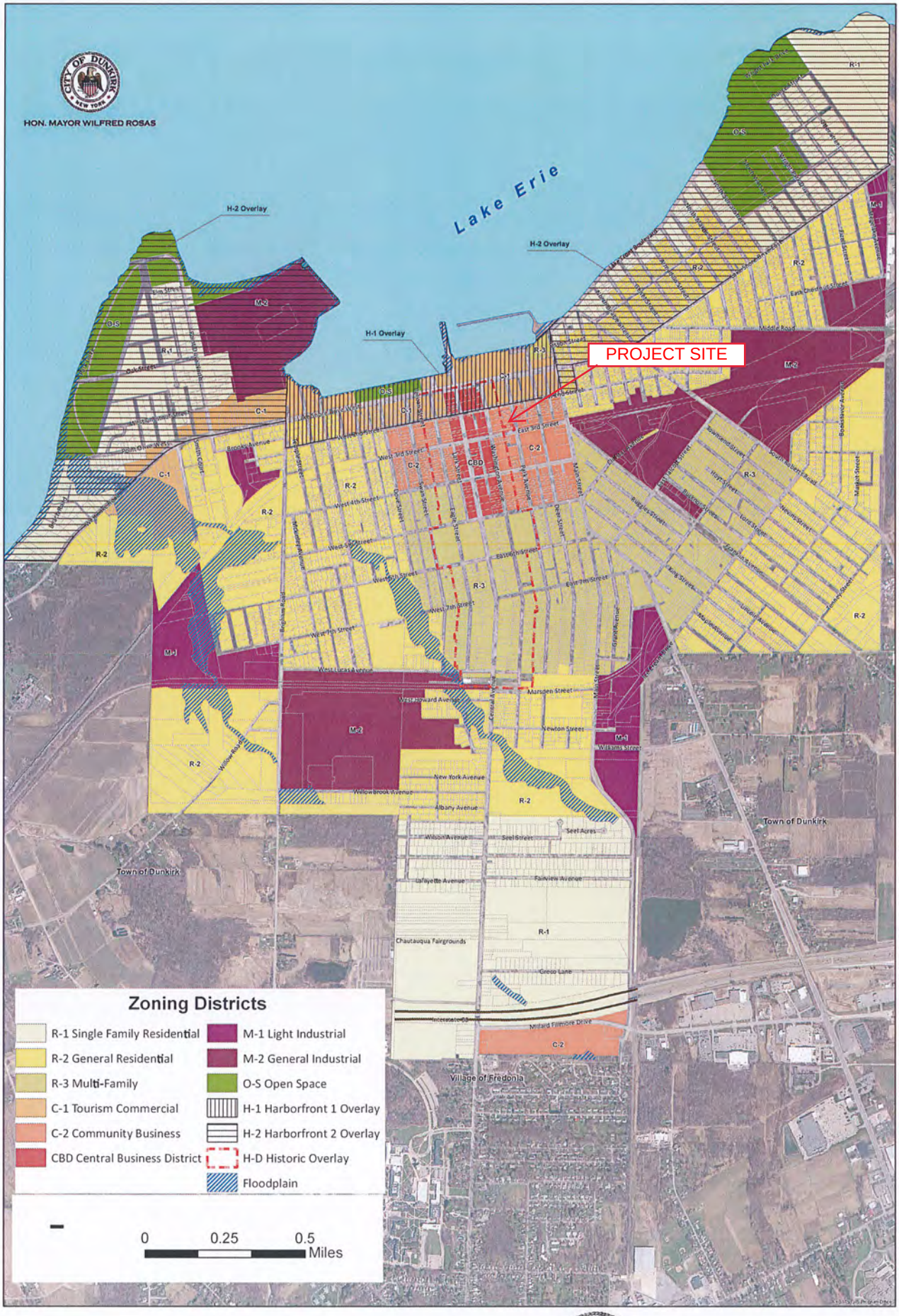
BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 7: Brownfield Opportunity Area Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development

Figure 8: Phase II Exceedance Summary



BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

Figure 8: Phase II Exceedance Summary	
166 East 4th Street	9/21/2023 and 4/1/2024
Dunkirk, New York	Regan Development



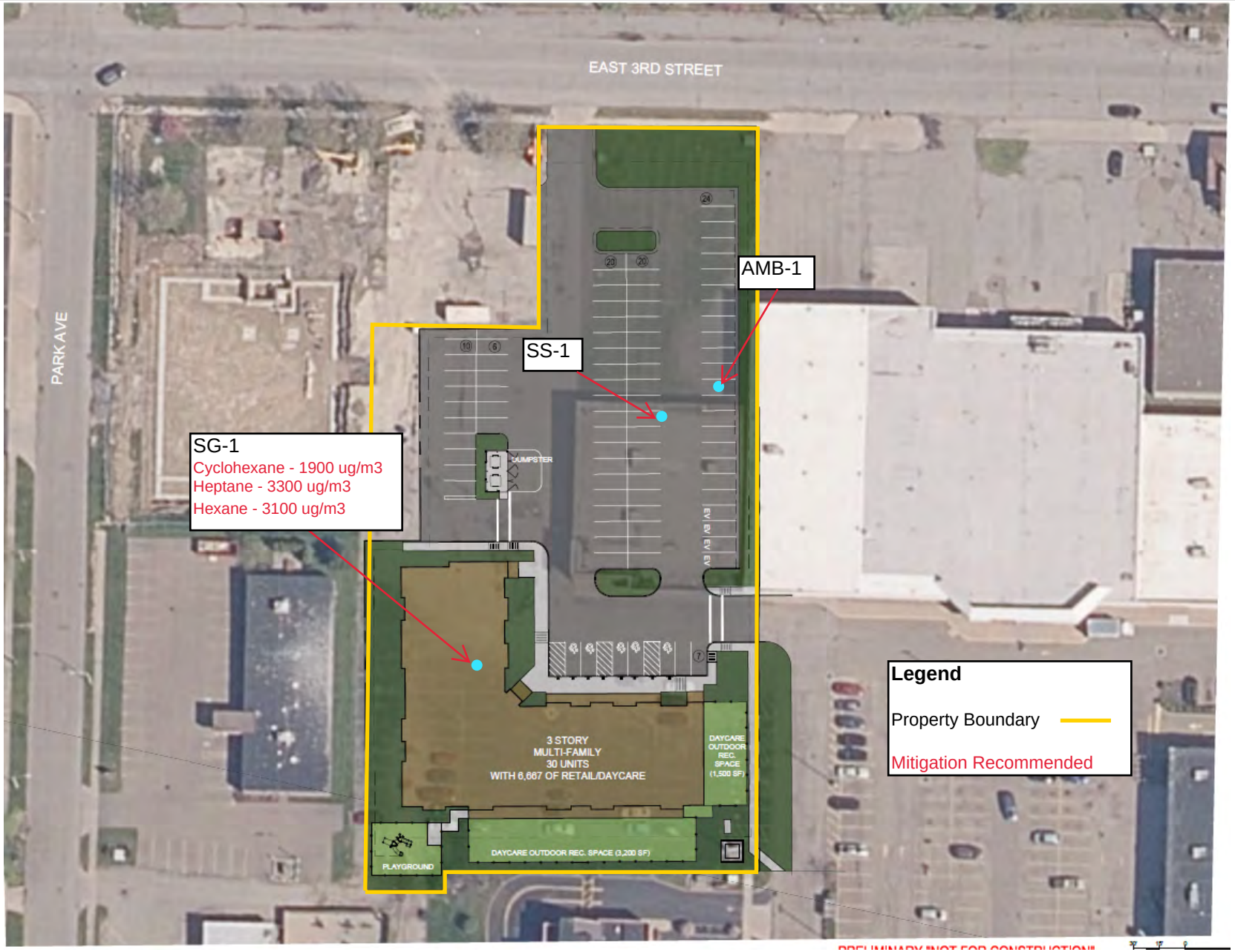
Laberge Group · ELAN · Kevin Dwarka LLC · CNY Latino · New York State Department of State

City of Dunkirk Comprehensive Plan

ZONING MAP

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

Figure 11: Vapor Results with Proposed Build



BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

Figure 11: Vapor Results with Proposed Build	
166 E 4th Street	4/1/2024
Dunkirk, New York	Regan Development

Table 1 - Parcel List

	ADDRESS	SBL	ACRES	OWNER
1	**166 East 4th Street**	**79.57-2-15.1**	**2.15**	**Beta of Dunkirk, LLC**

TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 166 E 4th Street Phase II - Sample Identification and Sample Date						NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-1 1-2'	BH-2 1-2'	BH-3 1-2.5'	BH-5 1-2'	BH-10 1-2'	BH-12 1-2'	Restricted Residential	Commerical	Industrial
	8/31/2023								
METALS/INORGANICS									
Arsenic	13.3	12.2	11.5	11.5	**16.7**	**17.2**	16	16	16
Barium	137.0	112.0	195.0	264.0	299.0	372.0	400	400	10,000
Beryllium	1.4	0.69	0.70	0.77	0.83	1.60	72	590	2,700
Cadmium	0.4100	0.34	0.94	0.98	0.37	0.18 J	4.3	9.3	60
Chromium	23.6	14.6	21.1	27.3	30.2	21.1	180	1,500	6,800
Copper	33.6	45.6	53.8	54.0	84.8	23.5	270	270	10,000
Lead	115	37	**429.0**	243.0	240	11.7	400	1,000	3,900
Manganese	916 B	403 B	338 B	546 B	148 B	112 B	2,000	10,000	10,000
Mercury	0.38 F1	0.03	0.75	**0.85**	0.24	0.025	0.81	2.8	5.7
Nickel	32.8	41.8	21.1	23.7	26.0	21.6	310	310	10,000
Selenium	ND	ND	ND	2.2 J	1.5 J	9.00	180	1,500	6,800
Silver	ND	ND	ND	ND	ND	ND	180	1,500	6,800
Zinc	149	90.9	361.0	806.0	138.0	20.6	10,000	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)									
Acenaphthylene	1.2 J F1	0.26 J	ND	ND	ND	ND	100	500	1,000
Anthracene	1.2 J F1	ND	ND	ND	ND	ND	100	500	1,000
Benzo(a)anthracene	**4.3 F1**	0.7 J	0.6 J	0.890 J	0.094 J	0.380 J	1	5.6	11
Benzo(a)pyrene	**4.8 F1**	0.85 J	0.6 J	**1 J**	0.110 J	ND	1	1	1.1
Benzo(b)fluoranthene	**5.4 F2 F1**	**1 J**	0.670 J	**1.3 J**	0.130 J	ND	1	5.6	11
Benzo(g,h,i)perylene	3.4 F1	0.680 J	0.490 J	0.780 J	0.083 J	ND	100	500	1,000
Benzo(k)fluoranthene	2.7 F1	0.520 J	0.320 J	0.660 J	0.064 J	ND	3.9	56	110
Chrysene	**4.2 F1**	0.860 J	0.560 J	1.1 J	0.130 J	ND	3.9	56	110
Fluoranthene	**110**	1.6 J	1.1 J	1.7 J	0.190 J	0.580 J	100	500	1,000
Indeno(1,2,3-cd)pyrene	**2.9**	**0.570 J**	0.350 J	**0.610 J**	0.070 J	ND	0.5	5.6	11
Phenanthrene	5.7 F1	0.600 J	0.540 J	0.680 J	0.110 J	ND	100	500	1,000
Pyrene	8	1.3 J	0.940 J	1.4 J	0.160 J	ND	100	500	1,000
TENTATIVELY IDENTIFIED COMPOUNDS (TICs)									
TICS	ND	ND	ND	ND	ND	ND	Various	Various	Various
ORGANOCHLORINE PESTICIDES									
4,4-DDD	ND	ND	ND	ND	0.0035 J	0.0085 J	13	92	180
4,4-DDE	ND	ND	0.016 J	ND	0.0021 J	ND	8.9	62	120
4,4-DDT	0.012 J	ND	0.011 J	0.0047 J	ND	ND	7.9	47	94
Endosulfan sulfate	ND	0.011 J F1	ND	ND	ND	ND	24	200	920
Cis-Chlordane	ND	ND	ND	0.013 J	ND	ND	4.2	24	47
Endosulfan II	ND	ND	ND	ND	ND	ND	24	200	920
VOLATILE ORGANIC COMPOUNDS (VOCs)									
2-Butanone (MEK)	ND	ND	ND	0.014 J	0.0053 J	0.0042 J	100	500	1,000
Acetone	ND	ND	ND	0.095	0.041	0.038	100	500	1,000
trans-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	100	500	1,000
Trichloroethene	ND	ND	ND	ND	ND	ND	21	200	400

ND Analyte not detected
\- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
F1/F2 MS or MSD recovery exceeds control limits
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 3
SUMMARY OF GROUNDWATER ANALYTICAL RESULTS

Parameter Tested	Sample Identification and Sample Date		NYSDEC TOGS 1.1.1 GA
	MW-1	MW-2	
	8/31/2023		
METALS			
Arsenic	**35**	**31**	25
Barium	**1000**	810	1000
Beryllium	**7.6**	1.7 J	3
Cadmium	ND	ND	5
Chromium, Total	**95**	43	50
Copper	100	96	200
Lead	**78**	**150**	25
Manganese	220	**3000**	300
Mercury	ND	ND	0.7
Nickel	**140**	76	100
Zinc	160	170	2000
TENTATIVELY IDENTIFIED COMPOUNDS (TICS)			
Methylcylohexane	ND	5.5 T J N	-
2-methylbutane	ND	6.7 T J N	-
Pentane	ND	9.9 T J N	-
2-methylpentane	ND	6.8 T J N	-
Methylcylopentane	ND	17 T J N	-
Cylohexane	ND	21 T J N	-
Ispropylcylobutane	ND	8.3 T J N	-
methylcylohexane	ND	37 T J N	-
1,4-dimethylcylohexane	ND	6.8 T J N	-
m&p-xylene	ND	5.4	-
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)			
SVOCs	ND	ND	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)			
Acetone	10	14	50
1,3,5-Trimethylbenzene	ND	1.9	5
1,2,4-Trimethylbenzene	ND	**8.4**	5
Toluene	ND	1.4	5
Xylenes,Total	ND	**8.7**	5
2-Butanone (MEK)	2.1	3 J	50
Ethylbenzene	ND	1.4	5
N-propylbenzene	ND	0.7 J	5
CHLORINATED PESTISIDES			
Pesticides	ND	ND	Various

Notes: All units in microgams per liter (µg/L)
NYSDEC New York State Department of Environmental Conservation
TOGS Technical and Operational Guidance Series
T Result is a Tentatively Identified Compound (TIC) and is an estimated concentration
N Indicates the presumptive evidence of a compound
ND Analyte not detected
9.58 Analyte detected
128 Analyte exceeds NYSDEC TOGS guidance value
J Estimated concentration
- Not applicable or sample not tested for this analyte

TABLE 5
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date							NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-1 1-2	BH-2 1-2	BH-3 1-2	BH-4 1-2	BH-5 2-3	BH-6 1-2	BH-7 1-2	Restricted Residential	Commerical	Industrial
	4/1/2024									
METALS/INORGANICS										
Arsenic	11.4	11.2	14.7	**16.5**	9.7	13.8	10.8	16	16	16
Barium	203	175	197	188	190	395	239	400	400	10,000
Beryllium	0.78	0.74	0.96	0.86	1.1	0.84	1	72	590	2,700
Cadmium	0.37	0.6	0.35	0.29	0.6	1.2	0.66	4.3	9.3	60
Chromium	20.1	22.9	20.5	18	17.4	30.2	24.6	180	1500	6800
Copper	47.6	63.7	45.5	119	62	104	66.8	270	270	10000
Lead	123	394	298	**400**	330	**726**	**513**	400	1000	3,900
Manganese	404	354	278.00	407	166	284	377	2000	10000	10000
Mercury	0.083	0.29	0.330	0.56	**1.4**	0.63	0.58	0.81	2.8	5.7
Nickel	36.1	24.1	23.8	26	29.5	31.4	32.5	310	310	10000
Selenium	0.98	1.5	1.0	1.5	1.3	0.95	0.62	180	1500	6,800
Silver	ND	ND	ND	ND	0.51	ND	ND	180	1500	6,800
Zinc	150	236	130.0	146	228	525	238	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)										
Acenaphthene	0.16	ND	ND	ND	ND	ND	ND	100	500	1,000
Acenaphthylene	0.44	ND	ND	ND	ND	ND	ND	100	500	1,000
Anthracene	1.9	ND	ND	ND	ND	ND	ND	100	500	1,000
Benzo(a)anthracene	**3.6**	0.72	0.024	0.11	0.3	0.54	0.079	1	5.6	11
Benzo(a)pyrene	**3.6**	0.83	ND	0.15	0.36	**1.2**	0.1	1	1	1.1
Benzo(b)fluoranthene	**4.3**	0.99	0.037	0.17	0.38	0.48	0.14	1	5.6	11
Benzo(g,h,i)perylene	2	0.54	0.024	0.12	0.26	0.68	0.058	100	500	1,000
Benzo(k)fluoranthene	1.7	0.37	ND	0.08	0.21	ND	0.043	3.9	56	110
Chrysene	3.8	0.87	ND	0.17	0.33	0.88	0.15	3.9	56	110
Dibenz(a,h)anthracene	**0.54**	ND	ND	0.039	ND	ND	ND	0.33	0.56	1.1
Dibenzofuran	0.98	ND	ND	ND	ND	ND	ND	18	180	290
Fluoranthene	12	1.7	0.048	0.19	0.56	0.39	0.15	100	500	1,000
Fluorene	1.8	ND	ND	ND	ND	ND	ND	100	500	1,000
Indeno(1,2,3-cd)pyrene	**2.1**	**0.51**	ND	0.098	0.22	0.27	0.043	0.5	5.6	11
Naphthalene	1.3	ND	ND	ND	ND	ND	ND	100	500	1,000
Phenanthrene	11	0.62	ND	0.13	0.29	ND	0.11	100	500	1,000
Pyrene	8.2	1.3	0.039	0.16	0.42	0.54	0.12	100	500	1,000
VOLATILE ORGANIC COMPOUNDS (VOCs)										
Acetone	ND	0.18	0.073	0.084	0.066	0.12	0.01	100	500	1,000
2- Butanone (MEK)	ND	0.028	0.0083	0.012	0.0098	0.022	ND	100	500	1,000
Tetrachloroethene	ND	ND	ND	ND	ND	ND	0.0047	19	150	300

ND Analyte not detected
\- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 5
SUMMARY OF SOIL ANALYTICAL RESULTS
CONT'D

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date					NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-8 1-2	BH-9 1-2	BH-10 1-2	BH-11 1-2	BH-12 1-2	Restricted Residential	Commerical	Industrial
	4/1/2024							
METALS/INORGANICS								
Arsenic	**22**	6	**20.6**	13.6	12.2	16	16	16
Barium	392	76.9	397	380	154	400	400	10,000
Beryllium	1	0.7	0.81	0.74	1.7	72	590	2,700
Cadmium	0.28	0.058	0.75	1.3	0.34	4.3	9.3	60
Chromium	23.6	10	17.9	28.2	25.4	180	1500	6800
Copper	60.7	17	51.7	82.5	50.5	270	270	10000
Lead	**450**	38.2	**743**	**1180**	224	400	1000	3,900
Manganese	93.6	317	366	278	392	2000	10000	10000
Mercury	0.48	0.13	0.450	**0.82**	0.3	0.81	2.8	5.7
Nickel	24	14.4	24.4	27	27.5	310	310	10000
Selenium	1.8	1.2	1.1	1.9	2.1	180	1500	6,800
Zinc	261	47.8	378	672	138	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)								
Benzo(a)anthracene	0.17	ND	ND	ND	0.18	1	5.6	11
Benzo(a)pyrene	0.2	ND	ND	ND	0.25	1	1	1.1
Benzo(b)fluoranthene	0.24	ND	ND	ND	0.37	1	5.6	11
Benzo(g,h,i)perylene	0.12	ND	ND	ND	0.11	100	500	1,000
Benzo(k)fluoranthene	ND	ND	ND	ND	0.13	3.9	56	110
Chrysene	0.24	ND	ND	ND	0.23	3.9	56	110
Fluoranthene	0.42	ND	0.54	ND	0.45	100	500	1,000
Phenanthrene	0.24	ND	ND	ND	0.14	100	500	1,000
Pyrene	0.29	ND	ND	ND	0.26	100	500	1,000
VOLATILE ORGANIC COMPOUNDS (VOCs)								
1,2,4-Trimethylbenzene	ND	0.039	ND	ND	ND	52	190	380
1,3,5-Trimethylbenzene	ND	0.017	ND	ND	ND	-	-	380
Acetone	0.052	0.052	0.16	0.1	0.091	100	500	1,000
Benzene	ND	0.00046	ND	ND	ND	4.8	44	89
Ethylbenzene	ND	0.00039	ND	ND	ND	41	390	780
Methylene Chloride	0.0037	0.0037	0.0057	ND	ND	100	500	1,000
2- Butanone (MEK)	0.0068	0.0054	0.027	0.018	0.014	100	500	1000
N-Propylbenzene	ND	0.0011	ND	ND	ND	100	500	1000
sec-Butylbenzene	ND	0.0013	ND	ND	ND	100	500	1000
Toluene	ND	0.46	ND	ND	ND	100	500	1000
Xylenes	ND	0.0062	ND	ND	ND	100	500	1000

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 6
SUMMARY OF GROUNDWATER RESULTS

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing, and Sample Date MW-2 12' 4/1/2024	NYSDEC TOGS 1.1.1 GA
METALS		
Arsenic	870	25
Barium	1,700	1,000
Beryllium	77	3
Cadmium	9.9	5
Chromium	1700	50
Copper	3,600	200
Manganese	22,700	300
Mercury	5.6	0.7
Nickel	4,400	100
Lead	9,200	25
Selenium	99	10
Silver	ND	50
Zinc	5200	2000
Volatile Organic Compounds (VOCs)		
Acetone	6.5 J	50

Notes: All units in micrograms per liter (µg/L)
NYSDEC New York State Department of Environmental Conservation
TOGS Technical and Operational Guidance Series
500 Analyte exceeds NYSDEC TOGS guidance value

TABLE 7
SUMMARY OF VAPOR/INDOOR AIR ANLYTICAL RESULTS

Contaminants	Type of Sample, Sample Identification, Date Analyzed and Analysis Method			NYSDOH Sub-Slab Vapor Guideline Values (µg/m^3)	NYSDOH Indoor Air Guideline Values	Table C2. EPA 2001 Indoor Air Mean Value	Decision Matrix Guidance Values (Soil Vapor) (µg/m3)
	Sub-slab	Soil Vapor	Outdoor Air				
	SS-1	SG-1	AMB-1				
	4/1/2024						
	Volatile Organic Compounds (TO-15)						
1,1-Dichloroethylene	0.4	ND	ND	-	-	0.5	
1,2,4-Trichlorobenzene	ND	ND	ND	-	-	-	
1,2,4-Trimethylbenzene	2.2	**150**	0.65	-	-	4.8	60
1,2-Dichloroethane	ND	ND	0.15	-	-	-	
1,2-Dichloropropane	ND	ND	ND	-	-	-	
1,3,5-Trimethylbenzene	0.71	ND	ND	-	-	1.6	60
Acetone	ND	ND	64	-	-	54	
Benzene	**11**	ND	3	-	-	4.5	60
Carbon Disulfide	**6.5**	ND	ND	-	-	1.9	
Carbon Tetrachloride	ND	ND	0.49	-	-	0.5	6
Chloromethane	ND	ND	1.1	-	-	2.9	
Cyclohexane	9.9	**1900**	1.5	-	-	-	60
Dichlorodifluoromethane (Freon 12)	2.4	74	2.3	-	-	-	
Ethanol	**290**	ND	360	-	-	89.3	
Ethyl Acetate	7.8	ND	45	-	-	-	
Ethylbenzene	2.3	ND	0.85	-	-	2.8	60
Heptane	**21**	**3300**	2.2	-	-	1.7	200
Hexachlorobutadiene	ND	ND	ND	-	-	-	
Hexane	**39**	**3100**	ND	-	-	6.3	200
Isopropanol	ND	ND	17	-	-	-	
m&p-Xylene	7.7	**140**	2.2	-	-	10.8	200
Methylene Chloride	ND	ND	14	100	60	21.2	100
o-Xylene	2.9	ND	1.1	-	-	3.8	60
Styrene	0.55	ND	16	-	-	1.5	
Tetrachloroethylene	ND	ND	0.66	100	30	6	100
Toluene	20	ND	8.7	-	-	25.1	300
trans-1,2-Dichloroethylene	ND	ND	0.19	-	-	-	
Trichloroethylene	ND	ND	ND	6	2	2.6	6
Trichlorofluoromethane (Freon 11)	ND	ND	1.2	-	-	19.4	
Vinyl Acetate	41	**3900**	5.1	-	-	-	
Vinyl Chloride	ND	ND	ND	60	0.2	0.5	6

Notes: All units in micrograms per liter (µg/m3)

NO FURTHER ACTION: No additional actions are recommended to address human exposures.

IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE: It is recommended that reasonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air concentrations to within background ranges.

MONITOR: It is recommended that monitoring , including but not necessarily limited to sub-slab vapor, basement air and outdoor air sampling, to determine whether concentrations in the indoor air or sub-slab vapor have changed and/or to evaluate temporal influences.

MITIGATE: Mitigation is recommended to minimize current or potential exposures associated with soil vapor intrusion.

Elevated concentrations detected in the subsurface above above indoor air guidance values (NYSDOH Table C2.)

ND Not detected
0.69 Analyte detected
- Not applicable
J Estimated concentration

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 one parcel at 166 East 4th Street will be for the construction of affordable housing through NYS Homes and Community Renewal (HCR). 30 residential units are to be constructed, in addition to a 6,000 square foot daycare as well as planned greenspace and a playground for recreation.

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.

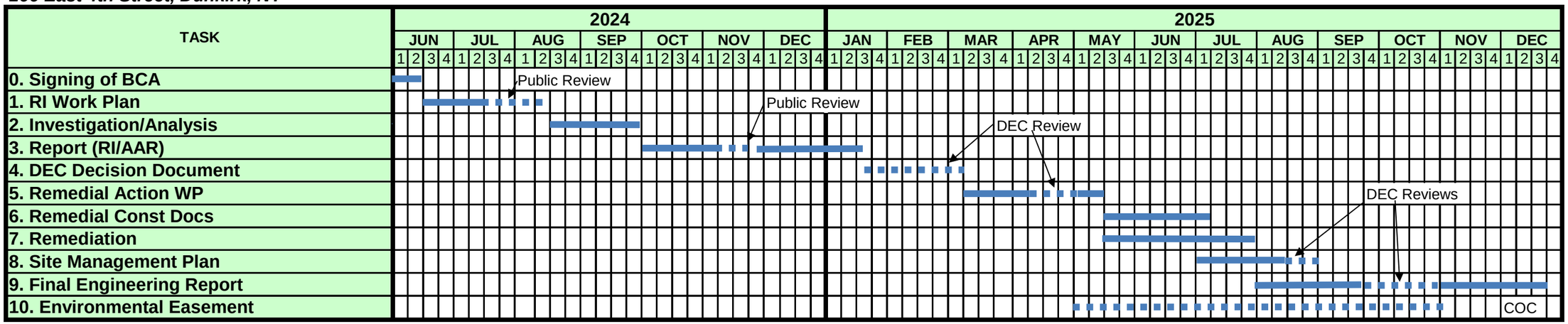
Project Start Date & Anticipated Certificate of Completion

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 2024** and will complete remediation for an **anticipated Certificate of Completion (COC)** in 2025. A preliminary project schedule is shown in **Figure 10.**

FIGURE 10

BCP PROJECT SCHEDULE

166 East 4th Street, 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 166 East 4th Street parcel (refer to **Figure 1**) was mixed use commercial and residential. In 1888 the property was residential containing shanties or cabins. In 1893, many of these shanties were converted into dwellings as well as commercial uses such as a meat store and a repair shop. By the early 1900's the property contained multiple 2-story residences. The area was redeveloped in the 1970's into commercial buildings which can be seen in aerial photographs dating back to 1985. Historical street directories indicate the subject property has been occupied by a Family Dollar from 1985 to 2020 and a VA clinic from 2010 to 2020. The VA clinic is currently vacant while Family Dollar is still operating. Much of the property is asphalt parking with a small stretch of greenspace north of the commercial structure.

See Table 4 SECTION IX for parcel use and abandonment.

The contaminants in the soils (metals, PAHs and possible solvents/petroleum products) are most likely due to the above historical operations and redevelopment resulting in urban fill. Volatiles compounds were detected in the groundwater as well as tentatively identified volatile compounds indicating the presence of weathered petroleum compounds at the site.

Application Section III #6 Proposed Post-Remediation Use

The planned use of the site is for affordable housing. 30 residential units are to be constructed, in addition to a 6,000 square foot daycare for recreation as well as associated parking and greenspace.

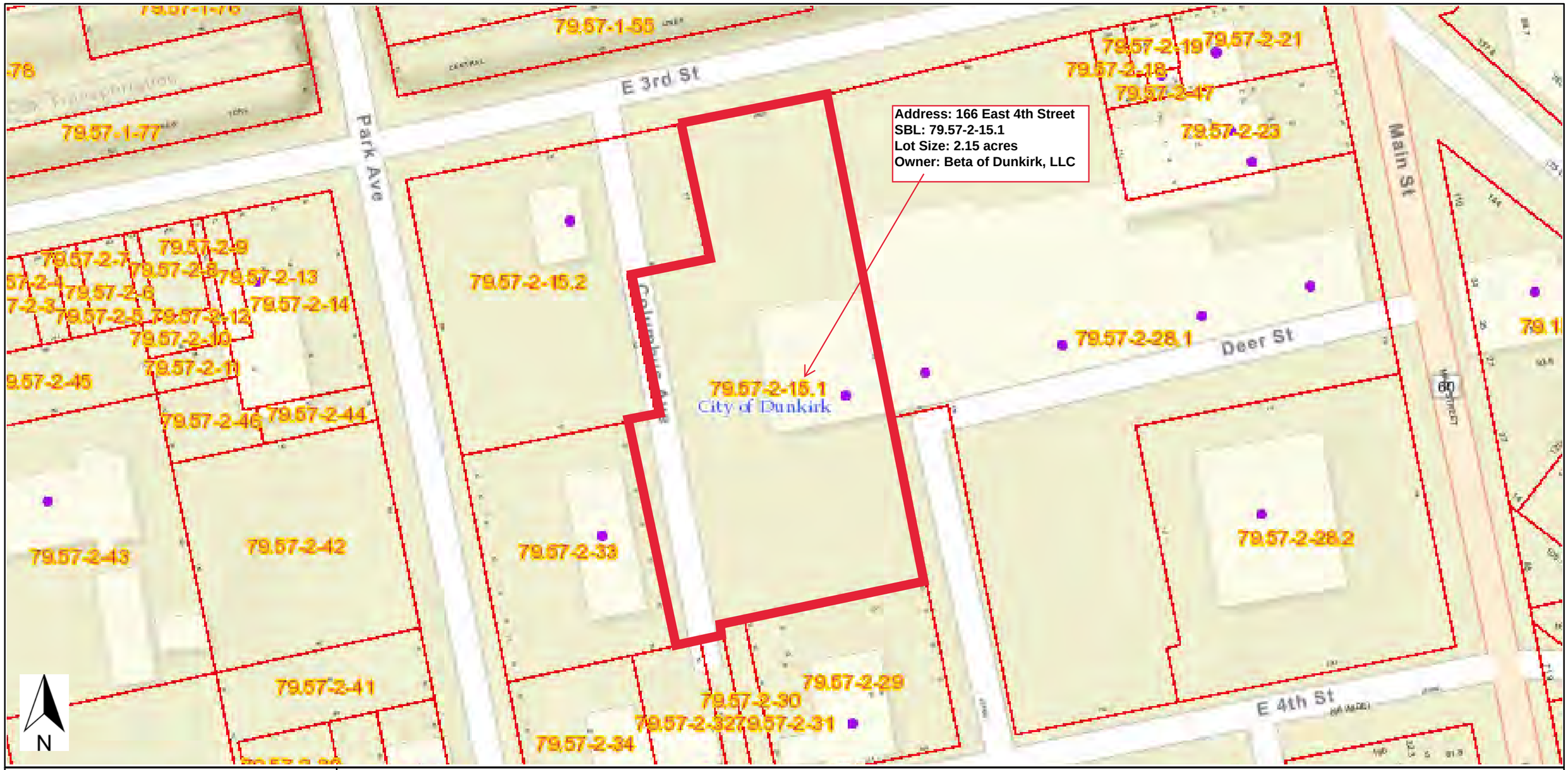
Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?

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.

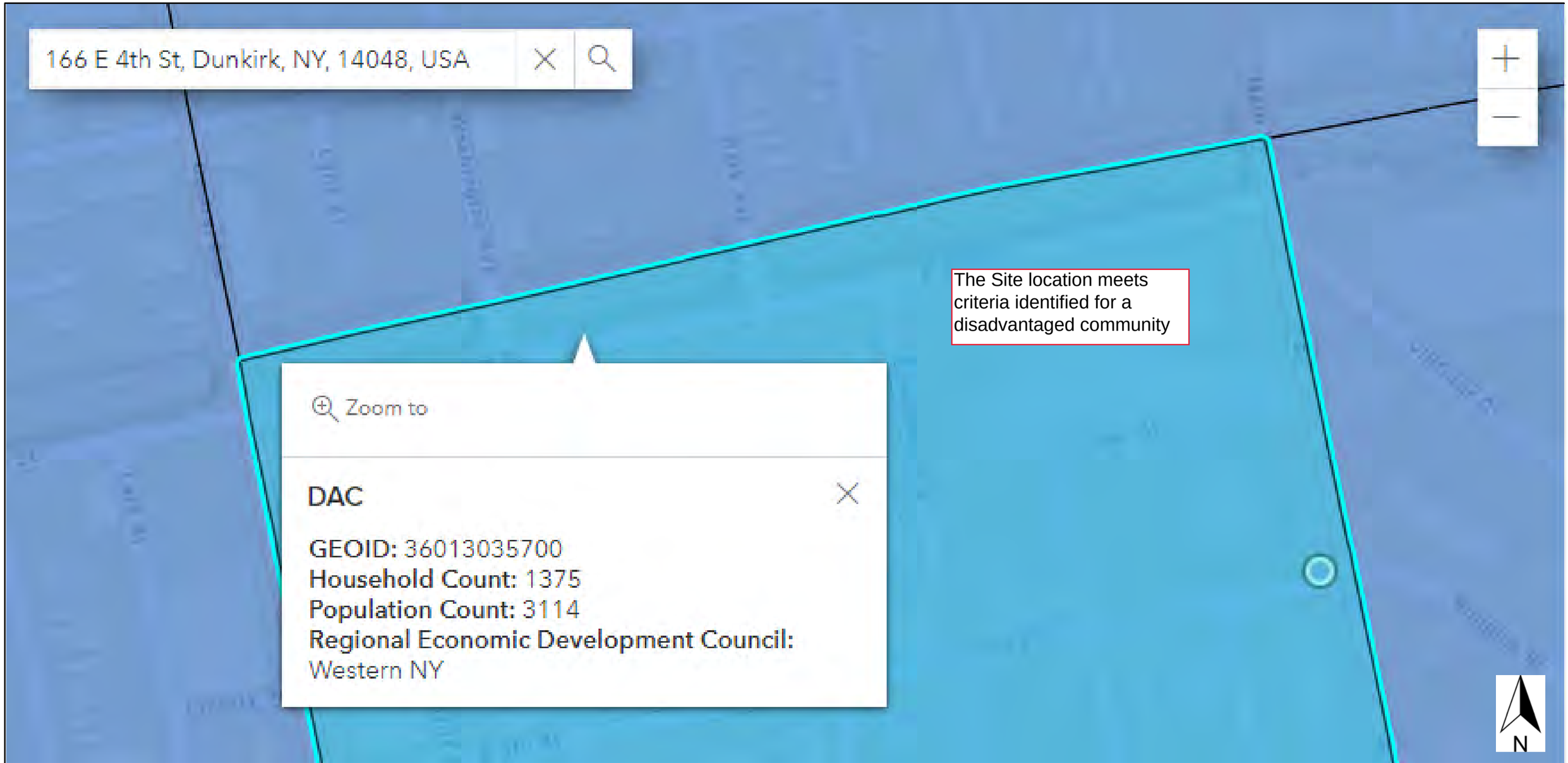
Application Section III #10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The site is in the Dunkirk City Disadvantaged Community Tract (see **Figure 6**) and in

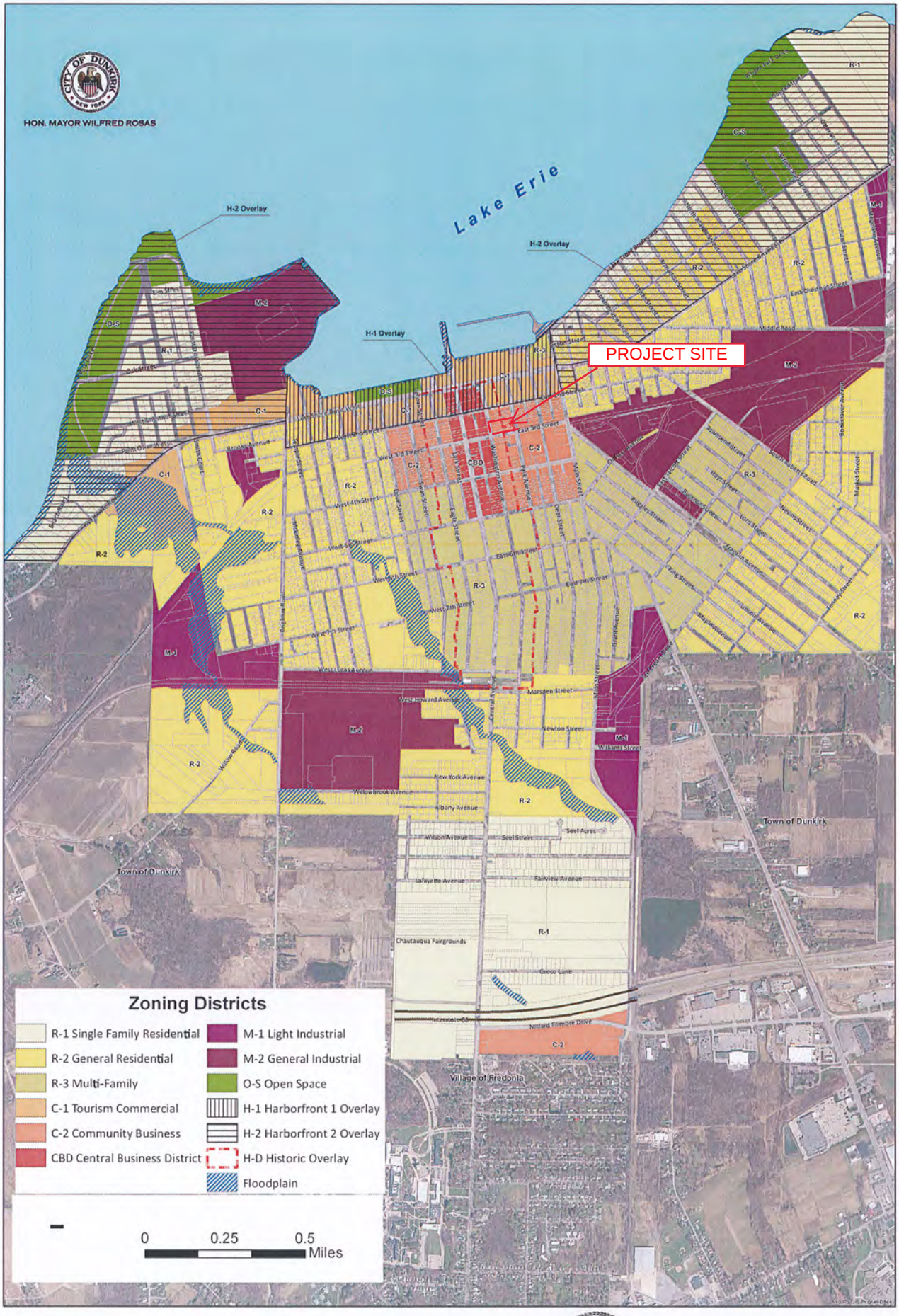
close proximity to Brownfield Opportunity Area (BOA) (see **Figure 7)** which demonstrates that the proposed project is consistent with adopted land use plans.



BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 2: 166 East 4th Street - Parcel Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development



BRYDGES ENGINEERING IN ENVIRONMENT AND ENERGY, DPC	Figure 6: Disadvantaged Communities Map	
	166 East 4th Street	10/16/2023
	Dunkirk, New York	Regan Development



Laberge Group · ELAN · Kevin Dwarka LLC · CNY Latino · New York State Department of State

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 - Previous Investigation Locations & Contaminant Exceedances
Tables 2, 3, 5, & 6 - BE3 Phase 2 Soil Sample Results
Table 7 – BE3 Phase 2 Vapor 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 June 2023 and September 2023, respectively (per ECL 27-1407(1)) are included with this application.

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** and **Tables 2, 3, 5 and 6** provide levels of contamination of environmental media (soil) above SCGs detected as of the submission of this application.

Historically the 166 East 4th Street parcel (refer to **Figure 1**) was mixed use commercial and residential. In 1888 the property was residential containing shanties or cabins. In 1893, many of these shanties were converted into dwellings as well as commercial uses such as a meat store and a repair shop. By the early 1900's the property contained multiple 2-story residences. The area was redeveloped in the 1970's into commercial buildings which can be seen in aerial photographs dating back to 1985. Historical street directories indicate the subject property has been occupied by a Family Dollar from 1985 to 2020 and a VA clinic from 2010 to 2020. The VA clinic is currently vacant while Family Dollar is still operating. Much of the property is asphalt parking with a small stretch of greenspace north of the commercial structure.
The primary contaminants found during the BE3 Phase II ESA which focused on site soils and groundwater are associated with impacted fill or urban fill including semi-volatile organic (SVOCs), mainly Polyaromatic Hydrocarbon compounds (PAHs) and metal compounds above NYSDEC restricted residential SCOs. Arsenic and beno(a)pyrene were detected above industrial SCOs. In addition to soil impacts, groundwater impacts were identified as several metals and two volatile compounds were detected above TOGS. Several TICs were also identified indicating the presence of weathered volatile compounds.

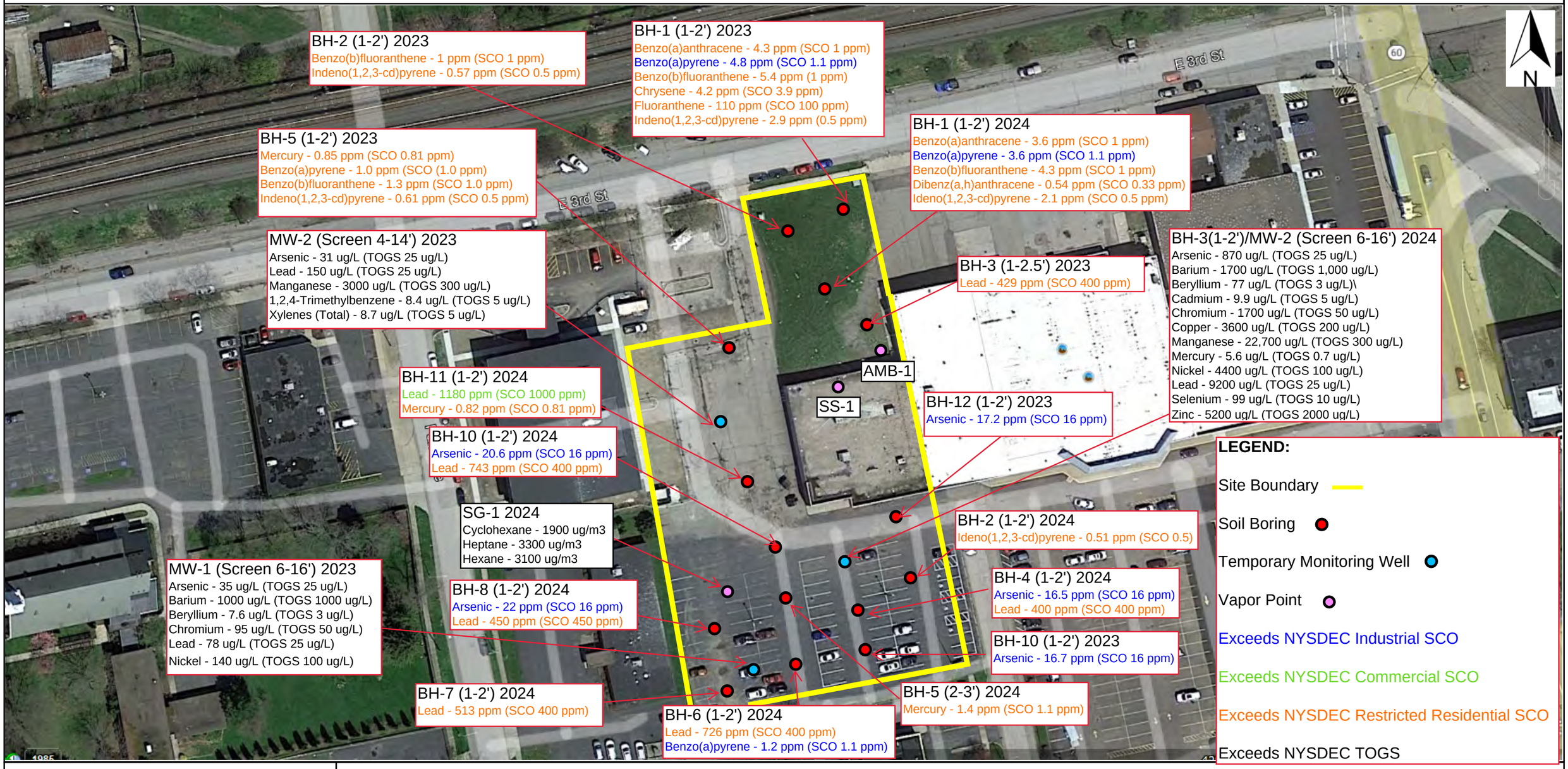
BE3's 2023 Phase 1 ESA revealed the following recognized environmental conditions (RECs) and business environmental risks (BERs) in connection with the subject property:

- **REC** – Adjacent property located at 131 East 4th Street was identified as a historic auto filling station that may represent a potential vapor concern for the subject property.
- **REC** – Adjacent property located at 103 East 4th Street was identified as a historic auto filling station. A tank was identified on a 1947 Sanborn map. Although no associated spills exist, there are no closure records indicating the tank was properly removed. Thus, this may represent a potential vapor concern for the subject property.
- **BER** – Adjacent property located at 157 East 4th Street was identified as a historic cleaner that may represent a potential vapor concern for the subject property.

- **BER** – Adjacent property located at 159 East 4th Street was identified as a historic cleaner that may represent a potential vapor concern for the subject property.

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

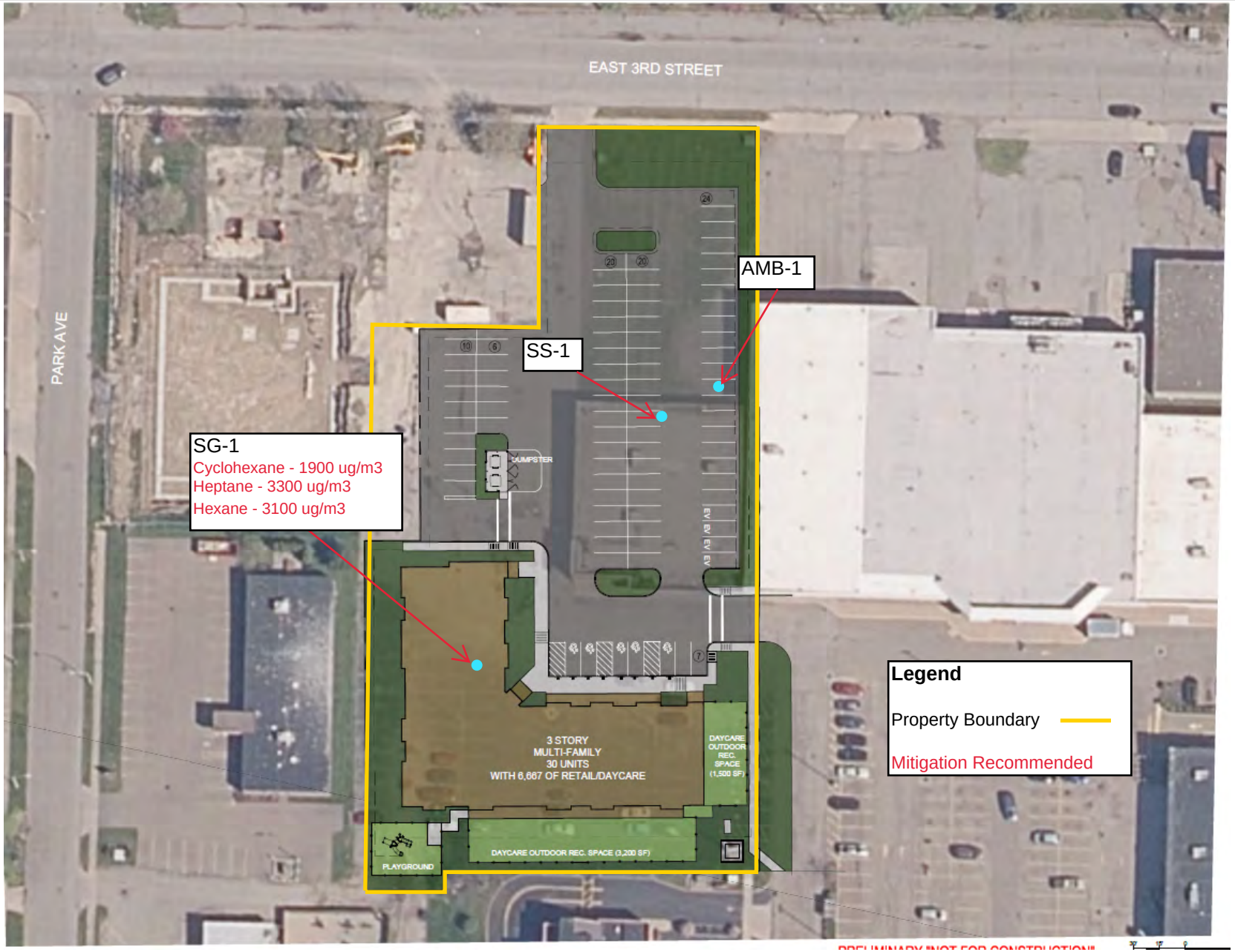
Figure 8: Phase II Exceedance Summary



BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

Figure 8: Phase II Exceedance Summary	
166 East 4th Street	9/21/2023 and 4/1/2024
Dunkirk, New York	Regan Development

Figure 11: Vapor Results with Proposed Build



BRYDGES ENGINEERING
IN ENVIRONMENT AND ENERGY, DPC

Figure 11: Vapor Results with Proposed Build	
166 E 4th Street	4/1/2024
Dunkirk, New York	Regan Development

TABLE 2
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 166 E 4th Street Phase II - Sample Identification and Sample Date						NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-1 1-2'	BH-2 1-2'	BH-3 1-2.5'	BH-5 1-2'	BH-10 1-2'	BH-12 1-2'	Restricted Residential	Commerical	Industrial
	8/31/2023								
METALS/INORGANICS									
Arsenic	13.3	12.2	11.5	11.5	**16.7**	**17.2**	16	16	16
Barium	137.0	112.0	195.0	264.0	299.0	372.0	400	400	10,000
Beryllium	1.4	0.69	0.70	0.77	0.83	1.60	72	590	2,700
Cadmium	0.4100	0.34	0.94	0.98	0.37	0.18 J	4.3	9.3	60
Chromium	23.6	14.6	21.1	27.3	30.2	21.1	180	1,500	6,800
Copper	33.6	45.6	53.8	54.0	84.8	23.5	270	270	10,000
Lead	115	37	**429.0**	243.0	240	11.7	400	1,000	3,900
Manganese	916 B	403 B	338 B	546 B	148 B	112 B	2,000	10,000	10,000
Mercury	0.38 F1	0.03	0.75	**0.85**	0.24	0.025	0.81	2.8	5.7
Nickel	32.8	41.8	21.1	23.7	26.0	21.6	310	310	10,000
Selenium	ND	ND	ND	2.2 J	1.5 J	9.00	180	1,500	6,800
Silver	ND	ND	ND	ND	ND	ND	180	1,500	6,800
Zinc	149	90.9	361.0	806.0	138.0	20.6	10,000	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)									
Acenaphthylene	1.2 J F1	0.26 J	ND	ND	ND	ND	100	500	1,000
Anthracene	1.2 J F1	ND	ND	ND	ND	ND	100	500	1,000
Benzo(a)anthracene	**4.3 F1**	0.7 J	0.6 J	0.890 J	0.094 J	0.380 J	1	5.6	11
Benzo(a)pyrene	**4.8 F1**	0.85 J	0.6 J	**1 J**	0.110 J	ND	1	1	1.1
Benzo(b)fluoranthene	**5.4 F2 F1**	**1 J**	0.670 J	**1.3 J**	0.130 J	ND	1	5.6	11
Benzo(g,h,i)perylene	3.4 F1	0.680 J	0.490 J	0.780 J	0.083 J	ND	100	500	1,000
Benzo(k)fluoranthene	2.7 F1	0.520 J	0.320 J	0.660 J	0.064 J	ND	3.9	56	110
Chrysene	**4.2 F1**	0.860 J	0.560 J	1.1 J	0.130 J	ND	3.9	56	110
Fluoranthene	**110**	1.6 J	1.1 J	1.7 J	0.190 J	0.580 J	100	500	1,000
Indeno(1,2,3-cd)pyrene	**2.9**	**0.570 J**	0.350 J	**0.610 J**	0.070 J	ND	0.5	5.6	11
Phenanthrene	5.7 F1	0.600 J	0.540 J	0.680 J	0.110 J	ND	100	500	1,000
Pyrene	8	1.3 J	0.940 J	1.4 J	0.160 J	ND	100	500	1,000
TENTATIVELY IDENTIFIED COMPOUNDS (TICs)									
TICS	ND	ND	ND	ND	ND	ND	Various	Various	Various
ORGANOCHLORINE PESTICIDES									
4,4-DDD	ND	ND	ND	ND	0.0035 J	0.0085 J	13	92	180
4,4-DDE	ND	ND	0.016 J	ND	0.0021 J	ND	8.9	62	120
4,4-DDT	0.012 J	ND	0.011 J	0.0047 J	ND	ND	7.9	47	94
Endosulfan sulfate	ND	0.011 J F1	ND	ND	ND	ND	24	200	920
Cis-Chlordane	ND	ND	ND	0.013 J	ND	ND	4.2	24	47
Endosulfan II	ND	ND	ND	ND	ND	ND	24	200	920
VOLATILE ORGANIC COMPOUNDS (VOCs)									
2-Butanone (MEK)	ND	ND	ND	0.014 J	0.0053 J	0.0042 J	100	500	1,000
Acetone	ND	ND	ND	0.095	0.041	0.038	100	500	1,000
trans-1,2-Dichloroethene	ND	ND	ND	ND	ND	ND	100	500	1,000
Trichloroethene	ND	ND	ND	ND	ND	ND	21	200	400

ND Analyte not detected
\- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
F1/F2 MS or MSD recovery exceeds control limits
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 3
SUMMARY OF GROUNDWATER ANALYTICAL RESULTS

Parameter Tested	Sample Identification and Sample Date		NYSDEC TOGS 1.1.1 GA
	MW-1	MW-2	
	8/31/2023		
METALS			
Arsenic	**35**	**31**	25
Barium	**1000**	810	1000
Beryllium	**7.6**	1.7 J	3
Cadmium	ND	ND	5
Chromium, Total	**95**	43	50
Copper	100	96	200
Lead	**78**	**150**	25
Manganese	220	**3000**	300
Mercury	ND	ND	0.7
Nickel	**140**	76	100
Zinc	160	170	2000
TENTATIVELY IDENTIFIED COMPOUNDS (TICS)			
Methylcylohexane	ND	5.5 T J N	-
2-methylbutane	ND	6.7 T J N	-
Pentane	ND	9.9 T J N	-
2-methylpentane	ND	6.8 T J N	-
Methylcylopentane	ND	17 T J N	-
Cylohexane	ND	21 T J N	-
Ispropylcylobutane	ND	8.3 T J N	-
methylcylohexane	ND	37 T J N	-
1,4-dimethylcylohexane	ND	6.8 T J N	-
m&p-xylene	ND	5.4	-
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)			
SVOCs	ND	ND	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)			
Acetone	10	14	50
1,3,5-Trimethylbenzene	ND	1.9	5
1,2,4-Trimethylbenzene	ND	**8.4**	5
Toluene	ND	1.4	5
Xylenes,Total	ND	**8.7**	5
2-Butanone (MEK)	2.1	3 J	50
Ethylbenzene	ND	1.4	5
N-propylbenzene	ND	0.7 J	5
CHLORINATED PESTISIDES			
Pesticides	ND	ND	Various

Notes: All units in microgams per liter (µg/L)
NYSDEC New York State Department of Environmental Conservation
TOGS Technical and Operational Guidance Series
T Result is a Tentatively Identified Compound (TIC) and is an estimated concentration
N Indicates the presumptive evidence of a compound
ND Analyte not detected
9.58 Analyte detected
128 Analyte exceeds NYSDEC TOGS guidance value
J Estimated concentration
- Not applicable or sample not tested for this analyte

TABLE 5
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date							NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-1 1-2	BH-2 1-2	BH-3 1-2	BH-4 1-2	BH-5 2-3	BH-6 1-2	BH-7 1-2	Restricted Residential	Commerical	Industrial
	4/1/2024									
METALS/INORGANICS										
Arsenic	11.4	11.2	14.7	**16.5**	9.7	13.8	10.8	16	16	16
Barium	203	175	197	188	190	395	239	400	400	10,000
Beryllium	0.78	0.74	0.96	0.86	1.1	0.84	1	72	590	2,700
Cadmium	0.37	0.6	0.35	0.29	0.6	1.2	0.66	4.3	9.3	60
Chromium	20.1	22.9	20.5	18	17.4	30.2	24.6	180	1500	6800
Copper	47.6	63.7	45.5	119	62	104	66.8	270	270	10000
Lead	123	394	298	**400**	330	**726**	**513**	400	1000	3,900
Manganese	404	354	278.00	407	166	284	377	2000	10000	10000
Mercury	0.083	0.29	0.330	0.56	**1.4**	0.63	0.58	0.81	2.8	5.7
Nickel	36.1	24.1	23.8	26	29.5	31.4	32.5	310	310	10000
Selenium	0.98	1.5	1.0	1.5	1.3	0.95	0.62	180	1500	6,800
Silver	ND	ND	ND	ND	0.51	ND	ND	180	1500	6,800
Zinc	150	236	130.0	146	228	525	238	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)										
Acenaphthene	0.16	ND	ND	ND	ND	ND	ND	100	500	1,000
Acenaphthylene	0.44	ND	ND	ND	ND	ND	ND	100	500	1,000
Anthracene	1.9	ND	ND	ND	ND	ND	ND	100	500	1,000
Benzo(a)anthracene	**3.6**	0.72	0.024	0.11	0.3	0.54	0.079	1	5.6	11
Benzo(a)pyrene	**3.6**	0.83	ND	0.15	0.36	**1.2**	0.1	1	1	1.1
Benzo(b)fluoranthene	**4.3**	0.99	0.037	0.17	0.38	0.48	0.14	1	5.6	11
Benzo(g,h,i)perylene	2	0.54	0.024	0.12	0.26	0.68	0.058	100	500	1,000
Benzo(k)fluoranthene	1.7	0.37	ND	0.08	0.21	ND	0.043	3.9	56	110
Chrysene	3.8	0.87	ND	0.17	0.33	0.88	0.15	3.9	56	110
Dibenz(a,h)anthracene	**0.54**	ND	ND	0.039	ND	ND	ND	0.33	0.56	1.1
Dibenzofuran	0.98	ND	ND	ND	ND	ND	ND	18	180	290
Fluoranthene	12	1.7	0.048	0.19	0.56	0.39	0.15	100	500	1,000
Fluorene	1.8	ND	ND	ND	ND	ND	ND	100	500	1,000
Indeno(1,2,3-cd)pyrene	**2.1**	**0.51**	ND	0.098	0.22	0.27	0.043	0.5	5.6	11
Naphthalene	1.3	ND	ND	ND	ND	ND	ND	100	500	1,000
Phenanthrene	11	0.62	ND	0.13	0.29	ND	0.11	100	500	1,000
Pyrene	8.2	1.3	0.039	0.16	0.42	0.54	0.12	100	500	1,000
VOLATILE ORGANIC COMPOUNDS (VOCs)										
Acetone	ND	0.18	0.073	0.084	0.066	0.12	0.01	100	500	1,000
2- Butanone (MEK)	ND	0.028	0.0083	0.012	0.0098	0.022	ND	100	500	1,000
Tetrachloroethene	ND	ND	ND	ND	ND	ND	0.0047	19	150	300

ND Analyte not detected
\- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 5
SUMMARY OF SOIL ANALYTICAL RESULTS
CONT'D

Parameter Tested	BE3 Phase II Report April 2024 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date					NYSDEC Soil Cleanup Objectives (SCOs)		
	BH-8 1-2	BH-9 1-2	BH-10 1-2	BH-11 1-2	BH-12 1-2	Restricted Residential	Commerical	Industrial
	4/1/2024							
METALS/INORGANICS								
Arsenic	**22**	6	**20.6**	13.6	12.2	16	16	16
Barium	392	76.9	397	380	154	400	400	10,000
Beryllium	1	0.7	0.81	0.74	1.7	72	590	2,700
Cadmium	0.28	0.058	0.75	1.3	0.34	4.3	9.3	60
Chromium	23.6	10	17.9	28.2	25.4	180	1500	6800
Copper	60.7	17	51.7	82.5	50.5	270	270	10000
Lead	**450**	38.2	**743**	**1180**	224	400	1000	3,900
Manganese	93.6	317	366	278	392	2000	10000	10000
Mercury	0.48	0.13	0.450	**0.82**	0.3	0.81	2.8	5.7
Nickel	24	14.4	24.4	27	27.5	310	310	10000
Selenium	1.8	1.2	1.1	1.9	2.1	180	1500	6,800
Zinc	261	47.8	378	672	138	10000	10000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)								
Benzo(a)anthracene	0.17	ND	ND	ND	0.18	1	5.6	11
Benzo(a)pyrene	0.2	ND	ND	ND	0.25	1	1	1.1
Benzo(b)fluoranthene	0.24	ND	ND	ND	0.37	1	5.6	11
Benzo(g,h,i)perylene	0.12	ND	ND	ND	0.11	100	500	1,000
Benzo(k)fluoranthene	ND	ND	ND	ND	0.13	3.9	56	110
Chrysene	0.24	ND	ND	ND	0.23	3.9	56	110
Fluoranthene	0.42	ND	0.54	ND	0.45	100	500	1,000
Phenanthrene	0.24	ND	ND	ND	0.14	100	500	1,000
Pyrene	0.29	ND	ND	ND	0.26	100	500	1,000
VOLATILE ORGANIC COMPOUNDS (VOCs)								
1,2,4-Trimethylbenzene	ND	0.039	ND	ND	ND	52	190	380
1,3,5-Trimethylbenzene	ND	0.017	ND	ND	ND	-	-	380
Acetone	0.052	0.052	0.16	0.1	0.091	100	500	1,000
Benzene	ND	0.00046	ND	ND	ND	4.8	44	89
Ethylbenzene	ND	0.00039	ND	ND	ND	41	390	780
Methylene Chloride	0.0037	0.0037	0.0057	ND	ND	100	500	1,000
2- Butanone (MEK)	0.0068	0.0054	0.027	0.018	0.014	100	500	1000
N-Propylbenzene	ND	0.0011	ND	ND	ND	100	500	1000
sec-Butylbenzene	ND	0.0013	ND	ND	ND	100	500	1000
Toluene	ND	0.46	ND	ND	ND	100	500	1000
Xylenes	ND	0.0062	ND	ND	ND	100	500	1000

ND Analyte not detected
- Not Applicable or sample not tested for this analyte
J Estimated Concentration
B Anaalyte detected in method blank
K Result is reported as Benzo(b)fluoranthene
E Results exceeded calibration range
T Result is Tentatively Identifies Compound and an estimated value

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

TABLE 6
SUMMARY OF GROUNDWATER RESULTS

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing, and Sample Date MW-2 12' 4/1/2024	NYSDEC TOGS 1.1.1 GA
METALS		
Arsenic	870	25
Barium	1,700	1,000
Beryllium	77	3
Cadmium	9.9	5
Chromium	1700	50
Copper	3,600	200
Manganese	22,700	300
Mercury	5.6	0.7
Nickel	4,400	100
Lead	9,200	25
Selenium	99	10
Silver	ND	50
Zinc	5200	2000
Volatile Organic Compounds (VOCs)		
Acetone	6.5 J	50

Notes: All units in micrograms per liter (µg/L)
NYSDEC New York State Department of Environmental Conservation
TOGS Technical and Operational Guidance Series
500 Analyte exceeds NYSDEC TOGS guidance value

TABLE 7
SUMMARY OF VAPOR/INDOOR AIR ANLYTICAL RESULTS

Contaminants	Type of Sample, Sample Identification, Date Analyzed and Analysis Method			NYSDOH Sub-Slab Vapor Guideline Values (µg/m^3)	NYSDOH Indoor Air Guideline Values	Table C2. EPA 2001 Indoor Air Mean Value	Decision Matrix Guidance Values (Soil Vapor) (µg/m3)
	Sub-slab	Soil Vapor	Outdoor Air				
	SS-1	SG-1	AMB-1				
	4/1/2024						
	Volatile Organic Compounds (TO-15)						
1,1-Dichloroethylene	0.4	ND	ND	-	-	0.5	
1,2,4-Trichlorobenzene	ND	ND	ND	-	-	-	
1,2,4-Trimethylbenzene	2.2	**150**	0.65	-	-	4.8	60
1,2-Dichloroethane	ND	ND	0.15	-	-	-	
1,2-Dichloropropane	ND	ND	ND	-	-	-	
1,3,5-Trimethylbenzene	0.71	ND	ND	-	-	1.6	60
Acetone	ND	ND	64	-	-	54	
Benzene	**11**	ND	3	-	-	4.5	60
Carbon Disulfide	**6.5**	ND	ND	-	-	1.9	
Carbon Tetrachloride	ND	ND	0.49	-	-	0.5	6
Chloromethane	ND	ND	1.1	-	-	2.9	
Cyclohexane	9.9	**1900**	1.5	-	-	-	60
Dichlorodifluoromethane (Freon 12)	2.4	74	2.3	-	-	-	
Ethanol	**290**	ND	360	-	-	89.3	
Ethyl Acetate	7.8	ND	45	-	-	-	
Ethylbenzene	2.3	ND	0.85	-	-	2.8	60
Heptane	**21**	**3300**	2.2	-	-	1.7	200
Hexachlorobutadiene	ND	ND	ND	-	-	-	
Hexane	**39**	**3100**	ND	-	-	6.3	200
Isopropanol	ND	ND	17	-	-	-	
m&p-Xylene	7.7	**140**	2.2	-	-	10.8	200
Methylene Chloride	ND	ND	14	100	60	21.2	100
o-Xylene	2.9	ND	1.1	-	-	3.8	60
Styrene	0.55	ND	16	-	-	1.5	
Tetrachloroethylene	ND	ND	0.66	100	30	6	100
Toluene	20	ND	8.7	-	-	25.1	300
trans-1,2-Dichloroethylene	ND	ND	0.19	-	-	-	
Trichloroethylene	ND	ND	ND	6	2	2.6	6
Trichlorofluoromethane (Freon 11)	ND	ND	1.2	-	-	19.4	
Vinyl Acetate	41	**3900**	5.1	-	-	-	
Vinyl Chloride	ND	ND	ND	60	0.2	0.5	6

Notes: All units in micrograms per liter (µg/m3)

NO FURTHER ACTION: No additional actions are recommended to address human exposures.

IDENTIFY SOURCE(S) AND RESAMPLE OR MITIGATE: It is recommended that reasonable and practical actions be taken to identify the source(s) affecting the indoor air quality and that actions be implemented to reduce indoor air concentrations to within background ranges.

MONITOR: It is recommended that monitoring , including but not necessarily limited to sub-slab vapor, basement air and outdoor air sampling, to determine whether concentrations in the indoor air or sub-slab vapor have changed and/or to evaluate temporal influences.

MITIGATE: Mitigation is recommended to minimize current or potential exposures associated with soil vapor intrusion.

Elevated concentrations detected in the subsurface above above indoor air guidance values (NYSDOH Table C2.)

ND Not detected
0.69 Analyte detected
- Not applicable
J Estimated concentration

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

NYSDOS Corporation & Business Entity

SECTION V – Requester Information

The Requestor, REGAN DEVELOPMENT CORP. is a corporation authorized by the 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:
SECTIONOF 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 on the Secretary of State as Agent

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

Name: REGAN DEVELOPMENT CORP.

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

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

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.

October 19, 2023

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

Re: Property Access Agreement - NYSDEC Brownfield Cleanup Program – 166 East 4th Street (SBL: 79.57-2-15), 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,

11-6-2023

Geoff Jenkins - Beta of Dunkirk, LLC

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION

The re-development of the site composed of one parcel at 166 East 4th Street will be for the construction of affordable housing through NYS Homes and Community Renewal (HCR). 30 residential units are to be constructed and 100% of these units will meet the BCP's definition of affordable housing at 6 NYCRR 375-3.2. Additional scope includes the addition of a 6,000 square foot daycare and associated greenspace and playground for recreation. To provide affordable housing with affordable rent, hard and soft cost line items are capped, and rents are capped by NYSHCR at 60% of median for Chautauqua County.

ATTACHMENT H

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-NAME-ADDRESS-PHONE-E-MAIL	OWNERSHIP START	CURRENT OPERATOR	PREVIOUS OWNER/OPERATORs	DATES OWNED	USE	RELATIONSHIP TO REQUESTER
1	166 East 4th Street 79.57-2-15.1	Beta of Dunkirk, LLC Geoff Jenkins 369 W 51st Street #2C, New York NY 10019 918-825-4542 geoff_jenkins@hotmail.com	2005	None - Vacant	Beta of Dunkirk, LLC Geoff Jenkins The Penn Traffic Company Peter J. Schmitt Company Inc. County of Chautauqua (20+) Vairous residential addresses	2005 - Current 2005 - Current 1993- 2005 1989- 1993 1985-1989 Prior to 1985	Various commercial stores and sales, parking, VA clinic, Family Dollar, residential (prior to 1985),	None

PREVIOUS OWNER/OPERATORs	Last Known Address	Last Known Phone #
Beta of Dunkirk, LLC	10 Briarcroft Drive, East Hampton, NY 11937	(918) 825-4542
The Penn Traffic Company	166 East 4th Street, Dunkirk, NY 14048	366-5600
VA Clinic	166 East 4th Street, Dunkirk, NY 14048	(716) 203-6474
Family Dollar	166 East 4th Street, Dunkirk, NY 14048	(716) 268-6021
County of Chautauqua	3 North Street, Mayville, NY 14757	(716) 753-4000

ATTACHMENT I

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

Parcel Address: 168-180 East 4th Street
Parcel SBL: 79.57-2-28.1
Owner: Chadwick Bay, LLC
Owner's Address: 325 Essjay Road, Williamsville, NY 14221

Parcel Address: 128 East 4th Street
Parcel SBL: 79.57-2-28.2
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

Parcel Address: Columbus Street
Parcel SBL: 79.57-2-30
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

Parcel Address: Columbus Street
Parcel SBL: 79.57-2-31
Owner: Lake Shore Savings
Owner's Address: 128 4th Street, Dunkirk, NY 14048

Parcel Address: 108-114 East 4th Street
Parcel SBL: 79.57-2-32
Owner: J & M 4th Street
Owner's Address: 333 Lord Street, Dunkirk, NY 14048

Parcel Address: 322 Park Avenue
Parcel SBL: 79.57-2-33
Owner: CCK Realty Company
Owner's Address: 332 Park Avenue, Dunkirk, NY 14048

Parcel Address: 75 East 3rd Street
Parcel SBL: 79.57-2-15.2
Owner: Chautauqua Center, Inc.
Owner's Address: 319 Central Avenue, Dunkirk, NY 14048

October 19, 2023

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

Re: Document Repository for Brownfield Cleanup Program (BCP) 166 East 4th Street 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 referenced 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 (jcox@be3corp.com) to me a copy of this signed letter.

Thank you for your consideration.

Sincerely,

Jacob Cox

Jacob Cox, E.I.T.
Environmental Engineer
BE3 Corp.

Jason Hammond 10/20/2023

Jason Hammond - Library Director
Dunkirk Public Library