



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION



**BROWNFIELD CLEANUP PROGRAM (BCP)**  
APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT (BCA)  
AND BCA AMENDMENT

**PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION**

Check the appropriate box below based on the nature of the amendment modification requested:

Amendment to [check one or more boxes below]

- Add
- Substitute
- Remove
- Change in Name

an applicant(s) to the existing Brownfield Cleanup Agreement [Complete Section I-IV below and Part II]

Does this proposed amendment involve a transfer of title to all or part of the brownfield site?  Yes  No

If yes, pursuant to 6 NYCRR Part 375-1.11(d), please also submit a Change of Use form.

See <http://www.dec.ny.gov/chemical/76250.html>

Amendment to modify description of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Sections I and V below and Part II]

Amendment to Expand or Reduce property boundaries of the property(ies) listed in the existing Brownfield Cleanup Agreement [Complete Section I and V below and Part II]

Other (explain in detail below)

Please provide a brief narrative on the nature of the amendment:

The parcel Tax Map/SBL Numbers associated with Brownfield Cleanup Program Site No. C915260 (the "BCP Site") have recently changed due to certain parcels being combined by the City of Buffalo Department of Assessment & Taxation at the landowners' request. This Amendment does not alter the physical boundaries of the BCP Site, but merely updates the identifying information to reflect the current Tax Map/SBL Numbers.

\*Please refer to the attached instructions for guidance on filling out this application\*

04/2014

Section I. Existing Application Information			
BCP SITE NAME: Former Mobil Service Station 99-MST		BCP SITE NUMBER: C915260	
NAME OF CURRENT APPLICANT(S): Kaleida Properties, Inc.; Kaleida Health; F.L.C. 50 High Street Corporation; Conventus Partners, LLC			
INDEX NUMBER OF EXISTING AGREEMENT: C915260-03-12		DATE OF EXISTING AGREEMENT: June 15, 2012	
Section II. New Requestor Information (if no change to Current Applicant, skip to Section V)			
NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Is the requestor authorized to conduct business in New York State (NYS)? <input type="checkbox"/> Yes <input type="checkbox"/> 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 (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS.			
NAME OF NEW REQUESTOR'S REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S CONSULTANT (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF NEW REQUESTOR'S ATTORNEY (if applicable)			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
THE NEW REQUESTOR MUST CERTIFY THAT IT IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL §27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:			
<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.		<input type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.  NOTE: By checking this box, the requestor certifies that he/she has exercised appropriate care with respect to the contamination 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 contamination.	

**Section II. New Requestor Information continued (if no change to Current Applicant, skip to Section V)**

Requestor's Relationship to Property (check one):

Prior Owner  Current Owner  Potential /Future Purchaser Other \_\_\_\_\_  Yes  No  
 If requestor is not the site owner, requestor will have access to the property throughout the BCP project.  
 (Note: proof of site access must be submitted for non-owners)

Requester must submit proof that the party signing this Application and Amendment has the authority to bind the Requester. This would be documentation from corporate organizational papers, which are updated, showing the authority to bind the corporation, or a Corporate Resolution showing the same, or an Operating Agreement or Resolution for an LLC.

Describe Requestor's Relationship to Existing Applicant:

**Section III. Current Property Owner/Operator Information (only include if new owner/operator or new existing owner/operator information is provided, and highlight new information)**

OWNER'S NAME (if different from requestor)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

OPERATOR'S NAME (if different from requestor or owner)

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

**Section IV. Eligibility Information for New Requestor (Please refer to ECL § 27-1407 for more detail)**

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?  Yes  No
2. Is the requestor subject to an existing order relating to contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site?  Yes  No
4. Has the requestor been determined to have violated any provision of ECL Article 27?  Yes  No
5. Has the requestor previously been denied entry to the BCP?  Yes  No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?  Yes  No
7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration?  Yes  No
8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department?  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

**Section V. Property description and description of changes/additions/reductions (if applicable)**

ADDRESS 979 Main Street

CITY/TOWN Buffalo ZIP CODE 14203

TAX BLOCK AND LOT (TBL) (in existing agreement )

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
977/979 Main Street	1	100.79	1	4	+/-0.37
991 Main Street	2	100.79	1	5	+/-0.29
1001 Main Street	3	100.79	1	1	+/-0.28

Check appropriate boxes below: SEE ADDITIONAL PARCEL INFORMATION IN ATTACHMENT

- Changes to metes and bounds description or TBL correction
  - Addition of property (may require a standard application depending on the size and nature of addition – see attached instructions)
- Approximate acreage added: 0.0

ADDITIONAL PARCELS:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
[see attached sheet]					

- Reduction of property
- Approximate acreage removed: 0.0

PARCELS REMOVED:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
[see attached sheet]					

If requesting to modify a metes and bounds description or requesting changes to the boundaries of a site, please attach a revised metes and bounds description, survey, or acceptable site map to this application.

## PART II. BROWNFIELD CLEANUP AGREEMENT AMENDMENT

Existing Agreement Information	
BCP SITE NAME: Former Mobil Service Station 99-MST	BCP SITE NUMBER: C915260
NAME OF CURRENT APPLICANT(S): Kaleida Properties, Inc.; Kaleida Health; F.L.C. 50 High Street Corporation; Conventus Partners, LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915260-03-12	
EFFECTIVE DATE OF EXISTING AGREEMENT: June 15, 2012	

**Declaration of Amendment:**

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification and Signatures: New Requestor(s) (if applicable)
<p>(Individual)</p> <p>I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>
<p>(Entity)</p> <p>I hereby affirm that I am (title) of (entity); that I am authorized by that entity to make this application; that this application was prepared by me or under my supervision and direction; and that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I acknowledge and agree to the general terms and conditions set forth in DER-32 <i>Brownfield Cleanup Program Applications and Agreements</i>. I also agree that in the event of a conflict between the general terms and conditions of participation set forth in DER-32 and the terms contained in a site-specific BCA, the terms in the BCA shall control. 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. _____ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.</p> <p>Date: _____ Signature: _____ Print Name: _____</p>

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am President (title) of KALEIDA Properties, Inc. (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Jon Swiatkowski's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/24/14 Signature: [Signature] Print Name: Jonathan Swiatkowski

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement:

Effective Date of the Amendment: #7

Signature by the Department:

DATED: November 7, 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am EVP CFO (title) of Kulada Health (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. Jonathan Swiakowski's signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/24/14 Signature: [Signature] Print Name: Jonathan Swiakowski

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement:

Effective Date of the Amendment: 13

Signature by the Department:

DATED: November 7, 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am Vice President (title) of F.L.C. Co High Street Corporation (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/1/2014 Signature: William B Stark Print Name: William B. Stark, Jr.

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement:

Effective Date of the Amendment: #3

Signature by the Department:

DATED: November 7, 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: 

Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)**

(Individual)

I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_ Print Name: \_\_\_\_\_

(Entity)

I hereby affirm that I am Vice President (title) of F.L.C. 50 High Street Corporation, Sole member of Conventus Partners, LLC (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. \_\_\_\_\_ signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.

Date: 10/1/2014 Signature: Wm B Stark Print Name: William B. Stark, Jr., V.P.

**REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT**

Status of Agreement:

<input type="checkbox"/> <b>PARTICIPANT</b> A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	<input checked="" type="checkbox"/> <b>VOLUNTEER</b> 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 contamination.
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Effective Date of the Original Agreement:

Effective Date of the Amendment: #3

Signature by the Department:

DATED: November 7, 2014

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

By: [Signature]  
Robert W. Schick, P.E., Director  
Division of Environmental Remediation

**SUBMITTAL INFORMATION:**

Three (3) complete copies are required.

- Two (2) copies, one hard copy with original signatures and one electronic copy in Portable Document Format (PDF) on a CD, 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
- One (1) paper copy must be sent to the DEC regional contact in the regional office covering the county in which the site is located. Please check [DEC's website](#) for information on our regional offices.

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**FOR DEPARTMENT USE ONLY**

BCP SITE T&A CODE: \_\_\_\_\_

LEAD OFFICE: \_\_\_\_\_

PROJECT MANAGER: \_\_\_\_\_

Brownfield Cleanup Agreement Amendment Application for:

AGREEMENT NO. C915260-03-12  
FORMER MOBIL SERVICE STATION 99-MST  
979 MAIN STREET  
CITY OF BUFFALO  
ERIE COUNTY, NEW YORK

This Attachment responds to:

**Section V. Property description and description of changes/additions/reductions (if applicable)**

This Brownfield Cleanup Agreement Amendment will not alter the physical boundaries of the BCP Site. It merely reflects changes in the SBL/Tax Map Numbers resulting from certain parcels having been combined (the "Combination") by the City of Buffalo Department of Assessment & Taxation pursuant to landowner requests submitted and accepted on September 25, 2013.

All parcel addresses are in the City of Buffalo.

The land comprising the BCP Site described in the Agreement, as amended on August 7, 2012, was located in the following parcels:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
	[continued from the attached Amendment Application, page 4]				
20 High Street <sup>a</sup>	4	100.79	1	2.2	+/-0.45
24 High Street ( <i>in part</i> ) <sup>b</sup>	5	100.79	1	2.1	+/-0.66

<sup>a</sup> 20 High Street was created when the original 24 High Street, consisting of +/-1.1 acres at the time of the original BCP Application, was divided into two parcels.

<sup>b</sup> The westernmost +/-0.32 acres of 24 High Street is included in the BCP Site.

After the Combination, the land comprising the BCP Site is now located in the following parcels, which have been assigned the addresses listed below by the City of Buffalo:

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
1001 Main Street	6	100.79	1	1.1	+/-1.40
818 Ellicott Street ( <i>in part</i> ) <sup>c</sup>	7	100.79	1	2.11	+/-2.04

<sup>c</sup> The westernmost +/-0.32 acres of 818 Ellicott Street (formerly part of 24 High Street) is included in the BCP Site.

Erie County's published Tax Map has not yet been updated to reflect the Combination, so a Subdivision Map (Drawing No. BS-101), which has been filed with the County Clerk, is enclosed to show the post-Combination parcel boundaries. Also enclosed are the Request for Combination forms listing the original parcels that were combined into the two new parcels.

