



**Brownfield Cleanup Program Application
129 Holden Street
Buffalo, NY**



Submitted to:
New York State Department of Environmental Conservation
December 2011

SUBMITTED BY: STRICKLER DEVELOPMENT GROUP, LLC



PREPARED BY
GZA GeoENVIRONMENTAL OF NEW YORK
535 WASHINGTON STREET
BUFFALO, NY 14203
716-685-2300





**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**



BROWNFIELD CLEANUP PROGRAM (BCP)

ECL ARTICLE 27 / TITLE 14

DEPARTMENT USE ONLY
BCP SITE #:

07/2010

Section I. Requestor Information

NAME **Strickler Development Group, LLC**

ADDRESS **2421 Main Street**

CITY/TOWN **Buffalo, New York** ZIP CODE **14214**

PHONE **716-855-1200** FAX **716-854-6655** E-MAIL **jciminelli@lpciminelli.com**

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 DEC with the application, to document that the applicant is authorized to do business in NYS.

NAME OF REQUESTOR'S REPRESENTATIVE **Mr. John Ciminelli**

ADDRESS **2421 Main Street**

CITY/TOWN **Buffalo, New York** ZIP CODE **14214**

PHONE **716-855-1200** FAX **716-854-6655** E-MAIL **jciminelli@lpciminelli.com**

NAME OF REQUESTOR'S CONSULTANT **GZA GeoEnvironmental of New York**

ADDRESS **535 Washington Street**

CITY/TOWN **Buffalo** ZIP CODE **14203**

PHONE **716-685-2300** FAX **716-685-3629** E-MAIL **christopher.boron@gza.com**

NAME OF REQUESTOR'S ATTORNEY **Harter, Secrest & Emery, LLP. c/o Craig A. Slater**

ADDRESS **12 Fountain Street**

CITY/TOWN **Buffalo, New York** ZIP CODE **14202**

PHONE **716-844-3723** FAX **716-853-1617** E-MAIL **cslater@hselaw.com**

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, the requestor certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; and iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

Requestor Relationship to Property (check one):
 Previous Owner Current Owner Potential /Future Purchaser Other _____

If requestor is not the site owner, requestor will have access to the property throughout the BCP project. Yes No
 -Proof of site access must be submitted for non-owners **Requestor is under contract with current owner. See Attachment A**

Section II. Property Information
Check here if this application is to request significant changes to property set forth in an existing BCA:
 Existing BCP site number: _____

PROPERTY NAME **129 Holden Street Redevelopment**

ADDRESS/LOCATION **129 Holden Street** CITY/TOWN **Buffalo, New York** ZIP CODE **14214**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):
City of Buffalo

COUNTY **Erie** SITE SIZE (ACRES) **27.09**

LATITUDE (degrees/minutes/seconds) **42 ° 56 ‘ 15.4 “** LONGITUDE (degrees/minutes/seconds) **78 ° 49 ‘ 55.6 “**

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: **NAD 83**

COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
129 Holden Street	1	90.29	2	43.1	27.09

1. Do the property boundaries correspond to tax map metes and bounds? Yes No
 If no, please attach a metes and bounds description of the property.

2. Is the required property map attached to the application? (application will not be processed without map) Yes No

3. Is the property part of a designated En-zone pursuant to Tax Law § 21(b)(6)? Yes No
 For more information please see Empire State Development’s [website](#).
 If yes, identify area (name) Environmental Zones A and B (See Attachment A)

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

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)? If yes, identify name of properties in related BCP applications: Yes No

5. Property Description Narrative:
See Attachment A.

6. List of Existing Easements (type here or attach information)
Easement Holder Description
There are no current easements associated with the site property.

7. List of Permits issued by the NYSDEC or USEPA Relating to the Proposed Site (type here or attach information)
Type Issuing Agency Description
No known active permits.

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

Initials of each Requestor:  _____

Section III. Current Property Owner/Operator Information

OWNER'S NAME Central Park Plaza Associates LLC		
ADDRESS 4702 15th Avenue		
CITY/TOWN Brooklyn, New York		ZIP CODE 11219
PHONE 718-851-0032	FAX 718-854-7850	E-MAIL sk@zip11219.com
OPERATOR'S NAME		
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL

Section IV. 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 relating to 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Has the requestor been determined to have violated any provision of ECL Article 27?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Has the requestor previously been denied entry to the BCP?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Section V. Property Eligibility Information (Please refer to ECL § 27-1405)

1. Is the property, or was any portion of the property, listed on the National Priorities List? If yes, please provide relevant information as an attachment.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? If yes, please provide: Site # _____ Class # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit type: _____ EPA ID Number: _____ Date permit issued: _____ Permit expiration date: _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? If yes, please provide: Order # _____	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide explanation as an attachment. See Attachment B for Site Spill History and Consent Order Information	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Section VI. Project Description

What stage is the project starting at? Investigation Remediation

Please attach a description of the project which includes the following components:

- Purpose and scope of the project
- Estimated project schedule

See Attachment C for Project Description

Section VII. Property's Environmental History

To the extent that existing information/studies/reports are available to the requestor, please attach the following:

1. Environmental Reports

A Phase I environmental site assessment report prepared in accordance with ASTM E 1527 (American Society for Testing and Materials: Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process), and all environmental reports related to contaminants on or emanating from the site. See Attachment D for Environmental Reports. If a final investigation report is included, indicate whether it meets the requirements of ECL Article 27-1415(2): Yes No

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED. See Attachment D

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum	Total = 10,020 ppb				
Chlorinated Solvents					
Other VOCs	Total = 4,847 ppb				
SVOCs	Total = 33,250 ppb				
Metals	Chromium = 86 ppm				
Pesticides					
PCBs	Total = 640 ppb				
Other*					

*Please describe: _____

3. SUSPECTED CONTAMINANTS: INDICATE SUSPECTED CONTAMINANTS AND THE MEDIA WHICH MAY HAVE BEEN AFFECTED. PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT. See Attachment E

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

*Please describe: _____

4. INDICATE KNOWN OR SUSPECTED SOURCES OF CONTAMINANTS (CHECK ALL THAT APPLY). PROVIDE BASIS FOR ANSWER AS AN ATTACHMENT. See Attachment E

- Above Ground Pipeline or Tank
 Lagoons or Ponds
 Underground Pipeline or Tank
 Surface Spill or Discharge
 Routine Industrial Operations
 Dumping or Burial of Wastes
 Septic tank/lateral field
 Adjacent Property
 Drums or Storage Containers
 Seepage Pit or Dry Well
 Foundry Sand
 Electroplating
 Coal Gas Manufacture
 Industrial Accident
 Unknown

Other: _____

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

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

Other: Limestone quarry and producer of natural cement.

6. PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, IF ANY, TO EACH PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Attachment F

Section VIII. Contact List Information

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). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property. **See Attachment G**

Section IX. Land Use Factors (Please refer to ECL § 27-1415(3))

1. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)
Provide summary of business operations as an attachment. **See Attachment H**

2. Intended Use Post Remediation: Unrestricted Residential Commercial Industrial (check all that apply)
Provide specifics as an attachment. **See Attachment H**

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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4. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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5. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, designated Brownfield Opportunity Area plans, other adopted land use plans?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)). See Attachment H	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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10. Are there important cultural resources, including federal or state historic or heritage sites or Native American religious sites within ½ mile?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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11. Are there important federal, state or local natural resources, including waterways, wildlife refuges, wetlands, or critical habitats of endangered or threatened species within ½ mile? See Attachment H	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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12. Are there floodplains within ½ mile? See Attachment H	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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14. Describe the proximity to real property currently used for residential use, and to urban, commercial, industrial, agricultural, and recreational areas in an attachment. **See Attachment H**

15. Describe the potential vulnerability of groundwater to contamination that might migrate from the property, including proximity to wellhead protection and groundwater recharge areas in an attachment. **See Attachment H**

16. Describe the geography and geology of the site in an attachment. **See Attachment H**

Section X. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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.

Date: _____ Signature: _____ Print Name: _____

(By an requestor other than an individual)

I hereby affirm that I am VICE PRESIDENT (title) of STRICKLER DEVELOPMENT GROUP LLC (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. If this application is approved, I acknowledge and agree to the general terms and conditions set forth in DER-32 *Brownfield Cleanup Program Applications and Agreements* and to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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.

Date: 12/1/11 Signature: [Signature] Print Name: JOHN CUMMINGS

SUBMITTAL INFORMATION:

Three (3) complete copies are required.

- Two (2) copies, one paper 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 our [website](#) for the address of our regional offices.

FOR DEPARTMENT USE ONLY

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

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 6, 2011.

Selected Entity Name: STRICKLER DEVELOPMENT GROUP, LLC
Selected Entity Status Information

Current Entity Name: STRICKLER DEVELOPMENT GROUP, LLC
Initial DOS Filing Date: JUNE 23, 2011
County: ERIE
Jurisdiction: NEW YORK
Entity Type: DOMESTIC LIMITED LIABILITY COMPANY
Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

ZDARSKY, SAWICKI & AGOSTINELLI LLP
298 MAIN STREET, SUITE 404
BUFFALO, NEW YORK, 14202

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
JUN 23, 2011	Actual	STRICKLER DEVELOPMENT GROUP, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section II – Property Information Summary Sheet**

ATTACHMENT A

- Property Description Narrative
- Requestor’s Contract with Owner - (Proof of site access)
- Locus Plan – Figure A-1
- Tax Map – Figures A-2a and A-2b
- Property Metes and Bounds – Schedule “A”
- Base Map – Figure A-3
- Adjoining Property Information – Table 1A
- New York State Environmental Zones Northern Erie County Eligible Tracts Map – Figure A-4
- New York State Museum Bulletin References
- Historical Aerial Photographs from 1927 and 1951
- Site Photographs

Attachment A

Property Description Narrative

In accordance with Section II of the Brownfield Cleanup Program Application, the following property description narrative is provided.



The site, located at 129 Holden Street (See Figure A-1), is situated in a commercially-zoned area of the City of Buffalo, Erie County, New York. Surrounding adjacent areas are zoned for residential and public service use. The site currently consists of approximately 27.09- acres of land (See Figures A-2a and A-2b) that occupies five (5) vacant buildings (See Figure A-3) and is situated entirely within New York State Empire State Development Zones A and B (See Figure A-4). There are no current easement agreements that exist for the site property.

The site is situated within the Erie-Ontario Lowlands province of western New York. The site elevation is approximately 640 feet above mean sea level and dips very gently to the south. The groundwater table at the Site is estimated to be within 20 feet below ground surface. Overburden soils are generally artificial fill material underlain by lacustrine silt and clay. Depth to bedrock is expected to vary at the site due to historic quarry operations.

The site was originally developed for industrial use as early as 1874 for the mining industry and the production of limestone and natural rock cement. The property was owned and operated by the Buffalo Cement Co. Ltd. from 1877 to 1948. During that time, extensive mining operations occurred at the site. Historical aerial photographs from 1927 and 1951 provided in Attachment A, show that these operations were performed within the site boundaries and extended beyond to the north and east. Specific mining depths have not been determined for the site, however, it is documented that 5 to 6 feet of Bertie Limestone was extensively quarried by the Buffalo Cement Co. Ltd. for the production of natural cement at their Buffalo facility (see attached New York State Museum Bulletin, “The Mining and Quarry Industries of New York from 1919-1924 Including Lists of Operators” (pg.89) and “The Mining and Quarry Industry of New York State” (pg. 914)). This could potentially amount to 262,000 cubic yards of bedrock material excavated from the site. Backfill material of varying thickness is expected to be prevalent throughout the site. Sources of this backfill material are unknown.

The site was developed by Central Park Shopping Center, Inc. in 1958 with the construction of three site buildings for commercial purposes. Building 4 was constructed on the southern portion of the site in 1967 and Building 5 was constructed on the western portion of the site in 1989 (See Figure 2 of GZAs Phase I ESA provided in Attachment D – Environmental Reports). Various businesses occupied the site including auto repair, photographic processing and dry cleaning facilities. The site has been vacant since July 2011. Current exterior and interior building conditions are poor condition (see attached photos).

Attachment A

Property Description Narrative



In August 2011, GZA GeoEnvironmental of New York (GZA) performed a Phase I Environmental Site Assessment (Phase I ESA) at the site. Based on the information obtained as part of the assessment, it was GZA's opinion that historic site usage (i.e., mining operations, photo processing, dry cleaning, chop shop), spill history (the site was listed twice on the NY Spills Database) and surrounding area usage represented recognized environmental concerns. In addition, during GZA's site reconnaissance, an abundance of suspect asbestos-containing materials including floor tiles, ceiling tiles and pipe wrap were observed. These suspect materials were observed throughout the Site buildings and as large piles of debris on the building floor. Photo-documentation of our findings is provided in this attachment.

In October 2011, GZA performed a Phase II Environmental Site Assessment (Phase II ESA) at the site. The results of GZA's Phase II ESA identified volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs) and metals contamination at the site exceeding Part 375 Unrestricted and Residential Soil Cleanup Objectives. The petroleum related VOCs detected underneath Building 1 (located at the northwestern portion of the site) in the former chop shop are characteristic of a petroleum release (see Figure 2 of GZA's Phase II ESA included in Attachment D – Environmental Reports). Total xylene was detected above soil guidance criteria. A petroleum release was called into the New York State Department of Environmental Conservation (NYSDEC) on October 28, 2011 and Spill No. 1109473 was assigned based on the analytical results.

ZDARSKY, SAWICKI & AGOSTINELLI LLP

ATTORNEYS AT LAW

404 CATHEDRAL PLACE

298 MAIN STREET

BUFFALO, N.Y. 14202

716-855-3200

JOSEPH E. ZDARSKY
K. MICHAEL SAWICKI
GUY J. AGOSTINELLI
GERALD T. WALSH
MARK J. SCHLANT
PATRICK A. DUDLEY
THOMAS P. FITCH
DONALD G. POWELL
DAVID E. GUTOWSKI

TELECOPIER: 716-855-3101
(NOT FOR SERVICE OF PAPERS)

November 11, 2011

VIA FAX and HAND DELIVERY

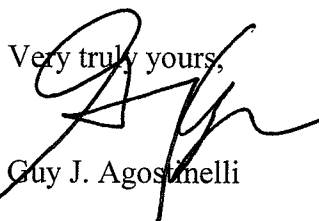
Michael B. Risman, Esq.
Hodgson Russ LLP
The Guaranty Building
140 Pearl Street, Suite 100
Buffalo, New York 14202

Re: Central Park Plaza Associates, LLC – Contract dated July 7, 2011
with Strickler Development Group, LLC as amended by an Agreement dated as of
August 31, 2011 and as further amended by an Agreement dated as of October 6,
2011

Dear Mr. Risman:

We refer you to the above referenced contract (the “Contract”). As you know, we represent Strickler Development Group, LLC.

This letter will serve as notice of our client’s election to further extend the Due Diligence Period for an additional period of thirty (30) days as set forth in Paragraph 2.B of the Agreement dated as of October 6, 2011. Pursuant to the terms of that agreement with respect to such extension, the Seller is now entitled to receive the remaining \$5,000 of the Deposit currently held by the broker, J.R. Militello Realty, Inc.

Very truly yours,

Guy J. Agostinelli

GJA/wk

cc: J. R. Militello Realty, Inc.
Attn: James Militello
(Via e-mail and hand delivery)

Central Park Plaza Associates, LLC
Attn: Samuel Katz
(Via e-mail)

Agreement

This agreement is made as of the 6th day of October, 2011 by and between **Central Park Plaza Associates, LLC** (hereinafter referred to as the "Seller") and Strickler Development Group, LLC ("hereinafter referred to as the "Purchaser").

Recitals

A. The Seller, as "Seller" and the purchaser, as "Purchaser" have heretofore entered into a contract dated as of July 7, 2011 with respect to the sale and purchase of the property commonly known as the Central Park Plaza located in the City of Buffalo, County of Erie and State of New York, which contract was modified pursuant to an agreement dated as of August 31, 2011 (which contract as so modified is hereinafter referred to as the "Contract" and which property is hereinafter referred to as the "Property").

B. By letter dated September 29, 2011 sent by Purchaser's attorney to the Seller's attorney and the broker, J.R. Militello Realty, Inc. (as well as to the Seller by e-mail) (the "Notice of Cancellation"), the Purchaser exercised certain of the Purchaser's rights to cancel the Contract.

C. The parties have had additional negotiations and are desirous of reinstating and modifying the Contract in accordance with the terms and conditions set forth in this agreement.

NOW, THEREFORE, in consideration of the covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Rescission of Notice of Cancellation. The Notice of Cancellation is hereby rescinded in its entirety, and the parties are hereby restored to the position they occupied with respect to the Contract prior to the time that the Notice of Cancellation was sent. By reason of the foregoing, the parties mutually acknowledge and agree that the Contract shall be deemed to be in full force and effect as modified by the terms of this Agreement.

2. Extension of the Due Diligence Period.

A. The Due Diligence Period is hereby extended for a period of thirty (30) days subsequent to the date that this Agreement is executed and delivered by each of the parties as set forth herein. Upon the execution and delivery of this Agreement, the parties acknowledge and agree that the Seller shall be entitled to receive \$5,000 of the Deposit heretofore provided by the Purchaser to the broker (J.R. Militello Realty, Inc.) with respect to Contract.

B. The Purchaser shall have the additional right, upon written notice to the Seller, to extend the Due Diligence Period for an additional thirty (30) days provided that the Purchaser exercises its right to do so by notice to the Seller before the expiration of the Due Diligence Period as extended by this Agreement. In the event that the Purchaser exercises its right to further extend the Due Diligence Period, the parties acknowledge and agree that the Seller shall be entitled to receive the remaining \$5,000 of the Deposit heretofore provided by the Purchaser to the broker (J.R. Militello Realty, Inc.) with respect to Contract. In the event that the Purchaser cancels the contract as permitted by the Contract, the remaining \$5,000 shall be returned to the Purchaser and neither party shall have any further rights or liabilities under and pursuant to the Contract.

C. Notwithstanding anything contained herein, in the event that the transaction that is the subject of the Contract closes, the Deposit (being the sum of \$10,000) shall still be applied as a credit to the Purchaser with respect to the Purchase Price notwithstanding the fact that all or a portion thereof was paid to the Seller under and pursuant to this Agreement.

3. Matters with respect to Phase II Work. The parties acknowledge that the Purchaser has provided to the Seller the narrative portion of a Phase I Environmental Site Assessment prepared by GZA Environmental of New York ("GZA") dated August 2011 and that GZA has recommended that certain Phase II work be performed by the drilling for samples at certain sites on the Property the location of which has also been provided by the Purchaser to the Seller. Seller hereby consents to Purchaser's performance of such Phase II Work as the Purchaser deems appropriate.

4. Completion of Environmental Work; Cancellation Based on Environmental Matters.

A. The Purchaser agrees to complete its environmental investigation of the Property within the Due Diligence Period as extended by this Agreement and, if applicable, as extended by the Purchaser's exercise of its option to further extend the Due Diligence Period as set forth in Section 2.B of this Agreement. Purchaser shall not have the right to a further extension of the Due Diligence Period for such investigation notwithstanding the provisions of Section 14.D of the Contract; PROVIDED, HOWEVER, that nothing contained herein shall be deemed to modify or affect Purchaser's right to terminate the Contract based on Purchaser's environmental investigation with respect to the Property.

B. Notwithstanding anything contained herein, Purchaser shall have no right to cancel or terminate the Contract based on Purchaser's environmental investigation of Property unless the cost to remediate any environmental conditions that are found by Purchaser to be unacceptable is at least \$50,000 in the aggregate as set forth in bona fide third-party quotes received by the Purchaser, copies of which shall be provided to the Seller.

5. Financial Assistance as to Demolition and Related Costs. The parties acknowledge and agree that the Purchaser shall progress receiving financial assistance in the form of grants with respect to the demolition of the Property as contemplated by the Contract. The Purchaser shall coordinate and advise the Seller with respect to Purchaser's progress in receiving any such grants or assurances as to any such grants.

6. Contract Ratified and Confirmed. Except as modified by this Agreement, the Contract is hereby ratified and confirmed in all respects.

7. Certain Terms. Except as set forth herein, all capitalized terms shall have the respective meanings ascribed to them in the Contract.

8. Execution. This Agreement may be executed in one or more counterparts, each of which shall constitute an original and be deemed to be one and the same agreement. A copy of this Agreement and/or a counterpart of this Agreement executed by a party and provided to the other party or its attorney by fax or other electronic means shall be deemed an original thereof for all purposes and fully delivered. This Agreement shall become effective when this Agreement and/or counterparts thereof, are executed by each of the parties and delivered personally or transmitted electronically between the parties or their respective attorneys.

IN WITNESS WHEREOF, the Seller and Purchaser have executed this agreement as of the day and year first set forth above.

Seller:

Purchaser:

CENTRAL PARK PLAZA
ASSOCIATES, LLC

STRICKLER DEVELOPMENT
GROUP, LLC

By: _____

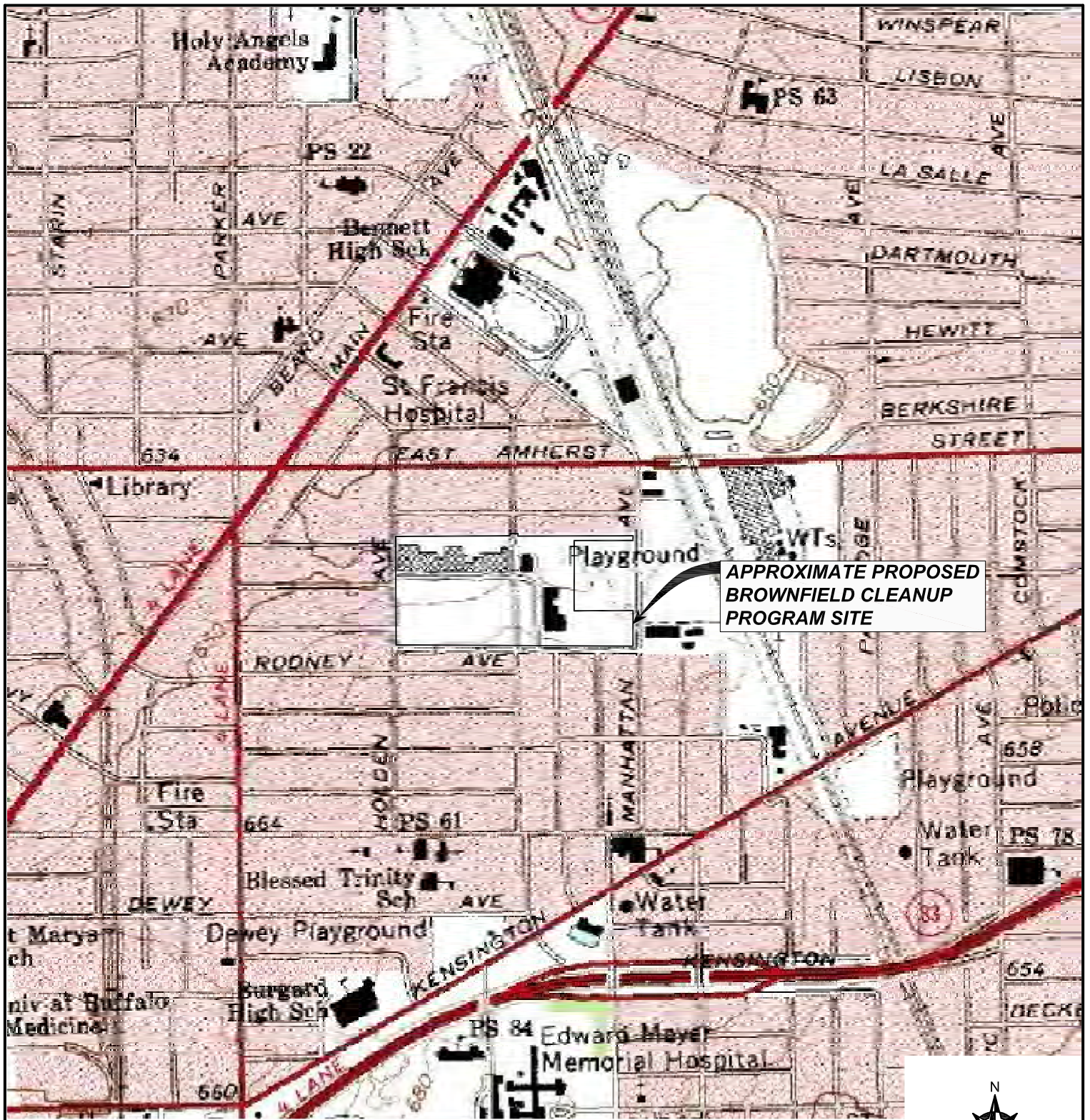
By: _____

Name: SAUER WIZ

Name: Amy L. Clifton

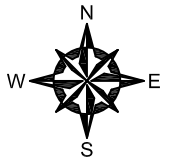
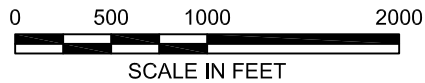
Office or Title: _____

Office or Title: Vice President



**APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE**

NOTE:
BASE MAP ADAPTED FROM U.S.G.S.
TOPOGRAPHIC MAPS DOWNLOADED
FROM TERRASERVER.MICROSOFT.COM



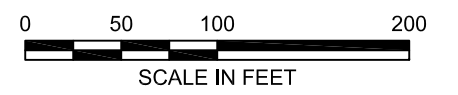
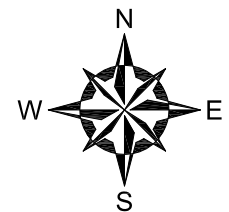
NO.	ISSUE/DESCRIPTION	BY	DATE

129 HOLDEN STREET BUFFALO, NEW YORK		FIGURE A-1			
BROWNFIELD CLEANUP PROGRAM APPLICATION LOCUS PLAN					
PROJ MGR: CZB DESIGNED BY:	REVIEWED BY: DRAWN BY: DEW	CHECKED BY: SCALE: AS SHOWN	DATE NOVEMBER 2011	PROJECT NO. 21.0056642.00	REVISION NO.

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

PREPARED BY:
GZA GeoEnvironmental of N.Y.
 Engineers and Scientists
 535 WASHINGTON STREET 11th FLOOR
 BUFFALO, NEW YORK 14203
 (716) 685-2300

PREPARED FOR:
STRICKLER DEVELOPMENT GROUP, LLC

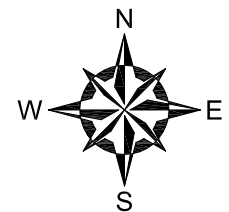
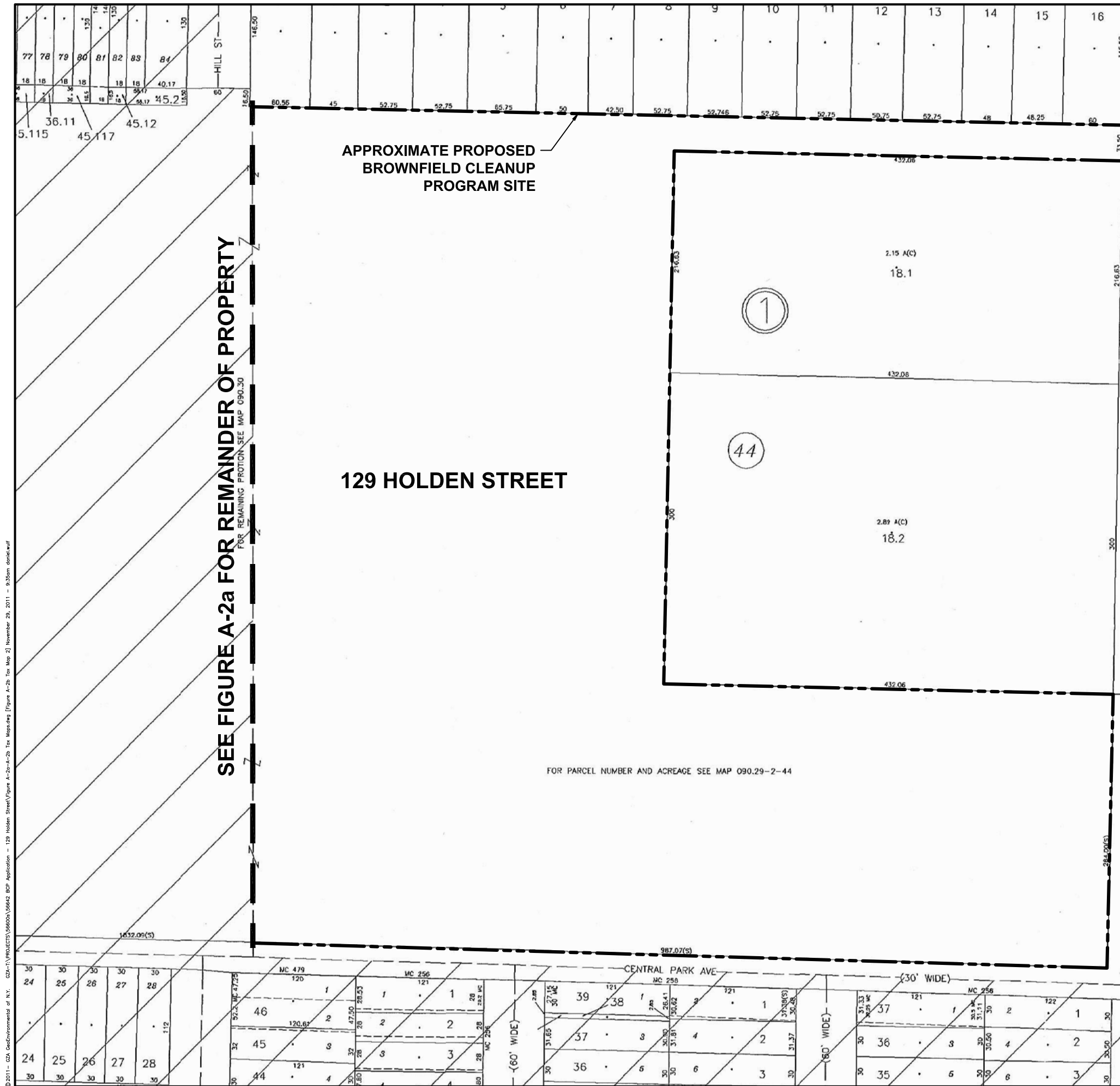


© 2011 - GZA GeoEnvironmental of N.Y. GZA-1\PROJECTS\66642 BCP Application - 129 Holden Street\Figure A-2a-2b Tax Map 1.dwg [Figure A-2a, Tax Map 1] November 28, 2011 - 9:24am dmsd.wlf

SEE FIGURE A-2b FOR REMAINDER OF PROPERTY
 FOR REMAINING PORTION SEE MAP 090.30

NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK			
BROWNFIELD CLEANUP PROGRAM APPLICATION TAX MAP 1 of 2			
PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists 535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR: CZB DESIGNED BY: DATE	REVIEWED BY: DRAWN BY: DEW PROJECT NO. 21.0056642.00	CHECKED BY: SCALE: AS SHOWN REVISION NO.	FIGURE A-2a

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.



SEE FIGURE A-2a FOR REMAINDER OF PROPERTY
FOR REMAINING PORTION SEE MAP 090.30

APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE

129 HOLDEN STREET

FOR PARCEL NUMBER AND ACREAGE SEE MAP 090.29-2-44

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK			
BROWNFIELD CLEANUP PROGRAM APPLICATION TAX MAP 2 of 2			
PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists 535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR:	CZB	REVIEWED BY:	CHECKED BY:
DESIGNED BY:		DRAWN BY: DEW	SCALE: AS SHOWN
DATE NOVEMBER 2011	PROJECT NO. 21.0056642.00	REVISION NO.	FIGURE A-2b

SCHEDULE "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Farm Lot No. 44, Township 11, Range 8 of the Holland Land Company's Survey and being more particularly described as follows:

BEGINNING at a point in the westerly line of Manhattan Avenue 504.5 feet south of the southerly line of East Amherst Street; thence southerly along the westerly line of Manhattan Avenue about 843.96 feet to the southerly line of said Lot No. 44; thence westerly along the said southerly line of Lot No. 44 about 1739.07 feet to the easterly line of Holden Avenue as extended southerly; thence northerly on said easterly line of Holden Avenue, as extended southerly 832.54 feet more or less to a point in said easterly line of Holden Avenue 504.5 feet south of the intersection of said easterly line of Holden Avenue with the south line of East Amherst Street, said point being 16.5 feet south of the southeast corner of lands conveyed for the extension of Holden Avenue southerly as conveyed by Buffalo Cement Company Ltd. to The City of Buffalo by deed recorded in Erie County Clerk's Office in Liber 4434 of Deeds, page 239; thence easterly along a line parallel with the southerly line of East Amherst Street about 835 feet to the westerly line of Hill Street as extended southerly; thence northerly along the westerly line of Hill Street, as extended southerly 16.5 feet to the southwest corner of land conveyed to the City of Buffalo for Hill Street, as described in deed dated September 27, 1948 and recorded November 18, 1948 in Erie County Clerk's Office in Liber 4434 of Deeds, page 239; thence easterly along the southerly line of lands so conveyed to the City of Buffalo for Hill Street, as aforesaid 60 feet to the southeasterly corner thereof; thence southerly along the easterly line of Hill Street, as extended southerly 16.5 feet to a line parallel with the south line of East Amherst Street and distant southerly therefrom 504.5 feet; thence easterly along said last mentioned parallel line about 844.056 feet to the westerly line of Manhattan Avenue at the point or place of beginning.

EXCEPTING AND RESERVING therefrom a piece or parcel of land bounded and described as follows:

Sedley

SEE SCHEDULE "A" (Cont'd.)

SCHEDULE "A" (Cont'd.)

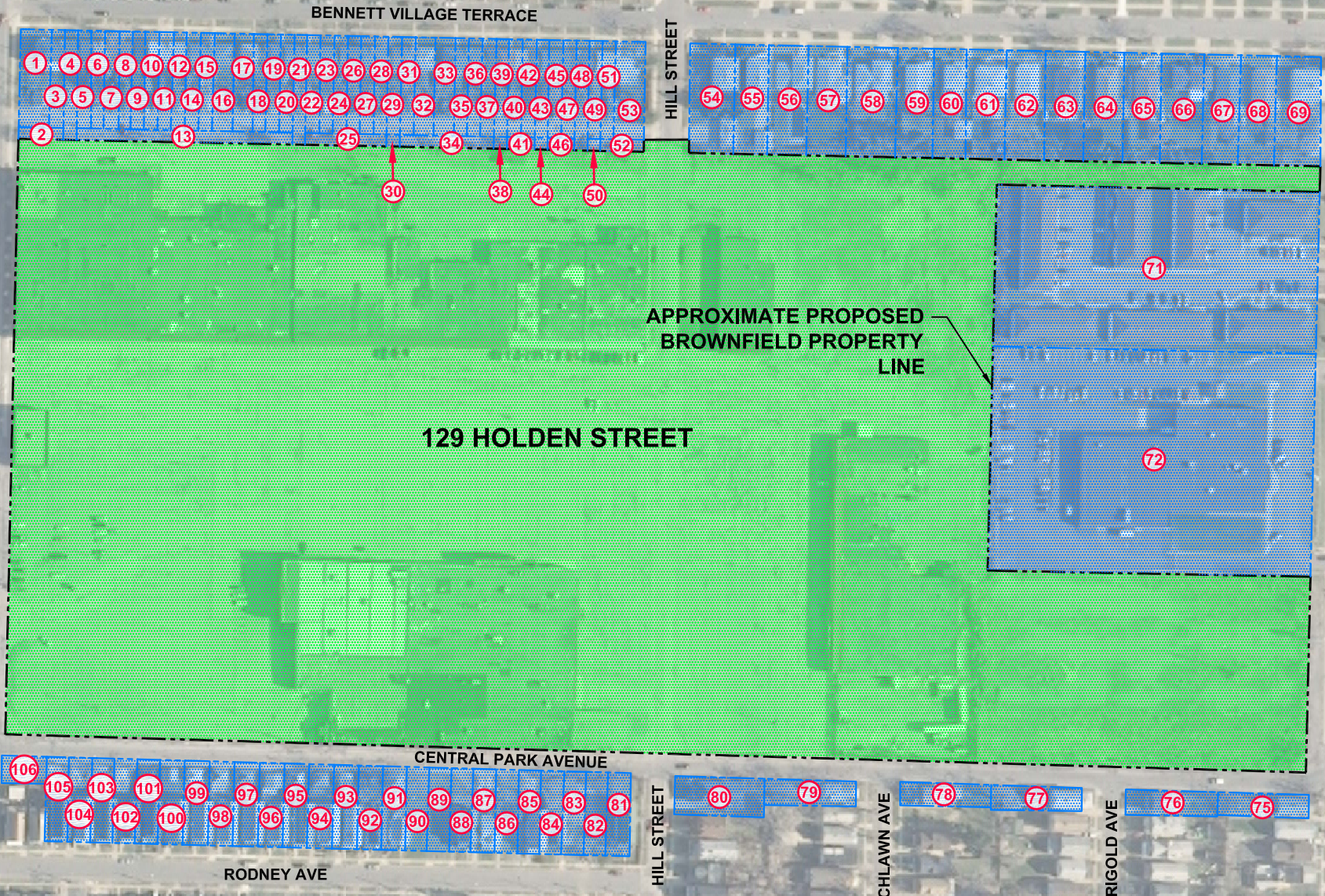
BEGINNING at a point in the westerly line of Manhattan Avenue 538 feet south of Amherst Street; thence southerly along the westerly line of Manhattan Avenue 516.46 feet; thence westerly parallel with Amherst Street 432.056 feet; thence northerly parallel with Manhattan Avenue 516.46 feet; thence easterly parallel with Amherst Street 432.056 feet to the westerly line of Manhattan Avenue at the point or place of beginning.

ALSO EXCEPTING AND RESERVING therefrom the following described lands conveyed by Central Park Shopping Center, Inc. to The City of Buffalo by deed dated August 3, 1956 and recorded October 1, 1956 in the Erie County Clerk's Office in Liber 6064 of Deeds, page 444.

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 44, Township 11, Range 8 of the Holland Land Company's Survey described as follows:

BEGINNING at the point of intersection of the easterly line of Holden Avenue (as a 60 foot street) with the southerly line of Lot No. 44 as aforesaid; running thence northerly along the easterly line of Holden Avenue for a distance of 30 feet to a point; thence easterly along a line parallel with the southerly line of Lot No. 44 as aforesaid and 30 feet northerly measured at right angles therefrom, for a distance of 1739.10 feet to the westerly line of Manhattan Avenue (as a 66 foot street); thence southerly along the westerly line of Manhattan Avenue for a distance of 30 feet to the southerly line of Lot No. 44 as aforesaid; thence westerly along the southerly line of Lot No. 44 as aforesaid for a distance of 1739.10 feet to the point or place of beginning.

*Paul
J.*



LEGEND:

- INDICATES APPROXIMATE LIMITS OF PROPOSED BROWNFIELD CLEANUP PROGRAM SITE.
- INDICATES PROPERTIES ADJACENT TO THE PROPOSED BROWNFIELD CLEANUP PROGRAM SITE. (SEE THE ATTACHED TABLE 1A FOR PROPERTY OWNER INFORMATION)
- ADJACENT PROPERTY LOT NUMBER. (SEE THE ATTACHED TABLE 1A)

NOTES:

1. BASE MAP ADAPTED FROM A 2008 AERIAL PHOTO AND PROPERTY LINE DOWNLOADED FROM <http://www.nysgis.state.ny.us/gateway/mg/index.html> AND FIELD OBSERVATIONS.
2. THE SIZE AND LOCATION OF EXISTING SITE FEATURES SHOULD BE CONSIDERED APPROXIMATE.



UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK			
BROWNFIELD CLEANUP PROGRAM APPLICATION BASE MAP			
PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists <small>535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300</small>		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR:	CZB	REVIEWED BY:	CHECKED BY:
DESIGNED BY:		DRAWN BY: DEW	SCALE: AS SHOWN
DATE	NOVEMBER 2011	PROJECT NO.	21.0056642.00
			REVISION NO.
			FIGURE A-3

Table 1A
Adjoining Property Owner Information

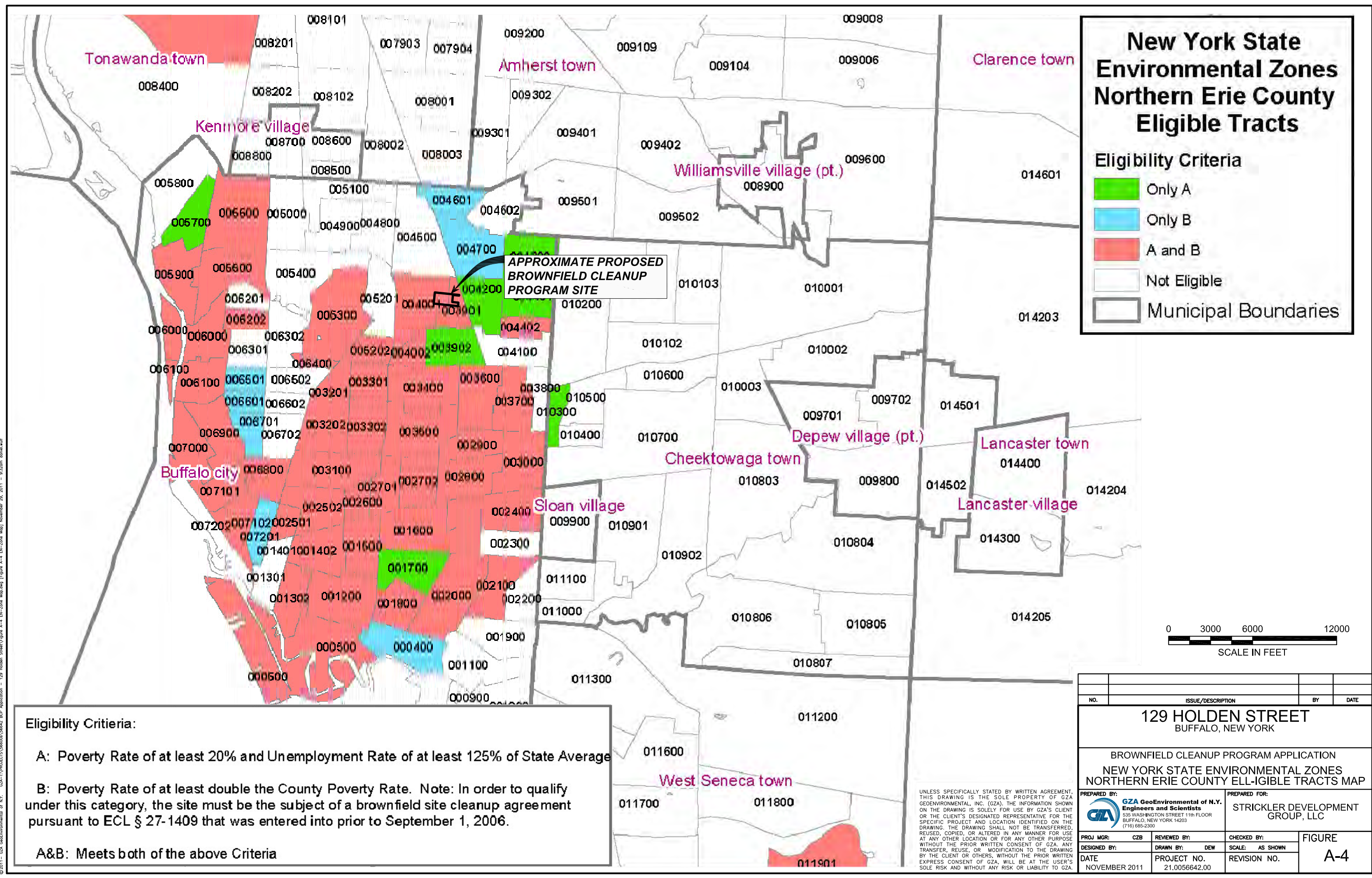
Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
1	3	BENNETT VILLAGE TERRACE	HALL, LEGRAND & W.		3 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
2	131	HOLDEN AVENUE	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
3	5	BENNETT VILLAGE TERRACE	HOLT, DEBRA D.		5 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
4	7	BENNETT VILLAGE TERRACE	ONE FIRM PROPERTIES LLC		300 W 135TH ST	NEW YORK, NY	10030
5	9	BENNETT VILLAGE TERRACE	BROWN, RONALD P.		2406 MAIN ST	BUFFALO, NY	14214
6	11	BENNETT VILLAGE TERRACE	FRAUENHOFER, GARY R.		11 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
7	13	BENNETT VILLAGE TERRACE	DARBY, JOHN M. JR.		14 THEODORE ST	BUFFALO, NY	14211
8	15	BENNETT VILLAGE TERRACE	DAVIS, RASHARD		1256 FILLMORE AVENUE	BUFFALO, NY	14211
9	17	BENNETT VILLAGE TERRACE	KITTEL, CHESTER A.		17 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
10	19	BENNETT VILLAGE TERRACE	HICKS, KARLOTTA R.		19 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
11	21	BENNETT VILLAGE TERRACE	POWRIE, BARBARA C.		21 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
12	23	BENNETT VILLAGE TERRACE	CHOSEN 1 HOLDINGS LLC		25050 RIDING PLAZA STE 130	SOUTH RIDING, VA	20152
13	135	HOLDEN AVENUE	CITY BUFFALO PERFECTING		2501 CITY HALL	BUFFALO, NY	14202
14	25	BENNETT VILLAGE TERRACE	ALLEN, JUDY G.		25 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
15	27	BENNETT VILLAGE TERRACE	CORMIER, JOSEPH D.		27 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
16	29	BENNETT VILLAGE TERRACE	SIMPKINS, ADDIE		29 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
17	31	BENNETT VILLAGE TERRACE	JOSEPH, LUTHER M. & GENEVA, L.		31 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
18	33	BENNETT VILLAGE TERRACE	COOKE, ROBERT A.		33 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
19	35	BENNETT VILLAGE TERRACE	KENAN, REBECCA		35 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
20	37	BENNETT VILLAGE TERRACE	SANCHEZ, TEREZINHA C.		37 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
21	39	BENNETT VILLAGE TERRACE	JOHNSTON, HAROLD D.		39 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
22	41	BENNETT VILLAGE TERRACE	WILLIAMS, ADEITO R.		41 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
23	43	BENNETT VILLAGE TERRACE	WASHINGTON, O. RANDI	C/O ATTN: RANDI MASSEY	1305 E MADISON ST #5	SEATTLE, WA	98122
24	45	BENNETT VILLAGE TERRACE	CLOWERS, CHARLES		45 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
25	220	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
26	47	BENNETT VILLAGE TERRACE	BYRD, GARY D.		47 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
27	49	BENNETT VILLAGE TERRACE	OGDEN, E. JEANNETTE		342 STARIN AVE	BUFFALO, NY	14216
28	51	BENNETT VILLAGE TERRACE	JOSEYCO REALTY INCORPORATED		19275 BISCAYNE BLVD	AVENTURA, FL	33180
29	53	BENNETT VILLAGE TERRACE	KITTEL, CHESTER A.		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
30	222	HILL STREET	SCANLON, THOMAS G.		26 RAND AVE	BUFFALO, NY	14216
31	55	BENNETT VILLAGE TERRACE	GANT, BILLY		55 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
32	57	BENNETT VILLAGE TERRACE	GOLSTON, CARL A.		57 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
33	59	BENNETT VILLAGE TERRACE	WILLIAMS, ADEITO	MOHABIR, ANGELINA	11604 135TH ST	SO. OZONE PARK, NY	11420
34	224	HILL STREET	CITY BUFFALO PERFECTING		2501 CITY HALL	BUFFALO, NY	14202
35	61	BENNETT VILLAGE TERRACE	NUNESS, WAYNE		61 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
36	63	BENNETT VILLAGE TERRACE	DAVIS, RASHARD		1256 FILLMORE AVE	BUFFALO, NY	14211
37	65	BENNETT VILLAGE TERRACE	BROWN, JULENE A.		65 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
38	226	HILL STREET	ROBINSON, DENNIS M.		8440 STANFIELD RD	COLDEN, NY	14033
39	67	BENNETT VILLAGE TERRACE	POWELL, EDWARD		41 SOUTHAMPTON ST	BUFFALO, NY	14209
40	69	BENNETT VILLAGE TERRACE	BURGIN, SONIA		69 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
41	228	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
42	71	BENNETT VILLAGE TERRACE	ATKINSON, PHYLLIS		71 BENNETT VILLAGE TERRACE	BUFFALO, NY	14043

Table 1A
Adjoining Property Owner Information

Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
43	73	BENNETT VILLAGE TERRACE	WILSON, DIMITRIUS	WILSON, MONA LISA	84 DANBURY STREET	CHEEKTOWAGA, NY	14225
44	230	HILL STREET	SCANLON, THOMAS G.		26 RAND AVE	BUFFALO, NY	14216
45	75	BENNETT VILLAGE TERRACE	CARDONA, MANUEL	CARDONA, CHRISTINE	10367 NATIONS CIRCLE	STOCKTON, CA	95209
46	232	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
47	77	BENNETT VILLAGE TERRACE	LABADY, JAMES A.		77 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
48	79	BENNETT VILLAGE TERRACE	HEDGEMAN, SADIE		79 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
49	81	BENNETT VILLAGE TERRACE	KITTEL, CHESTER		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
50	218	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
51	83	BENNETT VILLAGE TERRACE	KITTEL, CHESTER		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
52	216	HILL STREET	WOOD, JAMES B.		85 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
53	85	BENNETT VILLAGE TERRACE	CHESTER, CAROL	WILLIAMS, ADRITO R.	116-04 135TH ST	SO. OZONE PARK, NY	11420
54	93	BENNETT VILLAGE TERRACE	GRANT, FRANK JR.		PO BOX 39203	CHARLOTTE, NC	28278
55	97	BENNETT VILLAGE TERRACE	ROBINSON, EDGAR		97 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
56	103	BENNETT VILLAGE TERRACE	HARRIS, ALEX & W.		103 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
57	105	BENNETT VILLAGE TERRACE	YATES, VERONIKA		109 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
58	113	BENNETT VILLAGE TERRACE	SCRUGGS, MICHAEL & SANDRA		113 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
59	119	BENNETT VILLAGE TERRACE	VASCIANNIE, JAMES G.;	VASCIANNIE, MARY I	119 BENNETT VILAGEL TERRACE	BUFFALO, NY	14214
60	123	BENNETT VILLAGE TERRACE	WELLS, MICHAEL		123 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
61	129	BENNETT VILLAGE TERRACE	STOVALL, SYLVIA HALL		129 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
62	133	BENNETT VILLAGE TERRACE	BELL, CHARLES L. & MARY F.		133 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
63	139	BENNETT VILLAGE TERRACE	MUHAMMAD, SALAHUDDIN		139 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
64	145	BENNETT VILLAGE TERRACE	PAYNE, JERRY J. & W.		PO BOX 1203	BUFFALO, NY	14215
65	149	BENNETT VILLAGE TERRACE	BROWN, DENNIS		149 BENNETT VILLAGE TERRACE	BUFFALO, NY	14215
66	155	BENNETT VILLAGE TERRACE	BROWN, ROBERT E. & W.		155 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
67	163	BENNETT VILLAGE TERRACE	LEE, IVAN L. & W.		230 CLINTON ST	BUFFALO, NY	14204
68	167	BENNETT VILLAGE TERRACE	SMITH, JESSIE E. & JENNIFER		179 DONALDSON RD	BUFFALO, NY	14208
69	171	BENNETT VILLAGE TERRACE	SMITH, JESSIE & DIXIE		171 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
70	137	MANHATTAN AVENUE	BUFFALO WATER BOARD		1101 CITY HALL	BUFFALO, NY	14202
71	190	MANHATTAN AVENUE	MANHATTAN SQUARE APTS. LP	TRUST PER WILL/ANDREE M PUDDU	190-202 MANHATTAN AVE	BUFFALO, NY	14215
72	184	MANHATTAN AVENUE	THE UNITED STATES	POSTAL SERVICE	184 MANHATTAN AVENUE	BUFFALO, NY	14215
73	135	MANHATTAN AVENUE	135 MANHATTAN AVENUE LLC.	C/O ATTN: CIMINELLI DEVELOPMENT	350 ESSJAY RD	WILLIAMSVILLE, NY	14221
74	127	MANHATTAN AVENUE	ROBERTSON CARNELL		127 MANHATTAN AVENUE	BUFFALO, NY	14215
75	128	MANHATTAN AVENUE	HARRIS, PAMELA J.		PO BOX 92	BUFFALO, NY	14205
76	127	MARIGOLD AVENUE	ALLEN, CLAUDE E.		127 MARIGOLD AVNUE	BUFFALO, NY	14215
77	128	MARIGOLD AVENUE	BIRDSONG, JUANITA		128 MARIGOLD AVENUE	BUFFALO, NY	14215
78	127	RICHLAWN AVENUE	DEL RICH PROPERTIES INC.		PO BOX 595	TONAWANDA, NY	14151
79	128	RICHLAWN AVENUE	JOHNSON, MARY		636 GRIDER ST	BUFFALO, NY	14215
80	125	HILL STREET	LEE, IVAN L. & MARY E.		230 CLINTON ST	BUFFALO, NY	14204
81	282	RODNEY AVENUE	JOHNSON, THERMAN SR.	JOHNSON, THERMAN JR.	282 RODNEY AVENUE	BUFFALO, NY	14214
82	278	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		67 NIAGARA SQUARE	BUFFALO, NY	14202
83	276	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
84	274	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202

Table 1A
Adjoining Property Owner Information

Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
85	268	RODNEY AVENUE	DAVIS, MICHAEL		2800 MIDLAND AVE	TORONTO, ONTARIO, CAN.	M1S 3K7
86	266	RODNEY AVENUE	CITY BUFFALO PERFECTING		323 CITY HALL	BUFFALO, NY	14202
87	262	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
88	260	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202
89	256	RODNEY AVENUE	WINGO, VEO JR. & DIANNE		252 RODNEY AVENUE	BUFFALO, NY	14214
90	254	RODNEY AVENUE	WINGO, VEO JR. & W.		251 RODNEY AVENUE	BUFFALO, NY	14214
91	250	RODNEY AVENUE	WINGO, VEO JR. & W.		250 RODNEY AVENUE	BUFFALO, NY	14214
92	246	RODNEY AVENUE	BUTLER, CLASSIE		246 RODNEY AVENUE	BUFFALO, NY	14214
93	244	RODNEY AVENUE	BRADY, JAMES JR.		10504 HARDPAN RD	ANGOLA, NY	14006
94	240	RODNEY AVENUE	SMITH, MARTHA		240 RODNEY AVENUE	BUFFALO, NY	14214
95	236	RODNEY AVENUE	JOHNSON, BOBBY ONEAL		236 RODNEY AVENUE	BUFFALO, NY	14214
96	234	RODNEY AVENUE	POWELL, CRAIG S.		234 RODNEY AVENUE	BUFFALO, NY	14214
97	230	RODNEY AVENUE	WALLACE, TERRY		230 RODNEY AVENUE	BUFFALO, NY	14214
98	228	RODNEY AVENUE	LEE, TIMOTHY G. & W.		55 BURGARD PL	BUFFALO, NY	14211
99	224	RODNEY AVENUE	BROADUS, DALE MARIE		224 RODNEY AVENUE	BUFFALO, NY	14214
100	220	RODNEY AVENUE	LEE, TIMOTHY G. & W.		55 BURGARD PL	BUFFALO, NY	14211
101	218	RODNEY AVENUE	HUNTER WALTER LEE &	MAYBELLE, A.	218 RODNEY AVENUE	BUFFALO, NY	14214
102	214	RODNEY AVENUE	GIBBS, LINDA J.	GIBBS, WILLIE J.	72 RICHLAWN AVE	BUFFALO, NY	14215
103	212	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		67 NIAGARA SQUARE	BUFFALO, NY	14202
104	206	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
105	204	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202
106	127	HOLDEN AVENUE	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
107	192	RODNEY AVENUE	CLAY, STACY & CORA		PO BOX 23	GETZVILLE, NY	14068
108	140	HOLDEN AVENUE	BROOKS, VENRIS E.		184 TAUNTON ST	BUFFALO, NY	14216
109	158	HOLDEN AVENUE	SEB DEVELOPMENT LLC.		244 AERO DR	CHEEKTOWAGA, NY	14225
110	164	HOLDEN AVENUE	NASH, JONATHAN R.		164 HOLDEN AVE	BUFFALO, NY	14214
111	70	CHALMERS AVENUE	ELIM CHRISTIAN FELLOWSHIP		2780 MAIN ST	BUFFALO, NY	14215
112	206	HOLDEN AVENUE	HLM HOLDING, LLC.		2060 SHERIDAN DR	BUFFALO, NY	14223
113	212	HOLDEN STREET	HLM HOLDING LLC		2060 SHERIDAN DR	BUFFALO, NY	14223

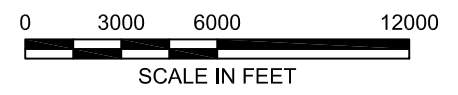


New York State Environmental Zones Northern Erie County Eligible Tracts

Eligibility Criteria

- Only A
- Only B
- A and B
- Not Eligible
- Municipal Boundaries

**APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE**



Eligibility Criteria:

A: Poverty Rate of at least 20% and Unemployment Rate of at least 125% of State Average

B: Poverty Rate of at least double the County Poverty Rate. Note: In order to qualify under this category, the site must be the subject of a brownfield site cleanup agreement pursuant to ECL § 27-1409 that was entered into prior to September 1, 2006.

A&B: Meets both of the above Criteria

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
	129 HOLDEN STREET BUFFALO, NEW YORK		
	BROWNFIELD CLEANUP PROGRAM APPLICATION NEW YORK STATE ENVIRONMENTAL ZONES NORTHERN ERIE COUNTY ELIGIBLE TRACTS MAP		
<small>PREPARED BY:</small> GZA GeoEnvironmental of N.Y. Engineers and Scientists <small>535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300</small>		<small>PREPARED FOR:</small> STRICKLER DEVELOPMENT GROUP, LLC	
<small>PROJ MGR:</small> CZB	<small>REVIEWED BY:</small>	<small>CHECKED BY:</small>	FIGURE A-4
<small>DESIGNED BY:</small>	<small>DRAWN BY:</small> DEW	<small>SCALE:</small> AS SHOWN	
<small>DATE:</small> NOVEMBER 2011	<small>PROJECT NO.:</small> 21.0056642.00	<small>REVISION NO.:</small>	

© 2011 - GZA GeoEnvironmental of N.Y. GZA-11\PROJECTS\14600\14642_BCP_Application - 129 Holden Street\Map\Fig A-4 (E-Zone Map) November 20, 2011 - 9:32am dmsd\dwf

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N82

Published monthly by the

New York State Education Department

BULLETIN 347

JULY 1905

New York State Museum

JOHN M. CLARKE Director

Bulletin 93

ECONOMIC GEOLOGY 13

THE MINING AND QUARRY INDUSTRY

OF

NEW YORK STATE

ALBERT R. MANN
LIBRARY

BY

DAVID H. NEWLAND B.A.

Assistant State Geologist

NOV 6 1958

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1905

M156m-My5-1500

Price 15 cents

operated on a reduced scale. The depressed condition of the trade was due to the largely increased output of the previous year in nearly every section of the country. Owing to a temporary decline in the demand, which recently has grown very rapidly, many of the companies entered on the year with large stocks, causing an over-supply that could not be disposed of except at reduced prices. With the removal of this surplus from the market, it is expected that the prices will reach a more normal level when the manufacture can be profitably continued.

The quantity of natural rock cement reported represents a decline of nearly one third from that of the previous year. The decrease was most noticeable in the Rosendale district, but it was also distributed among the other works. There were 14 companies engaged in this branch of the industry.

The list of cement producers in 1904 is as follows:

Portland cement

NAME	LOCATION OF OFFICE
Alsen's American Portland Cement Works	Alsen
Catskill Cement Co.	Smith's Landing
Cayuga Lake Cement Co.	Ithaca
Empire Portland Cement Co.	Warner
Glens Falls Portland Cement Co.	Glens Falls
Helderberg Portland Cement Co.	Albany
Hudson Portland Cement Co.	Hudson
Iroquois Portland Cement Co.	Caledonia
Thomas Millen Co.	Wayland
Wayland Portland Cement Co.	Wayland

Natural rock cement

NAME	LOCATION OF OFFICE
Akron Cement Works	Buffalo
E. B. Alvord Co.	Jamesville
Bangs & Gaynor	Fayetteville
James Behan Cement Works	Manlius
Consolidated Rosendale Cement Co.	Rondout
Cummings Cement Co.	Akron
Buffalo Cement Co.	Buffalo
Helderberg Portland Cement Co.	Albany
H. L. & W. C. Newman	Akron
Newark Lime & Cement Manufacturing Co.	New York city
New York Cement Co.	Rosendale
Potter-Brown Cement Works	Manlius
Thomas W. Sheedy	Fayetteville
Spencer & McCarthy	Jamesville

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MAY 1906

New York State Museum

JOHN M. CLARKE Director

Bulletin 99

PALEONTOLOGY 15

GEOLOGIC MAP

OF THE

BUFFALO QUADRANGLE

BY

D. D. LUTHER

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ALBANY

NEW YORK STATE EDUCATION DEPARTMENT

1906

Price 20 cents

UPPER SILURIC

Salina beds

Camillus shale

The lowest formation exposed within the limits of the quadrangle is the *Camillus* shale, which is the surface rock over an area of 35 square miles north of Buffalo and Williamsville.

It is entirely covered by drift on the American side of Niagara river excepting a small outcrop at the extreme south end of Grand island. On the Canadian side the upper beds are exposed in the low cliffs along the river from a point opposite Strawberry island almost to the International bridge.

The rock at these exposures is mostly soft, light gray or olive gypseous shale; a few thin layers are harder and more blocky in structure.

About 75 feet of *Camillus* shale come to the rock surface on this quadrangle but these do not represent the entire formation. Its precise thickness here is not known, but well cores show that beds of gypsum, thinner and less pure toward the bottom, occur at intervals through 150 feet or more of strata.

The Vernon red shales that underlie the *Camillus* shale in the central part of the State have not been recognized in the deep borings about Buffalo, and if the *Camillus* formation is to here include all of the strata between the Guelph dolomite of the Niagaran group beneath, and the Bertie waterlime above, its average thickness as shown in 10 wells is 333 feet.

Gypsum and plaster have been mined in the *Camillus* shale in Genesee, Monroe, Ontario, Seneca, Cayuga and Onondaga counties in very large quantities but thus far no fossils have been found in these beds in the western part of the State. The little brackish water crustacean *Leoparditia alta* occurs below the upper gypsum bed in Onondaga county.

Bertie waterlime

The passage from the *Camillus* shale to the succeeding formation is a gradual one, the gypsum slowly diminishing in quantity and the rock becoming much harder and, by the addition of alumina and carbonate of magnesia, highly dolomitic. The Bertie waterlime is usually in layers from a few inches to 2 to 3 feet thick, separated by thin seams of carbonaceous matter. Though very dark when fresh the rock weathers to a light brown or buff.

The proportion of calcareous matter varies considerably in the different layers, the composition of many of them being such as to

GEOLOGIC MAP OF THE BUFFALO QUADRANGLE

9

character, 5 to 6 feet thick, at the top of the formation has been extensively quarried in Buffalo by the Buffalo Cement Co. and also at Williamsville for the production of natural cement. The cement produced at Akron, 12 miles east of the quadrangle, is also from the same stratum.

At the quarry of the Buffalo Cement Co. the Bertie waterlime is 53 feet thick, as shown by the core of a well drilled in 1883, now in the museum of the Buffalo Society of Natural Sciences.

This rock is exposed along the west side of Niagara river, between the International bridge and the stone church; in the bed of Scajaquada creek in Forest Lawn cemetery; very abundantly in the Buffalo Cement Co.'s quarries and at Williamsville, on this quadrangle; also at Falkirk, Indian Falls, Morganville, North Leroy, Garbuttville, Honeoye Falls, East Victor, Phelps and other places to the east of this quadrangle; and toward the west at Bertie Ont., whence the name of the formation is derived.

This formation is characterized by an abundant and peculiar crustacean fauna; in fact it has long been famous for its strange lobsterlike fossils belonging to the extinct orders, Eurypterida and Phyllocarida and the cement quarries of Buffalo have proved veritable treasure chambers of these odd creatures. The following species have been observed in the vicinity of Buffalo.

The ostracod, *Leperditia scalaris* Jones, occurs abundantly in the lower part of the formation as exposed along Scajaquada creek in Forest Lawn cemetery.

The cement layer has furnished the following species of fossils:

<i>Ceratiocaris acuminata</i> Hall (Ceratiocaris grandis Pohlman)	<i>E. scorpionis</i> Grote & Pitt
<i>Eurypterus lacustris</i> Hall	<i>Pterygotus acuticaudatus</i> Pohlman
<i>E. remipes</i> De Kay	<i>P. bilobus</i> Huxley & Satter
<i>E. giganteus</i> Pohlman	<i>P. buffaloensis</i> Pohlman
<i>E. pustulosus</i> Hall	<i>P. cummingsi</i> Pohlman
<i>E. robustus</i> Hall	<i>P. macrophthalmus</i> Hall
<i>E. pachychirus</i> Hall	<i>P. quadraticaudatus</i> Pohlman
<i>E. dekayi</i> Hall	<i>P. globicaudatus</i> Pohlman
<i>Dolichopterus macrochirus</i> Hall	<i>P. cobbi</i> Hall
<i>Eusarcus grandis</i> Grote & Pitt	<i>Leperditia scalaris</i> Jones

Besides these crustaceans some brachiopods belonging to the genera *Orbiculoidea* and *Lingula* and some seaweeds have been found; among these *Bythotrephis lesquereuxi* Grote and Pitt.

Cobleskill waterlime

The bed which overlies the Bertie waterlime has lately been properly correlated by Hartnagel¹ with the Cobleskill limestone

New York State Museum Bulletin

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February 1927

New York State Museum

CHARLES C. ADAMS, DIRECTOR

THE MINING AND QUARRY INDUSTRIES OF NEW YORK FROM 1919 TO 1924 INCLUDING LISTS OF OPERATORS

By

C. A. HARTNAGEL
Assistant State Geologist

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ALBANY

THE UNIVERSITY OF THE STATE OF NEW YORK

1927

Production of lime in New York since 1904

YEAR	PRODUCTION IN SHORT TONS	VALUE
1904.....	494 883	\$678 225 ^a
1905.....	323 905	702 684 ^a
1906.....	313 369	795 348 ^a
1907.....	403 114	888 309 ^a
1908.....	401 728
1909.....	452 874
1910.....	365 839
1911.....	400 396
1912.....	93 176	452 002
1913.....	110 083	486 908
1914.....	82 944	370 377
1915.....	83 627	387 083
1916.....	117 490	636 668
1917.....	108 788	892 855
1918.....	87 127	913 366
1919.....	126 404	1 131 860
1920.....	92 357	1 047 261
1921.....	67 685	759 299
1922.....	96 320	957 079
1923.....	100 862	1 037 737
1924.....	98 592	991 799
Total.....		\$14 749 697

^a Includes value of lime burned by Solvay Process Company and Union Carbide Company, which in later years is reported under limestone.

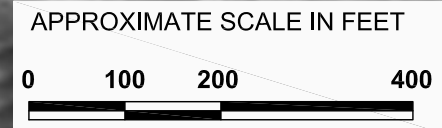
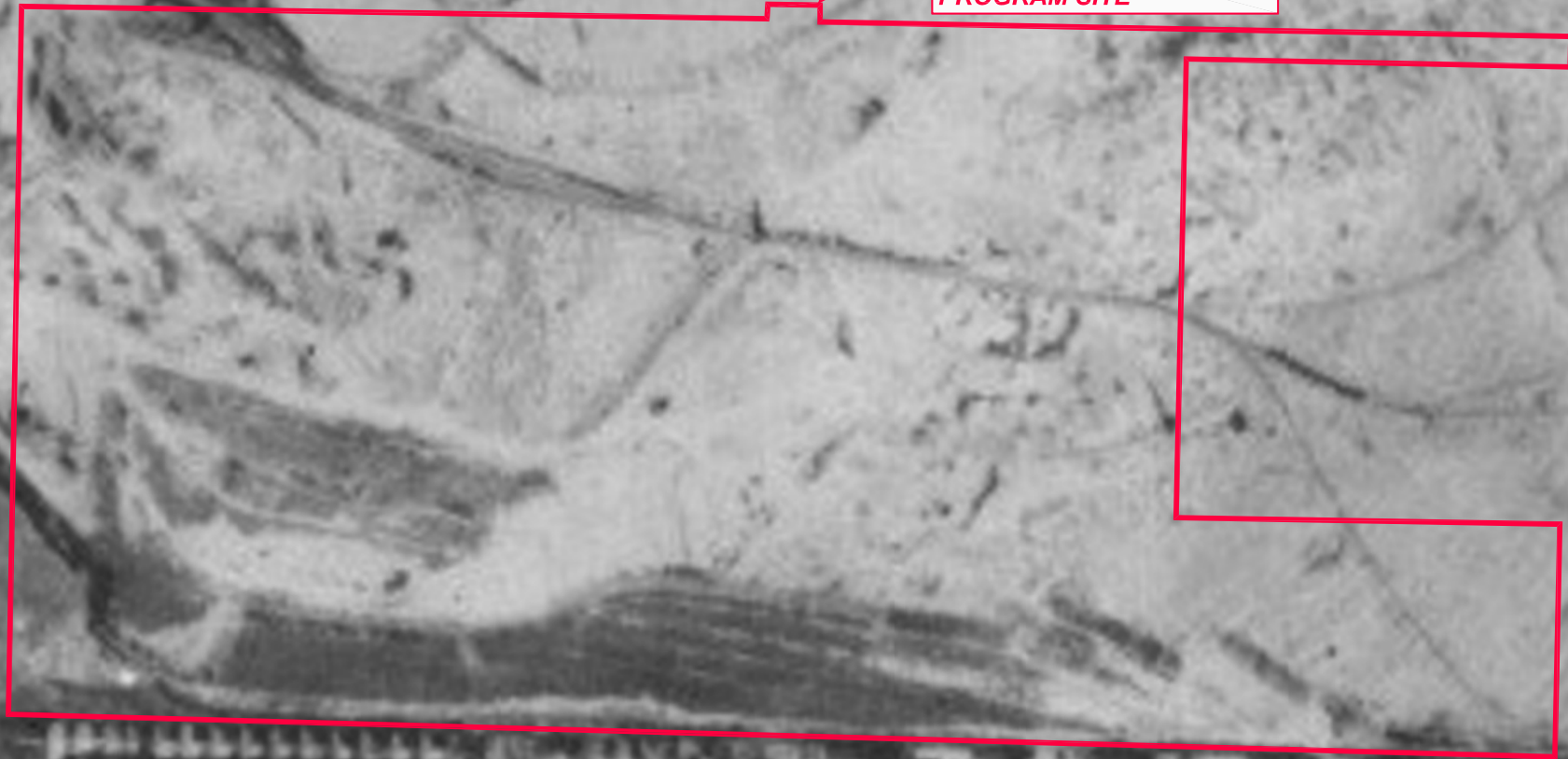
Producers of limestone including lime in 1924

NAME	<i>Albany county</i>	ADDRESS
Hotaling Quarry Co., Inc.....	Ravena	
(C. P. Hotaling, Mgr.)		
The Callanan Road Impr. Co.....	Box 773, Albany	
	<i>Cayuga county</i>	
Auburn City Quarry.....	Public Works Dep't, City Hall,	
	Auburn	
Rock Cut Stone Co.....	531 Union Bldg., Syracuse	
Brayer Bros.	10½ Lincoln street, Auburn	
Town of Moravia	Highway Superintendent, Moravia	
	<i>Clinton county</i>	
George Abdella	Plattsburg	
The Chazy Marble Lime Co.....	Chazy	
A. Florentine	126 N. Beekman street, Plattsburg	
Gebo & Bushey	Plattsburg	
	<i>Dutchess county</i>	
Kelley Island Lime & Transport Co...	Cleveland, Ohio	
Spoor-Lasher Co., Inc.....	Market street, Foughkeepsie	
Carbonate Lime Corp.	101 Park avenue, New York	
N. Y. Traprock Corp.....	101 Park avenue, New York	

NAME	<i>Eric county</i>	ADDRESS
General Crushed Stone Co.....	702 Drake Bldg., Easton, Pa.	
The Bituminous Paving Corp.....	430 E. Delevan avenue, Buffalo	
Buffalo Cement Co., Ltd.....	110 Franklin street, Buffalo	
Buffalo City Cemetery.....	Delevan avenue, Buffalo	
Buffalo Crushed Stone Co.....	1048 Ellicott square, Buffalo	
Kelley Island Lime & Transport Co....	Cleveland, Ohio	
Joseph Lang	354 Utica street, Buffalo	
<i>Fulton county</i>		
Willard A. Kegg	Cranberry Creek	
R. S. Anibal	31 Orchard street, Gloversville	
Merl Haines	Mayfield	
<i>Genesee county</i>		
Genesee Stone Products Corp.....	Batavia	
LeRoy Lime & Crushed Stone Corp...	R. D., Box 33, LeRoy	
<i>Greene county</i>		
General Crushed Stone Co.....	Easton, Pa.	
Geo. W. Holdridge & Co.....	96 W. Bridge street, Catskill	
Terry Limestone Corp.	R. D. 2, Catskill	
<i>Herkimer county</i>		
Newport Crushed Stone Co., Inc.....	Newport	
Southern N. Y. Power & Ry. Corp....	Cooperstown	
<i>Jefferson county</i>		
The Adams & Duford Co.....	Chaumont	
Watertown Stone Products Co.....	Watertown	
The Basic Refractories Corp.....	114 N. George street, York, Pa.	
<i>Lewis county</i>		
R. W. Moren.....	5 Church street, Lowville	
<i>Madison county</i>		
F. E. Conley Stone Co.....	253 Union Station, Utica	
Worlock Stone Co., Inc.....	R. D. 4, Canastota	
<i>Monroe county</i>		
Dolomite Products Co.....	124 Elswanger & Barry Bldg., Rochester	
Britton Crushed Stone Co.....	717 C. of C. Bldg., Rochester	
W. N. Britton		
Whitmore, Rauber & Vicinus.....	279 South avenue S., Rochester	
Scott Bros.	31 Exchange street, Rochester	
<i>Montgomery county</i>		
Werklieren Bros.	Amsterdam	
Stanley W. Olsen.....	61 Jay street, Amsterdam	
Mohonk Contracting Co.....	26 River street, Amsterdam	
John Olman	2 Cokrane avenue, Amsterdam	
Cushing Stone Co.....	134 State street, Schenectady	
H. J. Burkdorf & Son.....	R. D. 3, St Johnsville	



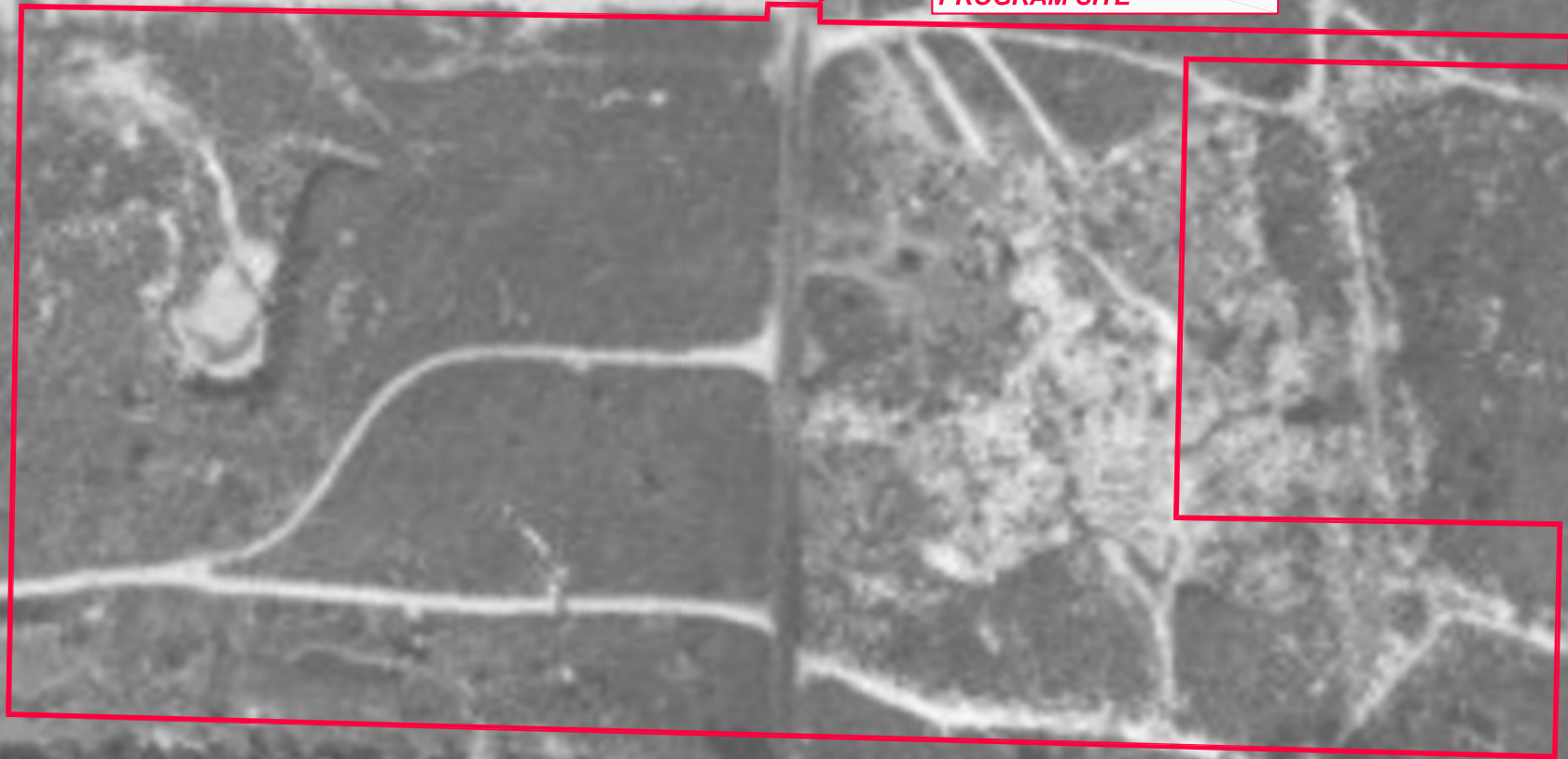
APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE



1927 AERIAL PHOTOGRAPH



APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE



APPROXIMATE SCALE IN FEET
0 150 300 600

1951 AERIAL PHOTOGRAPH

SITE PHOTOGRAPHS

129 Holden Street Redevelopment
Strickler Development Group, LLC

Brownfield Cleanup Program Application
21.0056642.00



Interior of tenant space in Building 1



Interior of tenant space in Building 3

SITE PHOTOGRAPHS

129 Holden Street Redevelopment
Strickler Development Group, LLC

Brownfield Cleanup Program Application
21.0056642.00



Typical pile of debris in Building 3



Interior of tenant space in Building 1

SITE PHOTOGRAPHS

129 Holden Street Redevelopment
Strickler Development Group, LLC

Brownfield Cleanup Program Application
21.0056642.00



Area of fill stockpile in northeastern corner of Site



Building 4 looking south

SITE PHOTOGRAPHS

129 Holden Street Redevelopment
Strickler Development Group, LLC

Brownfield Cleanup Program Application
21.0056642.00



Building 1 looking northeast



Building 2 looking northeast

SITE PHOTOGRAPHS

129 Holden Street Redevelopment
Strickler Development Group, LLC

Brownfield Cleanup Program Application
21.0056642.00



Fenced-in storage area adjoining southern portion of Building 3



Site looking east

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section V – Property Eligibility Information**

ATTACHMENT B

- Description of Site Spill History and Closure
- Central Park Plaza Associates, LLC Consent Order and Judgment

Attachment B

Description of State Enforcement Action

Three (3) NYSDEC Spills have been identified for the site as follows.



1. Spill No. 0703866 was listed for the site on the RCRA database as a large quantity generator (LQG). LQG facilities are generate more than 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, release into or on any land or water, or acutely hazardous wastes generated during any calendar month. The LQG for this listing was Niagara Mohawk, for waste code B007 (polychlorinated biphenyls) as the hazardous waste. Transformer oil was spilled at the site caused by vandalism. No violations were found, no further information was provided and the spill was closed on July 6, 2007. A copy of the NYSDEC spill report form is attached.
2. Spill No. 0704399 was listed when petroleum was released from an abandoned disabled car, which caught fire in the northwest portion of the site. Approximately one gallon of liquid was released to the ground surface beneath the car. The fire was put out; oxygen and acetylene cylinder tanks were discovered inside the car, removed and stored inside the plaza until they were returned to Mills Welding Supply as stamped on the tanks. No further action was required and the spill was closed on November 19, 2007. A copy of the NYSDEC spill report form is attached.
3. Spill No. 1109473 was assigned to the site based on analytical data from a Phase II ESA conducted on October 2011. The Phase II ESA identified VOC, SVOC, PCB, and metals at the site (See Table 2 included in Phase II ESA in Attachment D – Environmental reports). Total xylene was detected above soil guidance criteria. VOCs detected underneath Building 1 (located at the northwestern portion of the site) in the former chop shop are characteristic of a petroleum release. A copy of the NYSDEC spill report form is attached.

Consent Order and Judgment

On October 26, 2011, the present owner of the property, Central Park Plaza, LLC and Samuel Kurz, entered into a Consent Order and Judgment (Index No. 2011-4327) with the State of New York that resolved the public nuisance allegations asserted by the State against the present property owner related to the condition of the property and the buildings on the property. A copy of the Consent Order is attached. As can be seen, the Consent Order required the owner to provide adequate parking lot lighting and site security at the property; repair broken windows, exterior doors, and holes in the exterior of the building walls; cleanup site debris, trash, and broken glass, and cut overgrown weeds, underbrush and high grass. This Consent Order and Judgment does not involve or relate to an enforcement order compelling remediation under Navigation Law Article 12, ECL Article 17, Title 10, or a release of a hazardous waste or petroleum at the property.



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 0703866
 SPILL NAME: CENTRAL PARK PLAZA DEC LEAD: fxgalleg
 SPILL DATE: 07/05/2007 SPILL TIME: 3:14 pm
 CALL RECEIVED DATE: 07/05/2007 RECEIVED TIME: 3:14 pm

SPILL LOCATION

PLACE: CENTRAL PARK PLAZA COUNTY: Erie
 STREET: CENTRAL PARK AVE. TOWN/CITY: Buffalo (c)
 COMMUNITY: BUFFALO
 CONTACT: LISA MONTESANO CONTACT PHONE: (716) 479-5339

CONT. FACTOR: Vandalism SPILL REPORTED BY: Responsible Party
 FACILITY TYPE: Commercial/Industrial WATERBODY: _____

CALLER REMARKS:

Unknown person(s) stole a transformer(s) from the shopping center. Lisa Montesano found no oil on the ground or surrounding area and could not smell any oil either. She is reporting a possible spill. National Grid plans to check records and do any necessary sampling in the near future.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
TRANSFORMER OIL	Petroleum		0 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
UNKNOWN	ZZ	UNKNOWN NAME

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
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Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
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DEC REMARKS:

7/6/07 THE REPORT INDICATES THERE IS NO SPILL. NO ACTION BY SPILLS POSSIBLE. SPILL IS CLOSED.

ELECTRONIC FILE ONLY.

PIN T & A COST CENTER

CLASS: E5 CLOSE DATE: 07/06/2007 MEETS STANDARDS: False



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 0704399
 SPILL NAME: CAR FIRE DEC LEAD: cgmckenz
 SPILL DATE: 07/18/2007 SPILL TIME: 8:57 pm
 CALL RECEIVED DATE: 07/18/2007 RECEIVED TIME: 9:34 pm

SPILL LOCATION

PLACE: CAR FIRE COUNTY: Erie
 STREET: 170 CENTRAL PARK PLAZA TOWN/CITY: Buffalo (c)
 COMMUNITY: BUFFALO
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Other SPILL REPORTED BY: Fire Department
 FACILITY TYPE: Passenger Vehicle WATERBODY: N/A

CALLER REMARKS:

car fire abandoned in the location-oxygen and acetylene tanks abandoned tanks-HAZMAT on site-needs call back for Hazmat Asst Chief 716-445-2939 on site needs callback

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
Other	Petroleum	1 G	0 G	Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
CAR FIRE	170 CENTRAL PARK PLAZA BUFFALO NY 14214	

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
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Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
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DEC REMARKS:

7/18/07 CGM T/C W/KILPATRICK WOODWARD-BFD HAZMAT ASST CHIEF (445-2939). STATES ABANDONED CAR DISASSEMBLY CAUGHT FIRE. FIRE FUELED BY OXYGEN AND ACETYLENE CYLINDER TANKS. PRODUCT IN TANKS. GAS VALVES CLOSED, HOSES/ REGULATORS STILL ATTACHED. REQUESTS REMOVAL SINCE LOCATION OF TANKS COULD CAUSE FIRE TO HOMES/GARAGES CLOSE BY. KILPATRICK STATES ARSON INVESTIGATORS WERE CALLED IN.

CGM ON SITE W/HAZMAT ASST CHIEF AND OWNER'S (EAST CAPITAL INC PROPERTY MANAGEMENT CO, 884-8213) SECURITY GUARD (WILLIAM NEFFKE, 871-9057). LOCATION OF CYLINDER TANKS AND BURNED AUTO IN NORTHWESTERN PORTION OF PROPERTY KITTY CORNER TO 170 CENTRAL PARK PLAZA (KEY'S AUDIO INSTALLATION, 563-8707) BEHIND LOT IN BETWEEN BRUSH AND FENCE OF HOMES ON BENNETT VILLAGE TERRACE. LOCATION NOT VISIBLE FROM PARKING LOT, HAD TO WALK FOR ACCESS. TWO CYLINDER TANKS OBSERVED; OXYGEN AND DISSOLVED ACETYLENE. GAS CONFIRMED TO BE CUT OFF, NO APPARENT INTEGRITY LOSS TO TANKS. OXYGEN TANK HAD STAMPED ON IT MILLS WELDING SUPPLY 3-921, 06AO5102. ACETYLENE

Created On: 07/19/2007

Date Printed: 11/15/2011

Last Updated: 11/19/2007



NYSDEC SPILL REPORT FORM



DEC REGION: 9

SPILL NUMBER: 0704399

SPILL NAME: CAR FIRE

DEC LEAD: cgmckenz

TANK HAS WS 492038 STAMPED ON IT.

SECURITY GUARD STATES HE NOTED THIS AUTO WAS LOCATED IN ALLEY BEHIND BENNETT VILLAGE THREE DAYS AGO, NOTIFIED OWNERS. HE NOTED THE CAR WAS MOVED TO ITS CURRENT LOCATION TODAY, NOTIFIED OWNERS. HE CALLED BFD ABOUT FIRE. DEPT MADE SEVERAL UNSUCCESSFUL ATTEMPTS TO NOTIFY OWNER. LEFT MESSAGES ON BUSINESS LINES, EMERGENCY # (604-4165 THAT REQUIRED AN UNKNOWN 10-DIGIT NUMBER), TRIED CONTACTING SYSTEM MAIL BOX NAMES VIA PHONE BOOK. NO RETURN CALLS RECEIVED BY DEPT FROM ANY OWNER REPS. SECURITY GUARD STATES HE DOES NOT HAVE ANY EMERGENCY CONTACT NUMBERS FOR THE COMPANY. DEPT CALLED OUT OPTECH FOR CYLINDER REMOVAL.

RON ALLESSI, MANAGER FOR EAST CAPITAL ARRIVES ON SITE AT SAME TIME AS OPTECH. RON ALLESSI STATES HE MADE NO ATTEMPT TO CONTACT THE DEPT, DECIDED TO JUST SHOW UP. DEPT EXPLAINED THE OWNER IS A POTENTIAL RESPONSIBLE PARTY IN THE CLEANUP OPTECH HIRED TO DO. RON ALLESSI STATED HE WILL STORE TANKS INSIDE BUILDING AND RETURN TO MILLS WELDING SUPPLY. HAZMAT APPROVES THIS TEMPORARY MEASURE. DEPT ADVISES THAT ALTHOUGH THERE IS NO FEE TO RETURN THE TANKS TO THE MFG, THERE WILL BE A CALLOUT CHARGE FOR OPTECH. RON ALLESSI STATES SINCE HE SHOWED UP ON SITE, HE DOES NOT SEE A NEED TO PAY THE CONTRACTOR FOR THEIR TIME. DEPT ADVISED THAT THE CONTRACTOR WAS CALLED BECAUSE THE OWNER DID NOT NOTIFY THE DEPT AS REQUESTED RE THE EMERGENCY SITUATION. THE CONTRACTOR MUST BE PAID FOR THEIR RESPONSE. RON ALLESSI AGREED IN THE PRESENCE OF THE DEPT AND HAZMAT TO CONTRACT W/OPTECH AND PAY THEIR CALLOUT CHARGE. DEPT EXPLAINED IF EAST CAPITAL REFUSES TO PAY OPTECH, THE DEPT IS OBLIGATED TO PAY IT AND ASSOCIATED CHARGES WILL BE FORWARDED TO THE AG'S OFFICE FOR REIMBURSEMENT FROM RESPONSIBLE PARTIES.

7/19/07 CGM NOTIFICATION TO ECO LT KUSZKA. LT CALLED "E" DISTRICT FOR REFERRAL (851-4416).

ERIN EPSTEIN, EAST CAPITAL T/C W/CGM. HE STATES TANKS BROUGHT TO MILLS WELDING AT NO FEE. WILL NOT PAY CONTRACTORS. FEELS CONTRACTOR WAS NOT NECESSARY SINCE RON ALLESSI SHOWED UP ON SITE AND STORED TANKS INSIDE BUILDING. EXPLAINED DEPT NEVER RECEIVED RETURN CALLS TO PREVENT OPTECH'S CALLOUT. STATE CONTRACT REQUIRES CONTRACTOR PAYMENT ON EMERGENCY CALLOUTS. THIS EVENT WAS CONSIDERED AN EMERGENCY FOR WHICH THE OWNER NEVER RESPONDED. HE STATED HE WILL CONTACT HIS ATTY TO DISPUTE THE MATTER. OFFERED DEC ATTY NAME FOR FOLLOWUP IS DESIRED.

OPTECH T/C W/CGM. OPTECH CONFIRMS OWNERS WILL NOT PAY AS AGREED LAST NIGHT. DEPT FAXED HAZ PIN AUTHORIZATION CONFIRMATION FORM TO OPTECH.

BF HAZMAT T/C W/CGM. HAZMAT HAS NOT RECEIVED DISPOSAL RECEIPT FROM OWNERS. THEY WILL ALLOW UNTIL NOON TO RECEIVE IT BEFORE SENDING OUT INVESTIGATORS.

CGM MTG W/TERRY MUCHA REGARDING SITE ACTIVITIES.

CGM MTG W/FXG ON SITE ACTIVITIES.

DETECTIVE PITTORF/BUFFALO POLICE "E" DISTRICT (851-4019) T/C W/CGM. DETECTIVE HAS COMPLAINTANT FROM "C" DISTRICT WHOSE CYLINDERS WERE STOLEN THREE DAYS AGO. HAZMAT REFFERR ED HER TO DEC FOR LOCATION OF TANKS. DEPT ADVISED HER THAT OWNERS STATED THEY WERE KEEPING THEM IN THE BUILDING OVERNITE UNTIL THEIR RETURN TO MILLS WELDING SUPPLY. SHE WOULD CALL MILLS WELDING TO ARRANGE THEIR RETURN TO COMPLAINTANT.

JOHN VELNA, MILLS WELDING SUPPLY (818-7498) ADVISED BY DETECTIVE TO CONTACT DEC REGARDING CYLINDER OWNER'S, HOUSTON KNIGHT (358 MAY ST, BUFFALO 14211, 563-0009) REQUEST FOR TANKS' RETURN. T/C W/CGM. DEPT HAS NOT OPINION ON THIS MATTER.

7/20/07 MIKE RISMAN, ATTY W/HODGSON-RUSS (848-1291) REPRESENTING CENTRAL PARK PLAZA T/C W/CGM. ATTY ASKED FOR EXPLANATION OF EVENTS. STATES CLIENT DROPPED OFF TANKS AND GOT RECEIPT. ATTY AND CLIENT FEELS THERE IS NO NEED FOR PAYMENT TO CONTRACTOR-THEY WERE NOT NEEDED. EXPLAINED THE CALL-OUT WAS NECESSARY BECAUSE OWNER HAD NOT RETURNED CALLS AS REQUESTED ON MESSAGES



NYSDEC SPILL REPORT FORM



DEC REGION: 9 **SPILL NUMBER:** 0704399

SPILL NAME: CAR FIRE **DEC LEAD:** cgmckenz

DEPT LEFT. ONCE THE CALLOUT IS MADE, THE CONTRACTOR GETS PAID. REFERRED HIM TO TERRY MUCHA FOR FOR LEGAL LIABILITY EXPLANATION. CGM EM TO TERRY MUCHA ADVISING OF ATTY T/C.

8/7/07 DEPT SENT HIRED CONTRACTOR/RP LTR.

8/24/07 NO FURTHER ACTION REQUIRED. SPILL CLOSED.

11/19/07 SPILL FILE CLOSED ON 11/19/07 BECAUSE IT HAD NOT BEEN PREVIOUSLY CLOSED. ISR WRITTEN AND PROCESSED.

PIN
H0848

T & A

COST CENTER

CLASS: A2

CLOSE DATE: 11/19/2007

MEETS STANDARDS: False



NYSDEC SPILL REPORT FORM



DEC REGION: 9 SPILL NUMBER: 1109473
 SPILL NAME: CENTRAL PARK PLAZA DEC LEAD: TDJOHNSO
 SPILL DATE: 10/28/2011 SPILL TIME: 2:15 pm
 CALL RECEIVED DATE: 10/28/2011 RECEIVED TIME: 4:05 pm

SPILL LOCATION

PLACE: CENTRAL PARK PLAZA COUNTY: Erie
 STREET: 129 HOLDEN STREET TOWN/CITY: Buffalo (c)
 COMMUNITY: BUFFALO
 CONTACT: _____ CONTACT PHONE: _____

CONT. FACTOR: Other SPILL REPORTED BY: Other
 FACILITY TYPE: Commercial/Industrial WATERBODY: _____

CALLER REMARKS:

ANALYTICAL RESULTS FROM A PHASE II INVESTIGATION WERE ABOVE CP-51 GUIDANCE VALUES FOR VOCs. SITE WAS A FORMER REPAIR SHOP. GZA DID THE WORK FOR THE BUYER. GZA WILL SUBMIT REPORT.

MATERIAL	CLASS	SPILLED	RECOVERED	RESOURCES AFFECTED
UNKNOWN PETROLEUM	Petroleum			Soil,

POTENTIAL SPILLERS

COMPANY	ADDRESS	CONTACT
UNKNOWN	NY	

OTHER SPILLS / CLEANUPS / PBS AT SITE

SPILL NUMBER / PROGRAM NUMBER	CLOSE DATE	PROGRAM TYPE
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Tank No.	Tank Size	Material	Cause	Source	Test Method	Leak Rate	Gross Failure
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DEC REMARKS:

11/2/11 TDJ SPOKE WITH CHRIS BORON WHO STATED THAT REPORT WILL BE SUBMITTED TO MARTY DOSTER FOR POSSIBLE BROWNFIELD MONIES.

PIN T & A COST CENTER

CLASS: C3 CLOSE DATE: MEETS STANDARDS: False

FILED
ACTIONS & PROCEEDINGS

NOV - 3 2011

ERIE COUNTY
CLERK'S OFFICE

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK,
by ERIC T. SCHNEIDERMAN, Attorney General
of the State of New York,

Petitioners,

**CONSENT ORDER AND
JUDGMENT**

-against-

Index No. 2011-4273

CENTRAL PARK PLAZA ASSOCIATES, LLC
and SAMUEL KURZ, individually and as a
member of Central Park Plaza, LLC,

Respondents.

Petitioners commenced this special proceeding by notice of petition and verified petition, verified by James M. Morrissey, Assistant Attorney General, on October 26, 2011.

NOW, on motion of Eric T. Schneiderman, Attorney General of the State of New York (hereinafter "Office of the Attorney General"), attorney for the petitioners; and on the above pleadings, and on the consent of respondents, it is hereby

1. ORDERED, ADJUDGED AND DECREED that respondents, their agents, trustees, servants, employees, successors, heirs and assigns, or any other person under their direction and control, whether acting individually or in concert with others, or through any corporate or other entity or device through which they may now or hereafter act or conduct business, operating or doing business in New York State, including businesses in which they have any legal or beneficial interest, (referred to hereinafter collectively as "respondents") are bound by the terms of this Consent Order and Judgment (hereinafter referred to as "Consent Order"); and it is further

2. ORDERED, ADJUDGED AND DECREED that respondents will sell Central Park Plaza as soon as practicable; and it is further

3. ORDERED, ADJUDGED AND DECREED that pending the sale of Central Park Plaza, respondents will take the following actions, or cause the following actions to be taken at Central Park Plaza, which shall include all buildings and the parking lot:

- a. Within twenty days of entry of this Consent Order, respondents will take all steps necessary to assure that Central Park Plaza parking lot is adequately lit from dusk to dawn, seven days per week;
- b. Within twenty days of entry of this Consent Order, respondents will locate personnel at Central Park Plaza to patrol by foot or vehicle continuously from dusk to dawn, seven days per week, except nothing herein shall require the patrol of the inside of the buildings;
- c. Within twenty days of entry of this Consent Order, respondents repair or board up all broken windows;
- d. Within twenty days of entry of this Consent Order, respondents will repair or secure exterior doors that are not locked, or able to be locked;
- e. Within twenty days of entry of this Consent Order, respondents will secure all holes in Central Park Plaza building exterior walls;
- f. Within twenty days of entry of this Consent Order, respondents will remove all debris, trash and broken glass; and
- g. Within twenty days of entry of this Consent Order, respondents will cut and remove overgrown weeds, overgrown underbrush and high grass, including such materials found in and around fences; and it is further

4. ORDERED, ADJUDGED AND DECREED that, within two business days of receiving written notice that a window or door is not secure, respondents will secure such window or door; and it is further

5. ORDERED, ADJUDGED AND DECREED that, within two business days of receiving written notice that a hole has been punctured through an exterior wall, respondents will repair and secure such hole; and it is further

6. ORDERED, ADJUDGED AND DECREED that, within two business days of receiving written notice that an exterior light is not operative, respondents will repair such light; and it is further

7. ORDERED, ADJUDGED AND DECREED that, within two business days of receiving written notice that debris, garbage and/or broken glass is present at Central Park Plaza, respondents will remove such garbage, debris and/or glass; and it is further

8. ORDERED, ADJUDGED AND DECREED that, within two business days of receiving written notice of overgrowth of weeds, underbrush and/or grass, respondents will cut and remove such overgrowth; and it is further

9. ORDERED, ADJUDGED AND DECREED that respondents are permanently enjoined from owning property within the City of Buffalo; and it is further

10. ORDERED, ADJUDGED AND DECREED that, if respondents have not sold Central Park Plaza, and closed on such sale, within 180 days of the entry of this Consent Order, they will repair the potholes in the Central Park Plaza parking lot, and remove any pieces of metal protruding above the surface level; and it is further

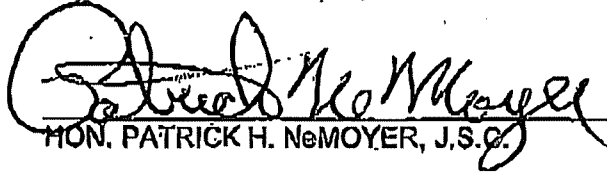
11. ORDERED AND DECREED that, before the Office of the Attorney General seeks relief to cure an alleged violation of this Consent Order, it will provide respondents with five days written notice of the same, including a description of the alleged violation, to give respondents an opportunity to cure the alleged violation; and it is further;

12. ORDERED AND DECREED that this Consent Order, (i) may not be used as evidence in any judicial or administrative hearing, proceeding or action except for a proceeding by the petitioners to enforce its terms; (ii) does not create duties or obligations to third persons not a party to this litigation, except as explicitly set forth herein; and (iii) creates no liability or responsibility from respondents to any third party based on compliance with any term, condition or provision of this Consent Order, other than as explicitly set forth herein; and it is further

13. ORDERED, ADJUDGED AND DECREED that any written notice required by this Consent Order may be given to respondents by facsimile to


James P. Milbrand
Hiscock & Barclay
1100 M&T Center
Buffalo, New York 14203
716-566-4012 (facsimile); and it is further

14. ORDERED AND DECREED that the Court hereby retains jurisdiction to enforce this Consent Order and all disputes arising under this Consent Order shall be submitted to the Court, and the Court retains authority to decide all such disputes.


MON. PATRICK H. NeMOYER, J.S.C.

GRANTED

NOV 03 2011

BY 
KEVIN J. O'CONNOR
COURT CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
THE PEOPLE OF THE STATE OF NEW YORK,
by ERIC T. SCHNEIDERMAN, Attorney General
of the State of New York,

Petitioners,

STIPULATION AND CONSENT

-against-

Index No. 2011-4273

CENTRAL PARK PLAZA ASSOCIATES, LLC
and SAMUEL KURZ, individually and as a
member of Central Park Plaza, LLC,

Respondents.
-----X

IT IS HEREBY ACKNOWLEDGED, STIPULATED, AND CONSENTED to, by
and between Central Park Plaza, LLC, and Samuel Kurz, individually and as a member of
Central Park Plaza, LLC ("respondents") and James P. Milbrand, counsel for respondents, and
Eric T. Schneiderman, Attorney General of the State of New York, (James M. Morrissey,
Assistant Attorney General, of Counsel); as attorney for petitioners herein; that:

1. Respondents acknowledge that they has been served with a copy of the
notice of petition and the verified petition, and desire to settle and resolve the proceeding
without admitting allegations contained in the verified petition.

2. Respondents agree not to take any action or to make or permit to be
made any public statement creating the impression that this proceeding was without factual
basis. Nothing in this paragraph affects respondents': (a) testimonial obligations; or (b) right to
take legal or factual positions in connection with any other administrative, judicial and any other
matter or proceeding other than the above-referenced matter.

3. Respondents acknowledge that they have received a copy of the
annexed Consent Order and Judgment ("Consent Order"), and agree to the obligations and
duties it imposes.

4. This Stipulation and Consent is entered into by respondents as their own free and voluntary act with full knowledge and understanding of the nature of the actions and the obligations and duties imposed upon it by the Consent Order. Respondents consent to the entry of the Consent Order without further notice, and agree that no offers, agreements or inducements of any nature whatsoever have been made to them by petitioners or by their attorney or any employees of the Attorney General's office to procure this Stipulation and Consent except as set forth in the annexed Consent Order.

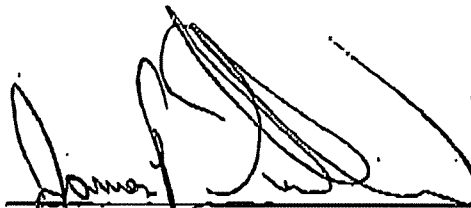
5. The annexed Consent Order shall be entered against respondents without costs.

6. Petitioner may apply to the court, upon twenty (20) days notice to counsel, for such other and further relief as they deem necessary for the purpose of carrying out the terms of the Consent Order.

Dated: Buffalo, New York
October 27, 2011



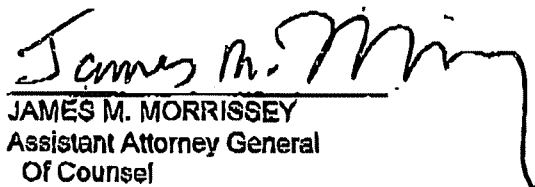
SAMUEL KURZ, Individually and as
a member of Central Park Plaza, LLC



JAMES P. MILBRAND
Attorney for Samuel Kurz and Central
Park Plaza, LLC

ERIC T. SCHNEIDERMAN
Attorney General of the
State of New York
Attorney for Petitioners

BY:


JAMES M. MORRISSEY
Assistant Attorney General
Of Counsel

STATE OF NEW YORK
SUPREME COURT; COUNTY OF ERIE

THE PEOPLE OF THE STATE OF NEW YORK,
by ERIC T. SCHNEIDERMAN, Attorney General
of the State of New York,

Petitioners,
-against-

NOTICE OF ENTRY

Index No. 2011-4273

CENTRAL PARK PLAZA ASSOCIATES, LLC,
and SAMUEL KURZ, individually and as a
member of Central Park Plaza, LLC,

Respondents.

PLEASE TAKE NOTICE that the within is a true and complete copy of the Consent Order and Judgment with Stipulation and Consent in this special proceeding, duly entered in the Office of the County Clerk of Erie County on November 3, 2011.

Dated: Buffalo, New York
November 3, 2011

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for the Respondent

BY:



JAMES M. MORRISSEY
Assistant Attorney General, of Counsel
350 Main Street, Suite 300A
Buffalo, NY 14202
Telephone: (716) 853-8471

To: James P. Milbrand.
Miscoc & Barclay
1100 M&T Center
Buffalo, New York 14203

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section VI – Project Description**

ATTACHMENT C

- Project Description
- Project Scope
- Project Schedule
- Conceptual Plan
- Floor Plans for Residential Structures

Attachment C

Project Description

In accordance with Section VI of the BCP Application, the following information is provided.



Project Purpose:

The purpose of the project is to investigate, remediate and develop for residential use a 27.09- acre parcel of land within the City of Buffalo. The site is currently occupied by 5 vacant commercial buildings constructed between 1956 and 1989. The last tenant left the site in July 2011. Environmental and aesthetic impacts have impeded opportunities for economic development and growth due to:

- historic mining and associated backfilling operations with unidentified fill;
- commercial operations, which included auto repair, photographic development and dry cleaning businesses; and
- deteriorating and dilapidated asbestos-containing structures.

The City of Buffalo's Comprehensive Plan is to reverse its long-term decline in population, employment and quality of the environment through coordinated strategic investments. These include neighborhood revitalization projects and improved infrastructure in the City of Buffalo (See Figure A-4).

Subject to entry into the Brownfield Cleanup Program (BCP), the requestor is proposing to raze existing vacant asbestos-containing structures, redevelop the site with market-rate affordable housing, improve roads and infrastructure, and remediate site soils to provide a healthier environment for the community.

The entire site is located within Environmental Zones ("En-Zones") A and B according to the New York State's Empire State Development (ESP) Eligible Tracts Map (See Figure A-4). Therefore, it meets the eligibility criteria to receive benefits for the cleanup and redevelopment including liability relief and tax credit.

Acceptance in the BCP is essential to the viability of this project, which would facilitate the largest residential development project in the City of Buffalo since the 1960s.

Attachment C

Project Description

Project Scope:



The requestor's redevelopment plan proposes to develop the site with residential structures as shown on the attached Conceptual Plan. The proposed "Central Park Village" will include the following variations of residential units after the existing structures are razed and remedial activities are completed, in accordance with the New York State Department of Environmental Conservation's (NYSDEC) Part 375, Subpart 375-3 Brownfields Cleanup Program Track 2 approach.

- Thirty-eight (38) single corner units;
- Thirty-six (36) single-units with attached garage;
- Sixteen (16) single-units with detached garage;
- Twenty-seven (27) double unit homes (27 houses/54 units total); and
- Twenty-one (21) town homes/apartments (21 buildings/~159 units total).

The extent of the remedial activities to be completed is unknown at this time. Only a limited number of soil samples have been submitted for laboratory analysis as part of the previous Phase II ESA. The soil sample data did identify soil contamination present under and around Building 1. Additional investigation activities will need to be completed to assess other areas of the site (i.e., assess extent of fill material, groundwater and other area that were not previously investigated). A Remedial Investigation work plan will be developed and submitted to NYSDEC for review, comment and approval prior to initiating the investigation.

Remedial Investigation activities will include:

- Soil probes throughout the site to further assess the fill materials and potential contamination present;
- Test borings will be completed to facilitate the installation of groundwater monitoring wells to assess groundwater conditions; and
- Surface soil samples will be collected from distressed areas and location where dumping may have occurred.

Based on the finding of the Remedial Investigation, A Remedial Investigation and Alternative Assessment report will be prepared in accordance with NYSDEC Division of Environmental Remediation DER-10, Technical Guidance for Site Investigation and Remediation dated May 2010.

If deemed appropriate and necessary, an Interim Remedial Measure (IRM) may be completed address contaminated soil to allow the project to move forward in a timely manner. These IRM activities would be completed under a NYSDEC approved work plan.

Attachment C

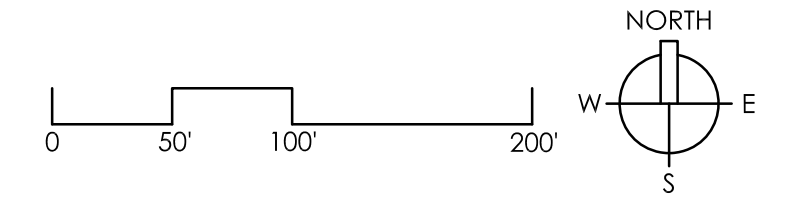
Project Description








Project Schedule:

A detailed schedule for the remedial investigation will be provided in the Remedial Investigation Workplan. The general project schedule set forth herein is subject to the acceptance into the Brownfield Cleanup Program. Below is a tentative “milestone” schedule for cleanup of the site.



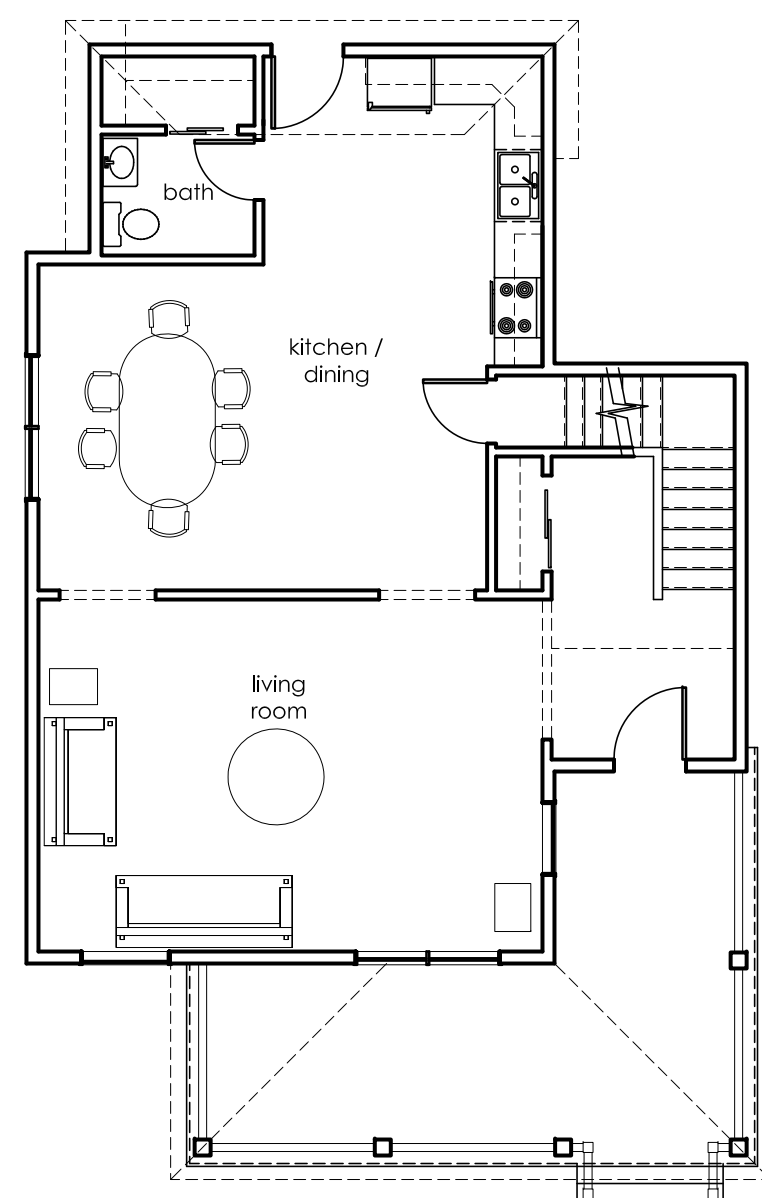
Submittal of BCP Application:	December 1, 2011
BCP Application is deemed complete:	December 15, 2011
NYSDEC 30-Day comment period:	January 15, 2012
NYSDEC acceptance of Site into BCP Program:	January 2012
Strickler Development signs BCP Agreement:	March 2012
Submittal of Remedial Investigation (RI) Work Plan:	April 2012
NYSDEC 30-Day comment period:	May 2012
NYSDEC acceptance of RI Work Plan:	June 2012
Implementation of the RI Work Plan:	July – September 2012
Submittal of Draft RI/AA Report	December 2012
NYSDEC comments on RI/AAR:	January 2012
Final RI/AAR submittal:	February 2012
NYSDEC comments and public notice period (45-Day):	
NYSDEC RI/AAR approval:	April 2013
Remedial Design Report submittal:	June 2013
NYSDEC comments and public notice period:	July 2013
Final Remediation Design Report submittal:	August 2013
NYSDEC Remedial Design Report approval:	August 2013
Remedial Implementation:	September – December 2013
Final Engineering Report submittal:	June 2014
Site Management Plan submittal (if necessary)	June 2014



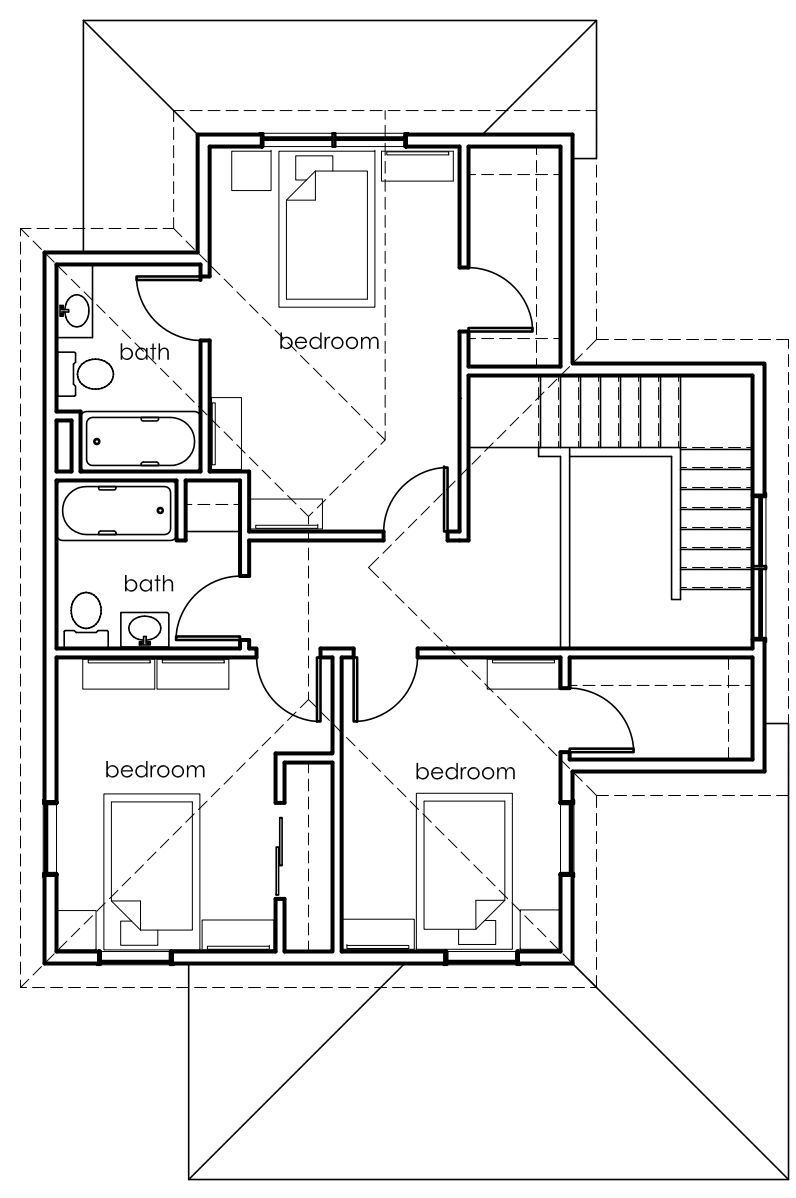
-  SINGLE CORNER UNIT
38 Units Total
-  SINGLE UNIT-ATTACHED GARAGE
36 Units Total
-  SINGLE UNIT -DETACHED GARAGE
16 Units Total
-  4/3 DOUBLE UNIT
27 Houses / 54 Units Total
-  TOWN HOMES / APARTMENTS
21 Buildings / ~159 Units Total
-  EXISTING BUILDINGS / HOUSING
-  PROPERTY LINE

UNIT DISTRIBUTION DIAGRAM

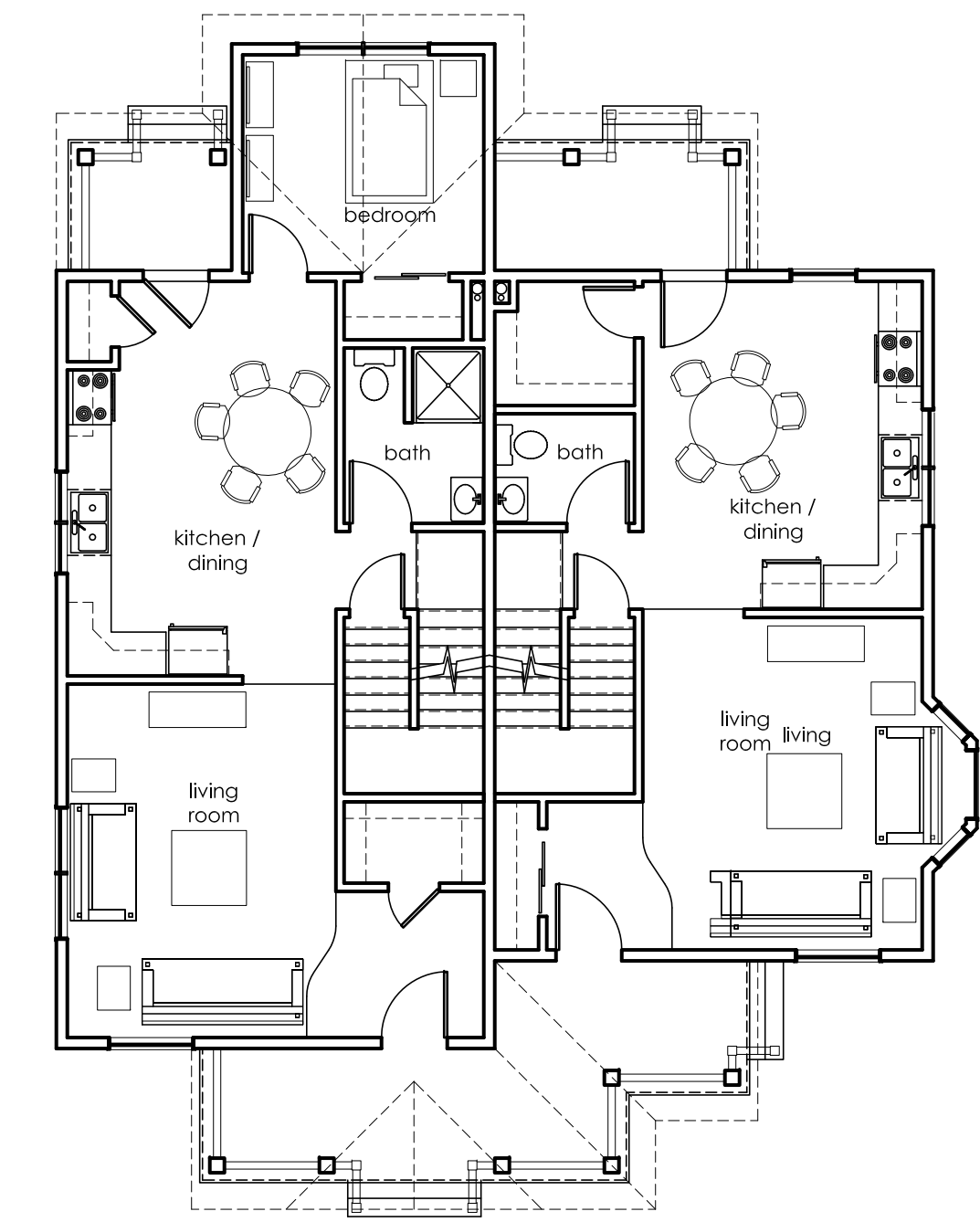
Approximately 303 Units Total



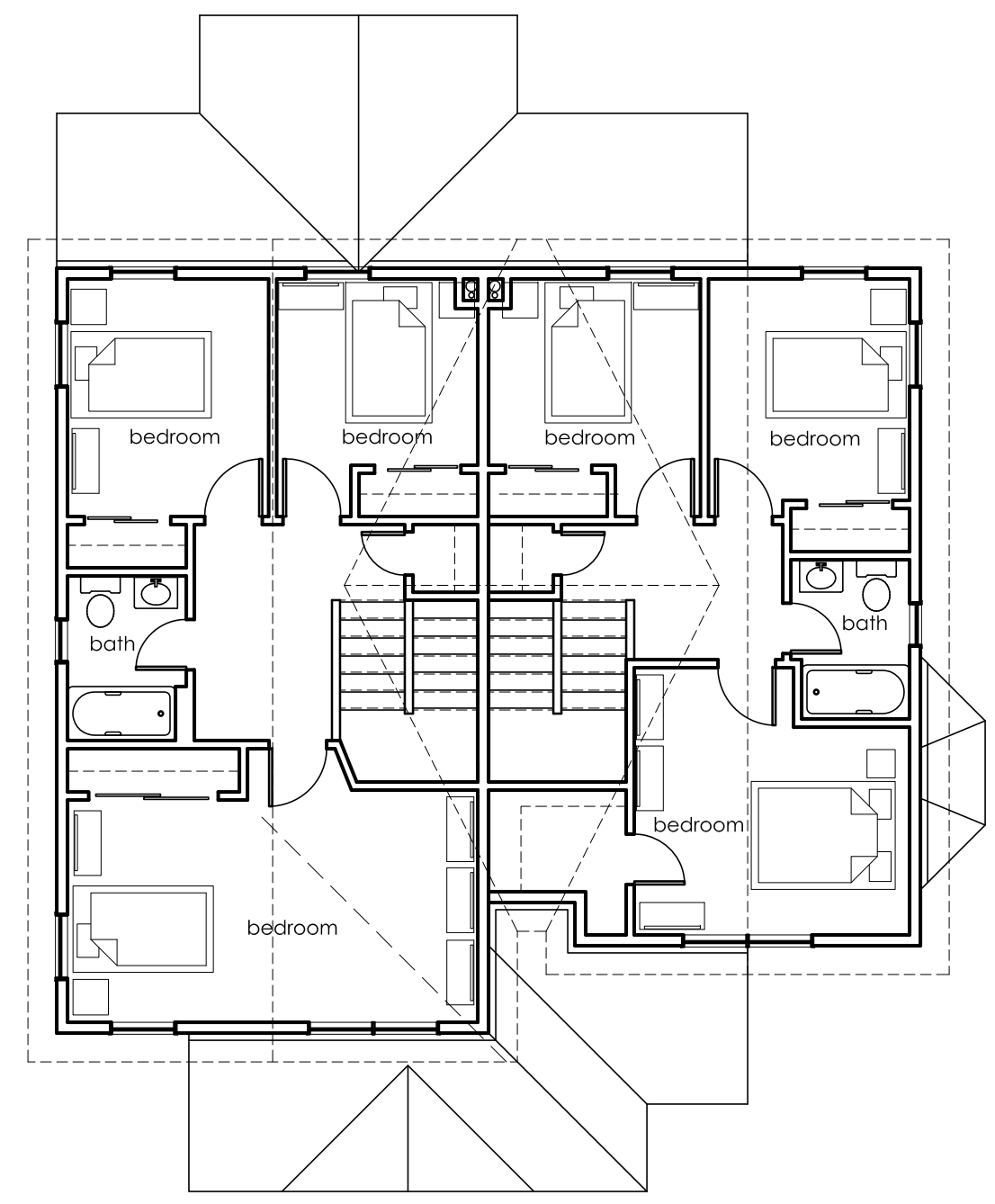
SINGLE CORNER UNIT (1,820 sq-ft)
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



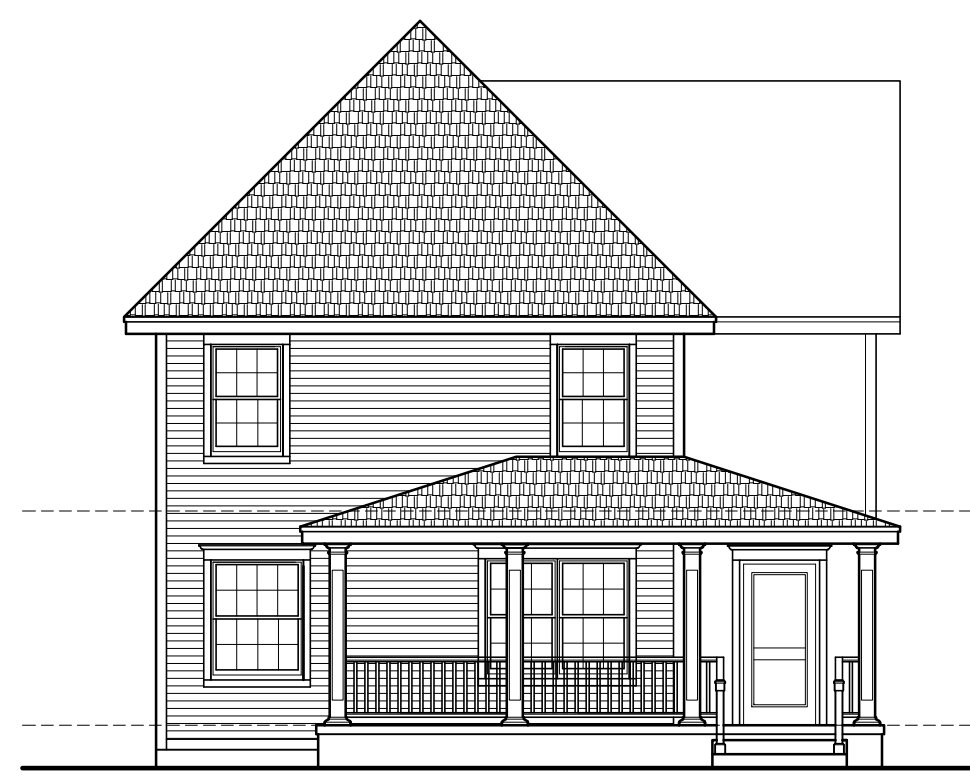
SINGLE CORNER UNIT (1,820 sq-ft)
SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



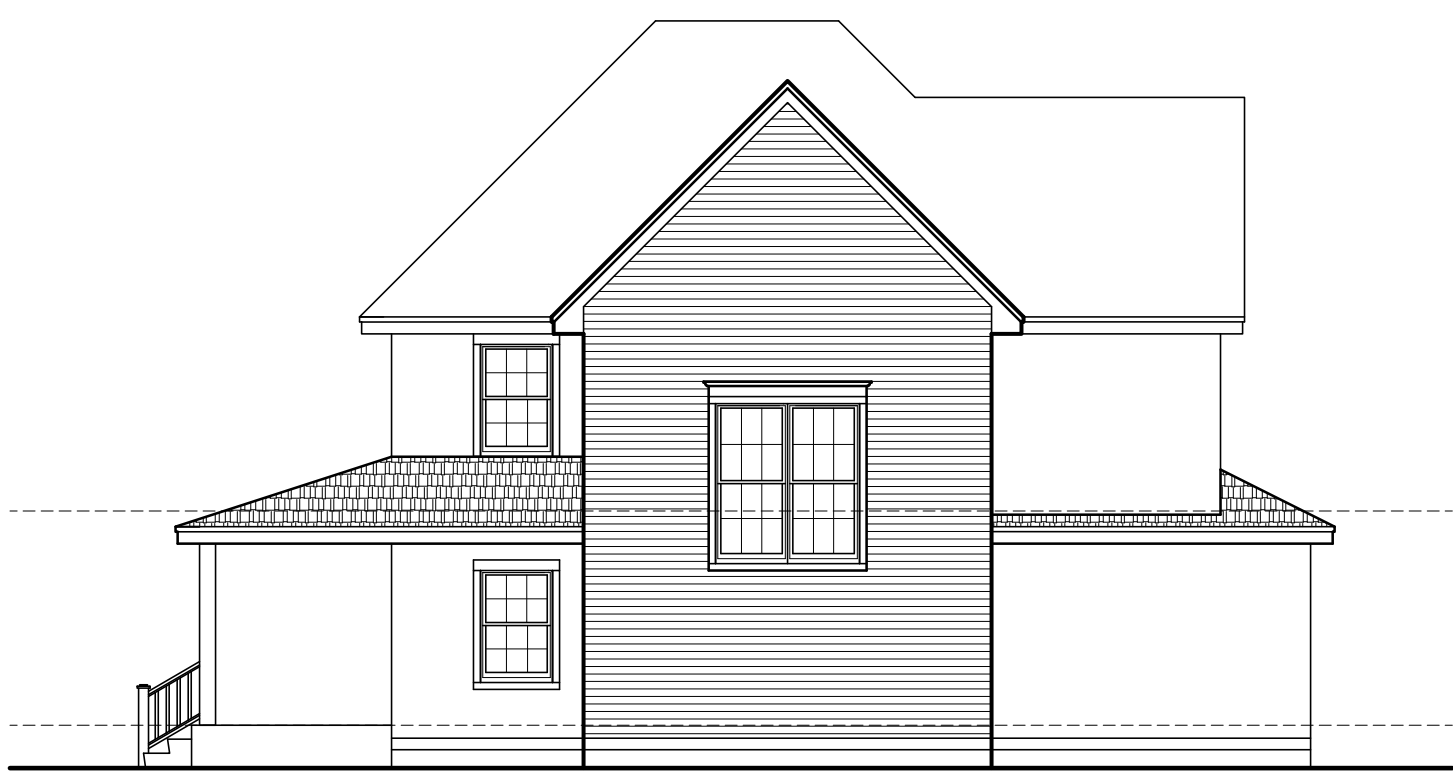
4/3 DOUBLE UNIT (2,803 sq-ft)
4 Bedroom Unit (1,521 sq-ft)
3 Bedroom Unit (1,281 sq-ft)
FIRST FLOOR PLAN
SCALE 1/8" = 1'-0"



4/3 DOUBLE UNIT (2,803 sq-ft)
4 Bedroom Unit (1,521 sq-ft)
3 Bedroom Unit (1,281 sq-ft)
SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"



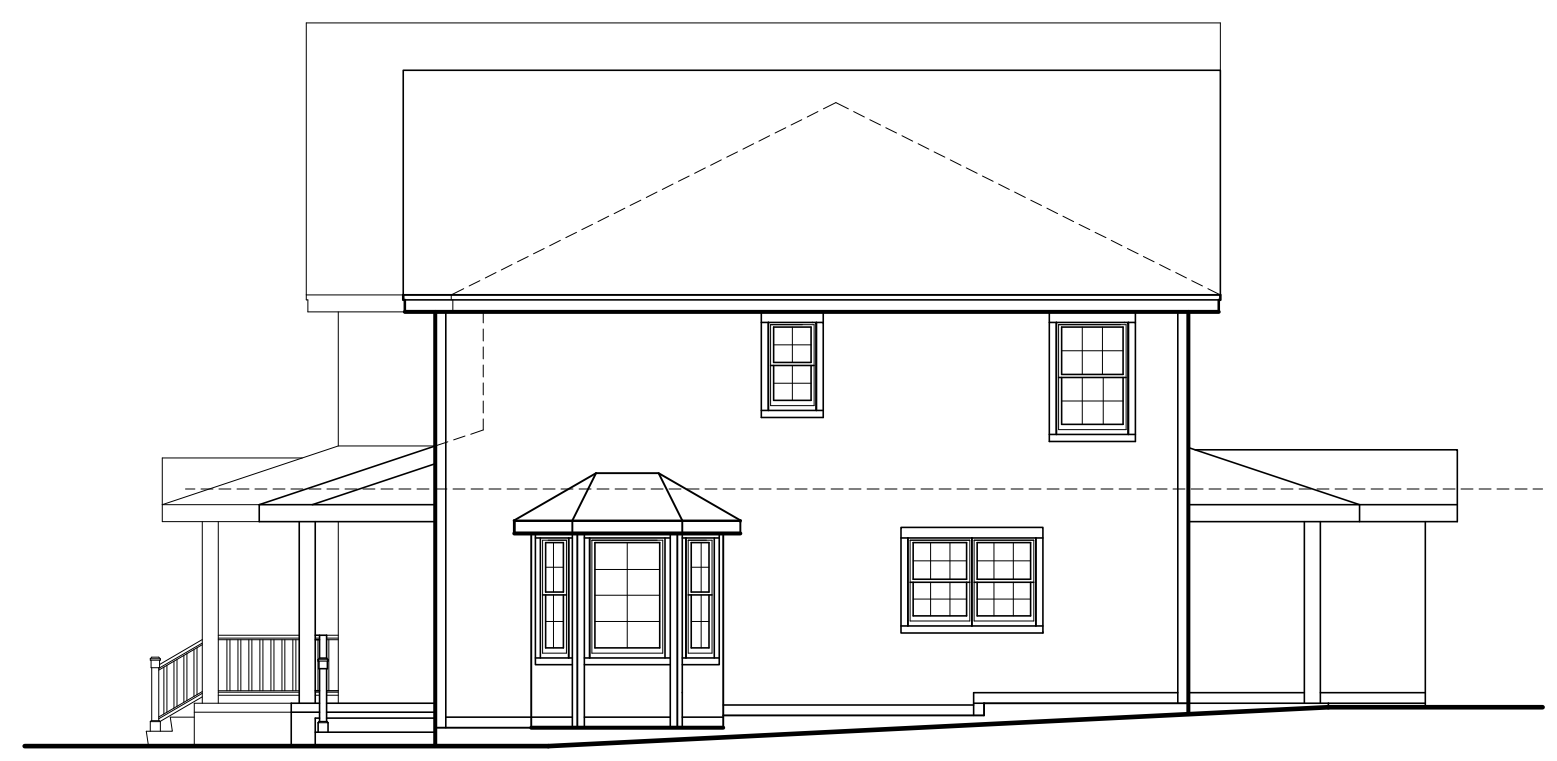
SINGLE CORNER UNIT (1,820 sq-ft)
FRONT ELEVATION
SCALE 1/8" = 1'-0"



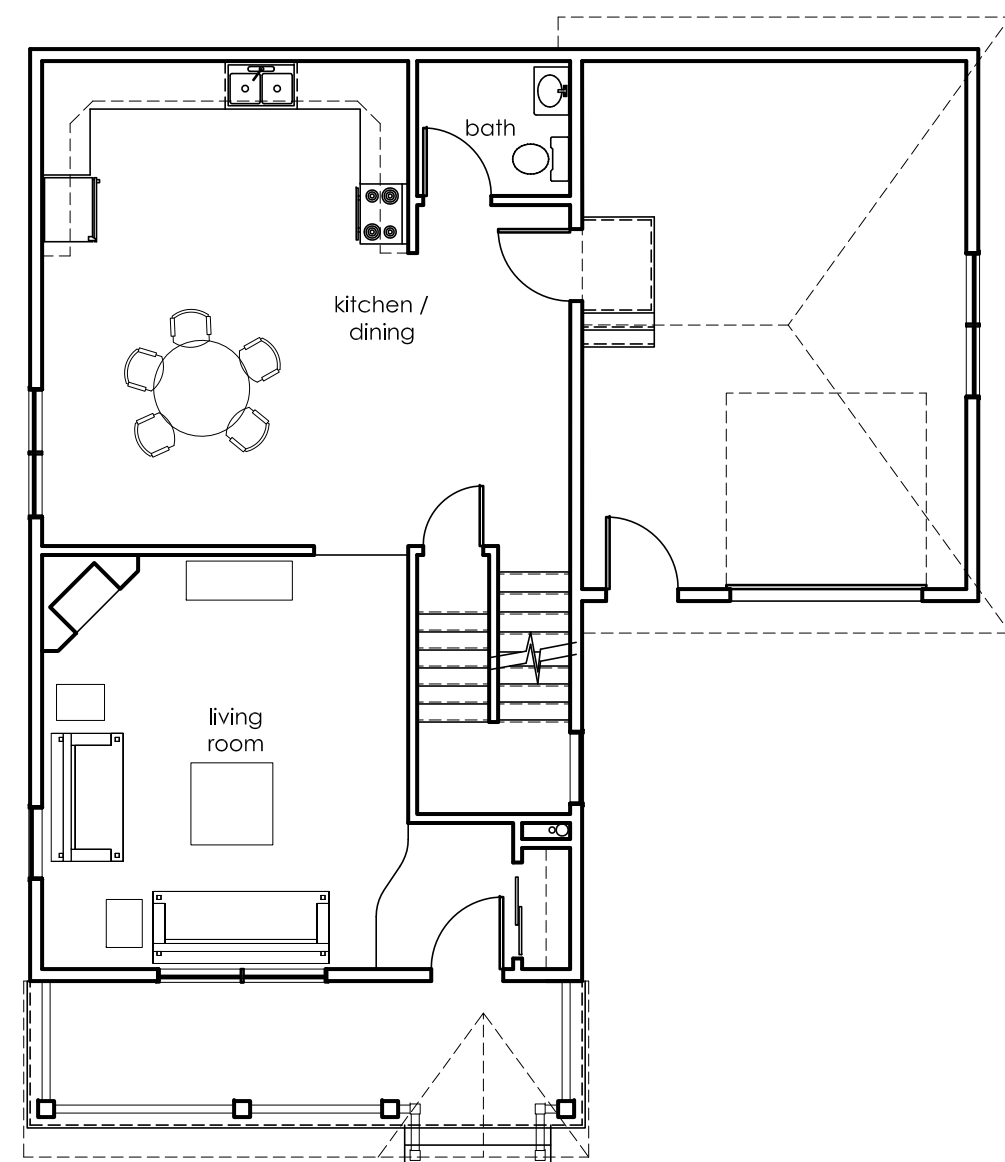
SINGLE CORNER UNIT (1,820 sq-ft)
SIDE ELEVATION
SCALE 1/8" = 1'-0"



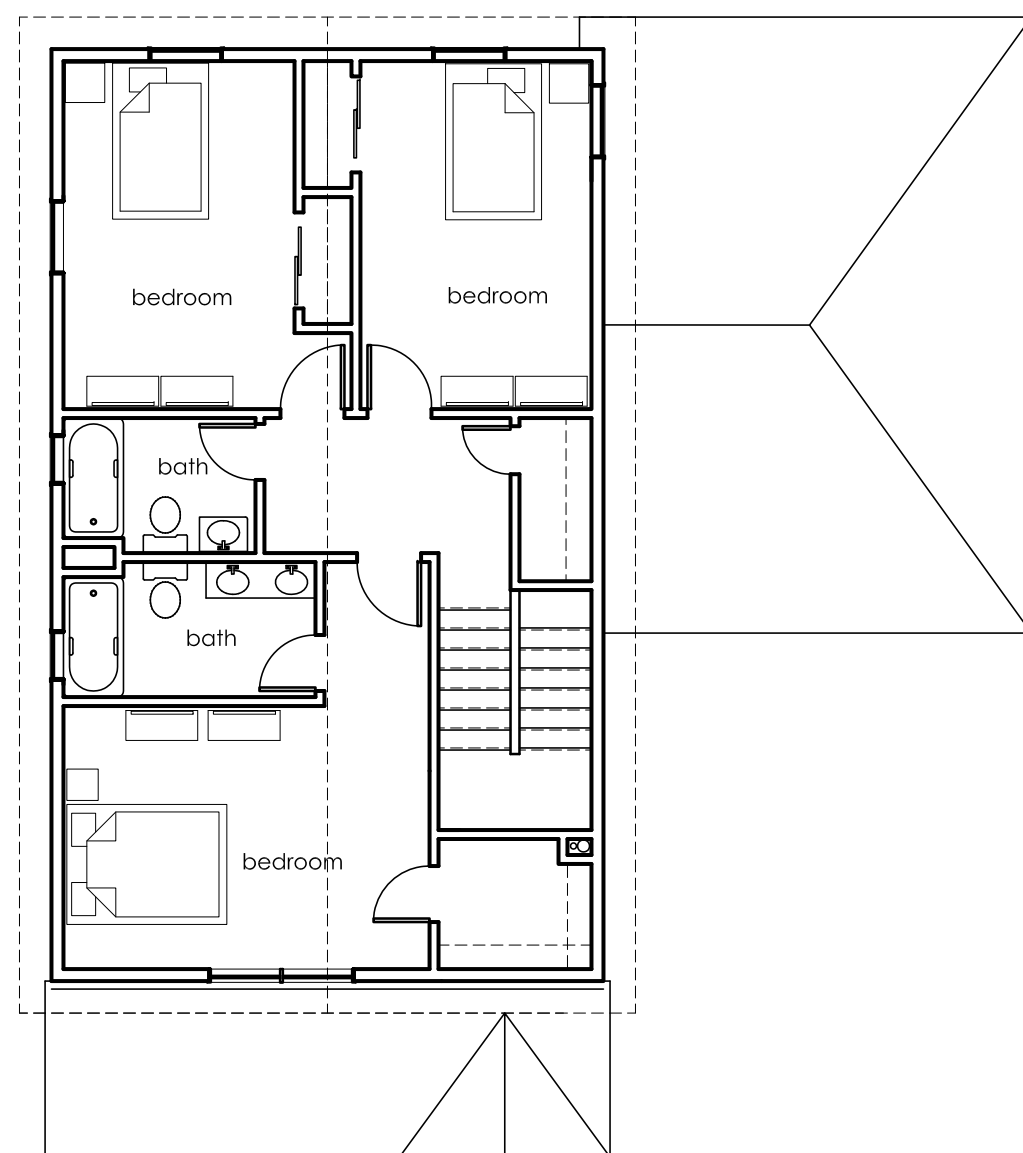
4/3 DOUBLE UNIT (2,803 sq-ft)
4 Bedroom Unit (1,521 sq-ft)
3 Bedroom Unit (1,281 sq-ft)
FRONT ELEVATION
SCALE 1/8" = 1'-0"



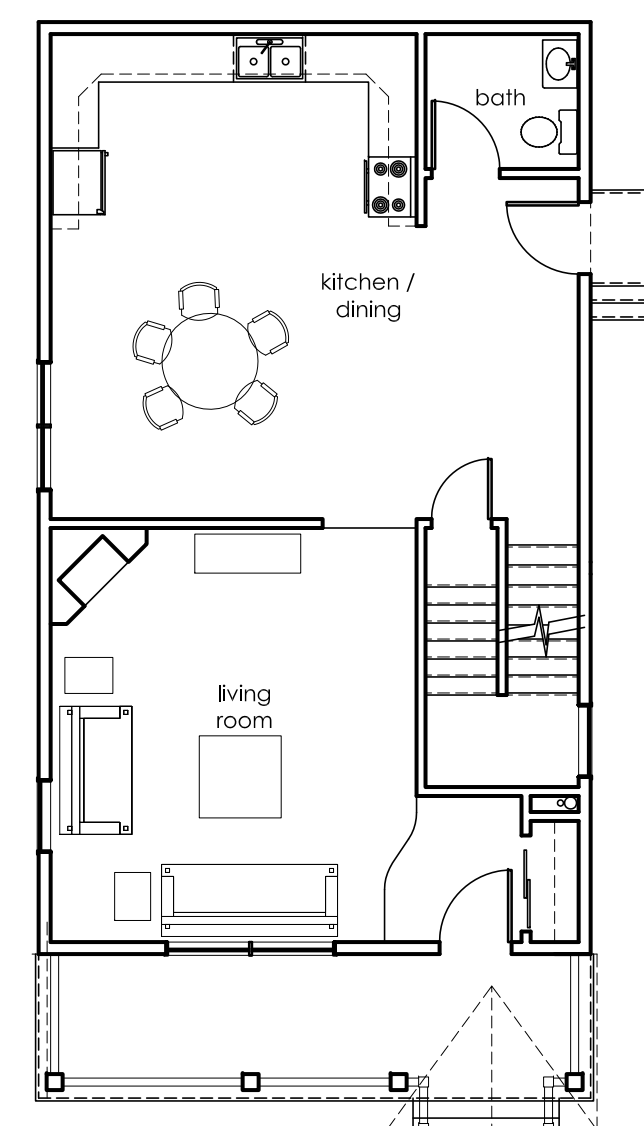
4/3 DOUBLE UNIT (2,803 sq-ft)
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3 Bedroom Unit (1,281 sq-ft)
SIDE ELEVATION
SCALE 1/8" = 1'-0"



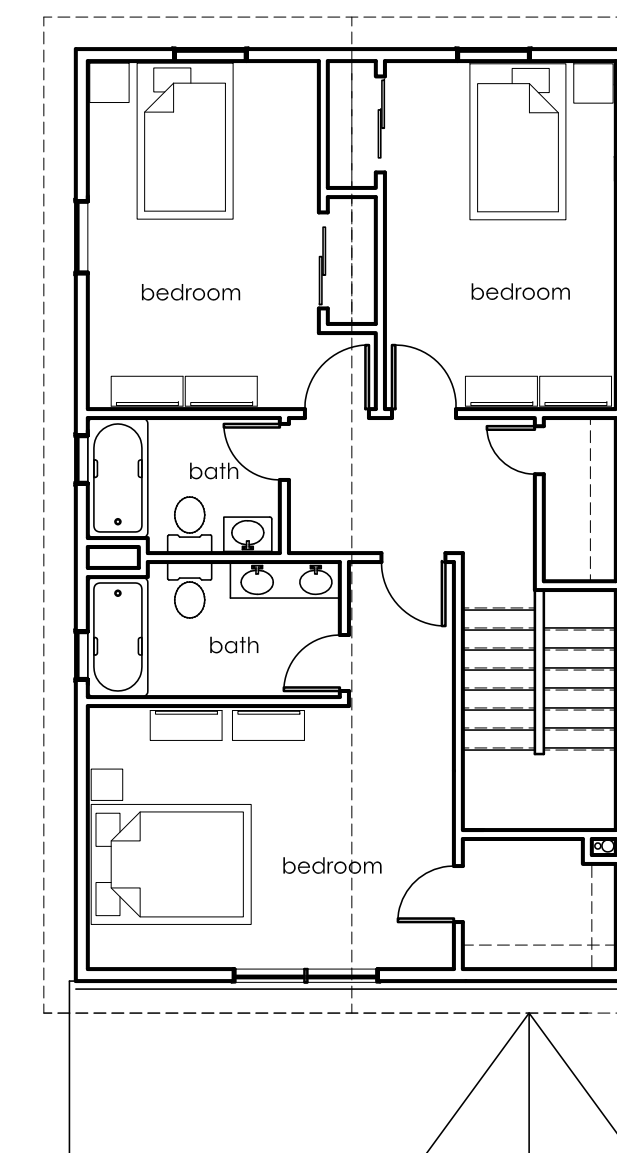
SINGLE UNIT - ATTACHED GARAGE (1,786 sq-ft)
FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"



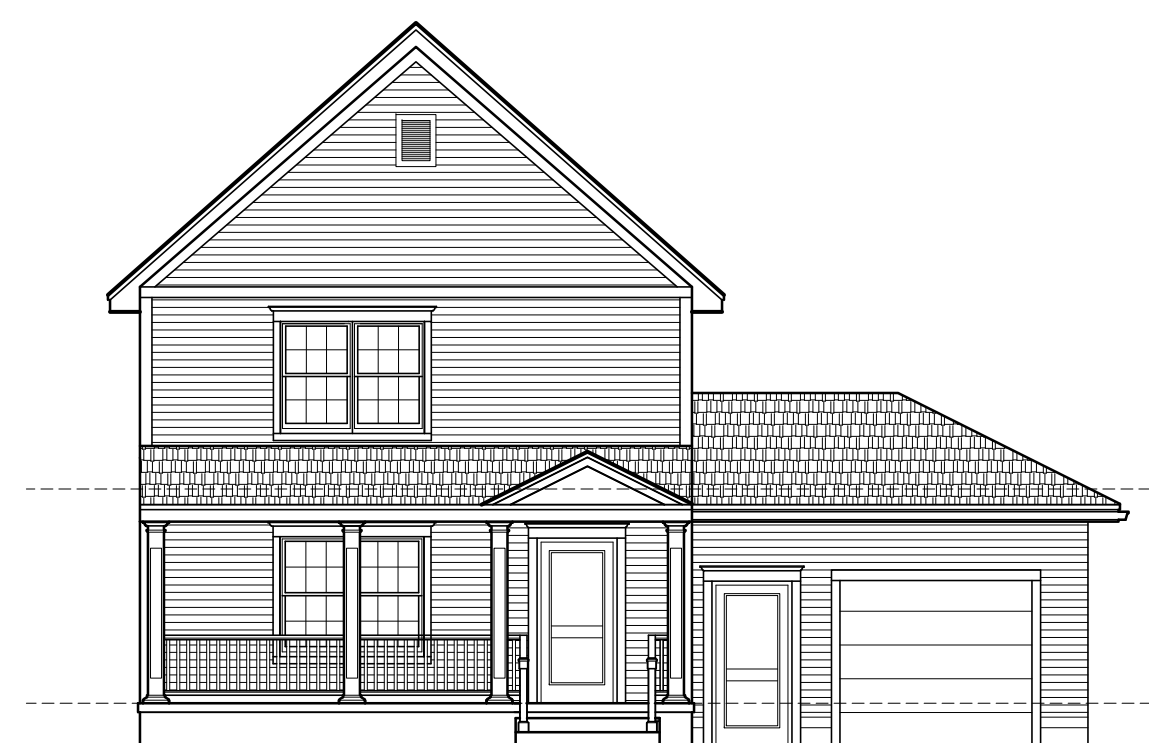
SINGLE UNIT - ATTACHED GARAGE (1,786 sq-ft)
SECOND FLOOR PLAN
 SCALE 1/8" = 1'-0"



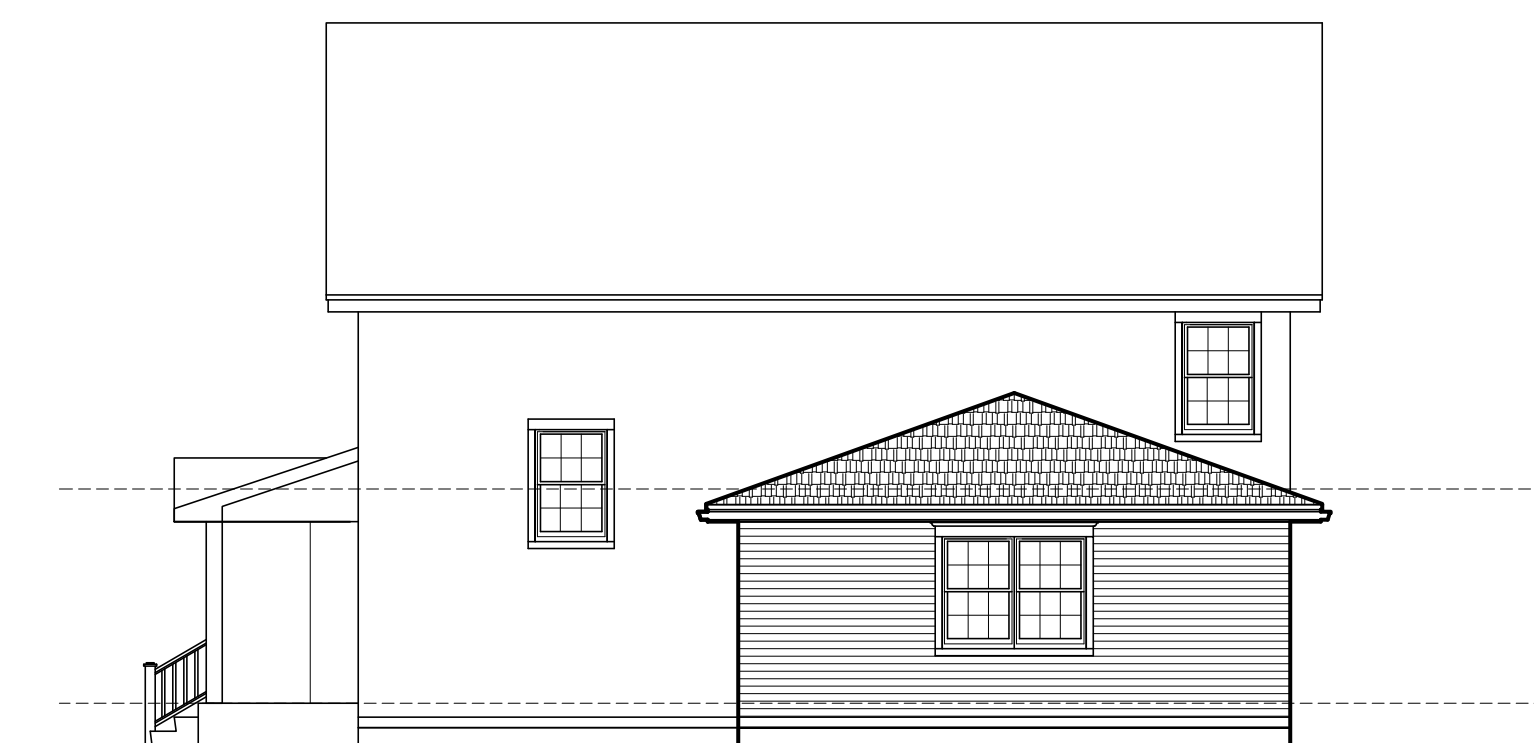
SINGLE UNIT - DETACHED GARAGE (1,786 sq-ft)
FIRST FLOOR PLAN
 SCALE 1/8" = 1'-0"



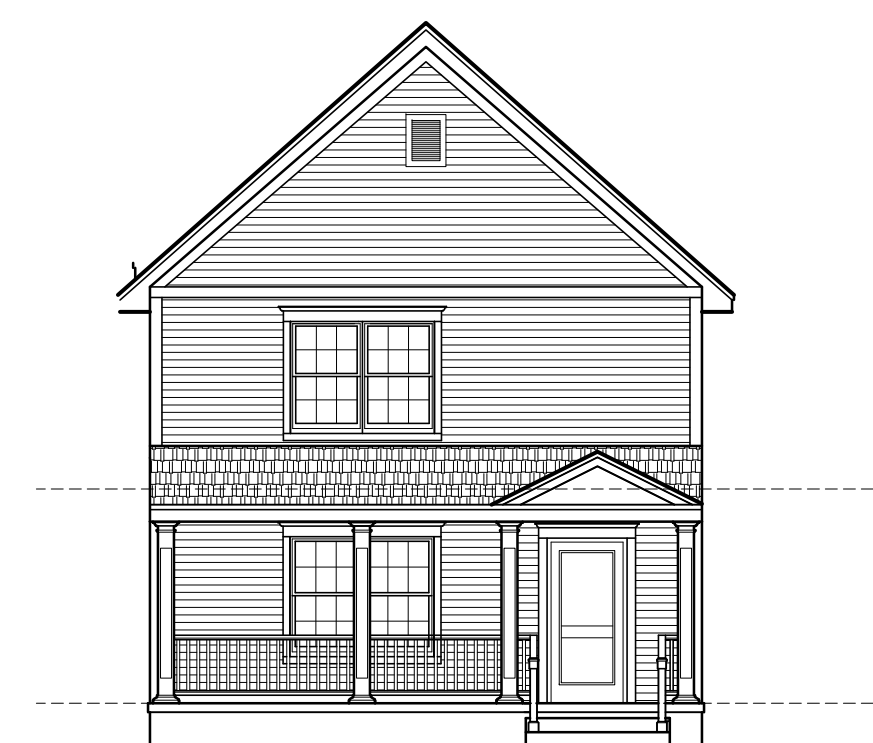
SINGLE UNIT - DETACHED GARAGE (1,786 sq-ft)
SECOND FLOOR PLAN
 SCALE 1/8" = 1'-0"



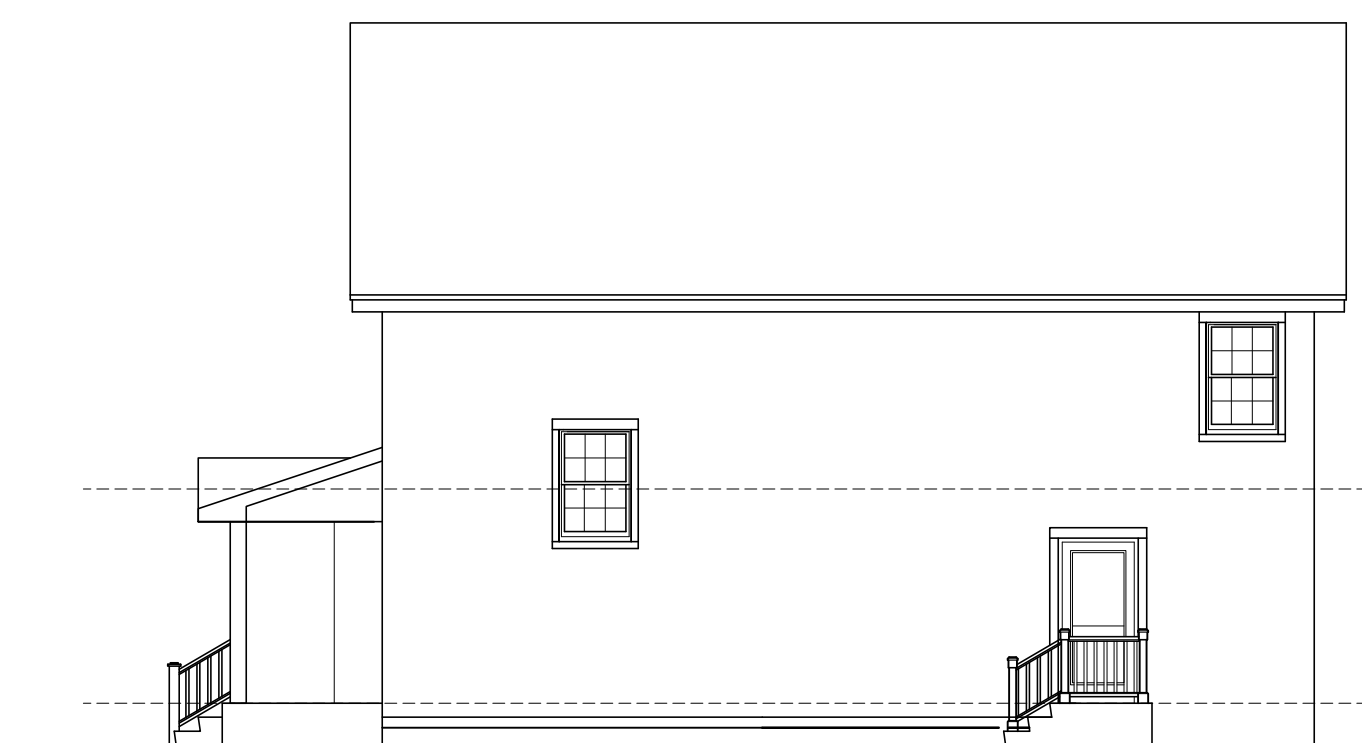
SINGLE UNIT - ATTACHED GARAGE (1,786 sq-ft)
FRONT ELEVATION
 SCALE 1/8" = 1'-0"



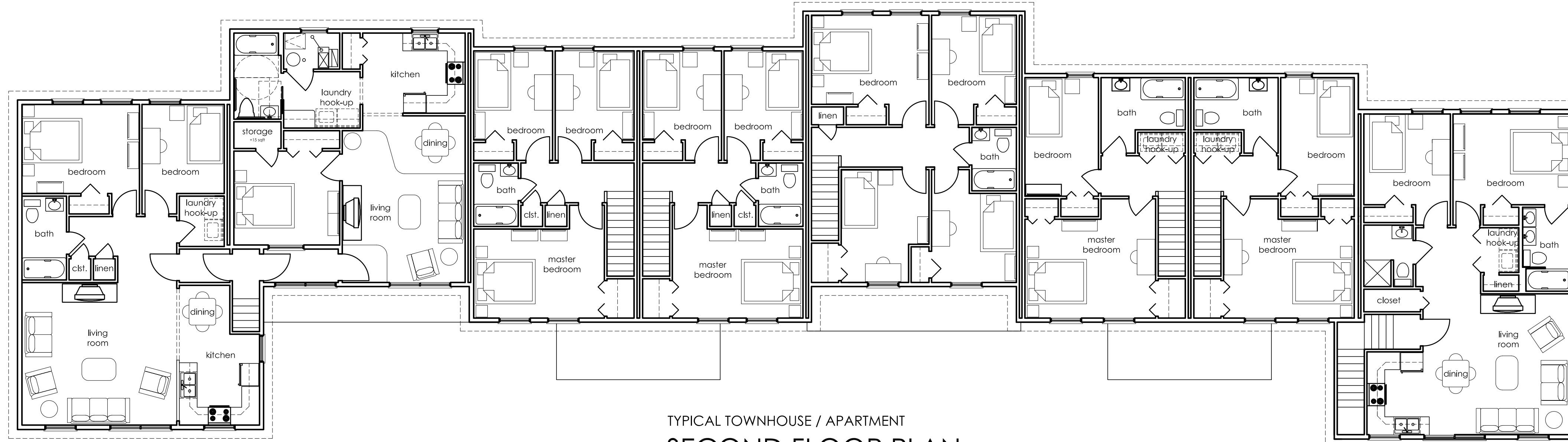
SINGLE UNIT - ATTACHED GARAGE (1,786 sq-ft)
SIDE ELEVATION
 SCALE 1/8" = 1'-0"



SINGLE UNIT - DETACHED GARAGE (1,786 sq-ft)
FRONT ELEVATION
 SCALE 1/8" = 1'-0"

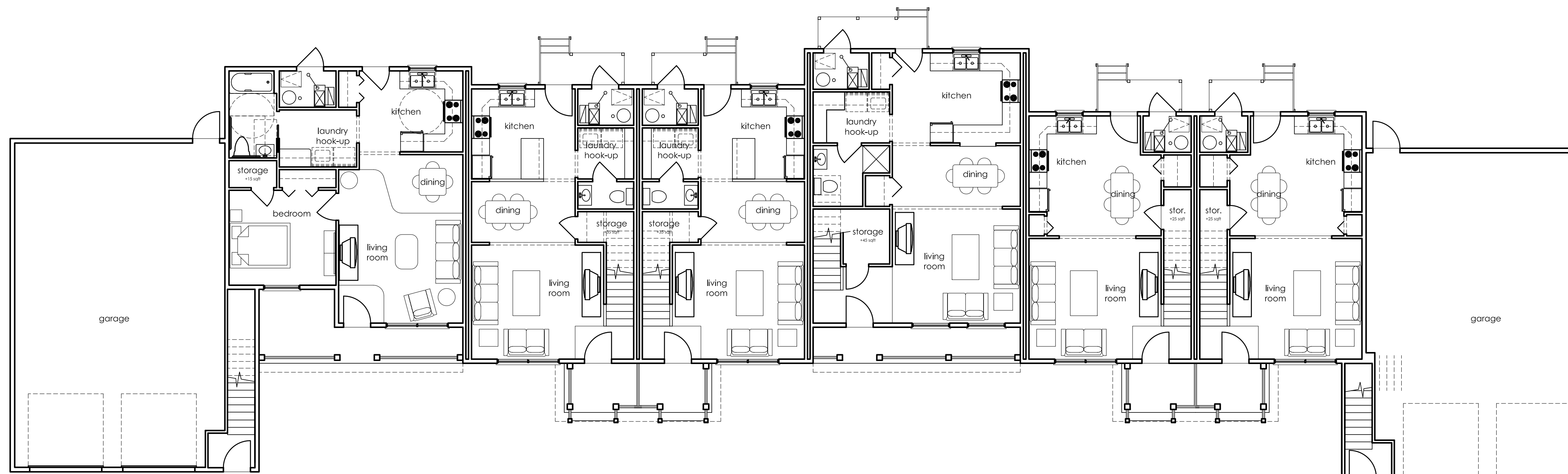


SINGLE UNIT - DETACHED GARAGE (1,786 sq-ft)
SIDE ELEVATION
 SCALE 1/8" = 1'-0"



TYPICAL TOWNHOUSE / APARTMENT
SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"



TYPICAL TOWNHOUSE / APARTMENT
FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"



TYPICAL TOWNHOUSE / APARTMENT
FRONT ELEVATION

SCALE 1/8" = 1'-0"

129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section VII – Property Environmental History

ATTACHMENT E

- Suspected Contaminants
- Known or Suspected Sources of Contamination

Attachment E

Suspected Contaminants Known or Suspected Sources of Contaminants

In accordance with Section VII of the BCP Application, the following information is provided.



Suspected Contaminants:

Subsurface environmental data has been collected for soil media. Soil data collected during a Phase II ESA identified the presence of VOCs, SVOCs, PCBs, and metals in the subsurface soil exceeding NYSDEC Part 375 Unrestricted and Restricted Recommended Cleanup Objectives in the limited analytical samples tested. With respect to groundwater and soil gas media, no analytical data has been collected at this time. Based on the site's historical industrial and commercial use (i.e., historic quarry operations, unknown sources of backfill material, photo shop, dry cleaning operations, spill history, etc.), there is potential for the suspected contaminants listed to be present in each respective media at the site.

Known or Suspected Sources of Contamination:

1. Routine Industrial Operations – The site was owned and operated by Buffalo Cement Company Ltd. for use as a rock quarry from 1877 to 1948. During that time, the Buffalo Cement Company was a prominent producer of limestone and natural rock cement.

It has been documented that mining may have commenced at the site as early as 1874 and that the upper 5 to 6 feet of the Bertie Limestone was extensively quarried at the site in the early 1900's (See Attachment A – Museum Bulletin reference). Based on these mining estimates, the volume of material removed from the 27.09-acre site would equal 262,200 cubic yards. Changes to the landscape as a result of historic quarry operations are visibly evident in the aerial photographs dated 1927 and 1951 provided in Attachment A. As the site is at grade with the surrounding properties, backfill materials were brought to the site to replace materials removed. Backfill soils were identified in the Phase II ESA. The source(s) of this backfill material is unknown.

2. Drums or Storage Containers – The site's industrial and commercial historical use (i.e., rock quarry, dry cleaner, etc.) are conducive to drum storage and handling.
3. Lagoons and Ponds – No surficial ponds or lagoons were observed during GZAs site reconnaissance performed as part of our Phase I ESA. However, historical quarry operations conducted at the site may have produced these features, now backfilled with fill material from unknown sources.

Attachment E

Suspected Contaminants Known or Suspected Sources of Contaminants



4. Dumping or Burial of Wastes – Based on field observations made during the Phase II ESA, fill material is present at the site at depths ranging from 4 to 10 feet bgs. Fill materials consisted of granular soils (gravel and sand with lesser amounts of silt and clay) overlying cohesive fill soils (silt and clay) with various amounts of brick, glass, slag, and wood. It is evident that extensive excavation of bedrock was conducted at the site from the early 1900's to the 1950's. Based on the aerial photographs and historical documents (see Attachment A), the volume of backfill from unknown sources could potentially amount to 262,000 cubic yards. Total depth of bedrock excavation was not determined; therefore, the total volume of fill material brought to the site is unknown. Based on the site's historic industrial use and the lack of environmental regulations when the quarry's excavation was backfilled in the 1950s, there is potential for the historical dumping or burial of waste within the unknown fill material throughout the site.

During the Phase I ESA, fill material placement was observed at ground surface within the northeast portion of the site property over an approximate 1.3 acre area. He was unaware of the origin of the fill material brought to the site.

5. Surface Spill or Discharge – Three (3) known spills have been reported for the site property as summarized in Attachment B. It is possible that additional surface spills may have occurred and gone unreported given the historical industrial and commercial usage of the site.

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section VII – Property Environmental History**

ATTACHMENT F

- Previous Site Owners/Operators

Attachment F

Previous Site Owners/Operators

In accordance with Section VII, Question 6 of the BCP Application, historical owners of the site property and the approximate dates of ownership are provided. Readily available Owner/Operator addresses and phone numbers are shown.



Owner/Operator	Address/Telephone Number	Dates of Ownership	Relationship to Requestor
Lewis J. Bennett	No additional information readily available.	Unknown-1877	None
Buffalo Cement Co. Ltd.	110 Franklin Street Buffalo, NY	1877-1948	None
City of Buffalo	65 Niagara Square Buffalo, NY 14202 (716) 851-4200	1948-1953	None
J. B. Wood Realty Corp.	No additional information readily available.	1953-1956	None
Central Park Shopping Center, Inc.	4702 15 th Avenue, Brooklyn, NY 11219 (718) 851-0032	1956-1975	None
The New York Bank for Savings	1230 Avenue of the Americas New York City, NY 10020	1975-1977	None
Clifton Management Corporation No additional information readily available.	5165 Queen Mary Road, Suite 412 Montreal, Quebec H3W1X9, Canada	1977-1986	None
Central Park Plaza Associates	4702 15 th Avenue, Brooklyn, NY 11219 (718) 851-0032	1986-Present	None

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section VIII – Contact List Information**

ATTACHMENT G

- Contact List
- Notification Letters
- Document Repository Letter

Attachment G

Contact List Information

In accordance with Section VIII, the following contact information is provided.

1). Chief Executive Officer and Planning Board Chairperson:



Chief Executive Officer

Mayor Byron W. Brown

201 City Hall

Buffalo, NY 14202

Mayor@city-buffalo.com

Executive Director of Office of Strategic Planning

Mr. Brendan Mehaffy

920 City Hall

Buffalo, NY 14202

Bmehaffy@city-buffalo.com

Erie County Executive

Mark Poloncarz (effective January 1st, 2012)

95 Franklin Street, 16th Floor

Buffalo, NY 14202

(716) 858-8500

Erie County Department of Environment and Planning

Kathy Konst, Commissioner

95 Franklin Street, 10th Floor

Buffalo, NY 14202

(716) 858-8390

2). Adjacent Property Owners/Occupants

Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
1	3	BENNETT VILLAGE TERRACE	HALL, LEGRAND & W.		3 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
2	131	HOLDEN AVENUE	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
3	5	BENNETT VILLAGE TERRACE	HOLT, DEBRA D.		5 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
4	7	BENNETT VILLAGE TERRACE	ONE FIRM PROPERTIES LLC		300 W 135TH ST	NEW YORK, NY	10030
5	9	BENNETT VILLAGE TERRACE	BROWN, RONALD P.		2406 MAIN ST	BUFFALO, NY	14214
6	11	BENNETT VILLAGE TERRACE	FRAUENHOFER, GARY R.		11 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
7	13	BENNETT VILLAGE TERRACE	DARBY, JOHN M. JR.		14 THEODORE ST	BUFFALO, NY	14211
8	15	BENNETT VILLAGE TERRACE	DAVIS, RASHARD		1256 FILLMORE AVENUE	BUFFALO, NY	14211
9	17	BENNETT VILLAGE TERRACE	KITTEL, CHESTER A.		17 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
10	19	BENNETT VILLAGE TERRACE	HICKS, KARLOTTA R.		19 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
11	21	BENNETT VILLAGE TERRACE	POWRIE, BARBARA C.		21 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
12	23	BENNETT VILLAGE TERRACE	CHOSEN 1 HOLDINGS LLC		25050 RIDING PLAZA STE 130	SOUTH RIDING, VA	20152
13	135	HOLDEN AVENUE	CITY BUFFALO PERFECTING		2501 CITY HALL	BUFFALO, NY	14202
14	25	BENNETT VILLAGE TERRACE	ALLEN, JUDY G.		25 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
15	27	BENNETT VILLAGE TERRACE	CORMIER, JOSEPH D.		27 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
16	29	BENNETT VILLAGE TERRACE	SIMPKINS, ADDIE		29 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
17	31	BENNETT VILLAGE TERRACE	JOSEPH, LUTHER M. & GENEVA, L.		31 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
18	33	BENNETT VILLAGE TERRACE	COOKE, ROBERT A.		33 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
19	35	BENNETT VILLAGE TERRACE	KENAN, REBECCA		35 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
20	37	BENNETT VILLAGE TERRACE	SANCHEZ, TEREZINHA C.		37 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
21	39	BENNETT VILLAGE TERRACE	JOHNSTON, HAROLD D.		39 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
22	41	BENNETT VILLAGE TERRACE	WILLIAMS, ADEITO R.		41 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
23	43	BENNETT VILLAGE TERRACE	WASHINGTON, O. RANDI	C/O ATTN: RANDI MASSEY	1305 E MADISON ST #5	SEATTLE, WA	98122
24	45	BENNETT VILLAGE TERRACE	CLOWERS, CHARLES		45 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
25	220	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
26	47	BENNETT VILLAGE TERRACE	BYRD, GARY D.		47 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
27	49	BENNETT VILLAGE TERRACE	OGDEN, E. JEANNETTE		342 STARIN AVE	BUFFALO, NY	14216
28	51	BENNETT VILLAGE TERRACE	JOSEYCO REALTY INCORPORATED		19275 BISCAYNE BLVD	AVENTURA, FL	33180
29	53	BENNETT VILLAGE TERRACE	KITTEL, CHESTER A.		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
30	222	HILL STREET	SCANLON, THOMAS G.		26 RAND AVE	BUFFALO, NY	14216
31	55	BENNETT VILLAGE TERRACE	GANT, BILLY		55 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
32	57	BENNETT VILLAGE TERRACE	GOLSTON, CARL A.		57 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
33	59	BENNETT VILLAGE TERRACE	WILLIAMS, ADEITO	MOHABIR, ANGELINA	11604 135TH ST	SO. OZONE PARK, NY	11420
34	224	HILL STREET	CITY BUFFALO PERFECTING		2501 CITY HALL	BUFFALO, NY	14202
35	61	BENNETT VILLAGE TERRACE	NUNESS, WAYNE		61 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
36	63	BENNETT VILLAGE TERRACE	DAVIS, RASHARD		1256 FILLMORE AVE	BUFFALO, NY	14211
37	65	BENNETT VILLAGE TERRACE	BROWN, JULENE A.		65 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
38	226	HILL STREET	ROBINSON, DENNIS M.		8440 STANFIELD RD	COLDEN, NY	14033
39	67	BENNETT VILLAGE TERRACE	POWELL, EDWARD		41 SOUTHAMPTON ST	BUFFALO, NY	14209
40	69	BENNETT VILLAGE TERRACE	BURGIN, SONIA		69 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
41	228	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
42	71	BENNETT VILLAGE TERRACE	ATKINSON, PHYLLIS		71 BENNETT VILLAGE TERRACE	BUFFALO, NY	14043

2). Adjacent Property Owners/Occupants

Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
43	73	BENNETT VILLAGE TERRACE	WILSON, DIMITRIUS	WILSON, MONA LISA	84 DANBURY STREET	CHEEKTOWAGA, NY	14225
44	230	HILL STREET	SCANLON, THOMAS G.		26 RAND AVE	BUFFALO, NY	14216
45	75	BENNETT VILLAGE TERRACE	CARDONA, MANUEL	CARDONA, CHRISTINE	10367 NATIONS CIRCLE	STOCKTON, CA	95209
46	232	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
47	77	BENNETT VILLAGE TERRACE	LABADY, JAMES A.		77 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
48	79	BENNETT VILLAGE TERRACE	HEDGEMAN, SADIE		79 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
49	81	BENNETT VILLAGE TERRACE	KITTEL, CHESTER		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
50	218	HILL STREET	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
51	83	BENNETT VILLAGE TERRACE	KITTEL, CHESTER		81 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
52	216	HILL STREET	WOOD, JAMES B.		85 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
53	85	BENNETT VILLAGE TERRACE	CHESTER, CAROL	WILLIAMS, ADRITO R.	116-04 135TH ST	SO. OZONE PARK, NY	11420
54	93	BENNETT VILLAGE TERRACE	GRANT, FRANK JR.		PO BOX 39203	CHARLOTTE, NC	28278
55	97	BENNETT VILLAGE TERRACE	ROBINSON, EDGAR		97 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
56	103	BENNETT VILLAGE TERRACE	HARRIS, ALEX & W.		103 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
57	105	BENNETT VILLAGE TERRACE	YATES, VERONIKA		109 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
58	113	BENNETT VILLAGE TERRACE	SCRUGGS, MICHAEL & SANDRA		113 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
59	119	BENNETT VILLAGE TERRACE	VASCIANNIE, JAMES G.;	VASCIANNIE, MARY I	119 BENNETT VILAGEL TERRACE	BUFFALO, NY	14214
60	123	BENNETT VILLAGE TERRACE	WELLS, MICHAEL		123 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
61	129	BENNETT VILLAGE TERRACE	STOVALL, SYLVIA HALL		129 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
62	133	BENNETT VILLAGE TERRACE	BELL, CHARLES L. & MARY F.		133 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
63	139	BENNETT VILLAGE TERRACE	MUHAMMAD, SALAHUDDIN		139 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
64	145	BENNETT VILLAGE TERRACE	PAYNE, JERRY J. & W.		PO BOX 1203	BUFFALO, NY	14215
65	149	BENNETT VILLAGE TERRACE	BROWN, DENNIS		149 BENNETT VILLAGE TERRACE	BUFFALO, NY	14215
66	155	BENNETT VILLAGE TERRACE	BROWN, ROBERT E. & W.		155 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
67	163	BENNETT VILLAGE TERRACE	LEE, IVAN L. & W.		230 CLINTON ST	BUFFALO, NY	14204
68	167	BENNETT VILLAGE TERRACE	SMITH, JESSIE E. & JENNIFER		179 DONALDSON RD	BUFFALO, NY	14208
69	171	BENNETT VILLAGE TERRACE	SMITH, JESSIE & DIXIE		171 BENNETT VILLAGE TERRACE	BUFFALO, NY	14214
70	137	MANHATTAN AVENUE	BUFFALO WATER BOARD		1101 CITY HALL	BUFFALO, NY	14202
71	190	MANHATTAN AVENUE	MANHATTAN SQUARE APTS. LP	TRUST PER WILL/ANDREE M PUDDU	190-202 MANHATTAN AVE	BUFFALO, NY	14215
72	184	MANHATTAN AVENUE	THE UNITED STATES	POSTAL SERVICE	184 MANHATTAN AVENUE	BUFFALO, NY	14215
73	135	MANHATTAN AVENUE	135 MANHATTAN AVENUE LLC.	C/O ATTN: CIMINELLI DEVELOPMENT	350 ESSJAY RD	WILLIAMSVILLE, NY	14221
74	127	MANHATTAN AVENUE	ROBERTSON CARNELL		127 MANHATTAN AVENUE	BUFFALO, NY	14215
75	128	MANHATTAN AVENUE	HARRIS, PAMELA J.		PO BOX 92	BUFFALO, NY	14205
76	127	MARIGOLD AVENUE	ALLEN, CLAUDE E.		127 MARIGOLD AVNUE	BUFFALO, NY	14215
77	128	MARIGOLD AVENUE	BIRDSONG, JUANITA		128 MARIGOLD AVENUE	BUFFALO, NY	14215
78	127	RICHLAWN AVENUE	DEL RICH PROPERTIES INC.		PO BOX 595	TONAWANDA, NY	14151
79	128	RICHLAWN AVENUE	JOHNSON, MARY		636 GRIDER ST	BUFFALO, NY	14215
80	125	HILL STREET	LEE, IVAN L. & MARY E.		230 CLINTON ST	BUFFALO, NY	14204
81	282	RODNEY AVENUE	JOHNSON, THERMAN SR.	JOHNSON, THERMAN JR.	282 RODNEY AVENUE	BUFFALO, NY	14214
82	278	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		67 NIAGARA SQUARE	BUFFALO, NY	14202
83	276	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
84	274	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202

2). Adjacent Property Owners/Occupants

Lot #	Street #	Street Name	Owner 1	Owner 2/Additional Owner Info	Mailing Address	City	Zipcode
85	268	RODNEY AVENUE	DAVIS, MICHAEL		2800 MIDLAND AVE	TORONTO, ONTARIO, CAN.	MIS 3K7
86	266	RODNEY AVENUE	CITY BUFFALO PERFECTING		323 CITY HALL	BUFFALO, NY	14202
87	262	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
88	260	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202
89	256	RODNEY AVENUE	WINGO, VEO JR. & DIANNE		252 RODNEY AVENUE	BUFFALO, NY	14214
90	254	RODNEY AVENUE	WINGO, VEO JR. & W.		251 RODNEY AVENUE	BUFFALO, NY	14214
91	250	RODNEY AVENUE	WINGO, VEO JR. & W.		250 RODNEY AVENUE	BUFFALO, NY	14214
92	246	RODNEY AVENUE	BUTLER, CLASSIE		246 RODNEY AVENUE	BUFFALO, NY	14214
93	244	RODNEY AVENUE	BRADY, JAMES JR.		10504 HARDPAN RD	ANGOLA, NY	14006
94	240	RODNEY AVENUE	SMITH, MARTHA		240 RODNEY AVENUE	BUFFALO, NY	14214
95	236	RODNEY AVENUE	JOHNSON, BOBBY ONEAL		236 RODNEY AVENUE	BUFFALO, NY	14214
96	234	RODNEY AVENUE	POWELL, CRAIG S.		234 RODNEY AVENUE	BUFFALO, NY	14214
97	230	RODNEY AVENUE	WALLACE, TERRY		230 RODNEY AVENUE	BUFFALO, NY	14214
98	228	RODNEY AVENUE	LEE, TIMOTHY G. & W.		55 BURGARD PL	BUFFALO, NY	14211
99	224	RODNEY AVENUE	BROADUS, DALE MARIE		224 RODNEY AVENUE	BUFFALO, NY	14214
100	220	RODNEY AVENUE	LEE, TIMOTHY G. & W.		55 BURGARD PL	BUFFALO, NY	14211
101	218	RODNEY AVENUE	HUNTER WALTER LEE &	MAYBELLE, A.	218 RODNEY AVENUE	BUFFALO, NY	14214
102	214	RODNEY AVENUE	GIBBS, LINDA J.	GIBBS, WILLIE J.	72 RICHLAWN AVE	BUFFALO, NY	14215
103	212	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		67 NIAGARA SQUARE	BUFFALO, NY	14202
104	206	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		66 NIAGARA SQUARE	BUFFALO, NY	14202
105	204	RODNEY AVENUE	CITY BUFFALO PERFECTING TITLE		65 NIAGARA SQUARE	BUFFALO, NY	14202
106	127	HOLDEN AVENUE	CITY BUFFALO PERFECTING		65 NIAGARA SQUARE	BUFFALO, NY	14202
107	192	RODNEY AVENUE	CLAY, STACY & CORA		PO BOX 23	GETZVILLE, NY	14068
108	140	HOLDEN AVENUE	BROOKS, VENRIS E.		184 TAUNTON ST	BUFFALO, NY	14216
109	158	HOLDEN AVENUE	SEB DEVELOPMENT LLC.		244 AERO DR	CHEEKTOWAGA, NY	14225
110	164	HOLDEN AVENUE	NASH, JONATHAN R.		164 HOLDEN AVE	BUFFALO, NY	14214
111	70	CHALMERS AVENUE	ELIM CHRISTIAN FELLOWSHIP		2780 MAIN ST	BUFFALO, NY	14215
112	206	HOLDEN AVENUE	HLM HOLDING, LLC.		2060 SHERIDAN DR	BUFFALO, NY	14223
113	212	HOLDEN STREET	HLM HOLDING LLC		2060 SHERIDAN DR	BUFFALO, NY	14223

Attachment G

Contact List Information

3). Local News Media:

Buffalo News
One News Plaza
P.O. Box 100
Buffalo, New York 14240
(716) 849-4444



4). Public Water Supplier:

Buffalo Water Authority
281 Exchange Street
Buffalo, New York 14202
(716) 847-1065
Leonard Millitello - Supervisor

5). Persons requesting to be placed on the contact list:

No additional requests at this time.

6). Administrators of nearby schools or day care facilities:

Bennett High School (approximately 0.4 mi north of the site)
2885 Main Street
Buffalo, New York 14214
(716) 816-4250
David Mauricio – Principal- DMauricio@buffaloschools.org

Burgard High School (approximately 0.4 mi south of the site)
400 Kensington Avenue
Buffalo, New York 14214
(716) 816-4450
Brian M. Wiesinger – Principal – bmWiesinger@buffaloschools.org

Buffalo United Charter School (approximately 0.3 mi northeast of the site)
325 Manhattan
Buffalo, New York 14214
(716) 835-9862
Tammy Messmer – Principal – tmessmer@buffalounitedcharterschool.org

Attachment G

Contact List Information



Holy Angels Academy (approximately 0.8 mi north of site)
24 Shoshone Drive
Buffalo, New York 14214
(716) 834-7120
Kathleen Fitch Tedesco – Principal – ktedesco@holyangelsacademy.org

Canisius College (approximately 1.3 mi southwest of site)
2001 Main Street
Buffalo, New York 14208
(716) 883-7000
Donna Shaffner – Principal – admissions@canisius.edu

Bethel Head Start Program (approximately 0.4 mi south of site)
307 Leroy Avenue
Buffalo, New York 14214
(716) 878-0232
Yvette Lucas – Director – ylucas@bethelheadstart.org

Buffalo Early Childhood Center (approximately 0.4 mi south of site)
453 Leroy Avenue
Buffalo, New York 14214
(716) 816-3400
Laura Harris – Principal – LHarris@buffaloschools.org

Buffalo Public School #42 (approximately 0.6 mi west of site)
2495 Main Street
Buffalo, New York 14214
(716) 816-3250
Thomas F. Vitale – Principal – tvitale@buffaloschools.org

Nichols School-High School Campus (approximately 1.4 mi west of site)
1250 Amherst Street
Buffalo, New York 14216
(716) 332-6355
Heather Newton – Director of Admissions – Hnewton@nicholsschool.org

St. Mary's School for the Deaf (approximately 0.9 mi southwest of site)
2253 Main Street
Buffalo, New York 14214
(716) 834-7200
Tim Kelly – Superintendent – timk@smsdk12.org

Attachment G

Contact List Information



St. Margaret School (approximately 1.4 mi northwest of site)
1395 Hertel Avenue
Buffalo, New York 14216
(716) 876-8885
William Fleckenstein Jr – Principal – smsprincipal3@gm.com

Elmwood Franklin School (approximately 1.5 mi west of site)
104 New Amsterdam Avenue
Buffalo, New York 14216
(716) 877-5035
Cheryl Colpoys – Assistant Director – ccolpoys@elmwoodfranklin.org

Kidz Zone (approximately 0.4 mi northwest of site)
2680 Main Street
Buffalo, New York 14214
(716) 835-5439
Patrice Martin – Director

My Kids Child Care Center LLC (approximately 0.9 mi north of site)
3012 Main Street
Buffalo, New York 14214
(716) 837-7280
Theresa Sanders - Owner- mykidschildcarecenter@yahoo.com

EduKids (approximately 1.5 mi northwest of site)
1350 Hertel Avenue
Buffalo, New York 14216
(716) 332-9500
Sarah Cane - Administrator

GZA made several attempts to contact the following nearby school or day care facilities with no response. A notification letter was prepared by GZA to the director's attention of each facility regarding the requestor's intension to enter the BCP for the site property. Each notification letter is attached.

North Park Community Preschool (approximately 1 mi northwest of site)
310 Starin Avenue
Buffalo, New York 14216
(716) 836-0660

Attachment G

Contact List Information

My Precious Angels Childcare (approximately 0.9 mi east of site)
2946 Bailey Avenue
Buffalo, New York 14215
(716) 896-3800



Children's Day Out Educational Center (approximately 1.5 mi northwest of site)
1365 Hertel Avenue
Buffalo, New York 14216
(716) 995-6481

7). Local Document Repository: approval letter attached

East Delavan Branch Library
1187 East Delavan Avenue
Buffalo, New York 14215
(716) 896-4433

November 17, 2011
File No. 21.0056642.00

Children's Day Out Educational Center
Attn: Director
1365 Hertel Avenue
Buffalo, New York 14216



Re: Notification Letter
Brownfield Cleanup Program Application Submittal to
New York State Department of Environmental Conservation
129 Holden Street Rehabilitation Site
Buffalo, New York 14214

535 Washington Street
11th Floor
Buffalo, New York
14203
716-685-2300
FAX 716-685-3629
www.gza.com

To whom it may concern:

GZA GeoEnvironmental of New York (GZA), on behalf of Strickler Development Group, LLC, (SDG) has prepared a Brownfield Cleanup Program (BCP) Application for the above referenced site. Brownfields are abandoned, idled or under-used industrial or commercial sites where expansion or redevelopment is complicated by real or perceived environmental contamination that can add cost, time or uncertainty to a development project.

As part of the BCP application process, our client is required to notify the administrator/director of any school or daycare facility located on or near the site property.

Please feel free to contact me should you have any questions.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink, appearing to read 'J. Beninati', written over the printed name.

John Beninati
Project Manager

November 17, 2011
File No. 21.0056642.00

My Precious Angels Childcare
Attn: Director
2946 Bailey Avenue
Buffalo, New York 14215



Re: Notification Letter
Brownfield Cleanup Program Application Submittal to
New York State Department of Environmental Conservation
129 Holden Street Rehabilitation Site
Buffalo, New York 14214

535 Washington Street
11th Floor
Buffalo, New York
14203
716-685-2300
FAX 716-685-3629
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Please feel free to contact me should you have any questions.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink, appearing to read 'J. Beninati'. The signature is stylized and somewhat cursive.

John Beninati
Project Manager

November 17, 2011
File No. 21.0056642.00

North Park Community Preschool
Attn: Director
310 Starin Avenue
Buffalo, New York 14216



Re: Notification Letter
Brownfield Cleanup Program Application Submittal to
New York State Department of Environmental Conservation
129 Holden Street Rehabilitation Site
Buffalo, New York 14214

535 Washington Street
11th Floor
Buffalo, New York
14203
716-685-2300
FAX 716-685-3629
www.gza.com

To whom it may concern:

GZA GeoEnvironmental of New York (GZA), on behalf of Strickler Development Group, LLC, (SDG) has prepared a Brownfield Cleanup Program (BCP) Application for the above referenced site. Brownfields are abandoned, idled or under-used industrial or commercial sites where expansion or redevelopment is complicated by real or perceived environmental contamination that can add cost, time or uncertainty to a development project.

As part of the BCP application process, our client is required to notify the administrator/director of any school or daycare facility located on or near the site property.

Please feel free to contact me should you have any questions.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink, appearing to read 'J. Beninati'. The signature is stylized and somewhat cursive.

John Beninati
Project Manager

November 14, 2011
File No. 21.0056642.00

Ms. Gwen Collier
East Delavan Branch Library
1187 East Delavan Avenue
Buffalo, New York 14215



Re: Brownfield Cleanup Program Application Submittal to
Site Document Repository – East Delavan Branch Library
129 Holden Street Rehabilitation Site
Buffalo, New York 14214

Dear Ms. Collier:

GZA GeoEnvironmental of New York (GZA), on behalf of Strickler Development Group, LLC, has prepared a Brownfield Cleanup Program (BCP) Application for the above referenced site. As part of the BCP application process, our client is required to designate a document repository for exhibiting the BCP application. We request to use the East Delavan Branch Library for this purpose.

On November 14, 2011, GZA obtained a verbal confirmation from Mr. Stephen Carson confirming that the East Delavan Branch Library has agreed to act as the document repository for the project site. GZA will update you with any pertinent information pertaining to this project as it becomes available. We appreciate your cooperation in this matter.

Please feel free to contact me should you have any questions.

Sincerely,

GZA GEOENVIRONMENTAL OF NEW YORK

A handwritten signature in blue ink, appearing to read 'J. Beninati', written over the printed name.

John Beninati
Project Manager

535 Washington Street
11th Floor
Buffalo, New York
14203
716-685-2300
FAX 716-685-3629
www.gza.com

**129 HOLDEN STREET REDEVELOPMENT, BUFFALO, NEW YORK
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
BROWNFIELD CLEANUP PROGRAM APPLICATION
Section IX – Land Use Factors**

ATTACHMENT H

- Land Use Map –Figure H-1
- Potential Environmental Justice Areas Map – Figure H-2
- FIRM – Flood Map Index – Figure H-3

Attachment H

Land Use Factors

In accordance with Section IX of the BCP Application, the following information is provided.



Question 1 - Current Use:

The property is occupied by five vacant buildings. The last tenants vacated the site in July 2011. The Phase I ESA provided in Attachment D contains a list of previous occupants.

Question 2 - Intended Use Post Remediation:

The requestor (Volunteer) intends to develop the 27.09-acre parcel of land for residential use. A site Conceptual Plan and associated Floor Plans for the proposed residential structures are included in Attachment C.

Question 4 - Applicable Zoning Laws/Maps:

A tax map for SBL# 90.29-2-43.1, addressed as 129 Holden Street, Buffalo, New York was obtained from the City of Buffalo Assessor's Office (see Figures A-2a and A-2b in Attachment A).

The tax map identified the site as being located within the Commercial Zoning District consistent with its historical use. Areas north and south are identified as Residential Zones (single, two and three family housing). Areas located adjacent to the east and west are identified as Residential, Community Service and Commercial Zones.

See the Land Use map provided (Figure H-1) in this Attachment.

Question 5 - Comprehensive Community Master Plans:

The proposed post-remediation use for the site is consistent with City of Buffalo's Comprehensive Plan. Among its many goals, the plan encourages the remediation and reuse of brownfields in the redevelopment of vacant land and property with market-rate housing. A key principal of the Comprehensive Plan similar to the goal of this project is in the rebuilding of neighborhoods.

"Rebuilding neighborhoods - working with citizens to produce detailed neighborhood plans, striving to focus and coordinate investments for the greatest impact on physical conditions and investment environment, linking neighborhood development initiatives to jobs creation projects, and using demolition, rehabilitation and new construction to manage the housing stock to meet needs of a population expected to shrink further but then grow again." (www.ci.buffalo.ny.us/files/1_2_1/Mayor/COB_Comprehensive_Plan/index.html)

Attachment H

Land Use Factors



The Plan also states that the following: “Making brownfields ready for market will bolster the economic health of the urban core, promote efficient use of land and existing infrastructure, and reduce the public burden of extending new infrastructure to undeveloped areas of the region. More rapid assembly and clean-up of brownfield sites is urgently needed to support the City's and region's economic development program.”

Question 6 – Environmental Justice Concerns:

The site is located within a potential Environmental Justice (EJ) Area as shown on the attached Figure H-2 (Potential Environmental Justice Areas In and Around the Northern Half of Buffalo, New York). EJ Areas are designated based on 2000 U.S. Census population data that meet or exceed at least one of the following statistical thresholds:

1. At least 51.1% of the population in an urban area reported themselves to be members of minority groups; or
2. At least 33.8% of the population in a rural area reported themselves to be members of minority groups; or
3. At least 23.59% of the population in an urban or rural area had household incomes below the federal poverty level.

Question 11 - Natural Resources:

Scajaquada Creek is located approximately 2.1 miles west of the property boundary. The Niagara River is located approximately 3.3 miles west of the property boundary and Lake Erie is located approximately 4.4 miles southwest of the property boundary.

Wildlife refuges, wetlands, and critical habitats were not identified within a ½ mile radius of the site.

Question 12 – Floodplains:

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) is not printed for the site property and adjacent areas as it they are located in a “No Special Flood Hazard Area”. See the attached Figure H-3-Flood Plain Index Map for Erie County.

Attachment H

Land Use Factors

Question 14 – Adjacent Land Uses:

The site is located in a Commercial Zone of the City of Buffalo. Adjoining land uses are listed below.



- East – Community Service, Residential and Commercial
- North – Residential
- West – Commercial and Community Service
- South – Residential

See the attached Figure H-1-Land Use Map depicting adjacent land use.

Question 15 – Groundwater Vulnerability:

According to the Buffalo Water Authority (BWA), municipal water is supplied to properties within the site area and no private drinking water wells are in service. The primary municipal water source is derived from Lake Erie, which is located approximately 4.4 miles to the southwest.

Groundwater was not encountered during the Phase II ESA. Nineteen (19) soil probes were completed at depths ranging from 4-16.7 feet below ground surface. VOC, SVOC, PCB, and metal contaminants were identified in the overburden fill material. See the attached Phase II ESA Report in Attachment D.

Question 16 – Geography/Geology:

The site is situated within the Erie-Ontario Lowlands province of western New York. In general, areas within this province exhibit typically low, generally flay topography. The site elevation is approximately 640 feet above mean sea level and dips very gently to the south.

Based on the Surficial Geologic Map of New York, Niagara Sheet, Caldwell (1988), overburden soils in the vicinity of the site are reported to be lacustrine silts and clays. These soils were deposited as bottom sediments in proglacial lakes and generally have a low permeability. Bedrock in areas proximal to the site property is within 1 to 3 meters of the surface and may sporadically crop out in areas. However, based on the historic quarry operations conducted at the site and the findings of the Phase II ESA, significant volumes of fill material are present at the site.

Attachment H

Land Use Factors

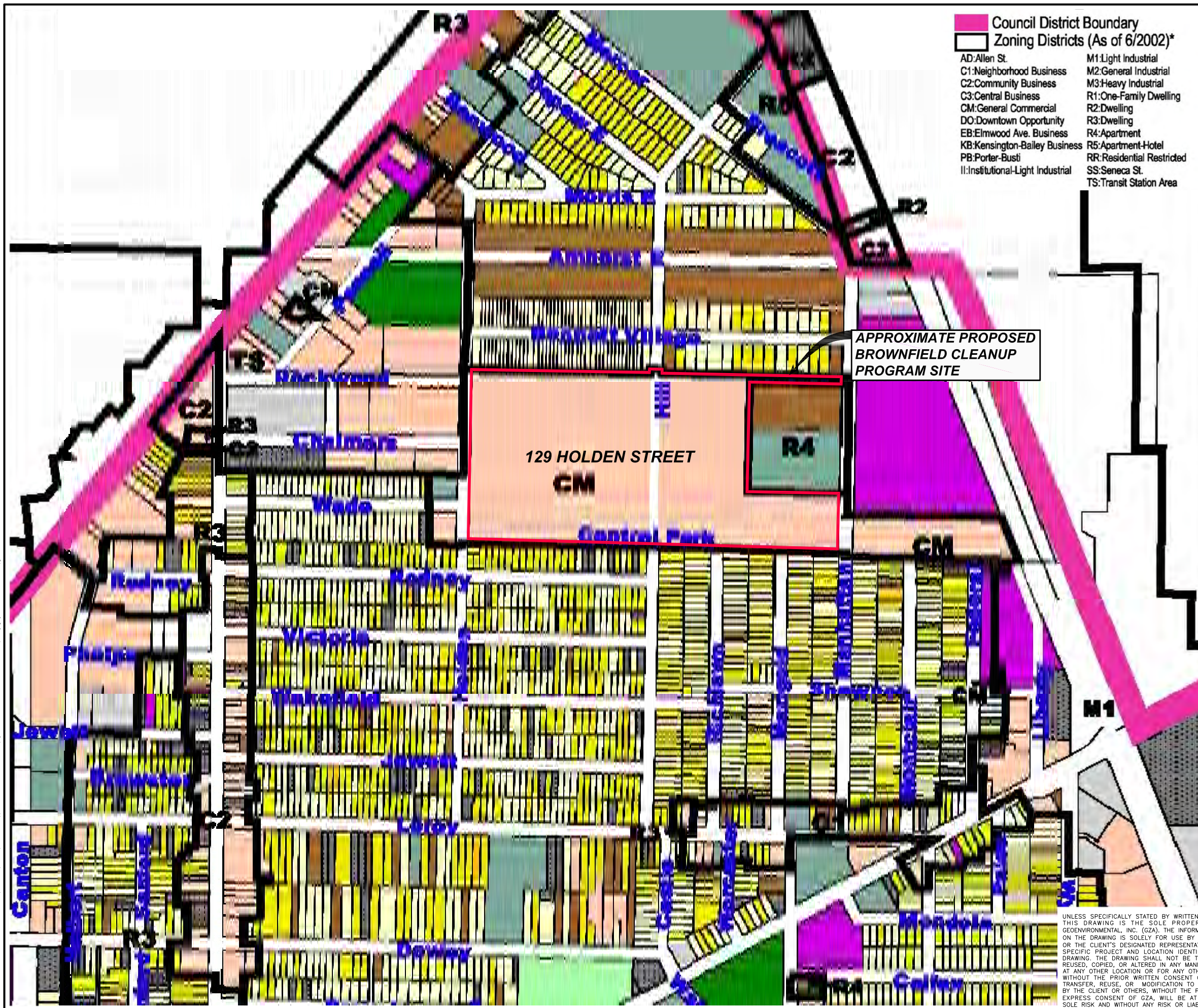


The Geologic Map of New York, Niagara Sheet (1970), shows bedrock in the site vicinity as belonging to the Middle Devonian Onondaga Limestone or Upper Silurian Akron Dolostone and Bertie Formation. Depth to bedrock is expected to vary at the site due to historic quarry operations. Typically, bedrock dips to the south approximately 34 feet per mile vertically.

Overburden soil materials at the site are described below in stratigraphic order from ground surface.

1. Fill material of varying thickness;
2. Lacustrine Silt and Clay – Interbedded silt and clay with occasional fine sand.


©2011 - GZA GeoEnvironmental of N.Y. GZA:\PROJECTS\66004\6642_BCP_Application - 129 Holden Street\Figure H-1-H-2_Land Use-FRM Flood Maps.dwg [Figure H-1 Land Use Map] November 29, 2011 - 9:28am dante.wulf



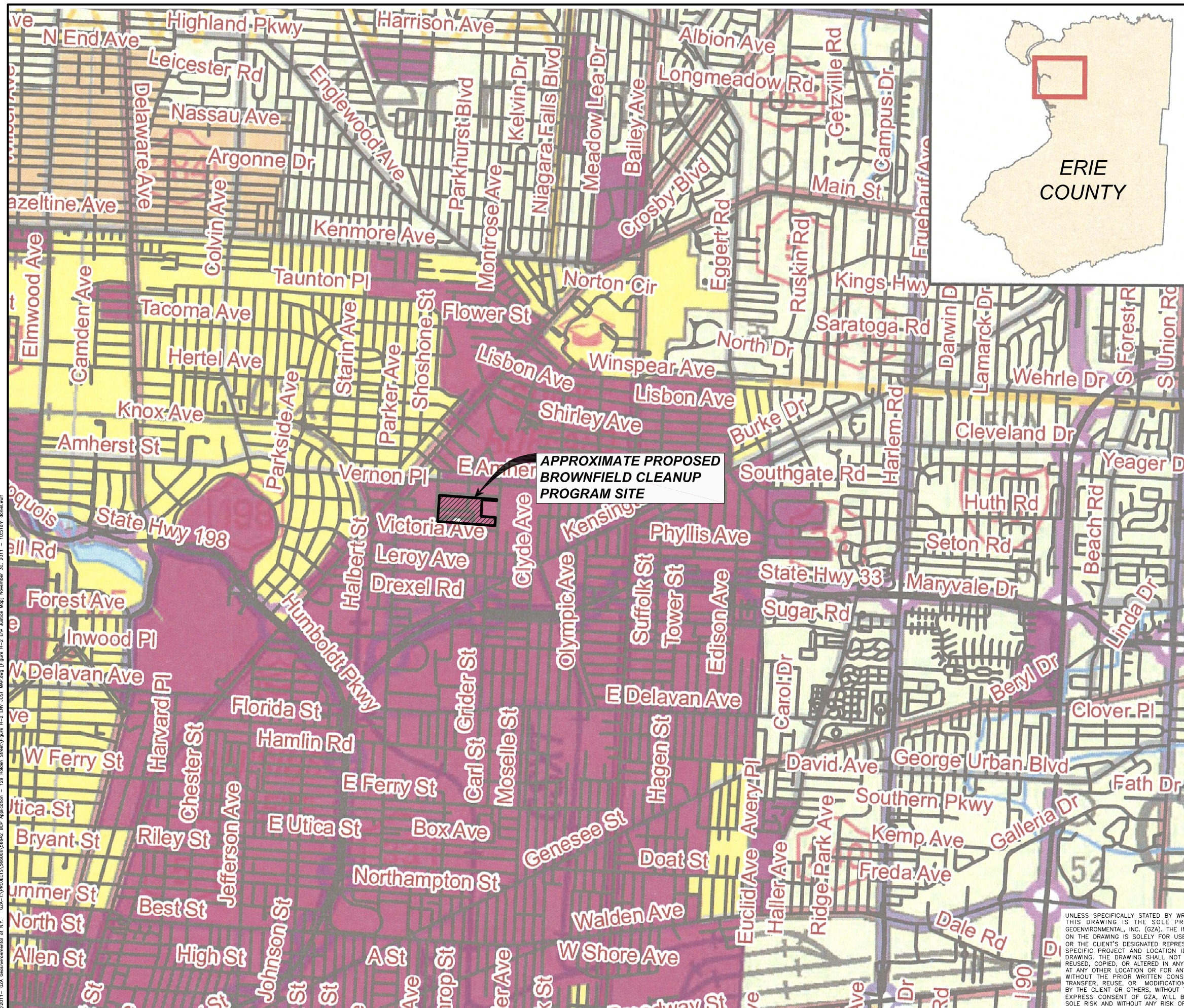
APPROXIMATE PROPOSED
BROWNFIELD CLEANUP
PROGRAM SITE

- Council District Boundary**
Zoning Districts (As of 6/2002)*
- AD: Allen St.
 - C1: Neighborhood Business
 - C2: Community Business
 - C3: Central Business
 - CM: General Commercial
 - DO: Downtown Opportunity
 - EB: Elmwood Ave. Business
 - KB: Kensington-Bailey Business
 - PB: Porter-Busti
 - II: Institutional-Light Industrial
 - M1: Light Industrial
 - M2: General Industrial
 - M3: Heavy Industrial
 - R1: One-Family Dwelling
 - R2: Dwelling
 - R3: Dwelling
 - R4: Apartment
 - R5: Apartment-Hotel
 - RR: Residential Restricted
 - SS: Seneca St.
 - TS: Transit Station Area

- LANDUSE (As of 01/2002)**
- Residential single family
 - Residential two family
 - Residential three family
 - Residential other
 - Vacant
 - Commercial
 - Recreational
 - Community Service
 - Industrial
 - Public Service
 - Conservation Areas / Parks
 - No Data

NO.	ISSUE/DESCRIPTION	BY	DATE
	129 HOLDEN STREET BUFFALO, NEW YORK		
BROWNFIELD CLEANUP PROGRAM APPLICATION LAND USE MAP			
PREPARED BY:  GZA GeoEnvironmental of N.Y. Engineers and Scientists 535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR: CZB DESIGNED BY: DATE: NOVEMBER 2011	REVIEWED BY: DRAWN BY: DEW PROJECT NO.: 21.0056642.00	CHECKED BY: SCALE: AS SHOWN REVISION NO.:	FIGURE H-1

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.



Legend

Potential EJ Areas



This computer representation has been compiled from supplied data or information that has not been verified by NYSDEC. The data is offered here as a general representation only and is not to be used for commercial purposes without verification by an independent professional qualified to verify such data or information.

NYSDEC does not guarantee the accuracy, completeness, or timeliness of the information shown and shall not be liable for any loss or injury resulting from reliance.

Data Source for Potential Environmental Justice Areas:
U.S. Census Bureau, 2000 U.S. Census



UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK			
BROWNFIELD CLEANUP PROGRAM APPLICATION POTENTIAL ENVIRONMENTAL JUSTICE AREAS IN AND AROUND THE NORTHERN HALF OF BUFFALO, NEW YORK			
PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists 535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR: CZB	REVIEWED BY:	CHECKED BY:	FIGURE
DESIGNED BY:	DRAWN BY: DEW	SCALE: AS SHOWN	H-2
DATE NOVEMBER 2011	PROJECT NO. 21.0056642.00	REVISION NO.	

©2011 - GZA GeoEnvironmental of N.Y. GZA\PROJECTS\64600\64642_BCP_Application - 129 Holden Street\Figure H-2 Env Justice Map November 30, 2011 - 10:03am dwd.wlf



MAP DATES

This FIRM Index displays the map date for each FIRM panel at the time that this Index was printed. Because this Index may not be distributed to unaffected communities in subsequent revisions, users may determine the current map date for each FIRM panel by visiting the FEMA Map Service Center website at <http://web1.msc.fema.gov>, or by calling the Map Service Center at 1-800-368-9616.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

NOTICE

Future revisions to this FIRM index will only be issued to communities that are located on FIRM panels being revised. This FIRM index therefore remains valid for FIRM panels dated EFFECTIVE DATE or earlier. Please refer to the "most recent FIRM panel date" column in the Listing of Communities table to determine the most recent FIRM index date for each community.

NOTICE TO MAP USERS

FEMA maintains information about map features, such as street locations and names, in or near designated flood hazard areas. Requests to revise information in or near designated flood hazard areas may be provided to FEMA during the community review period, at the final Consultation Coordination Officer's meeting, or during the statutory 90-day appeal period. Approved requests for changes will be shown on the final printed FIRM.

ELEVATION DATUM

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, contact the National Geodetic Survey at the following address:

NGS Information Services
 NOAA, N/NGS12
 National Geodetic Survey
 SSMC-3, #9202
 1315 East-West Highway
 Silver Spring, MD 20910-3282
 (301) 713-3242

- * PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS
- ** PANEL NOT PRINTED - OPEN WATER AREA
- PANEL NOT PRINTED - AREA NOT INCLUDED

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOENVIRONMENTAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.

NO.	ISSUE/DESCRIPTION	BY	DATE
129 HOLDEN STREET BUFFALO, NEW YORK			
BROWNFIELD CLEANUP PROGRAM APPLICATION FIRM - FLOOD MAP INDEX			
PREPARED BY: GZA GeoEnvironmental of N.Y. Engineers and Scientists 535 WASHINGTON STREET 11th FLOOR BUFFALO, NEW YORK 14203 (716) 685-2300		PREPARED FOR: STRICKLER DEVELOPMENT GROUP, LLC	
PROJ MGR: CZB	REVIEWED BY:	CHECKED BY:	FIGURE H-3
DESIGNED BY:	DRAWN BY: DEW	SCALE: AS SHOWN	
DATE NOVEMBER 2011	PROJECT NO. 21.0056642.00	REVISION NO.	

© 2011 - GZA GeoEnvironmental of N.Y. GZA:\PROJECTS\66000\6642_BCP_Application - 129 Holden Street\Figures - H-1 to H-3\Firm Index Map November 30, 2011 - 8:08am dmk:aut



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