

November 16, 2012

Ms. Bernadette Anderson
Site Control Section
New York State Department of Environmental Conservation
Bureau of Technical Support
625 Broadway, 11th Floor
Albany, New York 12233-7020

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TECHNICAL SUPPORT

**Re: Brownfield Cleanup Program Application Package
98 Ridge Road Site (C915269)
Lackawanna, New York**

Dear Ms. Anderson:

Benchmark Environmental Engineering and Science, PLLC has prepared the enclosed revised Brownfield Cleanup Program (BCP) application package for the above-referenced site on behalf of 98 Ridge Road, LLC in response to your correspondence dated October 26, 2012.

In general, the application has been revised in accordance with the Department's requests with the following clarifications:

- Concerning the request for additional information regarding the tax parcel, Figure 1-2 has been revised and an existing Erie County NY Tax Map has been included in Attachment 2. Based on the timing of the parcel split the official tax map will not be revised until 2013. However, a letter from the City of Lackawanna Assessor's office is included in Attachment 2 as proof that the 98 Ridge Road parcel was split off and confirming the new S.B.L number.
- As we discussed, the presence of contamination related to the former dry cleaning operation has contaminated the Site and complicates reuse and/or redevelopment of the property. The applicant plans to investigate the Site to determine appropriate remedial measures, cleanup the parcel under the BCP, and upon receipt of the Certificate of Completion (COC) sell and/or transfer the parcel to the adjacent light industrial manufacturing operation addressed as 100 Ridge Road. The adjacent parcel owner has identified no specific redevelopment plans at this time.

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

- The 98 Ridge Road Site is located proximate to two industrial development areas, including the Buffalo Lakeside Park to the north, and the former Bethlehem Steel (Tecumseh Redevelopment) Area to the west. We have included correspondence from the City of Lackawanna Office of Code Enforcement dated May 24, 2012 (i.e., prior to splitting off the 98 Ridge Road Parcel) which states that use of the 100 Ridge Road Site for light industrial manufacturing is compliant with the existing zoning designation (see Attachment 11).

Enclosed are one hardcopy and one electronic copy on CD within Attachment 14 of the revised BCP application. A copy of the revised BCP application package has also been sent to Mr. Martin Doster in the NYSDEC Region 9 office.

Please do not hesitate to contact us with any questions.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC



Thomas H. Forbes, P.E.
Principal Engineer

c: P. Lowrey (98 Ridge Road, LLC)
M. Doster (NYSDEC – Region 9)
A. Lopes (NYSDEC – Region 9)

File: 0264-012-001

Brownfield Cleanup Program Application

*98 Ridge Road Site
Lackawanna, New York*

Revised November 2012

0264-012-001

Prepared For:

98 Ridge Road, LLC

Prepared By:





**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 **98 Ridge Road, LLC**

ADDRESS **640 Ridge Road**

CITY/TOWN **Lackawanna**

ZIP CODE **14218**

PHONE **(716) 823-5124**

FAX **(716) 823-5947**

E-MAIL **lhdcorp@aol.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. Philip Lowrey**

ADDRESS **640 Ridge Road**

CITY/TOWN **Lackawanna**

ZIP CODE **14218**

PHONE **(716) 823-5124**

FAX **(716) 823-5947**

E-MAIL **lhdcorp@aol.com**

NAME OF REQUESTOR'S CONSULTANT **Mr. Thomas Forbes (Benchmark Environmental Engineering & Sciences, PLLC)**

ADDRESS **2558 Hamburg Turnpike, Suite 300**

CITY/TOWN **Buffalo**

ZIP CODE **14218**

PHONE **(716) 856-0599**

FAX **(716) 856-0583**

E-MAIL **tforbes@benchmarkturnkey.com**

NAME OF REQUESTOR'S ATTORNEY **Mr. Craig Slater, Esq.**

ADDRESS **26 Mississippi Street, Suite 400**

CITY/TOWN **Buffalo, New York**

ZIP CODE **14202**

PHONE **(716) 845-6760**

FAX

E-MAIL **cslater@cslaterlaw.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

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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 **98 Ridge Road Site**

ADDRESS/LOCATION **98 Ridge Road** CITY/TOWN **Lackawanna** ZIP CODE **14218**

MUNICIPALITY(IF MORE THAN ONE, LIST ALL):

City of Lackawanna

COUNTY **Erie** SITE SIZE (ACRES) **0.38**

LATITUDE (degrees/minutes/seconds) **42 ° 49 ' 40.8 "** LONGITUDE (degrees/minutes/seconds) **78 ° 50 ' 52.5 "**

HORIZONTAL COLLECTION METHOD: SURVEY GPS MAP HORIZONTAL REFERENCE DATUM: **WGS 84**

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

98 Ridge Road	98	141.07	2	53.1	0.38

- Do the property boundaries correspond to tax map metes and bounds? (See Attachment 2) Yes No
If no, please attach a metes and bounds description of the property.
- Is the required property map attached to the application? (application will not be processed without map) Yes No
- 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) Erie County Census Tract 121
Percentage of property in En-zone (check one): 0-49% 50-99% 100%
- 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 1

6. List of Existing Easements (type here or attach information)

<u>Easement Holder</u>	<u>Description</u>
Lackawanna Community Development Corp. (Easement included in Attachment 2)	Parking, ingress, and egress (100 Ridge Road, LLC)

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
None		

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 98 Ridge Road, LLC

ADDRESS 640 Ridge Road

CITY/TOWN Lackawanna

ZIP CODE 14218

PHONE (716) 823-5124

FAX (716) 823-5947

E-MAIL lhdcorp@aol.com

OPERATOR'S NAME (Currently Vacant)

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? Yes No
- 2. Is the requestor subject to an existing order relating to contamination at the site? Yes No
- 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Yes No
- 4. Has the requestor been determined to have violated any provision of ECL Article 27? Yes No
- 5. Has the requestor previously been denied entry to the BCP? Yes No
- 6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving contaminants? Yes No
- 7. Has the requestor been convicted of a criminal offense that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration? Yes No
- 8. Has the requestor knowingly falsified or concealed material facts or knowingly submitted or made use of a false statement in a matter before the Department? Yes No
- 9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.8(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? Yes 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? Yes No
If yes, please provide relevant information as an attachment.
- 2. Is the property, or was any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites? Yes No
If yes, please provide: Site # _____ Class # _____
- 3. Is the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? Yes No
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____
- 4. Is the property subject to a cleanup order under navigation law Article 12 or ECL Article 17 Title 10? Yes No
If yes, please provide: Order # _____
- 5. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? Yes No
If yes, please provide explanation as an attachment.

Section 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 3 - Project Description and Schedule)

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.

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 5)

Contaminant Category	Soil	Groundwater	Surface Water	Sediment	Soil Gas
Petroleum					
Chlorinated Solvents	x	x			
Other VOCs					
SVOCs					
Metals					
Pesticides					
PCBs					
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 5)

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

*Please describe: _____

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

- 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
 (See Attachment 5)

Other: Former Dry Cleaning Operation

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: _____

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 6 - Site Owners, and Attachment 7 - Site Operators)

Section VIII. Contact List Information

Please attach, at a minimum, the names and addresses of the following: (See Attachment 8)

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 9)

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.

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

3. Do current historical and/or recent development patterns support the proposed use? (See #14 below re: discussion of area land uses) (See Attachment 10)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

4. Is the proposed use consistent with applicable zoning laws/maps?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

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
--	---

6. Are there any Environmental Justice Concerns? (See §27-1415(3)(p)).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

7. Are there any federal or state land use designations relating to this site?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

8. Do the population growth patterns and projections support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

9. Is the property accessible to existing infrastructure?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

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
---	---

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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	---

12. Are there floodplains within ½ mile?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	---

13. Are there any institutional controls currently applicable to the property?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
--	---

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 11)

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 12)

16. Describe the geography and geology of the site in an attachment. (See Attachment 13)

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 EXECUTIVE DIRECTOR (title) of 98 Ridge Road, 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: 10/19/12 Signature: Philip A. Lowrey Print Name: PHILIP A. LOWREY

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: _____

EXHIBIT A

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY DATABASE

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 18, 2012.

Selected Entity Name: 98 RIDGE ROAD, LLC

Selected Entity Status Information

Current Entity Name: 98 RIDGE ROAD, LLC

DOS ID #: 4301488

Initial DOS Filing Date: SEPTEMBER 27, 2012

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)

98 RIDGE ROAD, LLC C/O LACKAWANNA COMMUNITY DEVELOPMENT CORP.

640 RIDGE RD.

LACKAWANNA, NEW YORK, 14218

Registered Agent

ROGER L. ROSS, ESQ., C/O HURWITZ & FINE, P.C.

1300 LIBERTY BUILDING

BUFFALO, NEW YORK, 14202

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
SEP 27, 2012	Actual	98 RIDGE ROAD, 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.

NOTE: New York State does not issue organizational identification numbers.

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EXHIBIT B

PROOF OF SITE ACCESS



LCDC

LHDC

October 16, 2012

Mr. Anthony Lopes
Project Manager
New York State Department of
Environmental Conservation
Division of Environmental Remediation
270 Michigan Avenue
Buffalo, NY 14203-2915

Re: NYS Brownfield Cleanup Program Application
Access to 98 Ridge Road, Lackawanna, NY

Dear Mr. Lopes:

As you may be aware, Lackawanna Community Development Corporation is the current owner of the approximate 0.38-acre property addressed as 98 Ridge Road, Lackawanna, NY (SBL No. 141.07-2-53.1). This is the property that 98 Ridge Road, LLC has proposed for entrance into the NY State Brownfield Cleanup Program (BCP).

Lackawanna Community Development Corporation is the sole member of 98 Ridge Road, LLC. As such, we have granted 98 Ridge Road, LLC unlimited access to the proposed BCP site for purposes of carrying out the required environmental investigations and remedial activities.

Please contact me at (716) 823-5124 if you have questions or require additional information.

Sincerely,

Philip A. Lowrey
Executive Director

c: LCDC Board
R. Ross (Hurwitz & Fine)
C. Slater (Slater Law)
T. Forbes (Benchmark Environmental)

RESOLUTION NO. 1

Authorization for Philip A. Lowrey to sign Brownfield Cleanup Agreement

RESOLVED, that Mr. Philip A. Lowrey, Executive Director of the 98 Ridge Road LLC, be hereby authorized and empowered to sign a Brownfield Cleanup Agreement (BCA) with New York State Department of Environmental Conservation (NYSDEC), in the name of and on behalf of this Corporation.

The undersigned hereby certifies that he is the duly qualified President of the corporation duly formed pursuant to the laws of the state of New York and that the foregoing is a true record of a resolution duly adopted at a meeting of 98 Ridge Road. LLC, Inc. (Corporation) and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on October 16, 2012, and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as President of the above-named Corporation this 16th day of October 2012.

Ayes 6 Nays 0 Abstains 0

Motion Carried



Joseph Pici

President

98 Ridge Road. LLC

October 16, 2012



LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
98 Ridge Road Site
Lackawanna, New York*

Application Section No.	Attachment No.	Description
II	1	Site Description, BCP Eligibility Statement, Location Map and Site Plan
II	2	Tax Map and Parcel Description
VI	3	Project Description and Schedule
VI	4	Master Redevelopment Plan
VII	5	Previous Environmental Assessments
VII	6	Listing of Current and Previous Site Owners
VII	7	Listing of Current and Previous Site Operators
VIII	8	Brownfield Site Contact List
VIII	9	Document Repository Confirmation Letter
IX	10	Environmental Factors and Historic Land Use Considerations
IX	11	Nearby Land Use Map
IX	12	Groundwater Vulnerability Assessment
IX	13	Description of Site Geography/Geology
X	14	Electronic Copy of BCP Application and Attachments

SECTION II

ATTACHMENT 1 – PROPERTY DESCRIPTION NARRATIVE

ATTACHMENT 2 – TAX MAP AND PARCEL DESCRIPTION

ATTACHMENT 01

SITE DESCRIPTION
BCP ELIGIBILITY STATEMENT
FIGURE 1-1 LOCATION MAP
FIGURE 1-2 SITE PLAN

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site Brownfield Cleanup Program Application

A. SITE DESCRIPTION

The subject property (hereinafter, the “Project Site” or the “Site”), which is submitted for entrance into the NY state Brownfield Cleanup Program (BCP) per this application, is a single 0.38-acre vacant parcel, addressed at 98 Ridge Road Lackawanna, New York. Located at the northeast corner of Ridge Road and North Gates Avenue, the Site is situated in a mixed-use commercial and industrial area of the City of Lackawanna with residential areas further to the east (see Figures 1-1 and 1-2). A land use map for the Site and surrounding area is included in Attachment 11. The BCP parcel included in this application is described as:

98 Ridge Road, City of Lackawanna, Erie County, New York – SBL # 141.07-2-53.1

The Site is bound by Ridge Road to the south, North Gates Avenue to the west, and commercial/industrial property (Brunner Industries) to the north and east. Residential development is located less than 0.5-miles to the east across Ridge Road. The Site is currently vacant, with approximately 50% of the surface covered by asphalt, and 50% covered with grass and vegetated landscape.

The 98 Ridge Road Site was historically part of the adjoining 100 Ridge Road parcel. The 98 Ridge Road Site was identified and excluded from a property transfer involving sale of 100 Ridge Road to the current owner by the Lackawanna Community Development Corporation specifically due to environmental contamination present on the subject Site. A former dry cleaning operation was located on the 98 Ridge Road Site parcel.

A Phase I Environmental Site Assessment (April 2011) identified historical operation of a dry cleaning facility on the subject Site from at least the 1950’s through 1972, and the operation of a gasoline and lubrication service station on the adjoining 100 Ridge Road

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site Brownfield Cleanup Program Application

parcel. The Phase I ESA also notes that five historic underground storage tanks were formerly present on 100 Ridge Road, and that a “closed” NYSDEC Spill file exists for the 100 Ridge Road parcel (Spill No. 8702961).

Phase II subsurface soil and groundwater investigations¹ were completed on-Site during 2011 (see Attachment 5). The findings indicated elevated chlorinated volatile organic compounds (VOCs), primarily trichloroethene and tetrachloroethene (TCE and PCE, respectively) in onsite soils. Elevated concentrations of TCE and PCE well in excess of NYSDEC Groundwater Quality Standards were also noted in several temporary wells.

As evidenced by the presence of chlorinated solvent contamination in soils and groundwater above NY State standards, criteria and guidance, significant environmental concerns are associated with the Project Site that require remediation to render the Site protective of human health and the environment.. Moreover, the confirmed environmental contamination on the Site complicates current and future redevelopment/reuse of the Project Site.

B. ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM

The Site meets the definition of a “Brownfield site” as set forth in New York State Environmental Conservation Law (the “ECL”). The ECL Section 27-1405(2) defines a

1. At the time of these investigations the subject property had not been segregated from the larger 100 Ridge Road parcel. Consequently the investigation reports, although focused on the area currently addressed 98 Ridge Road, reference 100 Ridge Road as the investigation area address.

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site Brownfield Cleanup Program Application

“Brownfield site” as “any real property, the development or reuse of which may be complicated by the presence or potential presence of a contaminant”. The regulations in 6NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a “reasonable basis” test to each:

A brownfield site has two elements:

- (i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the “Contamination Element”); and,
- (ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use or reuse of the property (the “Complication Element”)

In addition, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005 which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

The Contamination Element

The Department considers the following factors with respect to the Contamination Element, to the extent they are relevant to the proposed Site:

- (A) The nature and extent of known or suspected contamination;
- (B) Whether contaminants are present at levels that exceed standards, criteria or guidance;
- (C) Whether contamination on the proposed site is historic fill material or exceeds background levels;

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site

Brownfield Cleanup Program Application

(D) Whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,

(E) Whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

- A. The previous investigations have established that on-site soil and groundwater have been impacted by contaminants which will require remediation. See Attachment 5.
- B. Contaminated soils, evidenced by analytical sample results, are present in onsite soils with elevated chlorinated volatile organic compounds above soil cleanup objectives (SCOs). Chlorinated organics are present in groundwater above NYS Class GA Groundwater Quality Standards and Guidance Values (GWQS/GVs).
- C. Contamination on the proposed site (i.e., chlorinated solvents) are not commonly detected in historic fill material and exceed background levels as evidenced by offsite results collected during the Phase II investigations.
- D. The Site included the operation of a dry cleaning facility from at least 1950 through 1972. This operation likely contaminated the Site a result of the release of chlorinated solvents commonly used by dry cleaners.
- E. The proposed Site has not previously been subject to closure, a removal action, an interim or final remedial action performed by or under the oversight of the State or Federal government.

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site Brownfield Cleanup Program Application

The Complication Element

The Department considers the following factors with respect to the Complication Element; to the extent they are relevant to the proposed Site:

- (A) Whether the proposed site is idled, abandoned or underutilized;
- (B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,
- (D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the proposed Site is unattractive for redevelopment or reuse due to the presence of contamination. This factor is clearly established by the following:

- (A) The subject Site is currently vacant.
- (B) The Site was specifically excluded from a previous purchase and sale agreement, due to the presence of known contamination.
- (C) Significant areas of vacant/underutilized lands are present in the immediate vicinity of the proposed site.
- (D) Based on the known contamination, the cost of remedial efforts are significantly greater than the anticipated value of the site if it were uncontaminated.

Attachment 01

Site Description and BCP Eligibility Statement

98 Ridge Road Site

Brownfield Cleanup Program Application

The Requestor as a Volunteer

A BCP applicant may be either a “Participant” or a “Volunteer.”

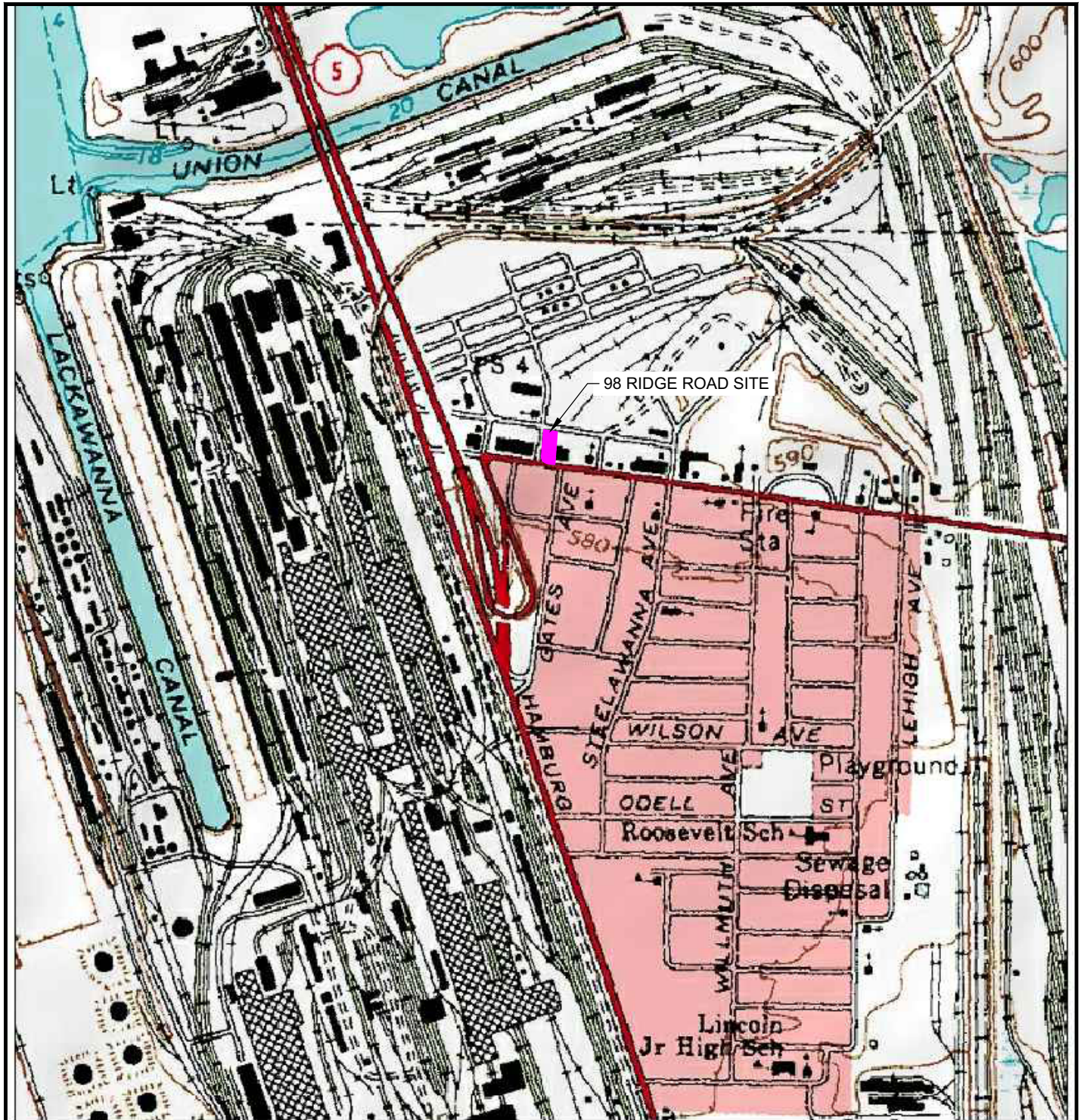
Per NY ECL 27-1405(1)(a), a “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge. This definition is repeated verbatim at 6NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

Per NY ECL 27-1405(1)(b), a “Volunteer” is an applicant other than a participant, including a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. This definition is repeated verbatim at 6NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has exercised appropriate care with respect to the contamination, it is entitled to Volunteer status under NY ECL 27-1405(1)(b).

Based on the foregoing and as further set forth in this BCP application, the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because (A) there is confirmed contamination on the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site, and (C) The applicant meets the above criteria for volunteer status.

FIGURE 1-1



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www.delorme.com



Data Zoom 13-8



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

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

98 RIDGE ROAD SITE

LACKAWANNA, NEW YORK

PREPARED FOR

98 RIDGE ROAD, LLC

PROJECT NO.: 0264-012-001

DATE: SEPTEMBER 2012

DRAFTED BY: BLR



#	ADDRESS	OWNER
1	55 N. GATES AVE	LACKAWANNA COMMUNITY DEVELOPMENT CORP.
2	55 RIDGE RD	LACKAWANNA COMMUNITY DEVELOPMENT CORP.
3	22 SIMON AVE	BGI INTERIORS INC.
4	93 RIDGE RD	ROOSTER'S CAFE
5	97 RIDGE RD	ASSEMBLY OF CHRISTIAN CHURCHES
6	0 RIDGE RD	PARKING LOT
7	0 RIDGE RD	LACKAWANNA COMMUNITY DEVELOPMENT CORP.
8	0 N. GATES AVE	LACKAWANNA COMMUNITY DEVELOPMENT CORP.
9	0 N. GATES AVE	LACKAWANNA COMMUNITY DEVELOPMENT CORP.
10	109 RIDGE RD	THE YEMENITE BENEVOLENT ASSOCIATION

LEGEND:
 PROPERTY BOUNDARY
 SURROUNDING PROPERTY BOUNDARIES

BASE MAP PER BING MAPS



200' 0' 200' 400'

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

DATE: SEPTEMBER 2012
 CREDITED BY: BCR

SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION
 98 RIDGE ROAD SITE
 LACKAWANNA, NEW YORK
 PREPARED FOR
 98 RIDGE ROAD, LLC

FIGURE 1-2

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC
 2658 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0599

JOB NO.: 0264-012-001

ATTACHMENT 02

SURVEY DESCRIPTION FIGURE 2-1 TAX MAP

Attachment 02

Parcel Description

98 Ridge Road Site Brownfield Cleanup Program Application

PARCEL DESCRIPTION

The 98 Ridge Road Site consists of an approximately 0.38-acre parcel located at the northeast corner of Ridge Road and North Gates Drive; addressed at 98 Ridge Road, City of Lackawanna, New York (see Figure 2-1).

- **98 Ridge Road, SBL # 141.07-2-53.1**

Parcel boundaries correspond to the recently updated City of Lackawanna NY tax map boundaries. Metes and bounds description and legal boundary survey of the BCP Project Site was prepared by the Wendel Companies in 2012 and is provided in Attachment 2. An updated metes and bounds description and survey meeting NYSDEC criteria for environmental easements will be provided to the NYSDEC in concert with completion of the required remedial measures.

Frank E. Krakowski

City Assessor



City Of Lackawanna

Division of Assessment

714 Ridge Road, Room 213

716-827-6473

www.lackawannany.gov



Lackawanna, New York 14218



Fax 716-827-6434

Email: cityassessor@lackny.com

November 2, 2012

Brandon L. Rogers
2558 Hamburg Turnpike, Suite 300
Buffalo NY 14218

RE: 100 Ridge Rd.
SBL# 141.07-2-53.2 (fka 141.07-2-53)

Dear Mr. Rogers:

The above mentioned property was split into two (2) parcels on October 19, 2012. The new parcels are as follows 98 Ridge Rd. SBL# 141.07-2-53.1 and 100 Ridge Rd. SBL # 141.07-2-53.2. These new parcels will be effective on tax maps and public assessment files in 2013.

If you have any further question please contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frank E. Krakowski".

Frank E. Krakowski

City Assessor

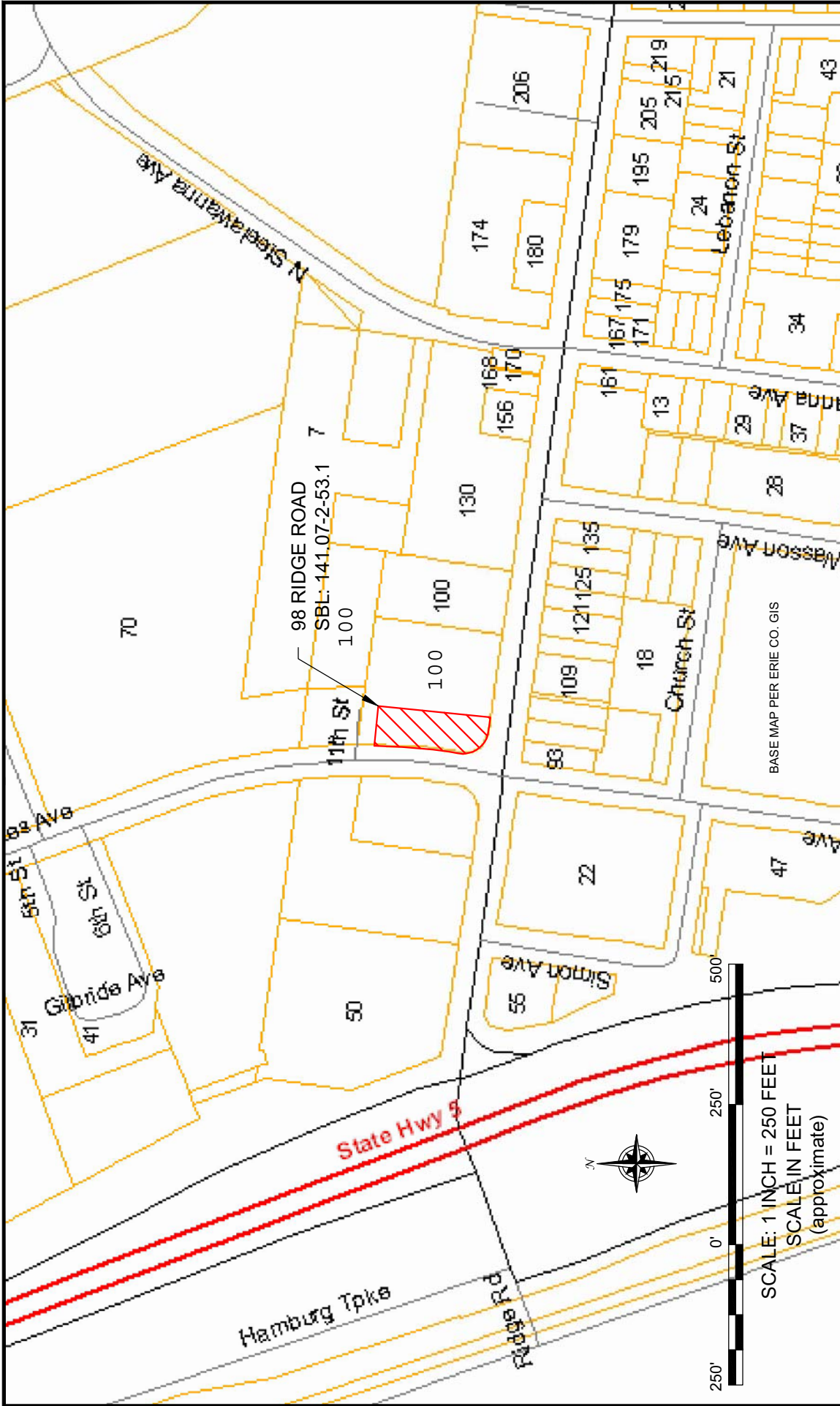


FIGURE 2-1	
TAX MAP	
BROWNFIELD CLEANUP PROGRAM APPLICATION	
98 RIDGE ROAD SITE	
LACKAWANNA, NEW YORK	
PREPARED FOR	
98 RIDGE ROAD, LLC	
<p>2556 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599</p>	
PROJECT NO.:	0264-012-001
DATE:	SEPTEMBER 2012
DRAFTED BY:	BLR

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT ("Agreement") is made as of this 12th day of July, 2012 by and between LACKAWANNA COMMUNITY DEVELOPMENT CORPORATION, a New York not-for-profit corporation with an office at 640 Ridge Road, Lackawanna, New York 14218 (the "Grantor") and 100 RIDGE ROAD, LLC., a New York limited liability company with an office at 455 Center Road, West Seneca, New York 14224 (the "Grantee").

RECITALS

A. Grantor is the owner of certain Premises located in the City of Lackawanna, County of Erie and State of New York and more particularly described on **Exhibit A** attached to this Agreement (the "Total Parcel").

B. Grantor is about to convey a portion of the Total Parcel to Grantee, which parcel is more particularly described on **Exhibit B** attached to this Agreement (hereinafter the "Grantee Parcel").

C. Grantor shall retain title to the portion of the Total Parcel not conveyed to the Grantee as described immediately above, which retained parcel is more particularly described on **Exhibit C** attached to this Agreement (the "Grantor Parcel").

D. As a condition of the conveyance of the Grantee Parcel from Grantor to Grantee, Grantee desires an easement for parking, ingress and egress over the Grantor Parcel and Grantor is willing to grant such easement upon the terms and conditions of this Agreement.

NOW, THEREFORE, in consideration of the premises and for a consideration of One Dollar and no/more (\$1.00 and no more) lawful money of the United States, paid by Grantee to Grantor and for other good and valuable consideration in connection with the conveyance by Grantor to Grantee of the Grantee Parcel, as aforesaid, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. The Recitals set forth in paragraphs A through D above are hereby incorporated into this operative portion of the Agreement.

2. Grantor hereby grants to Grantee and its successors and/or assigns a permanent, non-exclusive easement on, over, through and across the Grantor Parcel for vehicular and pedestrian ingress, egress and to use the parking lot situate on the Grantor Parcel to park vehicles in and on said parking lot for the benefit of the Grantee, its successors and/or assigns and the employees, contractors, invitees and visitors of the foregoing at all times. No structural

or other improvements shall be constructed by Grantee on the Grantor Parcel without the prior written consent of Grantor, which consent shall not be unreasonably withheld.

3. Grantee and its successor and assigns shall maintain and repair the paved parking area on the Grantor Parcel, including, without limitation, snow and ice removal, as Grantee sees fit at the sole cost and expense of the Grantee. The Grantor shall have no obligation whatsoever to maintain or repair the parking area on the Grantor Parcel. Grantee shall promptly repair at its sole cost and expense any damage to the paved parking area on the Grantor Parcel incurred by the negligent or intentional acts or omissions of Grantee or its tenants, agents, contractors, invitees, employees and/or visitors.

4. The easement granted hereby is permanent and perpetual and is deemed to touch, concern and run with the land. This easement is appurtenant to the Grantee Parcel and shall inure to the benefit of the present and future owners of the Grantee Parcel, their successors and/or assigns and shall burden the Grantor Parcel and shall be binding on all present and future owners of the Grantor Parcel, their successors and/or assigns.

5. Grantee shall also maintain a policy or policies of liability insurance in such amount and with such insurer(s) as are reasonable acceptable to Grantor naming the Grantor as an additional insured.

6. Grantee hereby agrees to indemnify, defend and hold Grantor, its successors and assigns harmless from and against any and all liability, claims, causes of action, damages, costs and/or expenses including reasonable attorneys' fees and court costs arising out of or in any way related to Grantee's use of the Grantor Parcel under this Agreement.

IN WITNESS WHEREOF, the undersigned have executed this Agreement as of the day and year first above written.

GRANTOR:

LACKAWANNA COMMUNITY
DEVELOPMENT CORPORATION

By: 
Philip A. Lowrey, Executive Director

GRANTEE:

100 RIDGE ROAD, LLC.

By: 
Jodie L. Dommer, Member

SECTION VI

ATTACHMENT 3 – PROJECT DESCRIPTION AND SCHEDULE

ATTACHMENT 4 – REDEVELOPMENT MASTER PLAN

ATTACHMENT 03

PROJECT DESCRIPTION & SCHEDULE

Attachment 03

Project Description

98 Ridge Road Site Brownfield Cleanup Program Application

PROJECT DESCRIPTION

Based on the findings of the previous environmental investigations completed at the Site, the 98 Ridge Road Site was historically used as a dry cleaning operation, which has likely contaminated the site soil and groundwater with chlorinated organics and will require remediation.

98 Ridge Road, LLC, acting as non-responsible volunteer and is submitting this BCP application for eligibility into the Program. Based on the need for further investigations to accurately assess the extent of necessary remedial measures, 98 Ridge Road, LLC is entering the program at the investigation stage.

After completion of the remedial investigation, (RI), 98 Ridge Road, LLC is prepared to remediate to Site under the BCP, and upon receipt of the Certificate of Completion (COC) plans to transfer/sell the property to the adjacent manufacturing operation.

ESTIMATED PROJECT SCHEDULE

The environmental engineering and consulting tasks associated with the project are estimated as follows:

- October 2012 - Submit BCP Application
- December 2012 - Execute Brownfield Cleanup Agreement
- Winter 2012 - Submit Remedial Investigation Work Plan
- Spring 2013 – Complete Remedial Investigation

Attachment 03

Project Description

98 Ridge Road Site Brownfield Cleanup Program Application

- Summer 2013 – Submit Remedial Investigation/Alternative Analysis Report
- Fall 2013 – Submit Remedial Action Work Plan
- Winter 2013 – Implement Remedial Activities
- Spring/Summer 2014 – Submit Final Engineering Report & Site Management Plan
- Fall 2014 – Receive Certificate of Completion

ATTACHMENT 04

PROPOSED REDEVELOPMENT PLAN

Attachment 04

Proposed Development Plan

**98 Ridge Road Site
Brownfield Cleanup Program Application**

98 Ridge Road, LLC plans to investigate and remediate the Site prior to transfer/sale of the property to the adjoining property owner 100 Ridge Road, LLC.

SECTION VII

ATTACHMENT 5 – PREVIOUS ENVIRONMENTAL INVESTIGATIONS

ATTACHMENT 6 – PREVIOUS OWNERS

ATTACHMENT 7 – PREVIOUS OPERATORS

ATTACHMENT 05

PREVIOUS ENVIRONMENTAL INVESTIGATIONS (PROVIDED ELECTRONICALLY):

Phase I Environmental Site Assessment, 100 Ridge Road, Lackawanna, New York
RJS ENVIRONMENTAL -APRIL 2011

Phase II Focused Environmental Site Assessment, 100 Ridge Road, Lackawanna, NY
HAZARD EVALUATIONS, INC. –JUNE 2011

Subsurface Investigation and Tetrachloroethene Delineation Report,
100 Ridge Road, Lackawanna, New York
HAZARD EVALUATIONS, INC. – NOVEMBER 2011

Attachment 05

Previous Environmental Investigations

98 Ridge Road Site Brownfield Cleanup Program Application

The 98 Ridge Road Site was formerly part of the adjoining 100 Ridge Road property. The findings of the previous investigations have been reviewed specific to the subject 98 Ridge Road portion of the former 100 Ridge Road parcel.

A brief summary of the previous investigations findings, relative to the Site is presented below. Copies of the previous investigations are provided electronically.

April 2011 – Phase I Environmental Site Assessment (ESA), 100 Ridge Road, Lackawanna, New York

RJS Environmental (RJS) completed a Phase I ESA for PCB Peizotronics, Inc. and PCB Machining Solutions, Inc. Some recognized environmental conditions (RECs) are noted to be ‘immediately adjacent’ to the subject Site. This report identified RECs including:

- Historic operations including dry cleaning and a filling station/lubrication service. The dry cleaning operation was apparently located on the 98 Ridge Road Site with the filling service located further east on the current 100 Ridge Road property.
- Five gasoline USTs along with impacted soil/fill were removed from the 100 Ridge Road parcel in 1987. NYSDEC Spill # 8702961 was assigned to the Site at that time. The spill is classified as “closed” by the NYSDEC.
- Elevated chromium levels were noted within waste water samples from the adjacent facility (PCB Machining, Inc.) in 2005. It was noted that a filter system was subsequently installed.

May 2011 – Focused Phase II Environmental Site Assessment, 100 Ridge Road, Lackawanna, New York

Attachment 05

Previous Environmental Investigations

98 Ridge Road Site Brownfield Cleanup Program Application

Hazard Evaluations, Inc. (HEI) completed a Focused Phase II Environmental Site Assessment for the 100 Ridge Road parcel (including the subject site now addressed as 98 Ridge Road) to assess the potential presence of contaminated soil and/or groundwater related to the historical use of the property as a filling/lubrication station and a dry cleaning operation. The findings of the investigation are summarized below.

- A total of twelve (12) subsurface locations were investigated across the larger 100 Ridge Road Site, including ten (10) direct-push soil borings and two (2) hand auger locations. Several of these investigation borings were located on the 98 Ridge Road Site. Elevated PID readings were observed in six (6) of the sample locations across the subject site, with the highest reading of 1,087 ppm recorded on the subject site.
- Olfactory evidence of odors was noted in the report.
- Analytical results indicated elevated VOCs, particularly PCE at levels above NYSDEC Part 375 Commercial Use Soil Cleanup Objective (SCO) (Several of the results also exceed SCO levels protective of groundwater quality).

November 2011 – Subsurface Investigation and Tetrachloroethene Delineation, 100 Ridge Road, Lackawanna, New York

Hazardous Evaluations, Inc. completed a supplemental subsurface investigation in an attempt to more fully delineate the limits and extent of the previously discovered impacts. The findings of the investigation are summarized below.

- Thirty (30) boring holes were advanced across the larger 100 Ridge Road parcel, including twelve (12) on the 98 Ridge Road Site.
The most significant impacts were noted within the vicinity of the former dry cleaning facility, which was located on the 98 Ridge Road Site. Elevated tetrachloroethene (PCE), trichloroethene (TCE) and cis-1,2-Dichloroethene

Attachment 05

Previous Environmental Investigations

98 Ridge Road Site Brownfield Cleanup Program Application

(DCE) concentrations were detected significantly above Part 375 Restricted Residential SCOs, with the highest concentration being noted for PCE at 68.6 ppm.

- Four (4) groundwater samples were collected and analyzed for VOCs. Two groundwater wells were advanced on the 98 Ridge Road Site. Groundwater sample results from the two temporary monitoring wells located onsite exhibited elevated levels of PCE and TCE above Class GA Groundwater Quality Standards (GWQS), with PCE detected at concentrations up to 6,680 ug/l.

Summary

Based on the results of the previous investigations, including olfactory observations, elevated PID measurements and analytical results, significant environmental impacts are evident and that remediation will be required.

ATTACHMENT 06

LISTING OF CURRENT & PREVIOUS SITE OWNERS

Attachment 06

Listing of Current & Previous Site Owners

98 Ridge Road Site
Brownfield Cleanup Program Application

INTRODUCTION

Reasonable attempts were made to attain complete previous site owner contact information. The following table lists the current owner's information:

Current Owner	Date(s)	Relationship to Applicant
Lackawanna Community Development Corp. 640 Ridge Road Lackawanna, NY 14218 (716) 823-5124	1984 - Current	Sole member of 98 Ridge Road, LLC
Previous Owner	Date(s)	Relationship to Applicant
City of Lackawanna. 714 Ridge Road Lackawanna, NY 14218	1979 – 1983	None
Benjamin and Rebecca Baitman	1950 – 1979	None

ATTACHMENT 07

LISTING OF CURRENT & PREVIOUS SITE OPERATORS

Attachment 07

Listing of Current & Previous Site Operators

98 Ridge Road Site Brownfield Cleanup Program Application

INTRODUCTION

Reasonable attempts were made to attain complete previous site operator contact information. In some cases, previous operators' complete contact information was not available.

The Site is currently vacant; as such no operator is listed.

The following table lists the previous property operators:

Previous Operators	Date(s)	Relationship to Applicant
PCB Machining Solutions 100 Ridge Road Lackawanna, NY 14218 (716) 823-3193	2004 - 2012	None
Now-Tech Industries, Inc 100 Ridge Road Lackawanna, NY 14218	1994 - 2004	None
Lackawanna Community Development Corp. 640 Ridge Road Lackawanna, NY 14218 (716) 823-5124	1984 - 1993	Sole member of 98 Ridge Road, LLC
Baitman Cleaners 100 Ridge Road Lackawanna, NY 14218	1950s - 1972	None

SECTION VIII

ATTACHMENT 8 – CONTACT LIST

ATTACHMENT 9 – DOCUMENT REPOSITORY

ATTACHMENT 08

BROWNFIELD SITE CONTACT LIST

Attachment 08

**Brownfield Site Contact List
98 Ridge Road Site
Brownfield Cleanup Program Application**

CONTACT LIST

The following is the contact list information for the subject property. The following contacts will be sent fact sheets throughout the project's duration.

Erie County Contacts:

Honorable Mark Poloncarz
Erie County Executive
95 Franklin Street, 16th floor
Buffalo, NY 14202

Erie County Legislator Timothy R. Hogues
District 1
609 Ridge Road
Lackawanna, NY 14218

Commissioner Maria R. Whyte
Erie County DEP
95 Franklin Street
Buffalo, NY 14202

Paul Kranz
Erie County DEP
95 Franklin Street
Buffalo, NY 14202

Mr. Robert Graber
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

Christopher Pawenski
Erie County DEP
95 Franklin Street
Buffalo, NY 14202

Commissioner Gale Burstein
Erie County Health Dept.
95 Franklin Street, Room 931
Buffalo, NY 14202

Ken Swanekamp
Dir. of Business Assistance
Erie County DEP
95 Franklin Street
Buffalo, NY 14202

Evelyn Hicks
Erie County EMC
95 Franklin Street
Buffalo, NY 14202

Erie County Local Emergency
45 Elm St.
Buffalo, NY 14203

Attachment 08

**Brownfield Site Contact List
98 Ridge Road Site
Brownfield Cleanup Program Application**

David Stebbins
ECIDA
275 Oak Street
Buffalo, NY 14203

City of Lackawanna Contacts:

Geoffrey M. Szymanski, Mayor
City of Lackawanna
714 Ridge Road
Lackawanna, NY 14218

Henry Pirowski, Council President
City of Lackawanna
714 Ridge Road
Lackawanna, NY 14218

Jacqueline A. Caferro, Clerk
City of Lackawanna
714 Ridge Road
Lackawanna, NY 14218

Local News Media:

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

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

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

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

Attachment 08

**Brownfield Site Contact List
98 Ridge Road Site
Brownfield Cleanup Program Application**

Alternate Press
ATTN: Mr. Joe Schmidbauer
P.O. Box 729, Washington Station
Buffalo, NY 14205

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

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

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

Nearby Schools:

St. Hyacinth Head Start
257 Ridge Road
Lackawanna, NY 14218

Superintendent Nicholas D. Korach
245 South Shore Blvd.
McKinley Admin. Bldg.
Lackawanna, NY 14218

Other Interested Parties:

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

Assembly of Christian Churches
ATTN: Rev. Ernesto Alvarez
97 Ridge Road
Lackawanna, NY 14218

Document Repository:

Jennifer Johnston, Director
Buffalo & Erie County Public Library
Lackawanna Branch
560 Ridge Road
Lackawanna, NY 14218

Yemenite Benevolent Association
Lackawanna Islamic Mosque
154 Wilkesbarre Street
Lackawanna, NY 14218

Lackawanna Community Development
Corporation
640 Ridge Road
Lackawanna, NY 14218

**Adjacent Property Owners List
98 Ridge Road Site
Brownfield Cleanup Program Application**

Adjacent Property Address				Property Owner
No.	Street	Property Type	Property Use	Mailing Address
18	Church	Commercial	Religious	Second Baptist Church 18 Church Street Lackawanna, NY 14218
47	Gates Avenue	Vacant	Apartments	Lackawanna Municipal Housing 135 Odell Street Lackawanna, NY 14218
52	Gates Avenue	Vacant	Apartments	Lackawanna Municipal Housing 135 Odell Street Lackawanna, NY 14218
70	North Gates Avenue	Commercial	Auto Body	Marotta Leasing, Inc. 70 North Gate Avenue Lackawanna, NY 14218
0	North Steelawanna Avenue	Vacant	Industrial vacant land	Quikrete Companies c/o Ryan Bridges 3344 Peachtree Road Atlanta, GA 30326
7	North Steelawanna Avenue	Vacant	Commercial vacant land	Concrete Delivery Company, Inc. 7 North Steelawanna Avenue Lackawanna, NY 14218
50	Ridge Road	Commercial	Professional Building	50 Ridge Road, LLC 50 Ridge Road Lackawanna, NY 14218
55	Ridge Road	Commercial	Fire Station	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
93	Ridge Road	Commercial	Restaruant	93-95 Ridge Road, LLC 93 Ridge Road Lackawanna, NY 14218
97	Ridge Road	Commercial	Religious	Assembly of Christian Churches c/o Rev. Ernesto Alvarez 97 Ridge Road Lackawanna, NY 14218
109	Ridge Road	Commercial	Religious	Yemenite Benevolent Association c/o Lackawanna Islamic Mosque 154 Wilkesbarre Street Lackawanna, NY 14218
113	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
117	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
121	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
125	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
129	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
130	Ridge Road	Commercial	Light Ind. Manufacturing	Richard A. Root 160 Ridge Road Lackawanna, NY 14218
135	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
155	Ridge Road	Commercial	Commercial vacant land	155 Ridge Road R.E. Corporation 174 Ridge Road Lackawanna, NY 14218
156	Ridge Road	Commercial	Light Ind. Manufacturing	Richard A. Root 160 Ridge Road Lackawanna, NY 14218

Attachment 08

Adjacent Property Owners List
98 Ridge Road Site
Brownfield Cleanup Program Application

Adjacent Property Address				Property Owner
No.	Street	Property Type	Property Use	Mailing Address
161	Ridge Road	Vacant	Commercial vacant land	155 Ridge Road R.E. Corporation 174 Ridge Road Lackawanna, NY 14218
170	Ridge Road	Vacant	Commercial vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
15	Simon Avenue	Residential	Residential vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
22	Simon Avenue	Commercial	Light Ind. Manufacturing	BGI Interiors, Inc. 22 Simon Avenue Lackawanna, NY 14218
16	Wasson Avenue	Residential	Residential vacant land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
17	Wasson Avenue	Residential	Residential vacant land	Second Baptist Church 18 Church Street Lackawanna, NY 14218
19	Wasson Avenue	Commercial	Commercial vacant land	Alasri Ahmed 110 Wikesbarre Street Lackawanna, NY 14218
22	Wasson Avenue	Residential	Residential vacant land	Bethel A.M.E. Church 21 Steelawanna Avenue Lackawanna, NY 14218
25	Wasson Avenue	Residential	Residential vacant land	Second Baptist Church 18 Church Street Lackawanna, NY 14218

ATTACHMENT 09

DOCUMENT REPOSITORY CONFIRMATION LETTER

Strong Advocates, Effective Solutions, Integrated Implementation

October 2, 2012

Ms. Jennifer Johnston
Buffalo and Erie County Public Library
Lackawanna Branch
560 Ridge Road
Lackawanna, NY 14218

Re: Document Repository for Brownfield Cleanup Program
98 Ridge Road Site
Lackawanna, New York

Dear Ms. Johnston:

Thank you for agreeing to allow the Lackawanna Branch of the Buffalo and Erie County Public Library to serve as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request in your resource area.

Please contact me at 856-0599 if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC



Sean P. Fallon
Engineer

cc: File: 0264-012-001

SECTION IX

**ATTACHMENT 10 – ENVIRONMENTAL FACTORS AND HISTORIC LAND
USE CONSIDERATIONS**

ATTACHMENT 11 – NEARBY LAND USE

ATTACHMENT 12 – GROUNDWATER VULNERABILITY ASSESSMENT

ATTACHMENT 13 – DESCRIPTION OF THE SITE GEOGRAPHY / GEOLOGY

ATTACHMENT 10

ENVIRONMENTAL FACTORS AND HISTORIC LAND USE CONSIDERATIONS

FIGURES 10-1 NYSDEC WETLANDS MAP

FIGURE 10-2 CULTURAL RESOURCES & HISTORICAL FEATURES MAP

Attachment 10

Environmental Factors and Historic Land Use Considerations

98 Ridge Road Site Brownfield Cleanup Program Application

INTRODUCTION

The following provides a summary of the relevant Site Environmental Factors and Land Use Considerations:

- The Site is located within an urban mixed use commercial, industrial, and vacant area of the City of Lackawanna (see Figure 1-2).
- Based on historical aerial photographs and municipal records, the proposed BCP Site was historically used as a Dry Cleaning Facility and as parking for the adjacent manufacturing facility on 100 Ridge Road.
- There are no delineated State or Federal wetlands on the Site (see Figure 10-1)
- The Site is located within 1/2 a mile of a 100 year flood zone.
- There are no classified water bodies within a 1/2 mile radius of the Site.
- According to the NYSDEC's Environmental Resource Mapper (ERM) there are certain important plant habitats, and endangered species listed for the area encompassing the Site.
 - The Harbinger-of-spring (*Erigenia bulbosa*) is listed as an endangered rare plant species under NYS Protected Status.
 - The Golden Dock (*Rumex fueginus*) is listed as an endangered rare plant under NYS Protection Status.
 - The Midland Clubtail (*Gomphus fraternus*) is listed as a rare animal but is not included under any NYS Protection Status.
 - The American Burying Beetle (*Nicrophorus americanus*) is listed as an endangered rare animal under NYS Protection Status.

Nevertheless, based upon the asphalt cover and maintained vegetative landscaping covering the subject site and its relatively small size (0.38-acres) it is not anticipated that the subject site presently provides valuable habitat foraging or growth opportunity for these species.

- There are no historical or cultural features on Site according to the NYS Historic Preservation Office GIS mapping website (see Figure 10-2). There are no historically and culturally NYS designated significant areas within 1/2 mile radius of the Site.

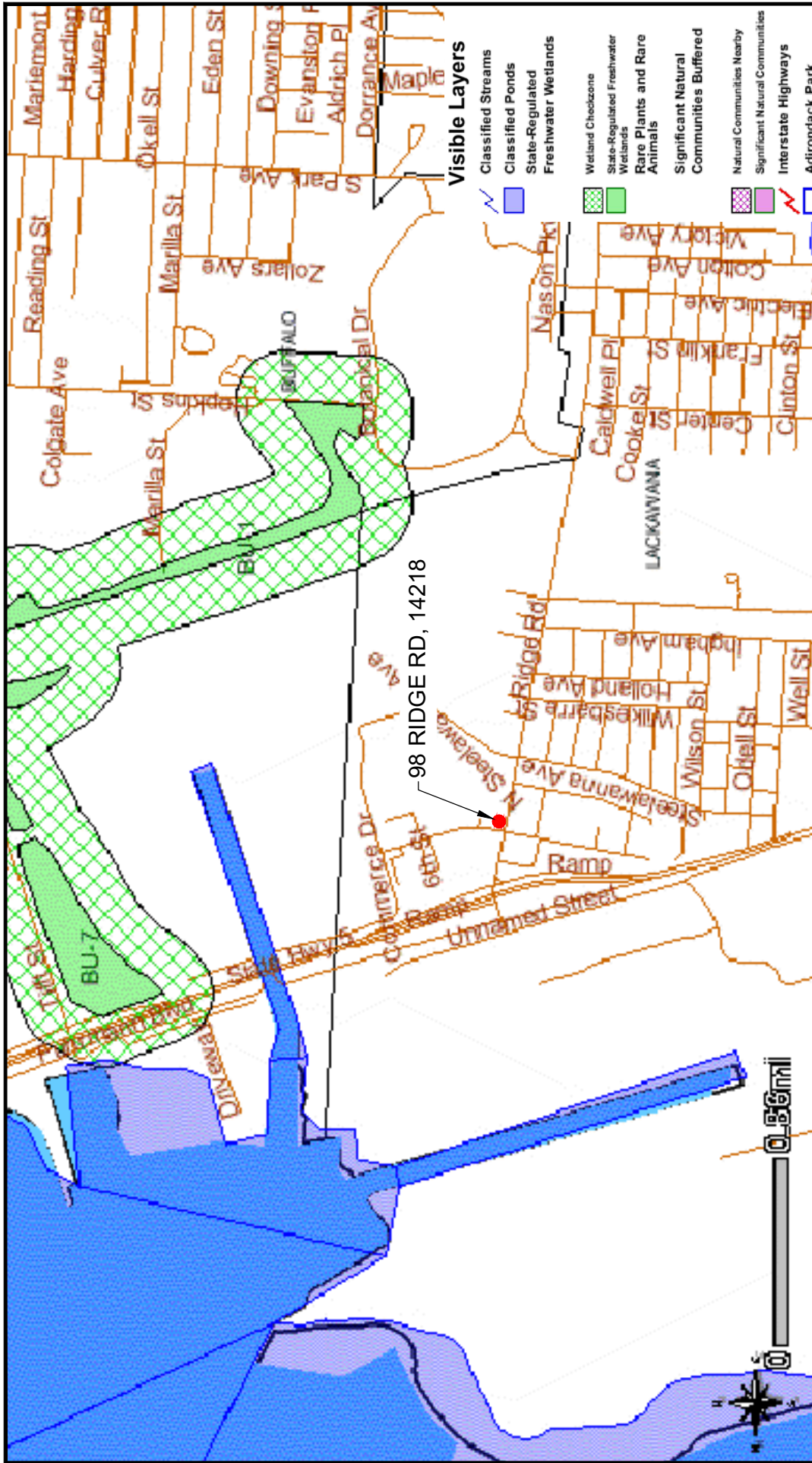


FIGURE 10-1

NYSDEC WETLANDS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

98 RIDGE ROAD SITE

LACKAWANNA, NEW YORK

PREPARED FOR

98 RIDGE ROAD, LLC

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

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

PROJECT NO.: 0264-012-001

DATE: SEPTEMBER 2012

DRAFTED BY: BLR

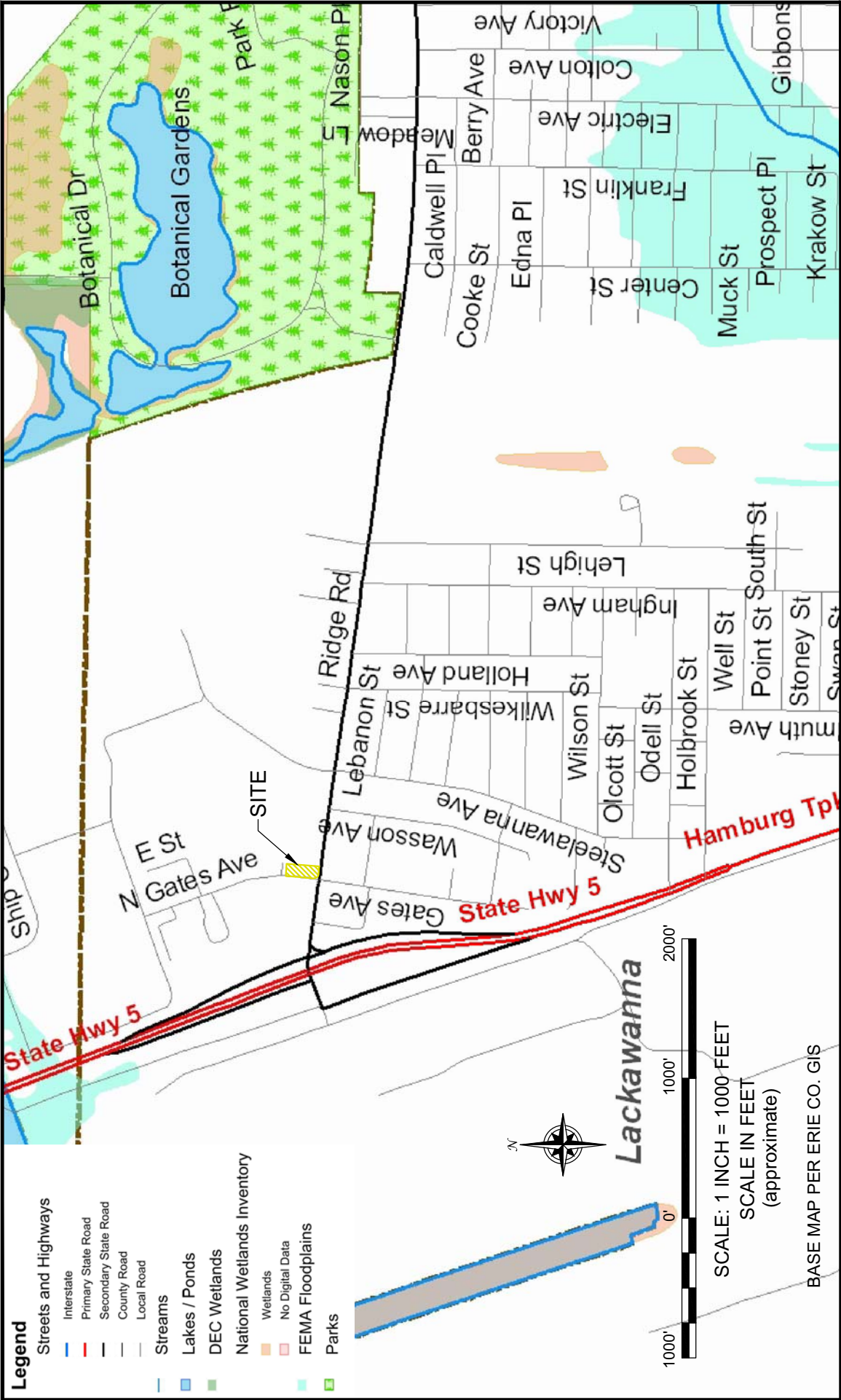


FIGURE 10-2

CULTURAL RESOURCES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 98 RIDGE ROAD SITE
 LACKAWANNA, NEW YORK
 PREPARED FOR
 98 RIDGE ROAD, LLC

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
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F:\CAD\Benchmark\Lackawanna Comm Dev Corp\BCF Application\Figure 10-2 Cultural Resources Map.dwg

ATTACHMENT 11

NEARBY LAND USE MAP

Attachment 11

Surrounding Land Use Description

98 Ridge Road Site Brownfield Cleanup Program Application

SURROUNDING LAND USE DESCRIPTION

The Site is located in an urban mixed-use commercial/industrial and residential area with some nearby vacant parcels in the City of Lackawanna, New York. Residential properties are located less than 500 feet to the east of the Site across Ridge Road.

The Site is located within a Brownfield Opportunity Area (BOA), identified as City of Lackawanna, New York First Ward BOA - Step 2 Nomination Phase. The First Ward BOA encompasses 2,000 acres with over 60% being characterized as brownfield, vacant and/or underutilized.

There are no notable water bodies within a 0.5 miles radius of the Site. A surrounding land use map is provided as Figure 11-1.

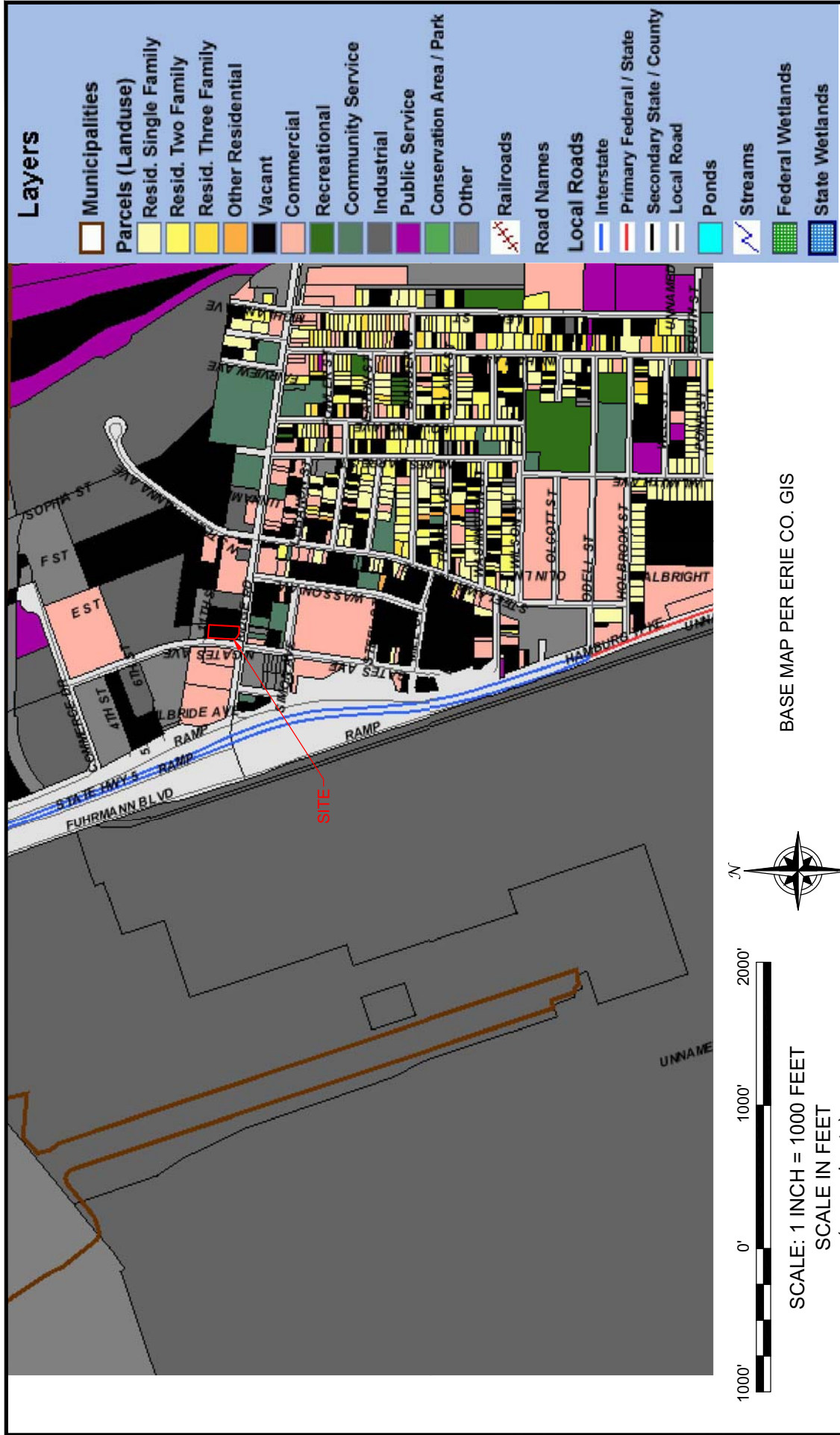


FIGURE 11-1

LAND USE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

98 RIDGE ROAD SITE

LACKAWANNA, NEW YORK

PREPARED FOR

98 RIDGE ROAD, LLC

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CITY OF LACKAWANNA
OFFICE OF CODE ENFORCEMENT

714 Ridge Road – Room 311
Lackawanna, NY 14218
Tel: (716) 827-6474 Fax: (716) 827-1866



May 24, 2012

Mr. Roger L. Ross
Hurwitz & Fine, P.C.
1300 Liberty Building
Buffalo, New York 14202

Re: **100 Ridge Road**
Lackawanna, New York

Dear Mr. Ross:

The above stated property is currently zoned Industrial (I), as directed under the City of Lackawanna Zoning Ordinance, Chapter 230, §230-16. Therefore, the intended use of light manufacturing is allowed under this designation. Also, let this letter serve notice that there are no current active building and or zoning violations at the stated address.

The Certificate of Occupancy issued to this building is attached for your review. If you should have any questions or concerns you may contact me directly at 827-6427.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Geyer".

Joseph Geyer
CODE ENFORCEMENT OFFICER

C: Mr. Philip Lowrey, Executive Director LCDC
City Assessor
Law Department
File

/self

Joseph Geyer
Code Enforcement Officer

ATTACHMENT 12

GROUNDWATER VULNERABILITY ASSESSMENT

Attachment 12

Groundwater Vulnerability Assessment

98 Ridge Road Site Brownfield Cleanup Program Application

POTENTIAL VULNERABILITY OF GROUNDWATER TO CONTAMINATION

Historically, the Site was used as a dry cleaning operation and previous environmental investigations have identified volatile organic compound contamination in on-Site subsurface soil and groundwater.

Currently, there are no known deed restrictions on the use of groundwater at the Site. Potable water is supplied to the Site and surrounding vicinity by the County municipal water service (Erie County Water Authority).

GROUNDWATER FLOW/RECHARGE

Based on the previous investigations (see Attachment 5) the groundwater was typically encountered between 5-6.5 feet below ground surface (fbgs). Localized groundwater generally flows in a west-northwest direction towards Lake Erie and the Union Ship Canal.

RECOMMENDATIONS

The previous investigations demonstrate that there have been impacts to the groundwater exceeding NYSDEC GWQS/GV. Remedial activities are anticipated to include measures to mitigate potential for leaching to the groundwater from impacted soils and/or reduce groundwater concentrations to acceptable levels. Additional data will be collected during the Remedial Investigation to more fully assess Site groundwater quality.

ATTACHMENT 13

DESCRIPTION OF SITE GEOGRAPHY/GEOLOGY

Attachment 13

Description of Site Geography/Geology

98 Ridge Road Site Brownfield Cleanup Program Application

ECOLOGICAL SETTING

The Site consists of one vacant parcel in a mixed commercial and industrial portion of the City of Lackawanna with some residential areas to the east (See Figures 1-1 & 1-2). It is located within the Lake Erie water basin. Viable aquatic habitats in the vicinity of the Site include Lake Erie (approximately 0.75 miles west), Smokes Creek (approximately 1.0 mile south) and the Buffalo River (approximately 2.0 miles north).

DEMOGRAPHY AND LAND USE

The Site is located in highly developed urbanized area of the City of Lackawanna, Erie County, NY. Land use surrounding the Site includes commercial, industrial and residential properties along with some vacant parcels (see Figure 11-1).

REGIONAL GEOLOGY/HYDROGEOLOGY

According to the USDA Erie County Soil Map (1978), the surficial geology of the Site is considered Urban land-Lima complex (UrA) which is described as nearly level to gently sloping areas of Urban land and moderately well drained Lima soils. The Lima soils formed in glacial till deposits (see Figure 13-1). Based on the bedrock geologic map of Erie County (Buehler and Tesmer, 1963), the Site is situated over the Skaneateles Formation which is a Levanna Shale member. The Skaneateles Formation is comprised of dark to medium gray fossiliferous shale and mudrock. The unit has an approximated thickness of 180 to 300 feet.

The Site is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief and gentle slope toward Lake Erie, except in the immediate vicinity of major drainage ways (USDA, 1978). The surficial geology of the Lake Erie Plain consists of a thin glacial till (if present), glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits.

Attachment 13

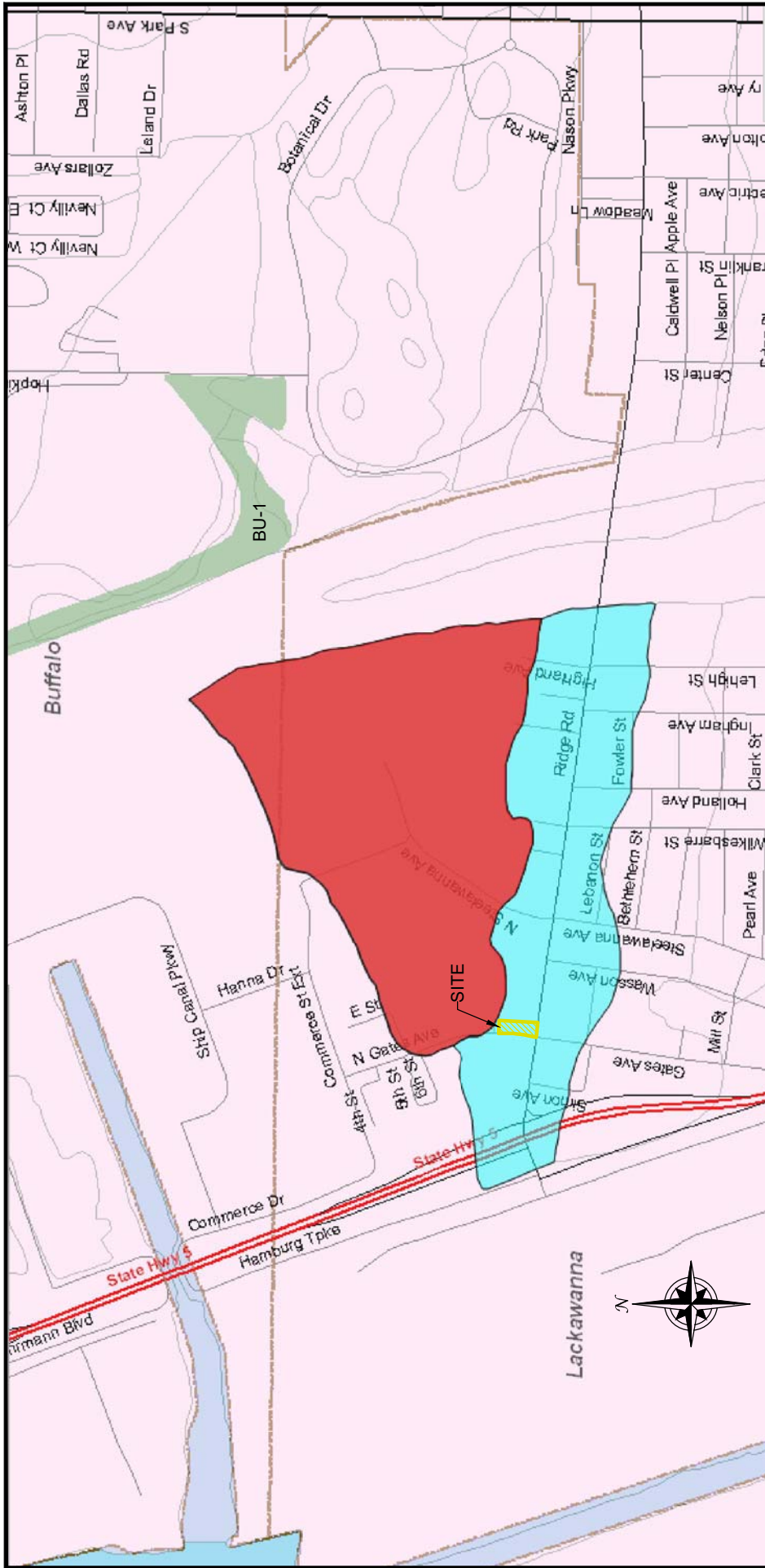
Description of Site Geography/Geology

98 Ridge Road Site Brownfield Cleanup Program Application

SITE GEOLOGY/HYDROGEOLOGY

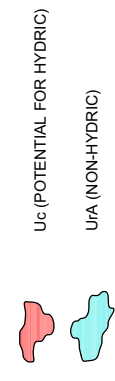
Based on previous investigations completed, on-Site soil/fill consist of medium brown to light brown sandy soils approximately 4-6 feet below ground surface (fbgs) above light brown sandy clay on the majority of the property. Soil/fill within the northern portion of the property consist primarily of medium brown sandy loam to a depth of approximately 1-2 fbgs above light tan granular fill to a depth of approximately 8 fbgs. Beyond 8 fbgs light to medium brown clay was the primary constituent.

The identified uppermost water-bearing layer is the medium brown sandy soil encountered at 4-6 feet below ground surface (fbgs). The apparent direction of Site groundwater in the uppermost water-bearing unit is to the west-northwest towards Lake Erie and the Union Ship Canal.



SCALE: 1 INCH = 1000 FEET
 SCALE IN FEET
 (approximate)

LEGEND:



BASE MAP PER ERIE CO. GIS


<h2>SOIL MAP</h2> <p>BROWNFIELD CLEANUP PROGRAM APPLICATION 98 RIDGE ROAD SITE LACKAWANNA, NEW YORK PREPARED FOR 98 RIDGE ROAD, LLC</p>	
 <p>BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC</p>	2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599
PROJECT NO.: 0264-012-001	
DATE: SEPTEMBER 2012	
DRAFTED BY: BLR	

FIGURE 13-1

ATTACHMENT 14

ELECTRONIC COPY OF BCP APPLICATION AND ATTACHMENTS