

Brownfield Cleanup Program Application

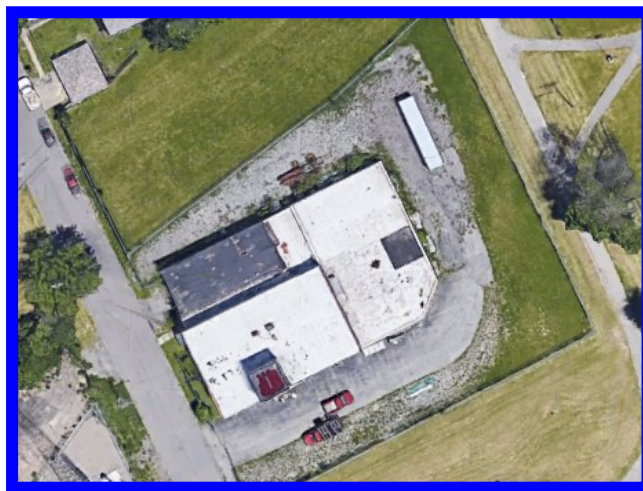
*1 Howell Street
Buffalo, New York*

Rev July 2022

0258-022-002

Prepared For:

Howell Street Venture, LLC



Prepared By:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York | phone: (716) 856-0635 | fax: (716) 856-0583

Brownfield Cleanup Program Application 1 Howell Street Site

Table of Contents

NYSDEC BCP Application Form	Pgs 3-14
Tables Table 1 – Summary of Soil/Fill Sample Analytical Results Table 2 – Summary of Post-Excavation PCB Soil Results	Pgs 15-17
List of Figures Figure 1 – Site Location and Vicinity Map Figure 2 – Site Plan (Aerial) Figure 3 – Tax Map Figure 4 – Preliminary Project Schedule Figure 5 – Preliminary Site Rendering Figure 6 – Previous Investigation Locations and Areas of Concern Figure 7 – NYS En-Zone Map Figure 8 – Adjacent Property Owners Figure 9 – Zoning Map Figure 10 – USDA Soil Map	Pgs 18-28
BCP Application Part A – Supporting Information Section I through Section IV narratives NYSDOS Business Entity Database Printout Site Access Letter Authorization to Execute Erie County Parcel Detail Report	Pgs 29-41
BCP Application Part B – Supporting Information Section V through Section X narratives Current and Former Owner/Operator Information Requestor Eligibility Contact List Adjacent Property Owner Information Land Use Factors Document Repository Confirmation	Pgs 42-52

Copies of the previous investigation(s) are provided in a separate folder on the full electronic submittal CD.



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 12*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME Howell Street Venture LLC

ADDRESS 500 Seneca Street Suite 508

CITY/TOWN Buffalo

ZIP CODE 14204

PHONE 716-332-5959

FAX 716-332-5968

E-MAIL

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

☒ Yes ☐ No

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

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

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

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☒ No **NA**

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

- the date that the remedial program is to start; and **See Part A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**

Section III. Property's Environmental History See Part A; Section III

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

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

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

*Please describe: _____

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

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

See Part A; Section III

See Figure 6

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Petroleum Storage and Distribution

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 1 Howell Street Site				
ADDRESS/LOCATION 1 Howell Street				
CITY/TOWN Buffalo		ZIP CODE 14207		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 0.73		
LATITUDE (degrees/minutes/seconds) 42 ° 56 ' 18.41 "		LONGITUDE (degrees/minutes/seconds) 78 ° 53 ' 07.54 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS. See Attached				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1 Howell Street	88.36	2	6	0.73
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? See Figures 2, 3, 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : 55</div> <div>Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%</div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Spill 9507939 (partial) / 915173 <input checked="" type="checkbox"/> <input type="checkbox"/> No Yes If yes, attach relevant supporting documentation. See Part A Section IV				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

unknown - to be determined

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

Type

Issuing Agency

Description

RCRA Waste Disposal

USEPA

915173 (closed)

Bulk Storage Tanks

NYSDEC

9-600960 (closed)

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

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

☒ Yes ☐ No

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

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

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

Not Applicable

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

Not Applicable

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

Not Applicable

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Samuel Savarino			
ADDRESS 500 Senecva Street, Suite 508			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-332-5959	FAX 716-332-5968	E-MAIL sams@savarinocompanies.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Thomas Forbes, Benchmark Civil/Environmental Engineering and Geology, PLLC			
ADDRESS 2558 Hamburg Turnpike			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL tforbes@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq. The Slater Law Firm, LLC			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-845-6760	FAX	E-MAIL cslater@cslaterlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Douglas Giambrone		OWNERSHIP START DATE: 10/29/1980	
ADDRESS 1 Howell Street			
CITY/TOWN Buffalo		ZIP CODE 14207	
PHONE 716-406-2456	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Same as owner			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

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

☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other _____

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

☒ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☒ Yes ☐ No
If yes, please provide: Site # 915173 Class # C (Completed)
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
If yes, please provide: Permit type: RCRA EPA ID Number: NYP000948950
Date permit issued: _____ Permit expiration date: _____
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☒ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information

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

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

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

1. What is the current municipal zoning designation for the site? N-2R

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

☒ Residential ☐ Commercial ☐ Industrial

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

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

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

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

If residential, does it qualify as single family housing? ☐ Yes ☐ No

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

☒ Yes ☐ No

See Part B, Section X

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

☒ Yes ☐ No

Redevelopment for residential is consistent with the City of Buffalo Master Plan and Buffalo Green Code.

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

☒ Yes ☐ No

Redevelopment for residential is consistent with the City of Buffalo Master Plan and Buffalo Green Code.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

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

Date: 4/21/22

Signature: _____

Print Name: Mr. Samuel Savarino, Managing Member

SUBMITTAL INFORMATION:

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

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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 11 Not Applicable

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

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

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

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

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

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: 1 Howell Street Site

City: Buffalo

Site Address: 1 Howell Street

County: Erie

Zip: 14207

Tax Block & Lot

Section (if applicable): 88.36

Block: 2

Lot: 6

Requestor Name: Howell Street Venture LLC

City: Buffalo

Requestor Address: 500 Seneca Street Suite 508

Zip: 14204

Email:

Requestor's Representative (for billing purposes)

Name: Mr. Samuel Savarino

Address: 500 Seneca Street, Suite 508

City: Buffalo

Zip: 14204

Email: sams@savarinocompanies.com

Requestor's Attorney

Name: Mr. Craig Slater, Esq. The Slater Law Firm, LLC **Address:** 500 Seneca Street, Suite 504

City: Buffalo

Zip: 14204

Email: cslater@cslaterlaw.com

Requestor's Consultant

Name: Mr. Thomas Forbes, Benchmark Civil/Environmental Engineering and Geology, PLLC **Address:** 2558 Hamburg Turnpike

City: Buffalo

Zip: 14218

Email: tforbes@bm-tk.com

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

DER Determination: ☐ Agree ☐ Disagree

Requestor's Requested Status: ☒ Volunteer ☐ Participant

DER/OGC Determination: ☐ Agree ☐ Disagree

Notes:

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

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

Does Requestor Claim Property is Underutilized: ☐ Yes ☐ No

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

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

DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

TABLES



Table 1

Summary of Soil/Fill Sample Analytical Results

**1 Howell Street Site
City of Buffalo, New York**

Analytes Exceeding RRSCOs	Detections Exceeding RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
Limited Phase II Investigation Results				
Benzo(a)anthracene	3	3.3	1	1-2
Benzo(a)pyrene	3	3.1	1	1-2
Benzo(b)fluoranthene	3	3.9	1	1-2
Dibenzo(a,h)anthracene	3	0.74	0.33	1-2
Indeno(1,2,3-cd)pyrene	2	1.8	0.5	1-2
Arsenic	1	16.1	16	1-3
Lead	1	726	400	1-3
Gross Contamination	11	--	--	1-6
Historic Investigation Results				
Benzene	1	12	4.8	8-8.5
Total Xylene	1	260	100	8-8.5
Ethylbenzene	2	65	41	8-8.5
Benzo(a)anthracene	6	21	1	10-10.5
Benzo(a)pyrene	7	19	1	10-10.5
Benzo(b)fluoranthene	6	16	1	10-10.5
Benzo(k)fluoranthene	1	4.1	3.9	8-8.5
Crysene	3	15	3.9	10-10.5
Dibenzo(a,h)anthracene	8	2.1	0.33	8.5-9
Indeno(1,2,3-cd)pyrene	7	3.9	0.5	8-8.5
Phenanthrene	1	100	100	10-10.5
Naphthalene	2	140	100	10-10.5
Total PAHs	3	536.93	100	10-10.5
Polychlorinated Biphenyls	3	42.6	1	--



TABLE 2
SUMMARY OF POST EXCAVATION AND DELINEATION OF PCB SOIL-FILL ANALYTICAL RESULTS
BROWNFIELD CLEANUP PROGRAM APPLICATION
1 HOWELL STREET SITE
BUFFALO, NEW YORK

Parameter ¹	Unrestricted Use SCOs ²	Restricted- Residential Use SCOs ²	Sample Location							
			Post Ex Sample A	Post Ex Sample B	Post Ex Sample C	Post Ex Sample D	Post Ex Sample 1	Post Ex Sample 2	Post Ex Sample 3	Sample 2 South (Test Pit-3)
			1/25/2001	1/25/2001	1/25/2001	1/25/2001	1/23/2001	1/23/2001	1/23/2001	1/25/2001
<i>Polychlorinated Biphenyls (PCBs) - mg/kg³</i>										
Total PCBs	0.1	1	0.95	1.28	ND	0.36	42.6*	ND	ND	1.3

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.
2. Values per 6NYCRR Part 375 Soil Cleanup Objectives (SCOs).
3. Sample results were reported by the laboratory in micrograms per kilogram (ug/kg) and converted to milligram per kilogram (mg/kg) for comparison to SCOs.

Definitions:

mg/kg = milligrams per kilogram

ND = Parameter not detected above laboratory detection limit

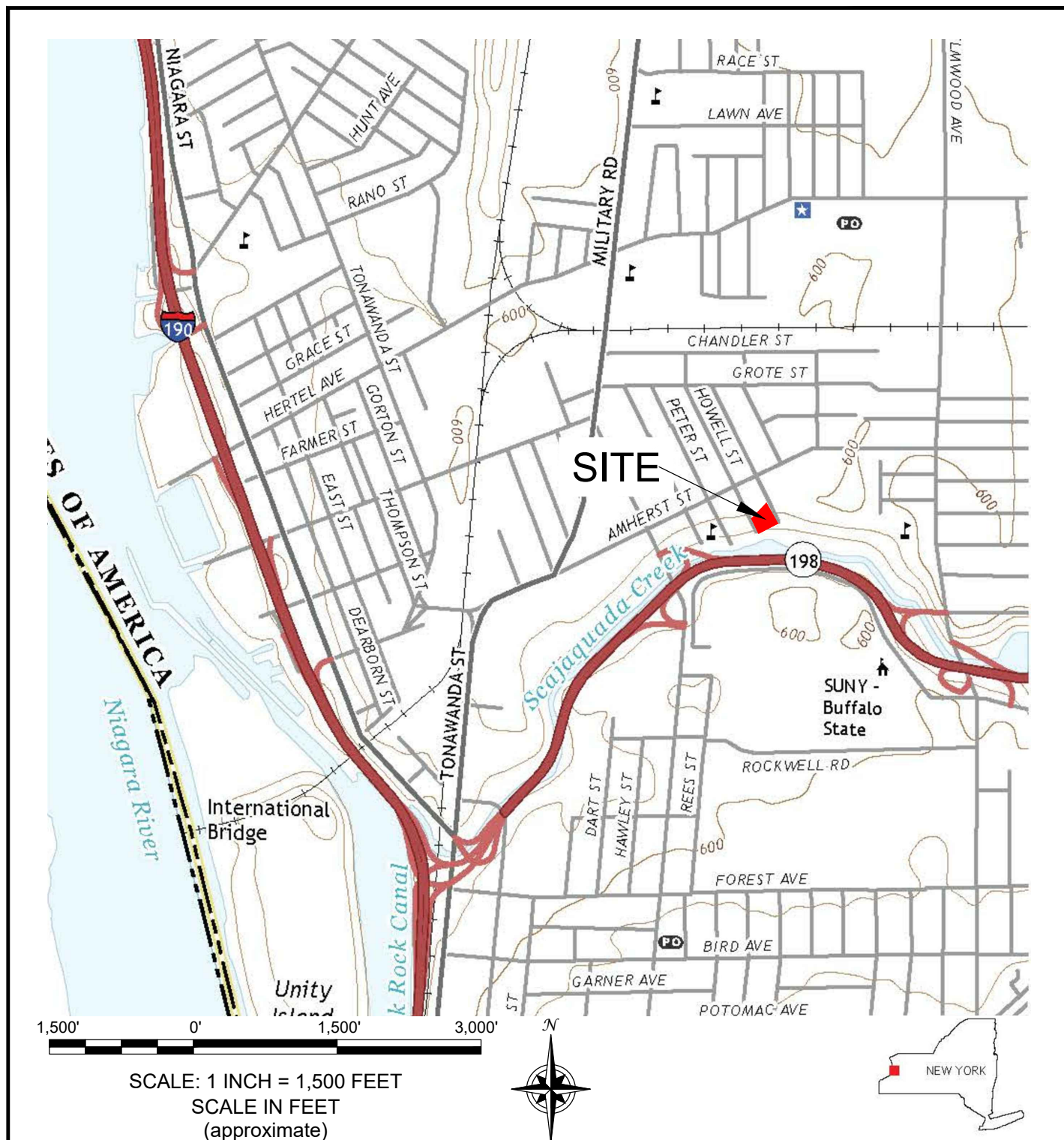
* = PCB Soil Sample #1 had a result greater than the applicable SCOs (10 ppm) below the surface of the concrete pad. This area was excavated an additional 4 ft but not resampled.

BOLD	= Result exceeds Unrestricted Use Soil Cleanup Objectives
BOLD	= Result exceeds Restricted Residential Soil Cleanup Objectives

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Preliminary Project Schedule
Figure 5	Preliminary Site Rendering
Figure 6	Previous Investigation Locations
Figure 7	En-Zone Map
Figure 8	Adjacent Property Owners
Figure 9	Zoning Map
Figure 10	USDA Soil Type Map

FIGURE 1



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

PROJECT NO.: T0258-022-002

DATE: MARCH 2022

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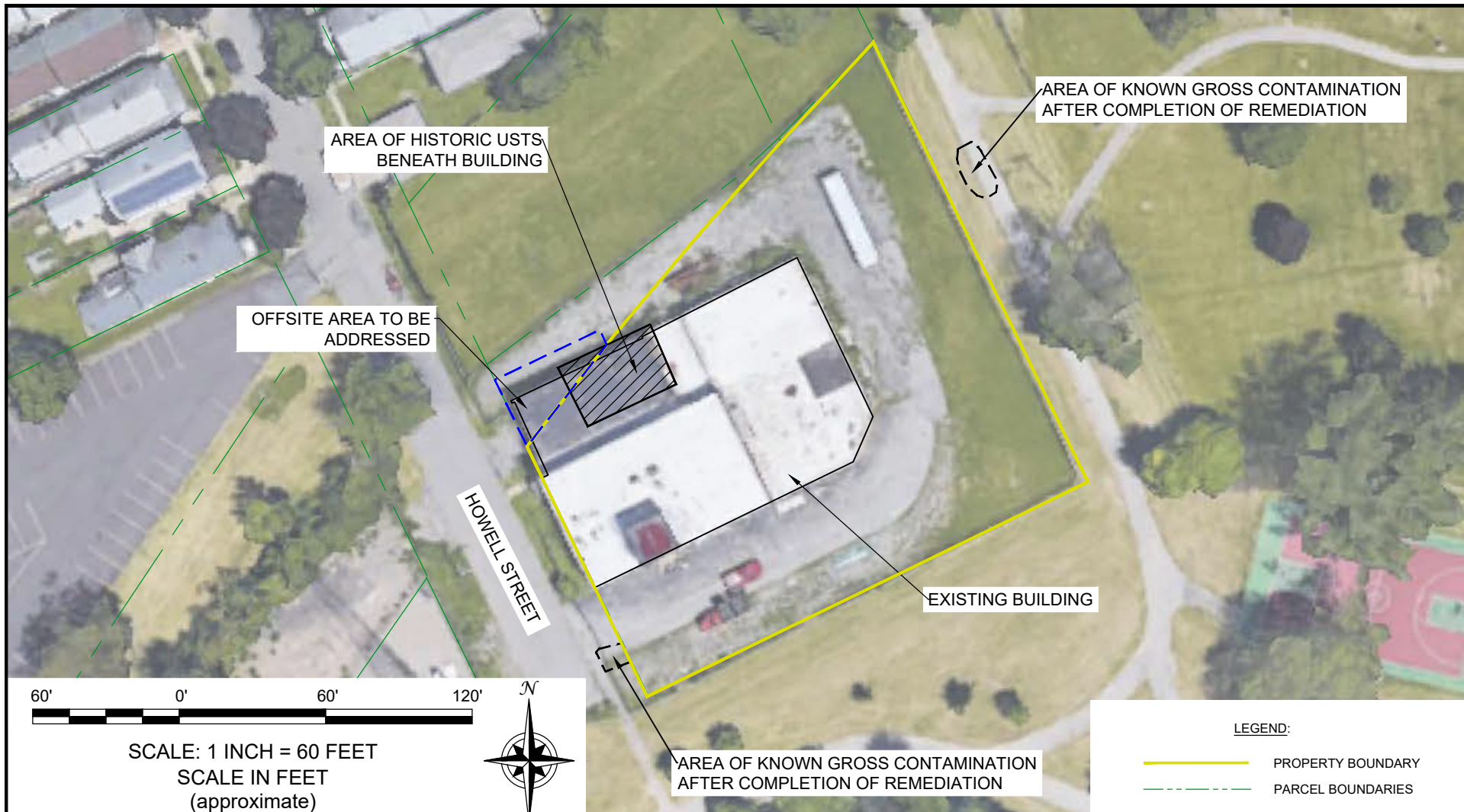
SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1 HOWELL STREET
BUFFALO, NEW YORK

PREPARED FOR
HOWELL STREET VENTURE, LLC

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DATE: APRIL 2022

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SITE PLAN (AERIAL)

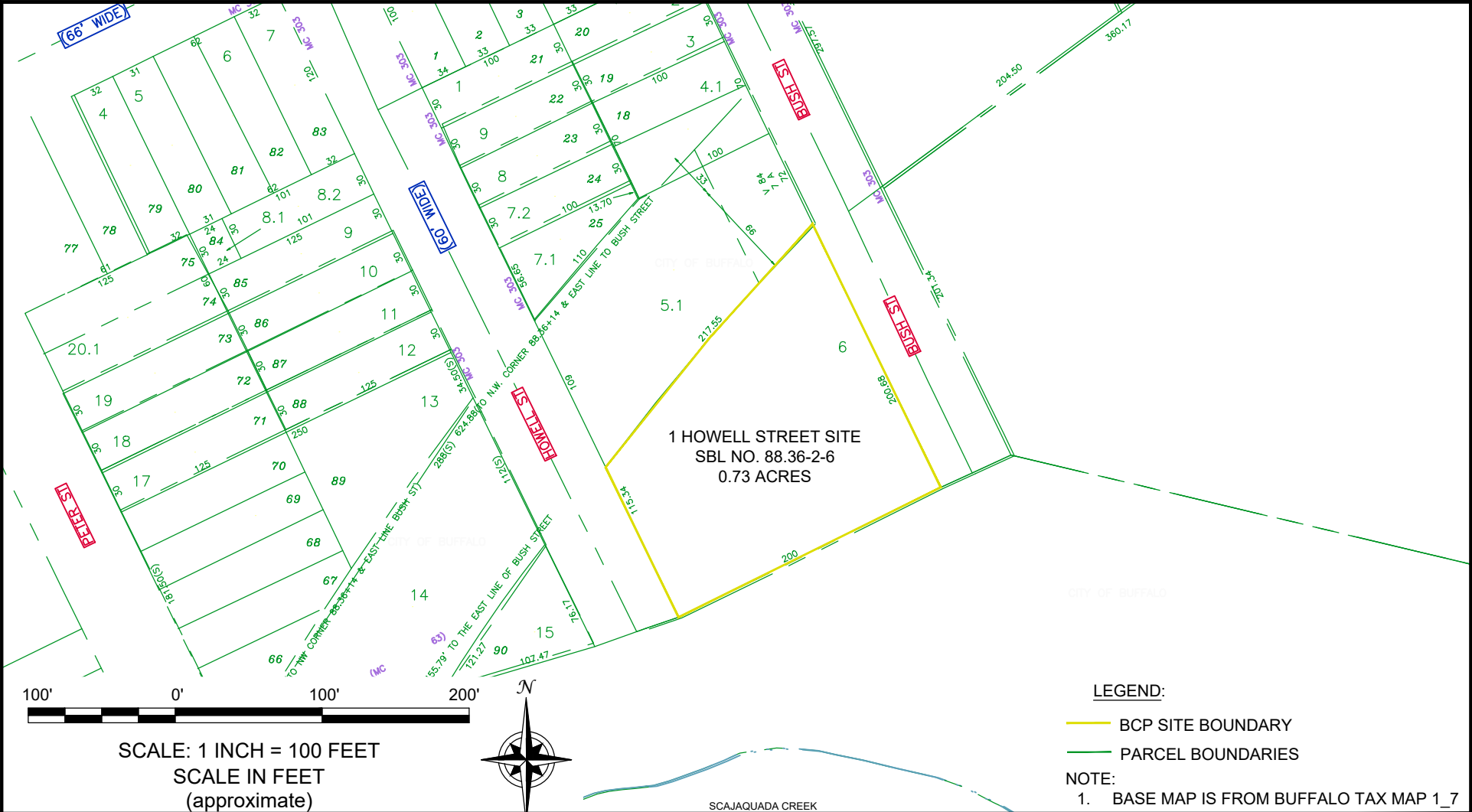
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1 HOWELL STREET
BUFFALO, NEW YORK

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FIGURE 2

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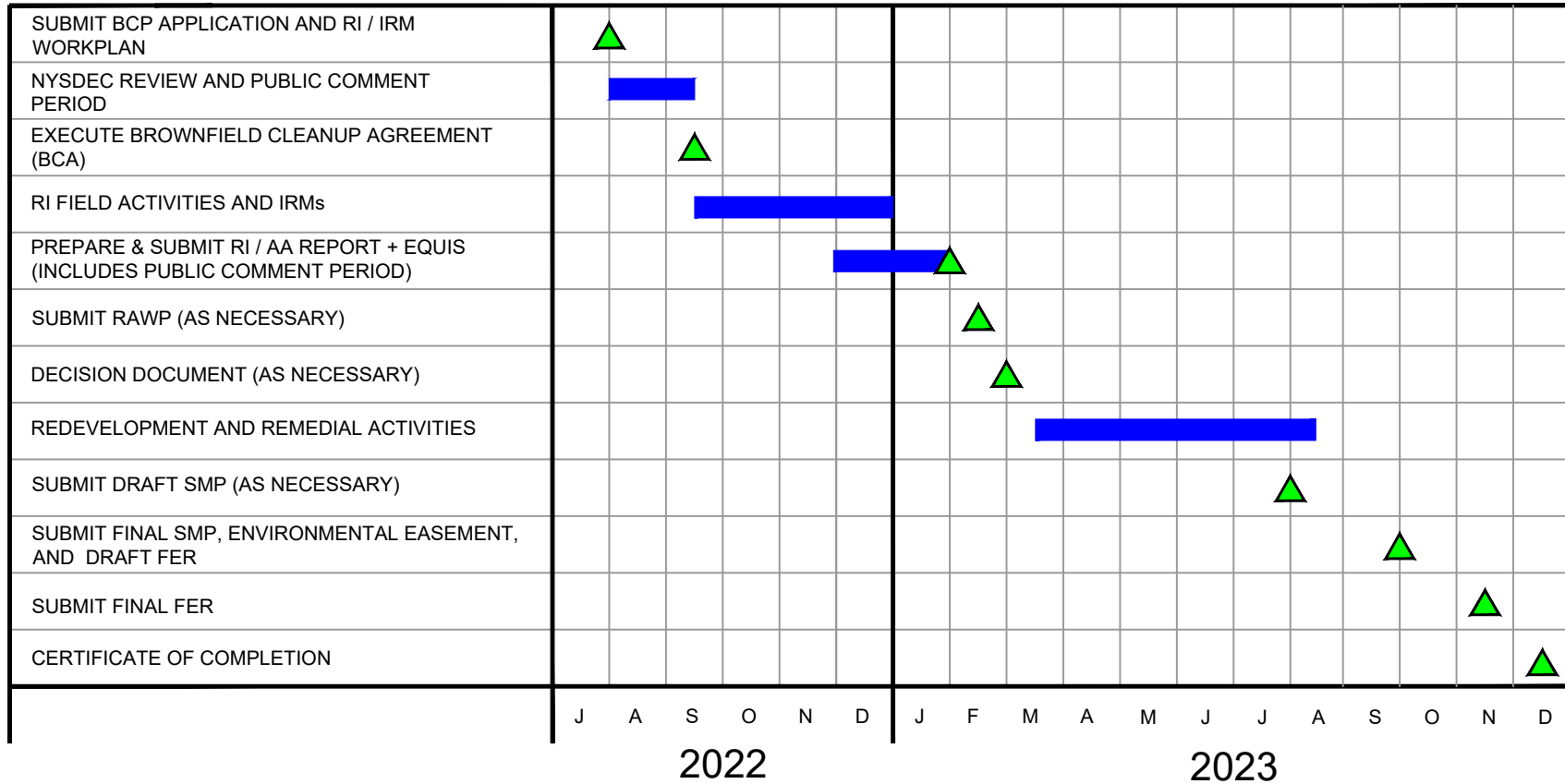
TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
1 HOWELL STREET
BUFFALO, NEW YORK
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FIGURE 3

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PROJECT TASKS:



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PROJECT NO.: T0258-022-002

DATE: JULY 2022

DRAFTED BY: CMS

PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

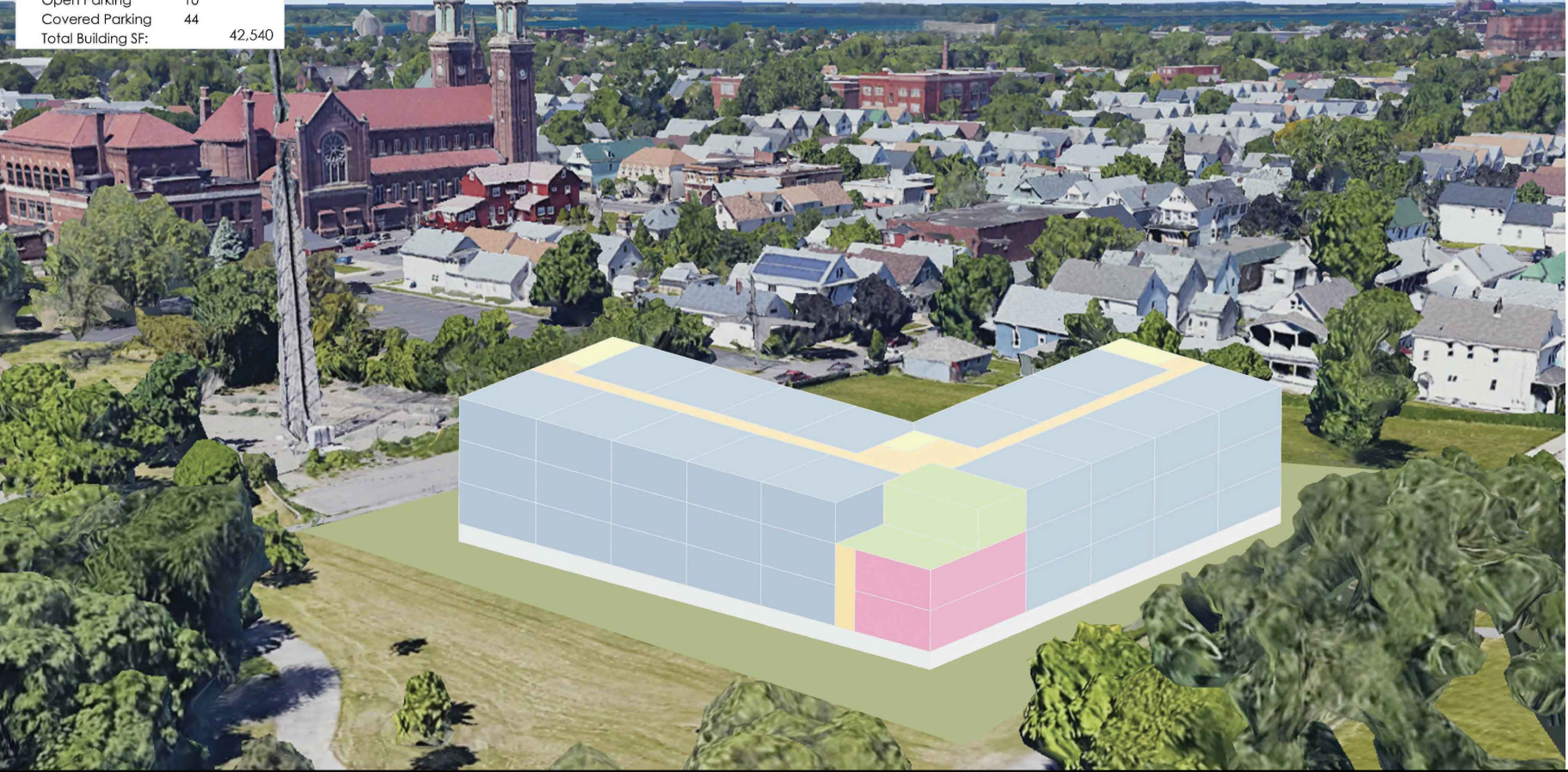
1 HOWELL STREET SITE
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FIGURE 4

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Option 2c		
1 Bedroom Flat	680SF	47
1 Bedroom Loft	650SF	00
2 Bedroom Flat	875SF	02
Amenities	2269SF	
Circulation	5823SF	
Open Parking	10	
Covered Parking	44	
Total Building SF:	42,540	



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PROJECT NO.: T0258-022-002

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PRELIMINARY SITE RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

1 HOWELL STREET
BUFFALO, NEW YORK

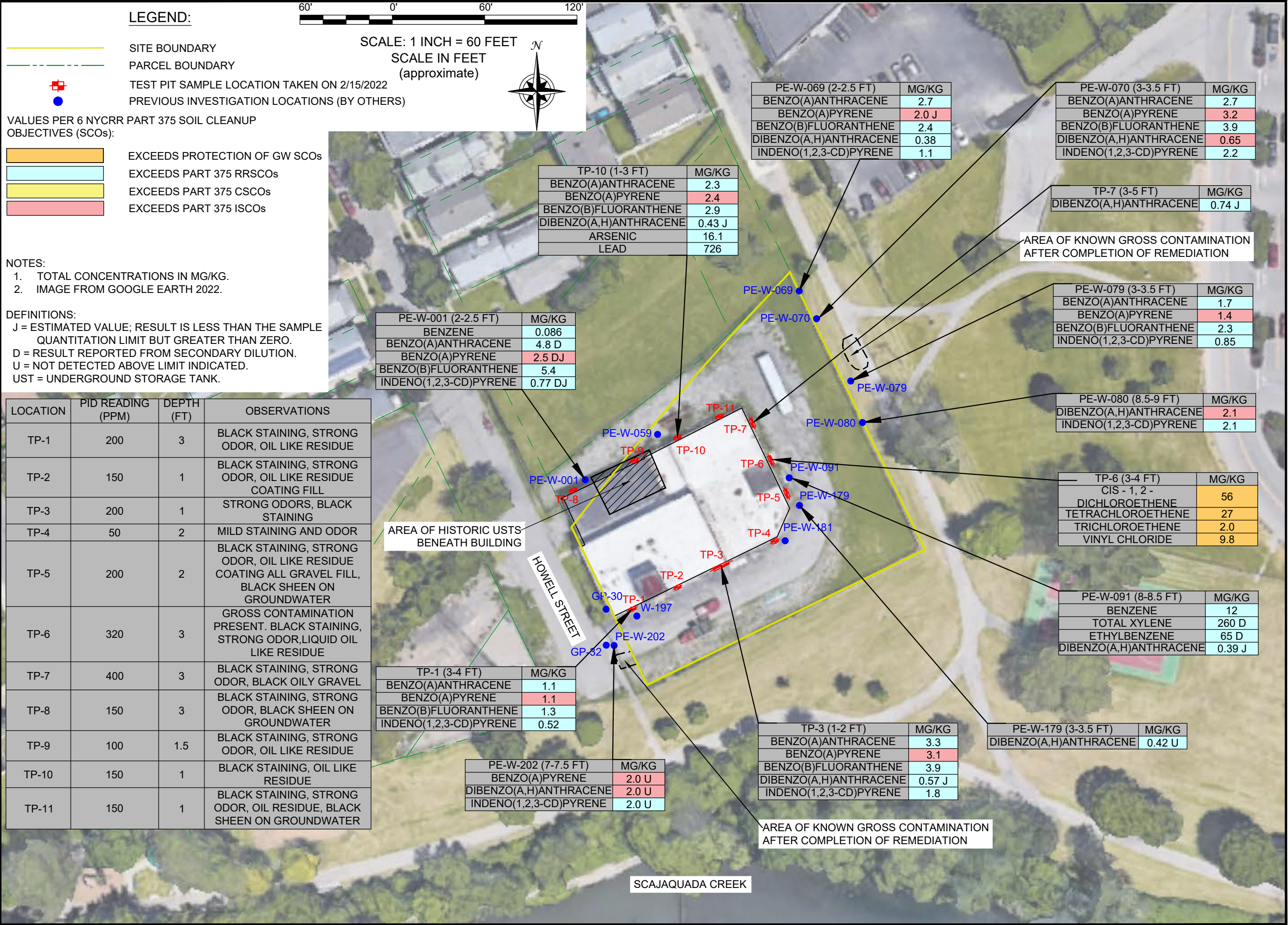
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FIGURE 5

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F:\CAD\TurnKey\Savario\1 Howell Street\BCP Application\Figure 6; Previous Investigation Locations and Areas of Concern.dwg, 8/19/2022 11:15:47 AM, DWG To PDF.p3

DATE: MARCH 2022
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JOB NO.: T0258-022-002

PREVIOUS INVESTIGATION LOCATIONS
AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION

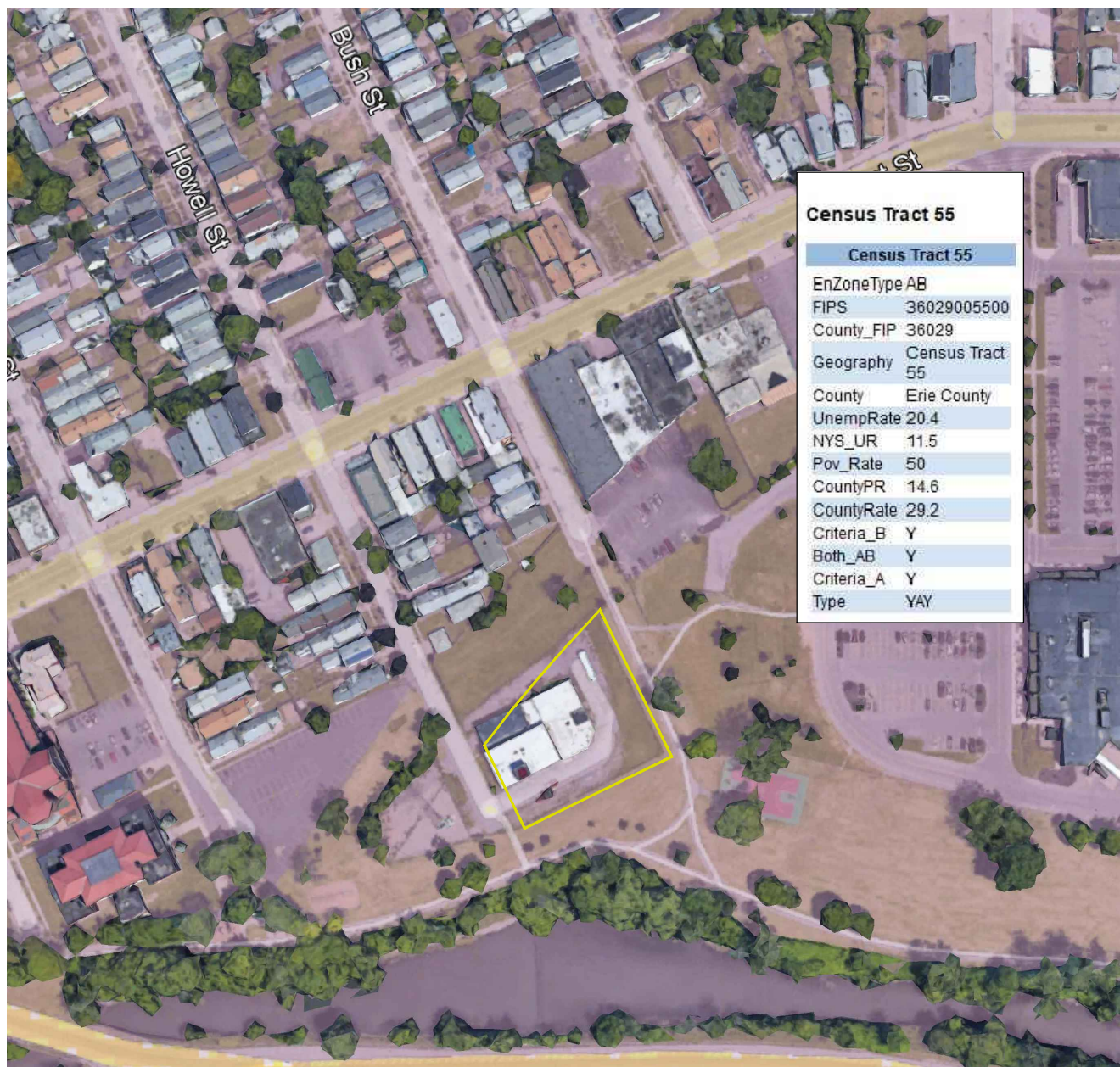
1 HOWELL STREET
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FIGURE 6

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FIGURE 7



200' 0' 200' 400'

SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)



LEGEND:

- BCP SITE BOUNDARY
- EN-ZONE TYPE AB

NOTE:

1. IMAGE TAKEN FROM GOOGLE EARTH 2022



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DATE: APRIL 2022

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EN-ZONE MAP

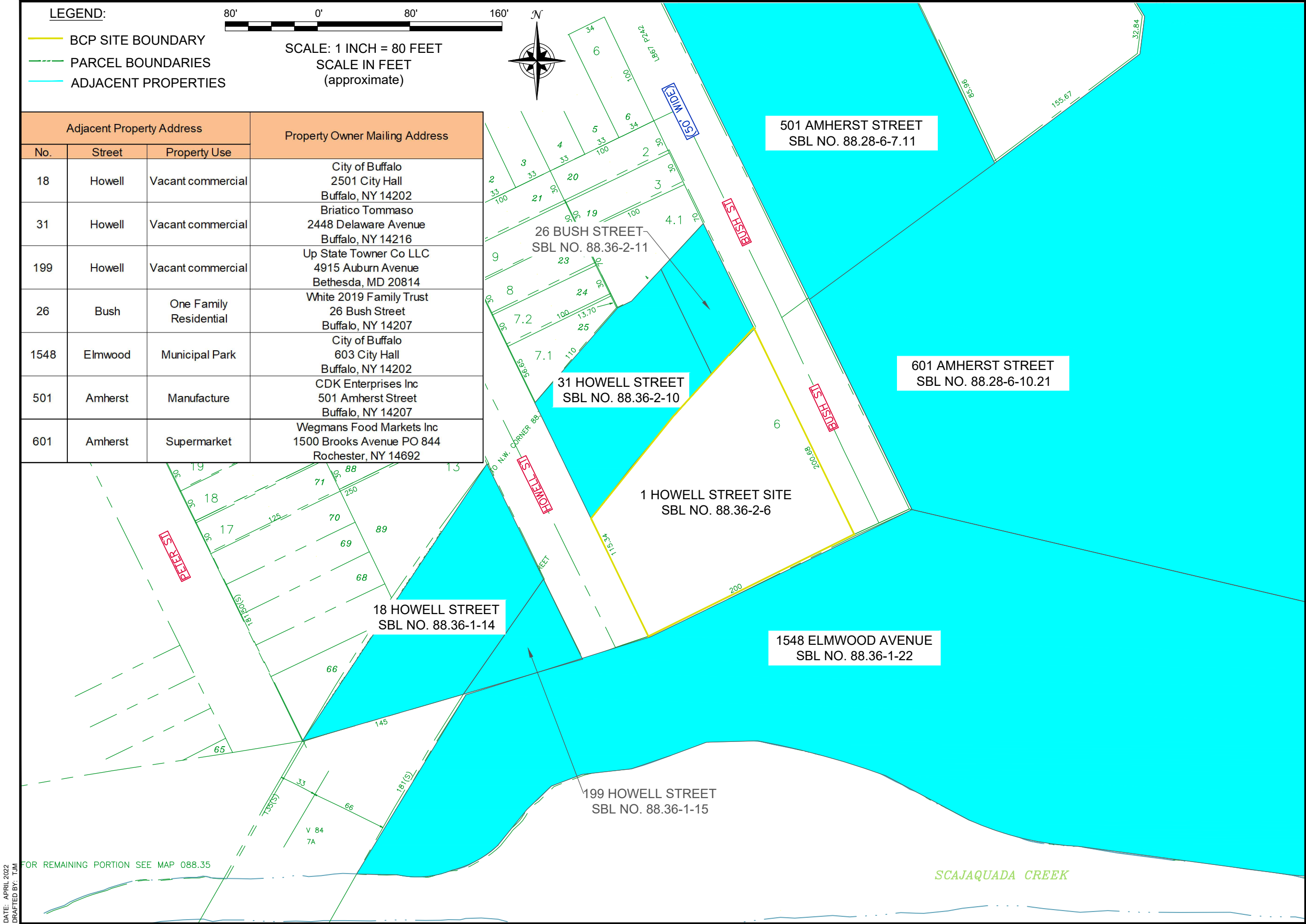
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F:\CAD\TurnKey\Savarino\1 Howell Street\BCP Application\Figure 8: Adjacent Property Owners.dwg, 4/1/2022 3:14:13 PM, DWG To PDF.pc



TURNKEY

ENVIRONMENTAL
RESTORATION, LLC

2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218,
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JOB NO.: T0258-022-002

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

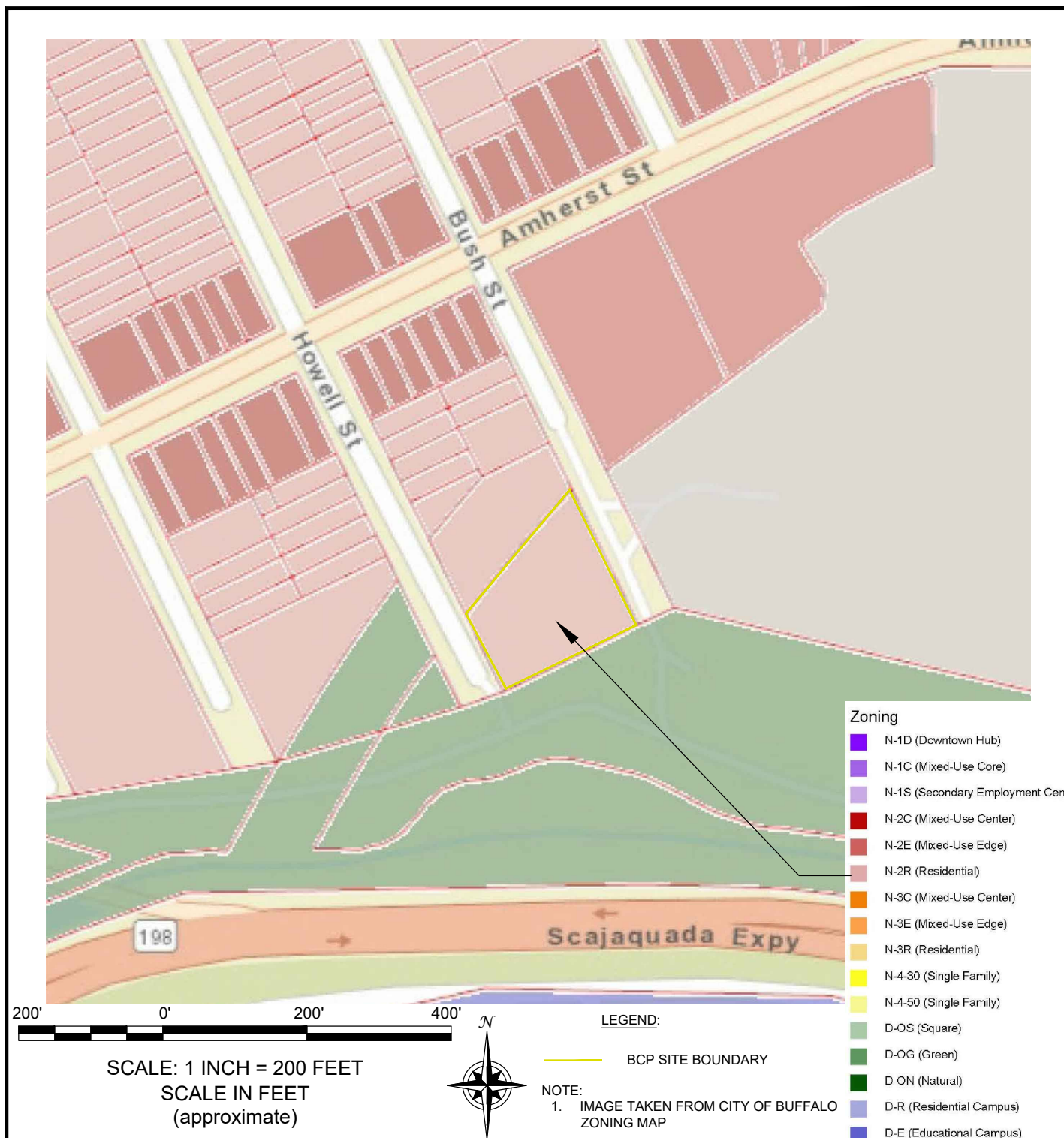
1 HOWELL STREET
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FIGURE 8

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FIGURE 9



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

PROJECT NO.: T0258-022-002

DATE: APRIL 2022

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ZONING MAP

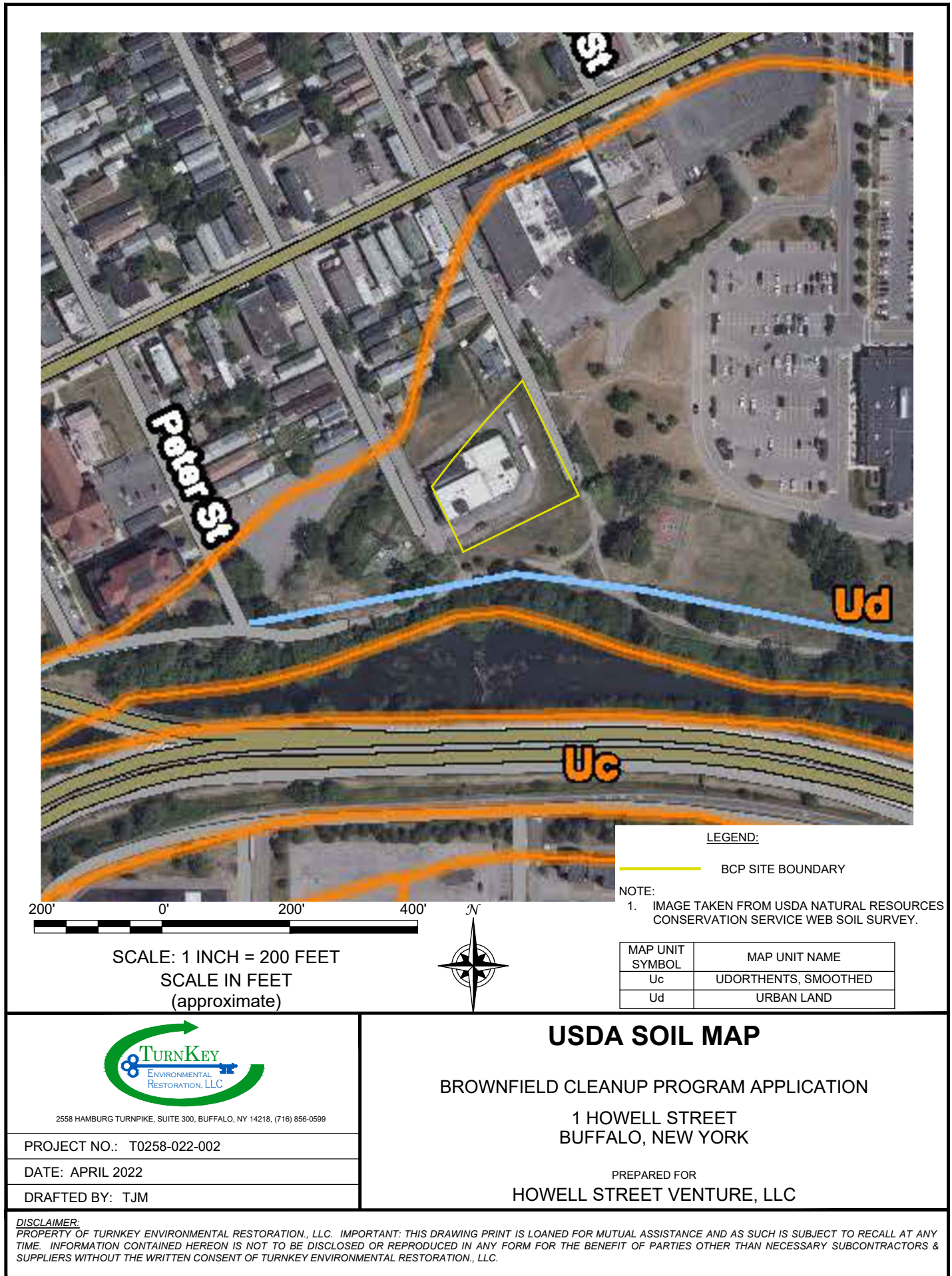
BROWNFIELD CLEANUP PROGRAM APPLICATION

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FIGURE 10



BCP APPLICATION PART A – SECTIONS I - IV

SECTION I – REQUESTOR INFORMATION

SECTION II – PROJECT DESCRIPTION

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION IV – PROPERTY INFORMATION

NYSDOS CORPORATION & BUSINESS ENTITY DATABASE INFORMATION

SITE ACCESS LETTER

AUTHORIZATION TO EXECUTE

ERIE COUNTY PARCEL DETAIL REPORT

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

SECTION I – REQUESTOR INFORMATION

The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for Howell Street Venture LLC is attached.

Howell Street Venture LLC member information is attached.

Benchmark Civil/Environmental Engineering and Geology, PLLC (Benchmark), is a registered NYS engineering firm, and a licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this Brownfield Cleanup Program (BCP) project.

SECTION II – PROJECT DESCRIPTION

Howell Street Venture LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the 1 Howell Street Site (see Figures 1-3) under the NYS Brownfield Cleanup Program (BCP), and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 4.

The Volunteer plans to remediate and redevelop the entire 0.73-acre Site for residential use with parking, and open space with access to surrounding municipal parks and trails.

The Project will result in the remediation and redevelopment of an environmentally impacted Site located in the City of Buffalo, Erie County, New York.

SECTION III – PROPERTY'S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings completed for the 1 Howell Street Site (hereinafter, the "Project Site" or the "Site") are provided below.

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

Summary of Environmental Historic Records

Historic records relative to the Site and previous remedial activities associated with it indicate the following:

- Historic operations including robe manufacturing with dye house operations, petroleum bulk storage and distribution, window manufacturing, and other commercial operations.
- Historic records indicate multiple underground storage tanks (USTs) and aboveground storage tanks (ASTs) were present on Site, including potential for tanks beneath the existing building.
- Macron Erectors 915173 – Assessment and removal activities related to improper handling of PCB contaminated aboveground storage tank removal. Additional details provided below.
- Spill 9507939 records indicate grossly contaminated petroleum soils (GCPS) remain on Site and offsite along the property boundary after Spill closure activities were completed. Spill records indicate the presence of subgrade petroleum distribution piping present beneath the existing building. Additional details provided below.

Previous Investigation and Removal Activities

Macron Erectors - 915173

- In September 1997, the current owner hired a local environmental firm to remove the residual sludge from three (3) aboveground storage tanks (AST) located within a concrete containment area on-Site. It was ultimately determined that materials within the tanks contained elevated levels of PCBs greater than 50 mg/kg and its removal and storage was improperly handled. Due to improper handling of the PCB waste, an enforcement action was taken against the Marcon Erectors Site and the Site was listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites in order to complete removal of the improperly handled PCB waste from the ASTs.

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

- After the removal of the PCB waste, a supplemental assessment of the former containment area soils was completed, and additional PCB impacted soils were identified and removed. Three (3) of the seven (7) confirmation samples results indicated elevated PCBs above the current soil cleanup objectives of 1 ppm remained after completion of removal activities. It should be noted that one confirmatory sample location results of 42.6 ppm were detected, and additional soils were removed in this area; however, no additional confirmatory samples were collected, so current exceedance is unknown. PCB results are summarized on attached table.

Macron Erectors – NYS Spill 9507939

- Gross petroleum contamination was identified onsite during the PCB assessment, as described above.
- August 2001 - NYSDEC conducted an Immediate Investigation Work Assignment with additional Supplemental Site Investigation (2003), a Remedial Investigation (2005) and Soil Excavation & Backfill activities (October 2006 – March 2007).
- At completion of the Spill activities in 2007, GCPS remained surrounding the building, and along the property boundary along Howell Street and offsite to the east, petroleum distribution piping remained beneath the existing building.

February 2022 - Ltd. Phase II Environmental Investigation

TurnKey completed a Limited Phase II Environmental Investigation for the 1 Howell Street Site in February 2022. The investigation consisted of eleven test pits (11) (TP-1 through TP-11) excavated across the Site.

Findings of the Ltd. Phase II are detailed below:

- Gross petroleum contamination was identified in all 11 test pit locations, including stained black soils, strong odors, elevated PID readings, as high as 400 ppm, product in soils, and product-sheen on water.

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

- Petroleum impacts to the assumed backfill from prior removal activities was identified. Suspected fill materials consisting of ash, cinders, and brick were identified at all test pit locations across the Site.
- Elevated BTEX, PAHs and metals were identified exceeding the Part 375 Restricted Residential Use SCOs at 5 of 6 investigation locations sampled. Elevated VOCs and SVOCs were identified exceeding RRSCOs in 9 of 14 historic post-removal sample locations, including elevated Total PAHs exceeding 500 ppm.
- Elevated chlorinated VOCs, including PCE, TCE, 12DCE, and VC were identified in Site soils. No groundwater or VI data was collected. Based on the field evidence and analytical results, the NYS Spill hotline was notified, and Spill No. 2109702 was assigned to the Site.

Investigation locations and findings are shown on Figure 6.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 0.73 +/- acre 1 Howell Street Site (SBL No. 88.36-2-6), subject to this BCP application, is located in a highly developed commercial and residential area in the City of Buffalo Erie County, New York (see Figures 1-3).

A tax map is provided as Figure 3. The boundaries of the BCP Site corresponds with the tax parcel boundaries.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located within an EN-Zone Type AB designated for census tract 55 (Figure 7).

Easements and Permits

Existing easements are currently being investigated. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. 1 Howell Street LLC is not aware of any other easements or restrictions on the Site.

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

Based on the findings of the Ltd. Phase II which identified gross petroleum contamination on Site, Spill No. 2109702 was opened and is currently still active. Petroleum contamination will be remediated under the BCP.

Previous Remedial Activities

Spill 9507939

A portion of the Site, and surrounding off-site areas, were previously remediated under the NYS Spill 9507939. NYSDEC Spill documents clearly indicate that gross petroleum contaminated soils remained around the existing building, and select areas remained along the property boundary of the 1 Howell Street Site.

Remaining gross petroleum contaminated soils remain on-Site. Spill No. 2109702 was opened for the Site in February 2022 based on the findings of the limited Phase II Site Investigation.

915173

Resource Conservation and Recovery Act (RCRA) listing is related to the identification of elevated levels of polychlorinated biphenyls (PCBs) in sludges that were improperly handled from the AST removals. An IRM was completed to remove contaminated sludges in 2001; the ROD detailing No Further Action was issued in 2002; and the Site was delisted in 2003.

Property Description Narrative

Location

The Site is located at the southernmost end of Howell Street, in a highly developed mixed use commercial and residential area of the City of Buffalo, Erie County New York.

The Site is bordered by Howell Street to the west, the Scajaquada Creek Greenway Trail and a supermarket to the east, a municipal park and Scajaquada Creek to the south, and vacant

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

commercial and residential properties to the north. Adjacent property owners are identified on Figure 8.

Site Features

The Site is developed with one (1) building, which is currently unused with multiple vacant areas, associated asphalt, and gravel covered parking areas. Portions of the buildings are vacant with sections structurally compromised.

Zoning and Land Use

According to the City of Buffalo Unified Development Ordinance (Buffalo Green Code 2017), the Site is zoned as N-2R residential use (see Figure 9). The planned redevelopment is consistent with the current zoning.

Open park space with playground and walking/biking path surround the Site to the east and south, with Scajaquada Creek located approximately 150 ft to the south.

The surrounding parcel uses are as follows:

- north – vacant commercial, and residential;
- south – municipal park;
- east – municipal park trail and commercial beyond;
- west – vacant commercial.

Past Use of the Site

Based on historic records and previous investigations, the Site has been used for robe manufacturing including dye house operations, and has a history of petroleum storage and distribution, as well as other commercial operations. The Site was previously a heating oil facility as early as 1915, and from 1931 to 1935 the property was identified as a gas station. Terminal Petroleum Company occupied the Site from 1935 through 1956 before Ashland Oil and Refining operated the Site during the 1960s though 1970. Multiple underground storage tanks (USTs) and aboveground storage tanks (ASTs) were present on Site, including

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

subgrade distribution piping. Historic records also indicate the presence of potential tanks underneath the current building for which removal records are not available. B. Hoffman Roofers owned and operated the Site from 1972 to 1980, prior to selling the Site to Douglas Giambrone of Marcon Erectors, a commercial window and door manufacture. Previous remedial activities associated with the presence of petroleum impacted soils were performed on a portion of the Site under Spill No. 9507939. Spill records indicated the remaining presence of gross contamination along the property boundary in several locations, as well as surrounding and beneath the existing building.

Elevated VOCs and SVOCs were identified exceeding RRSCOs in 9 of 14 examined historic post-excavation sample locations, including elevated Total PAHs exceeding 500 ppm. Non-petroleum related contamination was also identified, specifically chlorinated VOCs, including cis-1,2-dichloroethene, trichloroethene, tetrachloroethene, and vinyl chloride exceeding the Protection of Groundwater SCOs (PGWSCOs), USCOS, and RRSCOs, selectively. Redevelopment of the Site for restricted residential use will require remediation prior to Site development.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban land (Ud). Urban land is characterized where 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (Figure 10).

Previous investigations have identified fill material on-Site ranging from approximately 0-5 fbgs, generally described as consisting of ash, cinders, brick, and concrete underlain by assumed native (potentially reworked) sandy lean clay to at least 8 fbgs.

BCP Application – Part A

Section I – Section IV

1 Howell Street Site

Regional and local groundwater likely flows south towards Scajaquada Creek approximately 125-150 feet south of the Site. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

Additional work is required to investigate groundwater flow direction and quality at the Site.

Environmental Assessment Narrative

Past use of the Site for robe manufacturing including dye house operations, petroleum storage and distribution, and other commercial operations have impacted the Site. Figure 6 summarizes the environmental impacts identified in the previous investigations.

Soil – Grossly contaminated petroleum soils were identified in all 11 investigation locations. Black stained soils, odors, and elevated PID readings as high as 400 ppm were identified. Sheen was noted on water within test pits. Contaminant migration into assumed backfill was also noted. Fill materials consisting of ash, cinders, brick, and concrete were identified in all 11 TPs, at varying depths ranging from 0 fbgs to 5 fbgs.

Laboratory analytical results indicate elevated VOCs, PAHs, and metals exceeding RRSCOs, CSCOs, and ISCOs. Chlorinated VOCs were detected exceeding the PGWSCOs.

Elevated laboratory soil analytical results exceeding the RRSCOs were detected in 6 of the 10 analyzed sample locations from the limited Phase 2 investigation.

Elevated VOCs and SVOCs were identified exceeding RRSCOs in 9 of 14 historic post-removal sample locations, including elevated Total PAHs exceeding 500 ppm (NYSDEC Spill Records).

Previous investigation reports are provided electronically.

Department of State

Division of Corporations

Entity Information

[Return to Results](#)

[Return to Search](#)

Entity Details

ENTITY NAME: HOWELL STREET VENTURE LLC	DOS ID: 6421182
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 03/03/2022	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 03/03/2022	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ERIE	NEXT STATEMENT DUE DATE: 03/31/2024
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

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

Service of Process Name and Address

Name: HOWELL STREET VENTURE LLC
Address: 500 SENECA STREET, SUITE 508, BUFFALO, NY, UNITED STATES, 14204

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:
Address:

Entity Primary Location Name and Address

Name:
Address:

Farmcorpflag

DOUGLAS GIAMBRONE
1 HOWELL STREET
BUFFALO, NY 14207

April 14, 2022

Ms. Kelly Lewandowski, P.E.
Chief, Site Control Section
NYSDEC - Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

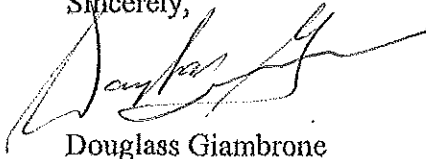
Re: Property Access Authorization
NYS Brownfield Cleanup Program
1 Howell Street Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that I, Douglas Giambrone, am the current owner of the 1 Howell Street, Buffalo New York parcel (the "Site"). As the owner of the Site, I am aware of and acknowledge that Howell Street Venture LLC will be filing an application to enter the NYS BCP and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

As owner of the Site, I authorize Howell Street Venture LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform any 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 NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Douglas Giambrone', is written over a horizontal line.

Douglass Giambrone

HOWELL STREET VENTURE LLC
C/O HOWELL STREET VENTURE LLC
500 SENECA ST., SUITE 508
BUFFALO, NY 14204
(716) 332-5968

April 14, 2022

Ms. Kelly Lewandowski, P.E.
Chief, Site Control
NYSDEC – Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: NYS Brownfield Cleanup Program
1 Howell Street Site
Buffalo, New York

Dear Ms. Lewandowski:

This is to inform you that I, Samuel J. Savarino am the sole member of the applicant:
HOWELL STREET VENTURE LLC.

Sincerely,



Samuel J. Savarino
Sole Member

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
4/8/2022 8:48:50 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000883600002006000

SBL: 88.36-2-6

Address: 1 HOWELL

Owner 1: GIAMBRONE DOUGLAS

Owner 2:

Mailing Address: 1 HOWELL

City/Zip: BUFFALO NY 14207

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 115.34

Depth: 200

Deed Roll: 1**Deed Book:** 08958

Deed Page: 00288

Deed Date:

Acreage: 0.7254056

Total Assessment: \$60,000

Land Assessment: \$24,200

County Taxes: \$60,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Erie County, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

BCP APPLICATION PART B – SECTIONS V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

DOCUMENT REPOSITORY REQUEST

BCP Application – Part B

Section V – Section X

1 Howell Street Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1 Howell Street Site			
Current Owner/Operator			
Douglas J. Giambrone Marcon Erectors, Inc. 1 Howell Street Buffalo, NY 14207	Currently vacant Former window and door manufacturing	1980 – Current	None
Previous Owner/Operator			
B. Hoffman Roofers, Inc. 1 Howell Street Buffalo NY 14207	Roofing contractor	1972 – 1980	None
Ashland Oil & Refining Company (Ashland)	Petroleum refinery and distributor	1960's –1970	None
Terminal Petroleum Company	Petroleum	1935 – 1956	None
Unknown	Gas station	1931 – 1935	None
Unknown	Heating oil supply	~ 1915	None

BCP Application – Part B
Section V – Section X
1 Howell Street Site

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, Howell Street Venture LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2) based on the following:

Howell Street Venture LLC is in the process of acquiring the Site from the current owner. Any liability for the Site will arise solely as a result of taking ownership.

The Volunteer Applicant had no relationship to the property prior to taking ownership. Howell Street Venture LLC never owned, operated, or managed the former petroleum activities associated with the Site.

Howell Street Venture LLC has exercised appropriate care with regard to the Site by completing their environmental due diligence prior to purchase, which identified contamination due to historic use of the Site by others, notified the NYSDEC Spill hotline related to those findings, and are now applying to the NYS BCP for eligibility to further investigate and remediate the Site.

Based on the information above, Howell Street Venture LLC is entitled to Volunteer status under NY ECL 27-1405(1)(b).

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

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

BCP Application – Part B

Section V – Section X

1 Howell Street Site

Erie County Contacts:

Honorable Mark Poloncarz
Erie County Executive
95 Franklin Street
Buffalo, NY 14202

Erie County Legislator Hon. Lisa M Chimera
District 3
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Commissioner Thomas R. Hersey, Jr.
Erie Co. Environment & Planning
95 Franklin Street
Buffalo, NY 14202

Mr. Paul Kranz
Erie Co. Environment & Plan.
95 Franklin Street
Buffalo, NY 14202

Mr. Robert M. Graber
Erie County Legislature Clerk
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Mr. Steve Weathers
ECIDA
95 Perry Street
Buffalo, NY 14203

Commissioner Gale Burstein, MD
Erie County Health Department
95 Franklin Street, Room 931
Buffalo, NY 14202

Commissioner Daniel Neaverth, Jr.
Erie County Local Emergency
45 Elm Street
Buffalo, NY 14203

City of Buffalo Contacts

Byron W. Brown, Major
City of Buffalo
65 Niagara Square, Room 201
Buffalo, NY 14202

Joseph Golombek, Jr., Councilman
City of Buffalo, North District
65 Niagara Square, Room 1502
Buffalo, NY 14202

James A. Morrell, Chairman
City of Buffalo Planning Board
65 Niagara Square, Room 901
Buffalo, NY 14202

Supplier of Potable Water:

BCP Application – Part B
Section V – Section X
1 Howell Street Site

Buffalo Water Department
281 Exchange Street
Buffalo, NY 14204

Local News Media:

Buffalo News
ATTN: Mr. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

WJYE
ATTN: Environmental News Desk
1700 Rand Building
Buffalo, NY 14203

Business First
ATTN: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools:

Mr. Marlon Lee, Principal
PS #79 Grabiarz School of Excellence
225 Lawn Avenue
Buffalo, NY 14207

Mr. Eric Klapper, Executive Director
Tapestry Charter School
65, 111 Great Arrow Avenue
Buffalo, NY 14216

Ms. Cecelie Owens, Principal
PS #94 West Hertel Academy
489 Hertel Avenue
Buffalo, NY 14207

Mr. Marck Abraham, Principal
PS #305 McKinley High School
1500 Elmwood Avenue
Buffalo, NY 14207

BCP Application – Part B

Section V – Section X

1 Howell Street Site

Ms. Marquita Bryant, Principal
PS #64 Frederick Law Olmstead School
874 Amherst Street
Buffalo, NY 14216

Mr. Christopher Burner, Head of School
Nichols School
1250 Amherst Street
Buffalo, NY 14216

Ms. Rose Schneider, Principal
PS # 66 North Park Middle Academy
780 Parkside Avenue
Buffalo, NY 14216

David Quackenbush, President
Charter High School for Applied Technologies
2303 Kenmore Avenue
Buffalo, NY 14207

Other Interested Parties:

WNY Director
Citizens Environmental Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

Ms. April Tompkins
Re: Repository Documents
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

North Park Branch of the Buffalo &
Erie County Public Library
975 Hertel Avenue
Buffalo, NY 14216

BCP Application – Part B
Section V – Section X
1 Howell Street Site

Adjacent Property Owners

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

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
18	Howell Street	Vacant commercial	City of Buffalo 2501 City Hall Buffalo, NY 14202
31	Howell Street	Vacant commercial	Briatico Tommaso 2448 Delaware Avenue Buffalo, NY 14216
199	Howell Street	Vacant commercial	Up State Tower Co LLC 4915 Auburn Avenue Bethesda, MD 20514
26	Bush Street	One family residential	White 2019 Family Trust 26 Bush Street Buffalo, NY 14207
1548	Elmwood Avenue	Municipal Park	City of Buffalo 603 City Hall Buffalo, NY 14202
501	Amherst Street	Manufacture	CDK Enterprises Inc 501 Amherst Street Buffalo, NY 14207
601	Amherst Street	Supermarket	Wegmans Food Markets Inc 1500 Brooks Avenue PO 844 Rochester, NY 14692

BCP Application – Part B
Section V – Section X
1 Howell Street Site

Document Repository

The Buffalo and Erie County Public Library – North Park Branch has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in this attachment.

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is N2-R (Urban Center – Residential). The current and planned development is consistent with the Buffalo Green Code Land Use Plan (see Figure 9).

2 – Current Use

The Site is currently vacant/unused with one (1) building present and open space areas.

3, 4, 5 and 6 – Planned Future Use

The planned Site use post-remediation is residential apartments with parking and open space to access the surrounding parks and trails.

From: [April Tompkins](#)
To: [Ethan Smith](#)
Subject: RE: Document Repository Request - 1 Howell Street Site
Date: Thursday, April 7, 2022 11:37:27 AM
Attachments: [image001.png](#)
[Document Repository Request - 1 Howell Street Site.pdf](#)

Good morning again Ethan,

Thank you for the revised request letter.

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents submitted by your company for the Brownfield Cleanup Program at the **1 Howell Street Site**. These documents will be made available for public viewing at the **North Park Branch Library** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your documents and cover letter to the Central Library. We will process according to our procedure and distribute to the location(s) of your choice. **If you would like a confirmation that your documents were received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203
- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish

to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disk in-house. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,
April

April Tompkins, Senior Library Clerk
Office of Chief Operating Officer
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-845-9053
E-mail: tompkinsa@buffalolib.org

From: Ethan Smith <esmith@bm-tk.com>
Sent: Thursday, April 7, 2022 11:03 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: RE: Document Repository Request - 1 Howell Street Site

CAUTION: This email originated from outside of the Library. Attachment and links **may not be safe!**

My apologies. I made the appropriate changes.

Thank you,

Ethan D. Smith
Geologist
esmith@bm-tk.com



Strong Advocates | Effective Solutions | Integrated Implementation
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Mobile: (716) 912-4456
www.benchmarkturnkey.com



April 7, 2022

Ms. April Tompkins
Senior Library Clerk
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program
1 Howell Street Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC, in association with TurnKey Environmental Restoration, LLC, would like to request the Buffalo & Erie County Public Library – North Park Branch to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
Benchmark Environmental Engineering & Science, PLLC
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink, appearing to read 'Ethan D. Smith'.

Ethan D. Smith
Geologist

File: 0258-022-002

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phone: (716) 856-0599 | fax: (716) 856-0583