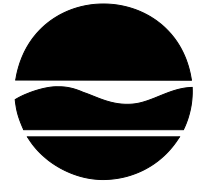


New York State Department of Environmental Conservation
Division of Environmental Remediation
Bureau of Technical Support, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting
Commissioner

March 11, 2005

Mr. Thomas J. McLaughlin
Executive Director
City Mission Society, Inc.
100 East Tupper Street
Buffalo, New York 14203-1315

Re: Brownfield Cleanup Application
Buffalo City Mission (E. North St. & Michigan Ave.)
BCP #C915190

Dear Mr. McLaughlin:

The New York State Department of Environmental Conservation (Department) is in receipt of your application for participation in the Brownfield Cleanup Program (BCP) pursuant to ECL Section 27-1400 et seq. As you know, the BCP is a cooperative approach between the Department and lenders, developers, and current and prospective owners. The program fosters private-sector remediation of brownfields and reduces development pressures on "greenfields." We are pleased to advise you that your application has been determined to be complete.

Pursuant to ECL Section 27-1407(5), a 30 day public comment period is to be commenced upon the Department's determination that an application is complete. During the comment period the Department will be evaluating the eligibility of the project and determine the status regarding this as soon as possible. The party seeking to participate in the BCP is required under the BCP to notify in writing the chief executive officer and zoning board of each county, city, town and village in which the proposed brownfield site is located, as well as residents of the site, the public water supplier which services the area, any person who has requested to be placed on the brownfield site contact list, and the administrator of any school or day care facility located adjacent to or near the site. Further, the Department will publish a similar notice in the Environmental Notice Bulletin.

In order to facilitate the notifications, the Department has prepared the enclosed Public Notice for you to utilize and the instructions for placing and mailing the notifications as well as the document repository location and contents. As the applicant you are responsible for making available a copy of the application and copies of all other related attached documents such as any assessment and investigation reports and/or investigation or remedial work plans. Also, you must use this Department-approved Public Notice form and cannot provide any other or additional information when fulfilling your obligation to provide a legal notice for the newspaper of the application and comment period. The enclosed form should be provided to a local newspaper servicing the area including the brownfield site for publication no later than March 23, 2005. Additionally, all of the above-mentioned mailings should be completed no later than March 22, 2005. To the extent that the mailings and publications are not

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completed in accordance with these time frames, the Department will extend the comment period for a period sufficient to comply with the required thirty day notice requirement running from the latest of the mailings or publication.

A certificate of mailing, on the enclosed form, is required to be submitted within three days of the mailing. Further, the proof of publication provided by the newspaper must be submitted within three days of your receipt of such document. These documents should be submitted to the Department's project manager at:

New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, New York 14203-2999
ATTN: David Locey

The Department will make every effort to determine your eligibility and status under the BCP forty-five (45) days from the date of this letter. We look forward to working cooperatively with you to address the environmental conditions at the brownfield site and to return this property back to productive use.

Sincerely,

Kelly A. Lewandowski

Kelly A. Lewandowski, P.E.
Chief
Site Control Section

Enclosures

ec: w/enc.:
David Locey, Region 9
NYSDOH
A. Quartararo
G. Hezel

w/o enc.:
S. Bolesky

Instructions to Applicant Regarding Placing and Mailing of Notification Regarding Completeness Determination

1) The enclosed notice must be provided, without modification, by the applicant to a local newspaper of general circulation servicing the area including the brownfield site for publication no later than the date specified in the cover letter. The notice must be located prominently in the community bulletin section or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

2) The enclosed notice must be mailed, without modification, by the applicant to the brownfield site contact list as identified in the applicant's application. The mailing must be performed by the date specified in the cover letter. No other materials can be mailed with this notice.

3) The applicant must complete and submit to the Department the attached certificate of mailing within the time frame specified in the cover letter.

4) The applicant must forward to the Department proof of publication by the newspaper of the newspaper notice within the time frame specified in the cover letter.

5) The applicant must make available a copy of the application and all other related documents (i.e., Phase Assessment Reports, Remedial Investigation Work Plans and Reports and Remedial Design Work Plans) at the document repository specified in the public notice.

Instructions to Newspapers Regarding Printing the Public Notice

The enclosed legal notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program. Pursuant to ECL Section 27-1407(5), the notice must be located prominently in the community bulletin section, legal classified section, or similar local section of the newspaper. The notice must be published in English and in any other language spoken by significant numbers of people within the community.

Instructions to Individuals Receiving the Public Notice

The enclosed notice announces the receipt of an application by the New York State Department of Environmental Conservation to the Department's Brownfield Cleanup Program (BCP). Pursuant to ECL Section 27-1407(5), upon the Department's determination that a BCP application is complete, the applicant must send notice of the application to individuals on a site contact list. Please read the enclosed notice for further information and instructions.

**New York State Brownfield Cleanup Program
Notice of Application to Participate**

Applicant: Cornerstone Manor, L.P. (City Mission Society, Inc.)
Site Name: Buffalo City Mission (E. North St. & Michigan Ave.)
Site Number: C915190
Site Address: 150 East North St., Buffalo, NY 14203-1029
Site County: Erie County

The New York State Department of Environmental Conservation (Department) administers the Brownfield Cleanup Program. The Brownfield Cleanup Program is designed to encourage the remediation of contaminated properties known as brownfields for reuse and redevelopment. The Applicant identified above has submitted an application to participate in the Brownfield Cleanup Program. The application was determined to be complete by the Department and is currently under review for eligibility. The property described in the application is identified by the Site Name and Site Number identified above and is located at the address above. The application proposes that the Applicant will conduct investigation and/or remedial activities at the site, to allow for residential use of the site.

The Department will accept public comments concerning the application, as well as a Phase I Environmental Site Assessment, and a Phase II Environmental Site Assessment for thirty days from March 23, 2005 through April 22, 2005. After review of the application and any public comments received, the Department will determine whether to accept the Applicant's request to participate in the Brownfield Cleanup Program. If the Department accepts the Applicant's request to participate, it will execute a Brownfield Cleanup Agreement (BCA) with the Applicant. By executing a BCA, the Applicant would commit to undertake the project under the Department's oversight. The Department will require the Applicant to inform and involve the public during this process. A copy of the application and other relevant documents are available in the document repository for this site located at the University of Buffalo Law School, Affordable Housing Clinic, Room 506, O'Brian Hall, SUNY, UB North Campus, Buffalo, NY 14260, (716) 645-2762 or the Buffalo and Erie County Public Library, One Lafayette Square, Buffalo, NY 14203.

The documents in the repository have not been reviewed by Department staff prior to their release for public comment. The Department, in conjunction with the New York State Department of Health, will review these documents during the public comment period.

The public is encouraged to offer comments in writing and refer questions to the Department representative identified below.

New York State Department of Environmental Conservation
Region 9
270 Michigan Avenue
Buffalo, NY 14203-2999
ATTN: David Locey
Phone #: (716) 851-7220

The Department's web site provides additional information about the Brownfield Cleanup Program at: www.dec.state.ny.us/website/der/bcp.

Buffalo City Mission (E. North St. & Michigan Ave.)
BCP #: 915190

CERTIFICATION OF MAILING

I certify that I mailed on _____ a copy of the attached
_____ by first class mail upon the person(s) on the attached
mailing list, by depositing a true copy thereof, securely enclosed in a postpaid wrapper, in
the Post Office box at _____ in the
City of _____, New York, which box is under the
exclusive care and custody of the United States Post Office Department:

Signature

Date