



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

☐ Yes

☒ No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 5*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Pierce Arrow LLC

ADDRESS 4706 18th Avenue

CITY/TOWN Brooklyn

ZIP CODE 11204

PHONE (347)451-0006

FAX

E-MAIL josephhecht@gmail.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 the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

see Exhibit 1 - DOS printout

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

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

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

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

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

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

See Attachment Section 2  
Part 4

### Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. [see Exhibit 2](#)

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the information requested in this section in electronic format only**):

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). [see Attachment Section 3 Part 1](#)

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

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs		<a href="#">see Attachment Section 3 Part 2</a>	
SVOCs	PAHs		
Metals	copper, arsenic, cadmium		
Pesticides			
PCBs			
Other*			

\*Please describe: \_\_\_\_\_

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

- **SAMPLE LOCATION** [see Exhibit 3](#)
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

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

[see Attachment Section 3 Part 4](#)

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

Other: \_\_\_\_\_

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Pierce Arrow <span style="border: 1px solid blue; padding: 2px;">See Exhibit 4 and Attachment Section 4</span>				
ADDRESS/LOCATION 1695, 1721 and 1723 Elmwood Avenue				
CITY/TOWN Buffalo		ZIP CODE 14207		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY Erie		SITE SIZE (ACRES) 2.85		
LATITUDE (degrees/minutes/seconds) 42 ° 56 ' 33.81 "		LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 41.06 "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1695, 1721 and 1723 Elmwood Avenue	78.77	2	2,3,6	2.85
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.				
2. Is the required property map attached to the application? <span style="border: 1px solid blue; padding: 2px;">see Exhibit 5</span> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

#### Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

See Attachment 5

see Exhibit 5

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

Type

Issuing Agency

Description

N/A

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

see Attachment Section 4 Part 10

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? ☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?  
If yes, requestor must answer questions on the supplement at the end of this form. ☐ Yes ☒ No
12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☒ No
13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☒ No

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

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

Initials of each Requestor: \_\_\_\_\_



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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY	
BCP SITE NAME: _____		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Joseph Hecht			
ADDRESS 4706 18th Avenue			
CITY/TOWN Brooklyn		ZIP CODE 11204	
PHONE (347)451-0006	FAX	E-MAIL josephhecht@gmail.com	
NAME OF REQUESTOR'S CONSULTANT Daniel Riker			
ADDRESS C&S Engineers, Inc. 141 Elm Street, Suite 100			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE (716)847-1630	FAX (716)847-1454	E-MAIL driker@cscos.com	
NAME OF REQUESTOR'S ATTORNEY Robert Murray			
ADDRESS Harris Beach, PLLC 726 Exchange Street, Suite 1000			
CITY/TOWN Buffalo		ZIP CODE 14210	
PHONE (716)200-5050	FAX (716)200-5201	E-MAIL bmurray@harrisbeach.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
see Attachment Section 6			
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☒ Current Owner ☐ Potential /Future Purchaser ☐ Other \_\_\_\_\_

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

☐ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  

see Attachment Section 8

☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_ ☐ Yes ☒ No
3. Is / was 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: \_\_\_\_\_ ☐ Yes ☒ No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☒ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_ ☐ Yes ☒ No
6. 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. ☐ Yes ☒ No

## Section IX. Contact List Information

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

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

## Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning? [see Exhibit 9](#)  
☐ Residential ☐ Commercial ☒ Industrial  
If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply) [see Attachment Section 10 Part 2](#)  
**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.** [see Attachment Section 2 Project Description](#)  
If residential, does it qualify as single family housing? ☐ Yes ☒ No

4. Do current historical and/or recent ~~development patterns support~~ the proposed use? [see Attachment Section 4](#) ☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. [see Attachment Section 10 Part 5](#)  
See attachment ☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. [see Attachment Section 10 Part 6](#)  
See attachment ☒ Yes ☐ No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am AUTHORIZED AGENT (title) of PIERCE ARROW LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: 8/17/2016 Signature: Joseph J. Hecht

Print Name: Joseph J. Hecht

### SUBMITTAL INFORMATION:

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

**FOR DEC USE ONLY**

**BCP SITE T&A CODE:** \_\_\_\_\_ **LEAD OFFICE:** \_\_\_\_\_

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

**BCP App Rev 5**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p><b>From 6 NYCRR 375-3.2(I) as of July 1, 2015:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p>	
<p>(I) "Underutilized" means, as of the date of application, real property:</p> <p style="margin-left: 20px;">(1) on which a building or buildings, can be certified by the municipality in which the site is located, to have for at least five years used no more than fifty percent of the permissible floor area under the applicable base zoning immediately prior to the application which has been in effect for at least five years;</p> <p style="margin-left: 20px;">(2) at which the proposed development is solely for a use other than residential or restricted residential;</p> <p style="margin-left: 20px;">(3) which could not be developed without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p style="margin-left: 20px;">(4) which is subject to one or more of the following conditions, as certified by the municipal department responsible for such determinations of the municipality in which the site is located:</p> <p style="margin-left: 40px;">(i) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p style="margin-left: 40px;">(ii) contains a building that is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p style="margin-left: 40px;">(iii) the proposed use is in whole or in substantial part for industrial uses.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, or land purchase cost exemption or waiver, from a governmental entity; or for properties to be developed in whole or in part for industrial uses, a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or a tax credit, from a governmental entity, or a low-cost loan from an industrial fund managed by the municipality and partner financial institutions.</p>	

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

3. Is the project an affordable housing project as defined below?

☐ Yes ☐ No

**From 6 NYCRR 375- 3.2(a) as of July 1, 2015:**

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

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

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

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



**BCP Application Summary (for DEC use only)****Site Name:** Pierce Arrow**City:** Buffalo**Site Address:** 1695, 1721 and 1723 Elmwood Avenue**County:** Erie**Zip:** 14207**Tax Block & Lot****Section (if applicable):** 78.77      **Block:** 2      **Lot:** 2,3,6**Requestor Name:** Pierce Arrow LLC**City:** Brooklyn**Requestor Address:** 4706 18th Avenue**Zip:** 11204**Email:** josephhecht@gmail.com**Requestor's Representative (for billing purposes)****Name:** Joseph Hecht**Address:** 4706 18th Avenue**City:** Brooklyn**Zip:** 11204**Email:** josephhecht@gmail.com**Requestor's Attorney****Name:** Robert Murray**Address:** Harris Beach, PLLC 726 Exchange Street, Suite 1000**City:** Buffalo**Zip:** 14210**Email:** bmurray@harrisbeach.com**Requestor's Consultant****Name:** Daniel Riker**Address:** C&S Engineers, Inc. 141 Elm Street, Suite 100**City:** Buffalo**Zip:** 14203**Email:** driker@cscos.com**Percentage of site within an En-Zone:** ☒ 0%    ☐ <50%    ☐ 50-99%    ☐ 100%**Requestor's Requested Status:** ☒ Volunteer    ☐ Participant

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 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 requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

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**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

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**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

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**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

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**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

**1. CERCLA / NPL Listing**

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

**2. Registry Listing**

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

**3. RCRA Listing**

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

**4. Registry / RCRA sites owned by volunteers**

If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.

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**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page.



**NEW YORK STATE  
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**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

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**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

**New York State Department of Environmental Conservation**

**BROWNFIELD CLEANUP PROGRAM**

**BROWNFIELD CLEANUP PROGRAM APPLICATION  
SUPPLEMENTAL AND SUPPORTING INFORMATION**

for

The Pierce Arrow  
1695, 1721 and 1723 Elmwood Avenue (SBL 78.77-2-2, 3 & 6)  
City of Buffalo, Erie County, New York

September 2016

## **BCP APPLICATION – SUPPLEMENTAL AND SUPPORTING INFORMATION**

**1695, 1721 and 1723 Elmwood Avenue, City of Buffalo, Erie County, New York**

### **BCP APPLICATION – ADDITIONAL INFORMATION**

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### **EXHIBIT**

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## BCP APPLICATION – SUPPLEMENTAL AND SUPPORTING INFORMATION

1695, 1721 and 1723 Elmwood Avenue, City of Buffalo, Erie County, New York

### ACRONYM LIST

Acronym	Description
BCP Site	Area that includes 1336, 1340 and 1360 Niagara Street
En-zone	Environmental Zone
NYSDEC	New York State Department of Environmental Conservation
USEPA	United States Environmental Protection Agency
City	City of Buffalo
Project	1360 Niagara Street
SCO	Soil Cleanup Objective
ESA	Environmental Site Assessment
UST	Underground Storage Tank
EJ	Environmental Justice
ESD	Empire State Development
BOA	Brownfield Opportunity Area
LWRP	Local Waterfront Revitalization Program
FEMA	Federal Emergency Management Agency

This document and its exhibits supplement the Brownfield Cleanup Program (BCP) Application. The information is organized by the BCP Application sections. If no additional information is required, it is noted under its relevant section.

## **Section I - Requestor Information**

The requestor is Pierce Arrow Holding LLC as noted.

Pierce Arrow LLC  
4706 18<sup>th</sup> Avenue  
Brooklyn, New York 11204  
Authorized Representative: Joseph Hecht  
Email: josephhecht@gmail.com

The sole owner of Pierce Arrow Holding LLC is Stanev Lots LLC.

A New York State Department of State's Corporation & Business Entity Database printout is located in Exhibit 1 on page 23.

## **Section II – Project Description**

### **4. BCP Project**

The Pierce-Arrow motor car company once built the world's most luxurious automobiles right here in Buffalo, New York. The Owner's goal is to revive a prominent intersection, to extend the vibrancy of the Elmwood Neighborhood while paying tribute to the historic Pierce-Arrow legend. We aim to repurpose this significant Historic Building into a quality residential facility with traditional apartments, residential / work studios and loft style Apartments.

The project with an estimated hard costs of approximately \$20 million US dollars, and includes a complete Historic renovation of the Pierce Arrow Administration Building (1695 Elmwood Avenue) as well as the original Pierce Arrow Garage (1721 and 1723 Elmwood Avenue), where the completed Pierce Arrow automobiles were stored and tested prior to Shipping.

One of our unique approaches is in creating an infrastructure that can accommodate both residential and Live/Work style spaces for today's professionals. The 105 loft style apartments that we would include are the ideal space for a professional looking to balance his or her work and home life.

The initial project will create over 100 Construction jobs for the duration of about a year and a half with the historic renovation of over 150,000 SF in the original Pierce Arrow Administration building and an additional 40,000+-SF in the adjacent historical Pierce Arrow Garage. When completed, the infusion of 150-200 new residents and staff to this area will greatly enhance the economic vigor of this key blossoming portion of Elmwood Avenue as well as create 5-10 new full or part time managing and maintenance positions in both areas of the buildings. These jobs have starting salaries of \$12-\$20 per hour.

One of our central assets will be the building's grand auditorium space on the second floor which is close to 250 ft. long and 67 ft. wide and houses a spectacular vaulted ceiling. The auditorium will be converted into a combined residential space and work center which will include a full service office and conference center, an internet and Wi-Fi lounge, while still preserving, in part, the physical character of the original vaulted auditorium space. The plans for the auditorium will create one of the most impressive and productive spaces in all of Western New York.

Additionally, the saw-tooth roof on the east side of the building will be renovated and restored to its historic texture to allow a flow of natural light into these live / work studio apartments.

These accommodations are sure to bring new business and work force to Elmwood and the Riverside and Blackrock neighborhoods.

We are excited to bring this new approach to this grand historic piece of Buffalo. We aim to further enhance The Pierce Arrow by turning it into an environmental Green project that will include a full environmental cleanup, a new Geothermal HVAC and hot water systems, as well as solar panels, to offset our carbon footprint and preserve our global environment. The Project consists of a portion of the Pierce Arrow facility located on Elmwood Avenue.



#### Estimated Project Schedule:

) August 19, 2016	Brownfield Cleanup Program (“BCP”) Application Submission
) September 7, 2016	NYSDEC Application Review
) September 14, 2016	BCP Application Revisions (if needed)
) October 26, 2016	BCP Public Comment Period Ends
) October 27, 2016	BCP Acceptance
) November 15, 2016	Remedial Investigation/Interim remedial Measures Work Plan ○ (“RIWP”) Submission
) December 7, 2016	Brownfield Cleanup Agreement (“BCA”) Executed
) December 28, 2016	RI/IRM WP Approved
) January 16, 2017	Remedial Investigation Begins
) February 24, 2017	Remedial Investigation Ends
) March, 2017	IRMs Begins
) June, 2017	IRMs Ends
) September 1, 2017	SMP/Final Engineering Report (“FER”) Submission
) September 21, 2017	SMP and FER Approved
) November 2, 2017	Decision Document
) December 14, 2017	Certificate of Completion Issued

### **Section III - Property’s Environmental History**

#### 1. Environmental Reports

Environmental information currently exists for the Site from a Phase I Environmental Site Assessment (ESA) completed at the Site by KTR Newmark in 2006, Phase I/II ESA completed by AEI Consultants in 2011, surface soil sampling conducted by C&S in 2016, and a geophysical survey conducted in 2016. The associated documents are attached in Exhibit 2 on page 26.

The Phase I indicated areas containing Recognized Environmental Conditions (RECs) which were subsequently investigated in a Phase II ESA.

#### **KTR Newmark Phase I ESA Report**

The Phase I ESA for the BCP Site identified the following RECs:

- ) According to available records from the Buffalo Fire Department, there are four (4) 550-gallon heating oil underground storage tanks (USTs) at the subject property that have been unaccounted for since 1952. There are no records of these USTs ever having been removed or closed in place.
- ) One (1) 200-gallon single-walled steel AST with unknown contents was noted during the site reconnaissance in the rooftop elevator mechanical room. The AST vent and fill pipes were not observed to be located at the subject property. The AST has reportedly not been utilized in many years, and may have been a steam expansion tank for the former oil-fired heating system.
- ) The review of fire insurance maps indicated that several manufacturing buildings were present on the adjacent north and east properties relative to the subject property. Such buildings included a chemical laboratory located at 1711 Elmwood Avenue on the adjacent north and upgradient parcel and a garage, brazing facility, and heat-treating facility along a set of railroad

tracks located to the north relative to the subject property. Buildings to the east included the main manufacturing plant for the former Pierce Arrow

- ) The review of historical street directories indicated past activities of environmental concern. Several current and former tenants of the subject property include photodevelopers, a graphics printing company, a chemical laboratory, and metal fabricating business.
- ) Several railroad tracks were historically observed to the north and down gradient relative to the subject property since circa 1916. Historically, railroad tracks were treated with defoliants that potentially contained polychlorinated biphenyls (PCBs).

### **AEI Consultants Phase I ESA Report**

The Phase I ESA for the BCP Site identified the following RECs:

- ) Areas of the subject property have been occupied by a series of tenants that likely utilized the spaces for industrial purposes since at least 1938. These tenants include a tool and die manufacturer, cleaning compound manufacturers, chemical laboratories, machine shop, dry cleaning facilities and numerous other light industrial tenants. No other information was available regarding the historical operations of these facilities. These tenants likely stored and/or utilized petroleum products and other hazardous materials including hydraulic fluids and cleaning solvents. Due to the duration of industrial use, the unknown operations performed onsite, and the likely use of petroleum products and hazardous substances, all under circumstances outside of regulatory agency oversight (prior to modern oversight standards), it is likely that the historical use of the property has resulted in a release of hazardous substances or petroleum products to the subsurface of the subject property and represents a REC.
- ) One pad mounted transformer is located in the sub-grade basement of the subject property building. The transformer was reportedly the original transformer for the building and is still used in combination with a newer transformer for the building. Based on the presumed date of installation, the transformer is expected to contain polychlorinated biphenyls (PCBs). The presence of the historic transformer that is likely to contain hazardous materials represents a REC.
- ) Significant staining and pooling of unidentified liquids was observed in the vicinity of the drain located within the elevator pit adjacent to the former furniture woodworking shop. Due to the age of the building and the unknown integrity of the drain lines, the floor drain has the potential to act as a conduit to the subsurface of the subject property for any materials that are spilled around or discharged into the drain lines. Based on the quantity of staining and pooling liquids observed in combination with the presence of a floor drain, AEI is unable to rule out the potential that a release to the subsurface of the subject property has occurred.

### **AEI Consultants Phase II ESA Report**

A Phase II was completed to provide additional information on the RECs discovered during the Phase I ESA. The Phase II consisted of the advancement of nine soil borings to approximately 12 feet below grade on 1695 Niagara Street. Nine soil samples were collected and analyzed for US Environmental Protection Agency (EPA) Target Compound List (TCL) volatile organic compounds (VOCs), TCL semi-volatile organic compounds (SVOCs), and Target Analyte List (TAL) metals including mercury. Soil samples were also analyzed for PCBs.

Analytical sample results from these investigations are summarized in Section 2 Sampling Data.

### **C&S Surface Soil Sampling**

Eight surface soil samples were collected around the 1721 and 1723 Elmwood Avenue properties. Two surface soil sample were also collected on the 1695 Elmwood Avenue property. Surface soil samples were collect from the top two inches of soil, although in some cases the surface was covered by asphalt or bricks. In these instances, samples were collected directly underneath the asphalt or brick. All ten samples were collected and analyzed for SVOCs and TAL metals.

Analytical sample results from these investigations are summarized in Section 2 Sampling Data.

### **C&S Geophysical Survey**

New York Leak Detection (NYLD) conducted a geophysical survey of the proposed BCP Site. NYLD used ground penetrating radar technology to scan the Site for underground storage tanks (UST). One possible UST was identified in the private driveway along the Administrative Building. Two concrete vaults were also identified along Elmwood Avenue.

## **2. Sampling Data**

### **AEI Consultants Phase II ESA**

Nine subsurface soil samples were collected from within a portion of the BCP Site boundaries in 2011. The soil samples were analyzed for USEPA TCL VOCs, SVOCs, TAL Metals, and PCBs.

Two of the nine soil samples analyzed for TCL SVOCs contained analyte concentrations exceeding Restricted Residential Use SCOs. One of the two samples contained polycyclic aromatic hydrocarbons (PAH), benzo(a)anthracene, benzo(b)fluoranthene and dibenzo(a,h)anthracene, at concentrations exceeding Commercial Use SCOs. In the same sample, concentrations benzo(a)pyrene exceed Industrial Use SCOs.

Three samples contained concentrations of metals (chromium, lead or mercury) that were above Unrestricted Use SCOs.

All soil samples exceeded for total chromium. NYSDEC standards separate chromium into trivalent and hexavalent. Soil samples were collected for total chromium and the results need to be compared to the more restrictive hexavalent chromium SCO.

### **Surface Soil Sampling**

All ten surface soil samples contained at least one metal concentration that exceeded Unrestricted Use SCOs. Arsenic concentrations exceeded Industrial Use SCOs in two of the ten samples. Concentrations of copper exceeded Commercial Use SCOs in two of the ten samples. Cadmium concentrations exceeded Residential and Restricted Residential SCOs in three samples.

Eight of the ten surface soil samples contained SVOC concentrations at least above Restricted Residential Use SCOs. From the eight samples with elevated SVOC concentrations, seven samples contained levels of benzo(a)pyrene above Industrial Use SCOs.

## **3. Site Figure**

A site figure detailing the impacted soil is included in Exhibit 3 on page 184.

#### 4. Past Land Uses:

The proposed BCP Site consists of a portion of the former Pierce Arrow Automotive Facility. Pierce Arrow cars were manufactured on this facility from 1906 to 1938. The buildings included in the proposed BCP are the former Administrative Building and two buildings along the rail line that were used to test engines. Since the closing of the Pierce Arrow facility, the BCP Site has been used for commercial and industrial purposes.

#### Adjacent Usage:

The building directly north of the former Administrative Building, 1711 Elmwood Avenue, operated as the chemical laboratory for the Pierce Arrow facility. This building is currently occupied by Buffalo Refinishing Services. The buildings located to the east, 177 and 255 Great Arrow Avenue, were used for the manufacture and assembly of Pierce Arrow cars. The buildings are currently operated for commercial purposes.

Adjacent sites were historically developed as industrial and commercial uses along Elmwood Avenue due to the proximity to the rail line adjacent to the north. Current adjacent uses still include some industrial and commercial uses, primarily auto repair. Residential land uses are located to the south.

## **Section IV - Property Information**

The Brownfield Cleanup Program Site is comprised of three parcels: 1695 Elmwood Avenue (SBL: 78.77-2-6, 1.5 acres), 1721 Elmwood Avenue (SBL: 78.77-2-2, 0.4 acres) and 1723 Elmwood Avenue (SBL: 78.77-2-3, 0.95 acres) as noted in the form. Exhibit 4 (page 184) depicts the Brownfield Cleanup Program Site (“BCP Site”) on a USGS 7.5-minute quadrangle map.

### **1. Tax Map Boundaries**

The boundaries of the BCP Site correspond to the tax map boundaries. An Erie County tax map is included in Exhibit 5 (page 188).

### **2. Property Base Map**

A map showing the proposed BCP Site on a digital aerial ortho-photograph is included in Exhibit 6 (page 202). Exhibit 7 (page 204) contains and depicts parcel lines, tax map parcel numbers and owner information for adjacent parcels, a 1,000-foot radius and land use for the entire area.

## **10. Property Description Narrative**

### **10.1 Location**

The proposed BCP Site is located in the City of Buffalo on Elmwood Avenue, at the intersection of Elmwood Avenue and Great Arrow Avenue, extending north to Conrail Railroad.

### **10.2 Site Features**

The proposed BCP Site consists of three buildings from the former Pierce Arrow facility. The former Pierce Arrow Administrative Building located near the intersection of Elmwood Avenue and Great Arrow Avenue consists of a three to four story commercial building. A small parking lot is located along Elmwood Avenue and a private driveway, accessed from Great Arrow Avenue, runs along the east side of the building.

The next portion of the BCP Site consists of two conjoined buildings north of the Administrative Building. These buildings were constructed as one story brick and concrete slab on grade structures. A private driveway runs east-west in front of the buildings. Rail lines are north of these buildings.

### **10.3 Current Zoning and Land Use**

The Site is currently zoned as M1, Light Industrial District. The land use is listed as manufacturing and vacant commercial uses. The surrounding parcels are zoned for light industrial to the west, residential to the east, and a strip of general commercial along Niagara Street. Surrounding parcels are a mix of industrial, commercial, and residential land uses. Exhibit 8 (page 206) displays land use categories and Exhibit 9 (page 208) shows zoning for the Site and the surrounding area.

### **10.4 Past Use of the Site**

The proposed BCP Site consists of a portion of the former Pierce Arrow Automotive Facility. Pierce Arrow cars were manufactured on this facility from 1906 to 1938. The buildings included in the

proposed BCP are the former Administrative Building and two buildings along the rail line that were used to test engines. Ancillary uses within these building include the following: aboveground and underground tanks for heating oil and gasoline storage; and coal storage.

Since the closing of the Pierce Arrow facility, the BCP Site has been used for commercial and industrial purposes. Past uses of the BCP Site include the following:

- ) Tool and die manufacturer
- ) Cleaning compound manufacturer
- ) Garage, brazing and heat treatment
- ) Machine shop
- ) Dry cleaning
- ) Office space

#### Remedial events prior to BCP sampling

On June 13, 2016 the NYSDEC was notified of an underground storage tank that was removed in November 2011 from the east side of the Administrative Building. The tank was removed and cut into pieces onsite. The tank size, contents and the removal of contaminated soil is unknown at this time. The NYSDEC open spill number 1602559.

#### 10.5 Site Geology and Hydrogeology

The Site contains urban fill across the site with observed thickness ranging up to approximately one to two feet. Native clay is located below the fill. Groundwater was not observed during the Phase II investigation.

#### 10.6 Environmental Assessment

##### *Soil*

Based on investigations conducted to date, the known contaminants of concern in the soil (or groups i.e. PAHs) include PAHs at ground surface and at depths of up to five feet, metals including arsenic, copper, lead, mercury, cadmium, etc. at ground.

NYSDEC Restricted Residential Use SCOs were exceeded in two of the nine of the subsurface sample locations within the BCP Site boundaries in the Phase II ESA. PAHs at concentrations ranging from 3.91 ppm to 9.08 ppm significantly exceeded Restricted Residential Use SCOs (0.33 ppm to 1.0 ppm, for similar PAHs. Eight of the ten surface soil samples locations contained PAH concentrations ranging from 0.54 ppm to 3.4 ppm.

Metals marginally to significantly exceeded SCOs around the buildings located at 1721 and 1723 Elmwood Avenue. Concentrations of copper were detected above Commercial Use SCOs of 270 ppm. Concentrations of arsenic were detected above Industrial Use SCOs of 16 ppm in the northern portions of the Site at 19 ppm to 22 ppm. Concentrations of cadmium were detected above Restricted Residential Use SCOs of 4.3 ppm at 5.1 ppm.

##### *Groundwater*

Groundwater has not been evaluated at this Site.

*Other*

Additionally, there are asbestos, PCBs and lead containing materials located inside the Pierce Arrow Administration building.



## **Section V - Additional Requestor Information**

No additional information is required.

Requestor's Authorized Representative: Joseph Hecht  
Pierce Arrow LLC  
4706 18<sup>th</sup> Avenue  
Brooklyn, New York 11204  
Phone: 347-451-0006  
[josephhecht@gmail.com](mailto:josephhecht@gmail.com)

Requestor's Consultant: Daniel Riker  
C&S Engineers, Inc.  
141 Elm Street Suite 100  
Buffalo, NY 14203  
Phone: 716-847-1630  
Fax: 716-847-1454  
[driker@cscos.com](mailto:driker@cscos.com)

Requestor's Attorney: Robert Murray  
Harris Beach, PLLC  
Larkin at Exchange  
726 Exchange Street, Suite 1000  
Buffalo, New York 14210  
Phone: 716-200-5050  
Fax: 716-200-5201  
[bmurray@harrisbeach.com](mailto:bmurray@harrisbeach.com)

## Section VI - Current Property Owner/Operator Information

The Brownfield Cleanup Program Site is comprised of three parcels: 1695 Elmwood Avenue (SBL: 78.77-2-6), 1721 Elmwood Avenue (SBL: 78.77-2-2) and 1723 Elmwood Avenue (SBL: 78.77-2-3) as noted in the form.

1. Parcel owner names and information are provided below:

Owner: Pierce Arrow LLC  
4706 18<sup>th</sup> Avenue  
Brooklyn, New York 11204  
Phone: 347-451-0006  
josephhecht@gmail.com

The Administrative Building is currently being rented out to multiple tenants. The other buildings are currently vacant. A list of the tenants is provided below.

Current and Prior Tenant List

<b>Tenant Name</b>	<b>Square Footage</b>	<b>Use</b>	<b>Address</b>	<b>Relationship to Applicant</b>
Center for Development and Human Resources	36,403	State of New York training center	1695 Elmwood Ave.	None
Casino Career Training Center	5,408	Career training center	1695 Elmwood Ave.	None
Heart Beat of the East	1,350	Exercise studio	1695 Elmwood Ave.	None
Joy of Learning	1,102	Secondary education offices	1695 Elmwood Ave.	None
Denise Cornell	884	Furniture retailer	1695 Elmwood Ave.	None
Interior Design Resource	2,088	Interior decoration	1695 Elmwood Ave.	None
Pierce Arrow Draperies	2,885	Window fixture retailers	1695 Elmwood Ave.	None
The Ultimate Design	1,088	Window treatment retailer	1695 Elmwood Ave.	None
Florencio Glass Company	806	China and crystal retailers	1695 Elmwood Ave.	None
Claudia Cairns Interior Design	316	Interior decoration	1695 Elmwood Ave.	None
Richard Ross	625	Interior decoration	1695 Elmwood Ave.	None
ATM Supply	1,053	Used and rebuilt industrial equipment dealer	1695 Elmwood Ave.	None
Faux F X	550	Painting contractor	1695 Elmwood Ave.	None
Asbestos Workers Local Union Industry Training Program	1,088	Asbestos worker certification center	1695 Elmwood Ave.	None

Dynasty Jewelers, Inc.	2,451	Jewelry wholesaler and manufacturer	1695 Elmwood Ave.	None
Blue Photo	1,450	Photographer	1695 Elmwood Ave.	None
Neglia Conservatory of Ballet	12,804	Dance company	1695 Elmwood Ave.	None
First Platinum	1,786	Collection agency	1695 Elmwood Ave.	None
Mike Mammona	850	Interior design	1695 Elmwood Ave.	None
Buffalo Carpet	953	Carpet wholesalers	1695 Elmwood Ave.	None
Jim Minor	780	Professional photography	1695 Elmwood Ave.	None
Steve Rovner	1,068	Professional photography	1695 Elmwood Ave.	None

2. Previous property owners and information are provided below:

Parcel Address and SBL Nos.			
1695 Elmwood Ave., City of Buffalo, County of Erie, State of New York S-B-L:78.77-2-6			
Chain of Record Ownership			
Date	Name	Liber/Page	Relationship to Applicant
<b>CURRENT OWNER</b>			
5/18/2016	Pierce Arrow LLC	11296/1951	Applicant
<b>PREVIOUS OWNERS and Operators (Bolded entries are confirmed owners and operators, all other entries are, to our knowledge, known prior owners and potential, but unconfirmed, operators) [1935 and following]</b>			
5/7/1935	<b>Pierce-Arrow Motor Corporation</b>	2417/199	None
5/14/1938	<b>1695 Elmwood Avenue Corp</b>	2747/392	None
9/11/1946	<b>Pierce-Elmwood Building, Inc.</b>	3976/183	None
10/9/1946	Lease to People of State of New York	4061/464	None
6/30/1950	Lease to Linde Air Products Division – Union Carbide and Carbon Corporation	Unrecorded	None
1/30/1957	<b>Larry Commercial Corporation</b>	6125/337	None
12/27/1968	<b>Michael Cassidy &amp; Kay Gerstenfeld</b>	7547/161	None
6/30/1971	<b>Kaye Investors Inc.</b>	7810/467	None
1/27/1975	<b>Edward Pierotti</b>	8249/487	None
11/10/1977	<b>Paul P. Dosberg</b>	8584/449	None
8/8/1980	<b>Edward W. Voros, as Trustee UTA 1/1/1976</b>	8931/552	None
7/29/1981	<b>Edmund J. &amp; Ann F. Truty</b>	9044/575	None
5/11/1982	Lease to City School District of City of Buffalo	9122/67	None
11/3/2005	Pierce Arrow Holdings, LLC	11104/3007	None

<b>Parcel Address and SBL Nos.</b>			
1721 Elmwood Ave., City of Buffalo, County of Erie, State of New York S-B-L:78.77-2-2 [Parcel A in Holland Land Title & Abstract Company, Inc. Search No. 2010-45866]			
<b>Chain of Record Ownership</b>			
<b>Date</b>	<b>Name</b>	<b>Liber/Page</b>	<b>Relationship to Applicant</b>
<b>CURRENT OWNER</b>			
5/18/2016	Pierce Arrow LLC	11296/2013	Applicant
<b>PREVIOUS OWNERS and Operators (Bolded entries are confirmed owners and operators, all other entries are, to our knowledge, known prior owners and potential, but unconfirmed, operators) [1935 and following]</b>			
5/7/1935	<b>Pierce-Arrow Motor Corporation</b>	2417/199	None
5/14/1938	<b>1695 Elmwood Avenue Corporation</b>	2747/392	None
10/21/1941	<b>Syracuse Supply Corporation</b>	3171/127	None
8/6/1945	<b>Exlin Corporation</b>	3743/239	None
8/6/1945	<b>Smith Metal Arts Company, Inc.</b> (changed name to Rancho Santa Fe Corporation – 6/30/1955)	3743/191	None
11/15/1955	<b>Fred C. Smith and Jess D. Smith</b>	5877/416	None
7/1/1960	<b>William K. Donaldson</b>	6562/531	None
6/27/1985	<b>Donaldson &amp; Co.</b>	9459/697	None
4/15/1993	<b>William E. Donaldson</b>	10633/657	None
12/9/1994	<b>Integrated Marketing Solutions Inc.</b>	10880/5840	None
8/30/2007	<b>Pierce Arrow Automobile Realty, LLC</b>	11133/9260	None

<b>Parcel Address and SBL Nos.</b>			
1723 Elmwood Ave., City of Buffalo, County of Erie, State of New York S-B-L:78.77-2-3 [Parcels B, C & D in Holland Land Title & Abstract Company, Inc. Search No. 2010-45866]			
<b>Chain of Record Ownership</b>			
<b>Date</b>	<b>Name</b>	<b>Liber/Page</b>	<b>Relationship to Applicant</b>
<b>CURRENT OWNER</b>			
5/18/2016	Pierce Arrow LLC	11296/2013	Applicant
<b>PREVIOUS OWNERS and Operators (Bolded entries are confirmed owners and operators, all other entries are, to our knowledge, known prior owners and potential, but unconfirmed, operators) [1935 and following]</b>			
<b>Parcel B - Chain of Record Ownership</b>			
5/7/1935	<b>Pierce-Arrow Motor Corporation</b>	2417/199	None
5/14/1938	<b>1695 Elmwood Avenue Corporation</b>	2747/392	None
2/24/1944	<b>Cedric F. Smallidge</b>	3502/527	None
11/2/1945	<b>Irving Williams Jr. &amp; Frederic C. Williams, as Co-Partners d/b/a Williams Bros.</b>	3787/451	None
1/29/1954	<b>Irving Williams Jr.</b>	5477/440	None
11/28/1955	<b>Beatrice Rosenberg</b>	5885/113	None
9/10/1957	<b>Jomarian Corp.</b>	6214/666	None
3/26/1970	<b>Jefrado Corporation</b>	7677/36	None
6/27/1985	<b>Donaldson &amp; Company</b>	9460/5	None
4/15/1993	<b>William E. Donaldson</b>	10633/657	None
12/9/1994	<b>Integrated Marketing Solutions Inc.</b>	10880/5840	None
8/30/2007	<b>Pierce Arrow Automobile Realty, LLC</b>	11133/451	None

<b>Parcel C - Chain of Record Ownership</b>			
5/7/1935	<b>Pierce-Arrow Motor Corporation</b>	2417/199	None
5/14/1938	<b>1695 Elmwood Avenue Corporation</b>	2747/392	None
2/26/1943	<b>Cedric F. Smallidge</b>	3354/78	None
11/2/1945	<b>Irving Williams Jr. &amp; Frederic C. Williams, as Co-Partners d/b/a Williams Bros.</b>	3787/451	None
1/29/1954	<b>Irving Williams Jr.</b>	5477/440	None
11/28/1955	<b>Beatrice Rosenberg</b>	5885/113	None
9/10/1957	<b>Jomarian Corp.</b>	6214/666	None
3/26/1970	<b>Jefrado Corporation</b>	7677/36	None
6/27/1985	<b>Donaldson &amp; Company</b>	9460/5	None
4/15/1993	<b>William E. Donaldson</b>	10633/657	None
12/9/1994	<b>Integrated Marketing Solutions Inc.</b>	10880/5840	None
8/30/2007	<b>Pierce Arrow Automobile Realty, LLC</b>	11133/451	None
<b>Parcel D - Chain of Record Ownership</b>			
5/7/1935	<b>Pierce-Arrow Motor Corporation</b>	2417/199	None
5/14/1938	<b>1695 Elmwood Avenue Corporation</b>	2747/392	None
2/26/1943	<b>Cedric F. Smallidge</b>	3354/78	None
11/2/1945	<b>Irving Williams Jr. &amp; Frederic C. Williams, as Co-Partners d/b/a Williams Bros.</b>	3787/451	None
12/2/1948	<b>Herbert Paper Specialties, Inc.</b>	4442/89	None
4/26/1951	<b>Beatrice N. Rosenberg</b>	4908/581	None
9/10/1957	<b>Jomarian Corp.</b>	6214/666	None
3/26/1970	<b>Jefrado Corporation</b>	7677/36	None
6/27/1985	<b>Donaldson &amp; Company</b>	9460/5	None
4/15/1993	<b>William E. Donaldson</b>	10633/657	None
12/9/1994	<b>Integrated Marketing Solutions Inc.</b>	10880/5840	None
8/30/2007	<b>Pierce Arrow Automobile Realty, LLC</b>	11133/9260	None

## **Section VII - Requestor Eligibility Information (ECL §27-1407)**

Pierce Arrow LLC, the Volunteer, is the current owner of the site and has not operated or been involved with the site at any time prior to the purchase, and has had no legal relationship with or to any prior owner.

## **Section VIII - Property Eligibility Information (ECL §27-1405)**

The anticipated post remediation use of the site is for residential purposes. In order to do so, the Volunteer must remediate the property to Restricted Residential Soil Clean-up levels (Track 2) under 6 NYCRR Part 375. Since the Volunteer's site investigations to date show the presence of urban historic fill (metals, and SVOCs/PAHs up to a depth of four (4) feet in various locations throughout the property) containing contaminants in excess of the SCOs that will be applied to achieve this reasonably anticipated use of the site, Restricted Residential Use. The redevelopment of the site is complicated by this known contamination and, thereby, in its current state renders the property unsuitable for the planned redevelopment as a residential building.

## **Section IX – Site Contact List**

### *1. Local Government – City of Buffalo*

Byron W. Brown  
City of Buffalo Mayor  
201 City Hall, 65 Niagara Square  
Buffalo, NY 14202

James Morrell  
City of Buffalo Planning Board Chair  
901 City Hall, 65 Niagara Square  
Buffalo, NY 14202

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

Maria R. Whyte  
Erie County Commissioner of Environment and Planning  
95 Franklin Street, 10th Floor  
Buffalo, NY 14202

### *2. Residents, Owners and Occupants of Property and Property Adjacent to Site:*

Adjacent land owners are presented in the figures and summarized in the table in Exhibit 7 (page 204).

Devin O'Brien  
1711 Elmwood Avenue  
Buffalo, NY 14207

Great Arrow Acquisition, LLC  
177 Great Arrow Avenue  
Buffalo, NY 14207

Great Arrow Acquisition, LLC  
255 Great Arrow Avenue  
Buffalo, NY 14207

David Chertoff  
1635 Elmwood Avenue  
Buffalo, NY 14207

Engine 36, LLC  
1655 Elmwood Avenue  
Buffalo, NY 14207

National Fuel Gas Distribution Corporation  
1662 Elmwood Avenue  
Buffalo, NY 14207

Niagara Mohawk Power Corporation  
1664 Elmwood Avenue  
Buffalo, NY 14207

Elmwood Jakes, LLC  
1672 Elmwood Avenue  
Buffalo, NY 14207

Janis M. Richmeyer  
1676 Elmwood Avenue  
Buffalo, NY 14207

Mary C. Ploch  
1678 Elmwood Avenue  
Buffalo, NY 14207

Sigmund & W. Ploch  
1680 Elmwood Avenue  
Buffalo, NY 14207

Hadley Exhibits, Inc.  
1700 Elmwood Avenue  
Buffalo, NY 14207

3. Local Media:

Local Newspaper:

Buffalo News  
1 News Plaza  
Buffalo NY 14240  
(716) 849-3434



<http://www.buffalonews.com/classifieds/>

Local Television:

WGRZ – TV Channel 2

259 Delaware Avenue

Buffalo, NY 14202

(716) 849-2200

<http://www.wgrz.com/news/default.aspx>

WIVB – TV Channel 4

2077 Elmwood Avenue

Buffalo, NY 14207

(716) 874-4410

<http://www.wivb.com/subindex/news>

WKBW – TV Channel 7

7 Broadcast Plaza

Buffalo, NY 14202

(716) 840-7777

<http://www.wkbw.com/>

Radio:

WBEN 930 AM Radio

500 Corporate Parkway

Amherst, NY 14226

(716) 843-0600

<http://www.wben.com>

WBFO 88.7 FM Radio

3435 Main Street

Buffalo, NY 14214

(716) 829-6000

<http://www.wbfo.org/>

4. Local Water Supplier:

City of Buffalo Water Board/Division of Water

281 Exchange Street

Buffalo, NY 14204

5. Persons Requesting to be Placed on Contact List:

To Be Completed as Necessary

6. School and Day Care Facilities:

There are fourteen schools or day care facilities located on or in the vicinity (1 mile) of the proposed BCP Site.

Buffalo Elementary School 64  
Frederick Law Olmstead School  
874 Amherst Street  
Buffalo, NY 14216  
Principal: Parette U. Walker

Tapestry Charter School  
65 Great Arrow Avenue  
Buffalo, NY 14216  
Principal: Not provided

Buffalo High School 305  
McKinley High School  
1500 Elmwood Avenue  
Buffalo, NY 14207  
Principal: Crystal Boling-Barton

Buffalo Elementary School 81  
140 Tacoma Avenue  
Buffalo NY 14216  
Principal: Nicholas Klaich

Buffalo Elementary School 94  
West Hertel Academy  
489 Hertel Avenue  
Buffalo NY 14207  
Principal: Cecelie Owens

Buffalo Elementary School 79  
PFC. William J. Grabiarz School of Excellence  
225 Lawn Avenue  
Buffalo NY 14207  
Principal: Gregory Mott

Elmwood Franklin School  
104 New Amsterdam Avenue  
Buffalo NY 14216  
Head of School: Andrew Deyell

Nichols School  
1250 Amherst Street  
Buffalo NY 14216  
Head of School: Bill Clough

First Student, Inc.  
119 Botsford Place

Buffalo NY 14216  
President: Dennis R. Maple

Child Care Resource Network  
1000 Hertel Avenue  
Buffalo, NY 14216  
CEO: Lynn Pullano

EduKids Child Care Center Buffalo  
1350 Hertel Avenue  
Buffalo, NY 14216  
Administrator not provided

Town Child Development Center  
1365 Hertel Avenue  
Buffalo, NY 14216  
Administrator not provided

Schoolhouse Commons Day Care  
1005 Grant Street  
Buffalo, NY 14207  
Administrator not provided

Reeders Day Care  
436 Amherst Street  
Buffalo, NY 14207  
Administrator not provided

### 7. Document Repositories:

The document repository identified below has been established to provide the public with convenient access to important project documents. A copy of the proposed document repository acknowledging they agree to act as a document repository is provided in Exhibit 10 (page 210).

Buffalo & Erie County Public Library – North Park Branch  
633 Elmwood Avenue  
Buffalo NY 14222

## Section X - Land Use Factors

### 1. Current Zoning

The proposed BCP Site is zoned M1, light industrial district. The uses allowed in this zone are as follows:

- J Any use permitted in the CM District; provided, however, that a residential or institutional use which is prohibited in the M2 and M3 Districts shall also be prohibited in the M1 District, except when situated on premises which abut or are separated only by a street or alley from other premises situated in an R District or already used for similar residential or institutional purposes.
- J The following uses, when conducted wholly within a completely enclosed building [except for vehicle parking, loading and unloading and uses in Subsection B(9)(a) through § , inclusive], provided that no portion of a building occupied by such uses shall have any opening other than stationary windows or self-closing exit doors required by law within 50 feet of the nearest property line of a lot in any R District:
  - (1) Automobile assembling.
  - (2) Bag cleaning.
  - (3) Coal pocket, tipple or trestle.
  - (4) Concrete products manufacture.
  - (5) Creamery or milk bottling plant.
  - (6) Foundry casting nonferrous metal or electric foundry, not causing noxious fumes or odors.
  - (7) Ice manufacturing plant; cold storage plant serving commercial or industrial establishments; ice storage in excess of five tons.
  - (8) Welding or other metal working shop, provided that obnoxious, disturbing or annoying noises or vibrations or both are confined within the premises.
  - (9) The following uses when located not less than 100 feet distant from the nearest property line of a lot in any R District.
    - (a) Carnival, circus or similar transient amusement enterprise.
    - (b) Flammable liquids when approved by the Fire Department: underground storage only and not to exceed 25,000 gallons when of Class I or Class II; aboveground storage in quantities less than tank car lots when not of Class I or Class II.
    - (c) Livery stable or riding academy.
    - (d) Freight terminal.
    - (e) Truck terminal, including any premises where any vehicle used in long-distance freight hauling or where any tractor-trailer combination or automobile conveyer is parked, loaded or unloaded, provided that after July 1, 1956, no such uses shall be permitted as new conforming uses in any M1 or M2 District without the prior written approvals and recommendations of the Commissioner of Transportation and the City Planning Board stating that the public welfare and safety will not be unduly and adversely affected because of such new uses.
    - (f) Storage, sorting or baling wastepaper or rags.
  - (10) Any use equivalent to the above, but not including any use first permitted or specifically prohibited in the M2 District or any use which is or may become hazardous, noxious or offensive in an M1 District by reason of the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.
  - (11) Accessory uses and structures.

2. Current Uses: Summary of Business Operations

1695 Elmwood Avenue is currently used by a variety of tenants for small-scale office space, training centers, and retail shops. The current operations of these consist of primarily office operations, training events, and retail sales. 1721 and 1723 Elmwood Avenue are not being used for any operations at this time.

3. Intended Use – Post Remediation

The intended post remediation use of the proposed BCP Site is approximately 107 apartments and parking lots.

4. Current, Historical and/or Recent Development Patterns

The portion of the Elmwood Avenue corridor in which the proposed BCP Site are located is currently an area that has been the focus of recent public and private investment in an effort to stabilize the existing neighborhood and plan for future growth. This portion of the City of Buffalo is currently undergoing a transition from largely manufacturing operations to commercial and residential uses.

5. Consistency with Zoning

A residential use would be prohibited in the M-1 Zoning District, therefore, the requestors are currently undertaking the process of rezoning the property to CM.

It should also be noted that as per the proposed Buffalo Green Code zoning map for the area, the property is planned to be zoned N-1S (Secondary Employment Center) which is envisioned to allow for the residential uses as currently proposed.

6. Consistency with Plans

The proposed BCP Site is in the Grant-Amherst neighborhood of the Northwest Planning area described in the City of Buffalo Land Use Master Plan (October 2015). This area is an industrial redevelopment target which encourages the reuse of former manufacturing buildings and sites into a mix of new uses such as residential, commercial, and artisan industrial. The Master Plan recommends the Grant-Amherst neighborhood become a walkable-mixed use center.

**Exhibit 1**  
**NYSDOS Database of Entities Printout**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 16, 2016.

Selected Entity Name: PIERCE ARROW LLC

Selected Entity Status Information

**Current Entity Name:** PIERCE ARROW LLC

**DOS ID #:** 4925861

**Initial DOS Filing Date:** APRIL 06, 2016

**County:** KINGS

**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)**

PIERCE ARROW LLC

4706 18TH AVENUE

BROOKLYN, NEW YORK, 11204

**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

## Name History

Filing Date	Name Type	Entity Name
APR 06, 2016	Actual	PIERCE ARROW 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.

[Search Results](#) [New Search](#)

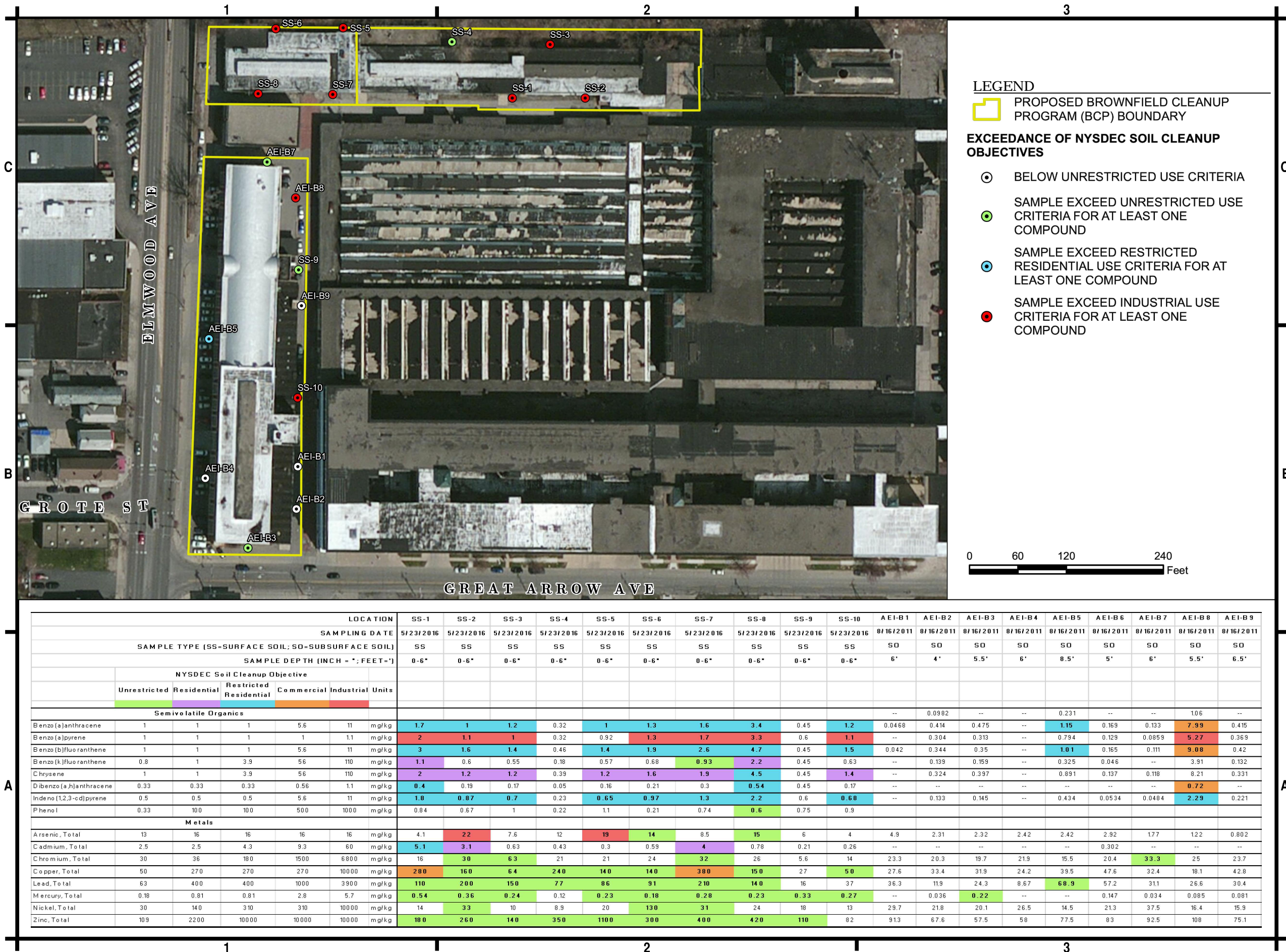
[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS Homepage](#) | [Contact Us](#)



**Exhibit 2**  
**Site Assessment / Investigation Documentation**

SEE CD FOR SITE ASSESMENT AND  
INVESTIGATION DOCUMENTS

**Exhibit 3**  
**Site Assessment Figures**



**C&S**  
COMPANIES®

C&S Engineers, Inc.  
141 Elm Street.  
Buffalo, New York 14203  
Phone: 716-847-1630  
Fax: 716-847-1454  
www.cscos.com

PIERCE ARROW BROWNFIELD  
CLEANUP PROGRAM  
APPLICATION

BUFFALO, NEW YORK

MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO:		Q69.001.001
DATE:		JULY 13, 2016
DRAWN BY:		C. MARTIN
DESIGNED BY:		C. MARTIN
CHECKED BY:		D. RIKER
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

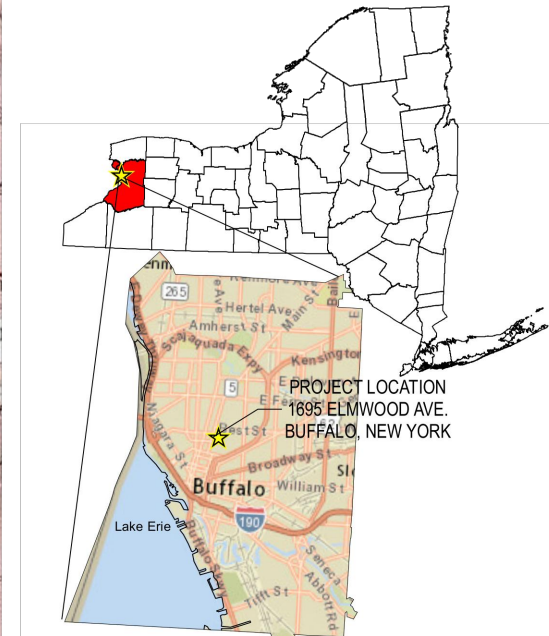
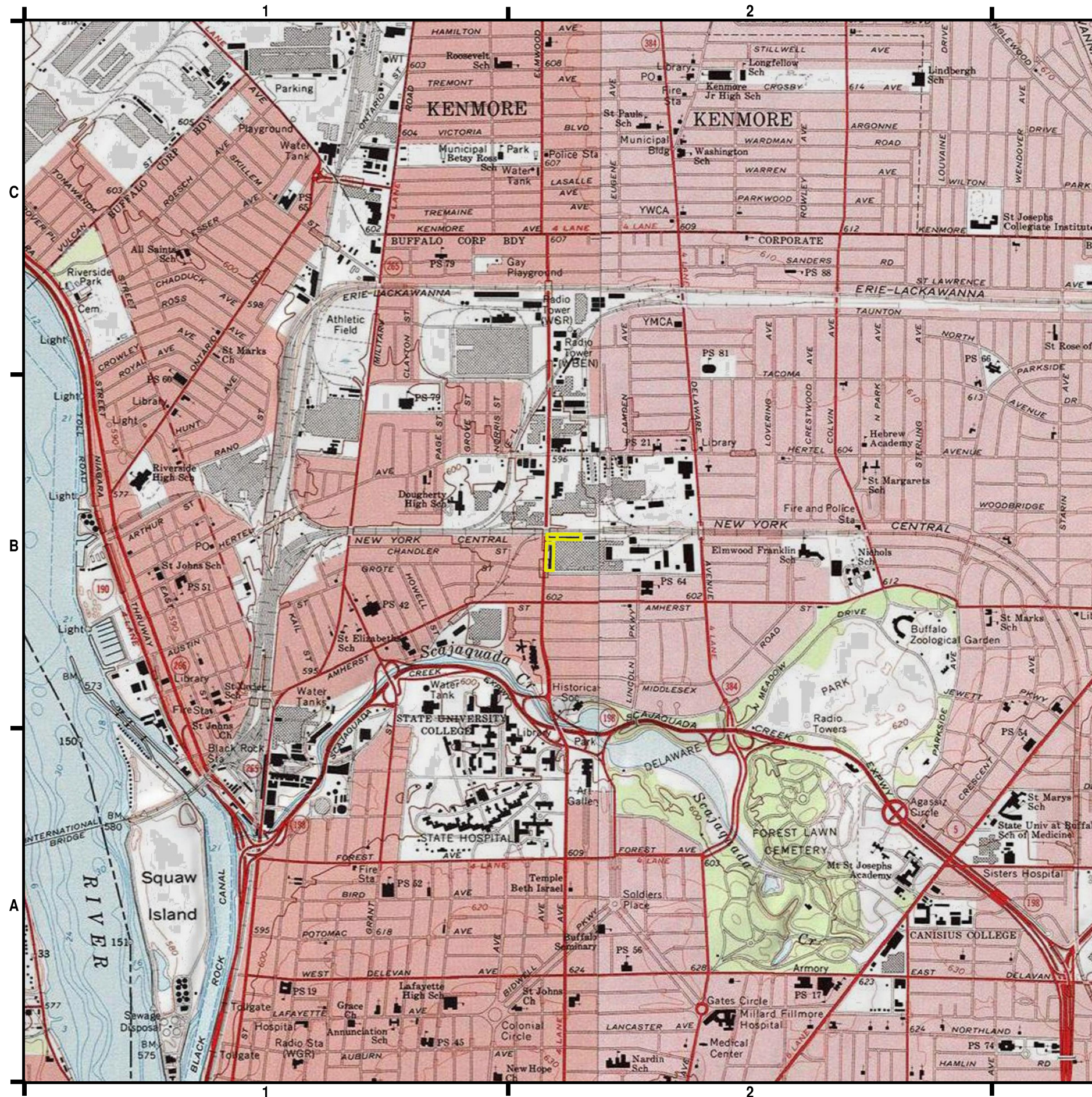
SITE  
ASSESSMENT

EXHIBIT 3


**Exhibit 4**  
**USGS 7.5 Minute Quadrangle Map**



F:\Project\Q69 - Joseph Hecht\Planning-Study\CADD\ATTACHMENT 4 USGS 7.5 MINUTE QUADRANGLE MAP.dwg



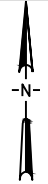
#### LEGEND

 PROPOSED BROWNFIELD CLEANUP PROGRAM (BCP) BOUNDARY

0 1,000 2,000 4,000  
Feet



C&S Engineers, Inc.  
141 Elm Street  
Buffalo, New York 14203  
Phone: 716-847-1630  
Fax: 716-847-1454  
www.cscos.com



## PIERCE ARROW BROWNFIELD CLEANUP PROGRAM APPLICATION BUFFALO, NEW YORK

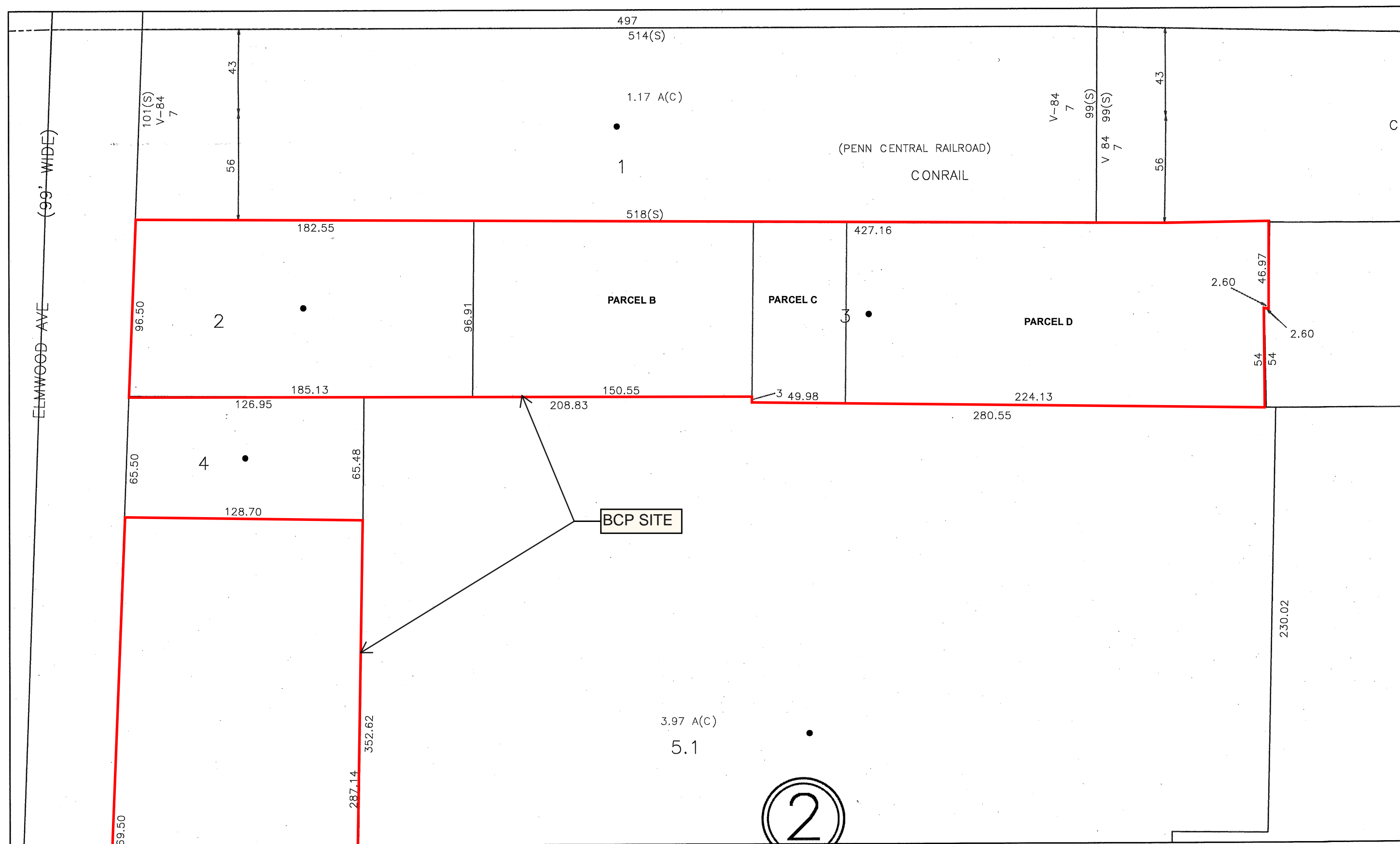
MARK	DATE	DESCRIPTION
REVISIONS		
PROJECT NO:	Q69.001.001	
DATE:	JULY 13, 2016	
DRAWN BY:	C. MARTIN	
DESIGNED BY:	C. MARTIN	
CHECKED BY:	D. RIKER	
NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 7209 SUBDIVISION 2 OF THE NEW YORK EDUCATION LAW		

USGS  
QUADRANGLE  
MAP

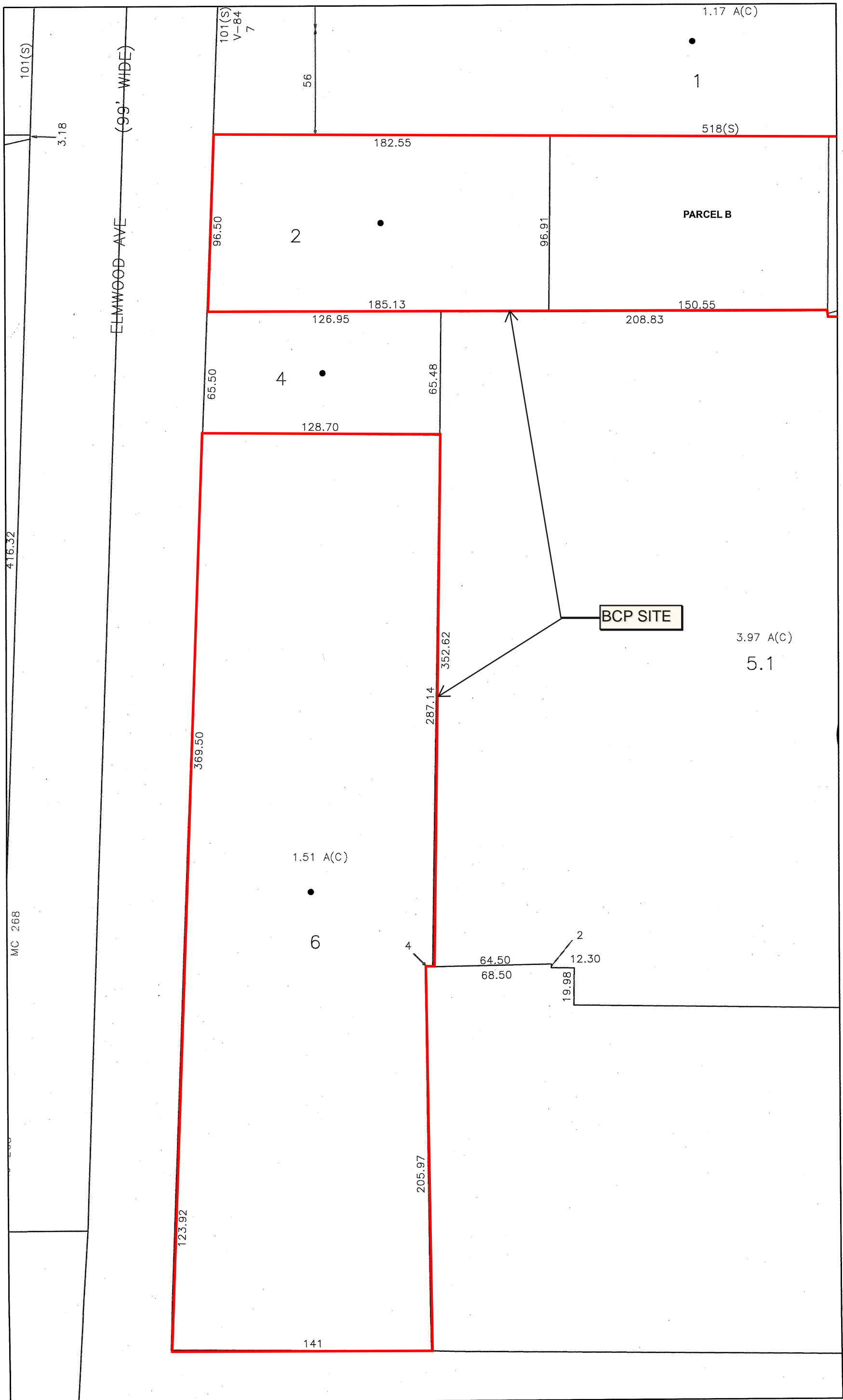
EXHIBIT 4



**Exhibit 5**  
**Tax Map Boundaries / Metes and Bounds**







## SCHEDULE A - LEGAL DESCRIPTION

### PARCEL 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 Lot No. 83, Township 11, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at the point of intersection of the easterly line of Elmwood Avenue with the southerly line of lands owned by the New York Central Railroad Company; running thence southerly along the easterly line of Elmwood Avenue a distance of 96.50 feet; running thence easterly on a line drawn parallel to the northerly line of Great Arrow Avenue 185.13 feet to a point; running thence northerly on a line drawn through the center of a brick wall 1.08 feet in width (said brick wall now standing 1/2 upon premises herein described and 1/2 upon premises of 1595 Elmwood Avenue Corporation adjoining on the east 96.91 feet more or less to the southerly line of the lands owned by the New York Central Railroad Company; running thence westerly along the southerly line of the lands owned by the New York Central Railroad Company 182.55 feet more or less to the point or place of beginning.

### PARCEL B

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. 83, Township 11, Range 6 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of the right of way of the New York Central Belt Line, so-called, distant 182.55 feet easterly from the intersection of said southerly right of way line with the easterly line of Elmwood Avenue as a 99 foot street, which point is also the northeast corner of certain premises conveyed by 1695 Elmwood Avenue Corporation to Syracuse Supply Company Inc. by deed recorded in the Office of the Clerk of the County of Erie, New York on the 21st day of October, 1941 in Liber 3171 of Deeds at page 127; running thence southerly along the easterly line of property so conveyed to Syracuse Supply Company Inc. 96.91 feet to the southeasterly corner of said property; running thence easterly parallel with the northerly line of Great Arrow Avenue approximately 150.55 feet to the southwesterly corner of lands conveyed by 1695 Elmwood Avenue Corporation to Cedric F. Smallidge by deed dated February 25, 1943 and recorded in the Office of the Clerk of the County of Erie, New York in Liber 3354 of Deeds at page 78; thence northerly at right angles to the last mentioned line and along the westerly line of premises so conveyed 97.28 feet to the said southerly right of way line of the New York Central Belt Line; thence westerly along said right of way line 150.55 feet to the point or place of beginning.

\*\*\* CONTINUED \*\*\*

## SCHEDULE A DESCRIPTION (Continued)

### PARCEL C

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. 83, Township 11, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

COMMENCING at a point in the northerly line of premises conveyed by 1695 Elmwood Avenue Corporation to the United States of America by deed dated the 29th day of June, 1942 and recorded in the Office of the Clerk of the County of Erie, New York on the 29th day of June, 1942 in Liber 3264 of Deeds at page 359, which point is 558.59 feet north of the north line of Great Arrow Avenue measured at right angles thereto and 335.78 feet east of the east line of Elmwood Avenue measured along a line running parallel to the north line of Great Arrow Avenue and through the said point of beginning; running thence southerly at right angles to Great Arrow Avenue, 3 feet; running thence easterly and parallel with the northerly line of Great Arrow Avenue along a northerly line of the premises conveyed to United States of America by the above mentioned deed 49.98 feet to a point; thence northerly at right angles to the last mentioned line 100.40 feet to the south line of the New York Central Railroad Belt Line; running thence westerly along said southerly right of way line 49.98 feet more or less to a point 333.10 feet east of the easterly line of Elmwood Avenue measured along said right of way line; thence southerly and at right angles to the northerly line of Great Arrow Avenue 97.28 feet to the place of beginning.

### PARCEL D

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. 83, Township 11, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the southerly line of the right of way of the New York Central Belt Line, so-called, distant 381.08 feet easterly from the intersection of said southerly right of way line with the easterly line of Elmwood Avenue as a 99 foot street; running thence southerly through the center line projected of a wall separating the building on the premises herein described from a building owned by Irving Williams, Jr. and Frederic C. Williams on the premises immediately west of the premises herein described and along the center line extended 100.40 feet to a point in the southerly line of premises conveyed to said Irving Williams, Jr. and Frederic C. Williams by deed from Cedric F. Smallidge dated November 1, 1945 and recorded in Erie County Clerk's Office on November 2, 1945 in Liber 3787 of Deeds at page 451, which point is 555.59 feet north of the north line of Great Arrow Avenue, measured at right angles thereto and 385.66 feet east of the east line of Elmwood Avenue

### SCHEDULE A DESCRIPTION (Continued)

measured along a line running parallel with the north line of Great Arrow Avenue; thence easterly parallel with the northerly line of Great Arrow Avenue along a northerly line of premises conveyed to the United States of America by deed dated June 29, 1942 and recorded in Erie County Clerk's Office on June 29, 1942 in Liber 3264 of Deeds at page 359, 224.13 feet to a point; thence northerly at right angles to the last mentioned line 54 feet to a point; thence easterly at right angles to the last mentioned line and parallel with the northerly line of Great Arrow Avenue 2.60 feet to the center line of a wall separating the building on the premises herein described from a building on the premises immediately east thereof; thence northerly and along the center line of said wall as extended 46.97 feet more or less to the southerly line of right of way of the New York Central Belt Line, so-called; running thence westerly along said southerly right of way line 226.63 feet more or less to the point of beginning.

#### PARCEL E

AN easement for ingress and egress and for public utility services in common with other parties now entitled to use the same by Grant from 1695 Elmwood Avenue Corporation, their successors and assigns, over the following described parcel of land:

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. 83, Township 11, Range 8 according to the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the north line of Great Arrow Avenue 135 feet east of the point of intersection of the east line of Elmwood Avenue with the north line of Great Arrow Avenue as measured along the northerly line of Great Arrow Avenue; thence continuing easterly and along the northerly line of Great Arrow Avenue 20 feet to a point; thence northerly at right angles with Great Arrow Avenue 523.59 feet to a point of curve; thence northerly and easterly along a curve having a radius of 25 feet an arc distance of 17.80 feet to a point; thence easterly parallel with the northerly line of Great Arrow Avenue and along the southerly line of Parcel 4C in deed to the United States of America recorded in Erie County Clerk's Office in Liber 3264 of Deeds at page 359, 466.77 feet to a point; thence northerly at right angles 15.67 feet to the southeasterly corner of Parcel B hereof; thence westerly and along the southerly line of said Parcel B, 274.11 feet to the southwesterly corner thereof; thence northerly along the westerly line of Parcel B, 13 feet; thence westerly and parallel with the northerly line of Great Arrow Avenue a distance of 335.41 feet more or less to a point in the easterly line of Elmwood Avenue, said point being 86.50 feet south of the point of intersection to the southerly right of way line of the New York Central Railroad with the easterly line of Elmwood Avenue, measured along the easterly line of Elmwood Avenue; thence southerly along the easterly line of Elmwood Avenue 210 feet to a point, said

### SCHEDULE A DESCRIPTION (Continued)

point being 358.92 feet north of the point of intersection of the northerly line of Great Arrow Avenue with the easterly line of Elmwood Avenue, measured along the easterly line of Elmwood Avenue; thence easterly at right angles to Elmwood Avenue 10 feet to a point; thence northerly parallel with the easterly line of Elmwood Avenue 117 feet to a point; thence northeasterly making a southeasterly angle of  $135^{\circ}$  with the last described line a distance of 10.61 feet to a point 17.50 feet easterly of the easterly line of Elmwood Avenue (measured at right angles); thence northerly parallel with the easterly line of Elmwood Avenue and making a northwesterly angle of  $135^{\circ}$  with the last described line a distance of 73 feet to a point; thence easterly at right angles to Elmwood Avenue 92 feet to a point; thence southerly at right angles to the last mentioned line 53 feet to a point; thence westerly at right angles to Elmwood Avenue 92 feet to a point; thence southerly parallel with and 17.50 feet distant east of the easterly line of Elmwood Avenue a distance of 20 feet to a point; thence easterly at right angles with Elmwood Avenue a distance of 101.51 feet to a point; thence southerly at right angles with the north line of Great Arrow Avenue 481.11 feet to the place of beginning, excepting therefrom the portions of portion now occupied by buildings.

#### PARCEL ?

AN easement for ingress and egress and for public utility services in common with other parties now entitled to use the same by Grant from 1695 Elmwood Avenue Corporation, their successors and assigns, over the following described parcel of land:

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. 33, Township 11, Range 3 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the north line of Great Arrow Avenue 135 feet east of the point of intersection of the east line of Elmwood Avenue with the north line of Great Arrow Avenue as measured along the north line of Great Arrow Avenue; thence continuing east and along the north line of Great Arrow Avenue 20 feet to a point; thence north at right angles with Great Arrow Avenue 523.59 feet to a point of curve; thence northerly and easterly along a curve having a radius of 25 feet an arc distance of 39.27 feet to a point; thence east parallel with the north line of Great Arrow Avenue and tangent to the last described curve 23.18 feet to a point; thence northerly at right angles 10 feet to a point; thence west at right angles and parallel with the north line of Great Arrow Avenue a distance of 185.13 feet more or less to a point in the east line of Elmwood Avenue, said point being 96.50 feet south of the point of intersection of the south right of way line of the New York Central Railroad with the east line of Elmwood Avenue, measured along the east line of Elmwood Avenue; thence south along the east line of Elmwood Avenue 234 feet to a point; said point being 324.92 feet north of the point of intersection of the north

### SCHEDULE A DESCRIPTION (Continued)

line of Great Arrow Avenue with the east line of Elmwood Avenue measured along the east line of Elmwood Avenue; thence east at right angles to Elmwood Avenue 10 feet to a point; thence north parallel with the east line of Elmwood Avenue 151 feet to a point; thence northeast making a southeasterly angle of  $135^{\circ}$  with the last described line a distance of 10.61 feet to a point 17.50 feet east of the east line of Elmwood Avenue (measured at right angles); thence north parallel with the east line of Elmwood Avenue and making a northwesterly angle of  $135^{\circ}$  with the last described line a distance of 73 feet to a point; thence east at right angles to Elmwood Avenue 92 feet to a point; thence south at right angles 53 feet to a point; thence west at right angles to Elmwood Avenue 92 feet to a point 17.50 feet east of the east line of Elmwood Avenue; thence south parallel with and 17.50 feet distant east of the east line of Elmwood Avenue a distance of 20 feet to a point; thence east at right angles with Elmwood Avenue a distance of 101.51 feet to a point; thence south at right angles with the north line of Great Arrow Avenue 481.11 feet to the place of beginning.

#### PARCEL G

AN easement for ingress and egress and for public utility services in common with other parties now entitled to use the same by Grant from 1695 Elmwood Avenue Corporation, their successors and assigns, over the following described parcel of land:

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. 83, Township 11, Range 8 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at the southwest corner of Parcel A above described; running thence easterly along the southerly line of said Parcel A, 100 feet to a point; running thence southerly and at right angles to said last mentioned line 18.67 feet to a point; running thence westerly and at right angles to the last mentioned line 142.11 feet to a point on the easterly line of Parcel F above described; running thence northeasterly along the said easterly line of Parcel F on an arc with a radius of 25 feet, 21.47 feet to a point; thence further along the line of Parcel F and parallel to the southerly line of this Parcel G, 23.18 feet to a point; thence north continuing along the line of Parcel F and at right angles to the last mentioned line 19 feet to the point or place of beginning.

#### PARCEL H

AN easement for ingress and egress and for public utility services in common with other parties now entitled to use the same by Grant from 1695 Elmwood Avenue Corporation, their successors and assigns, over the following described parcel of land:

SCHEDULE A DESCRIPTION (Continued)

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. 83, Township 11, Range 8 of the Holland Land Company's Survey more particularly bounded and described as follows:

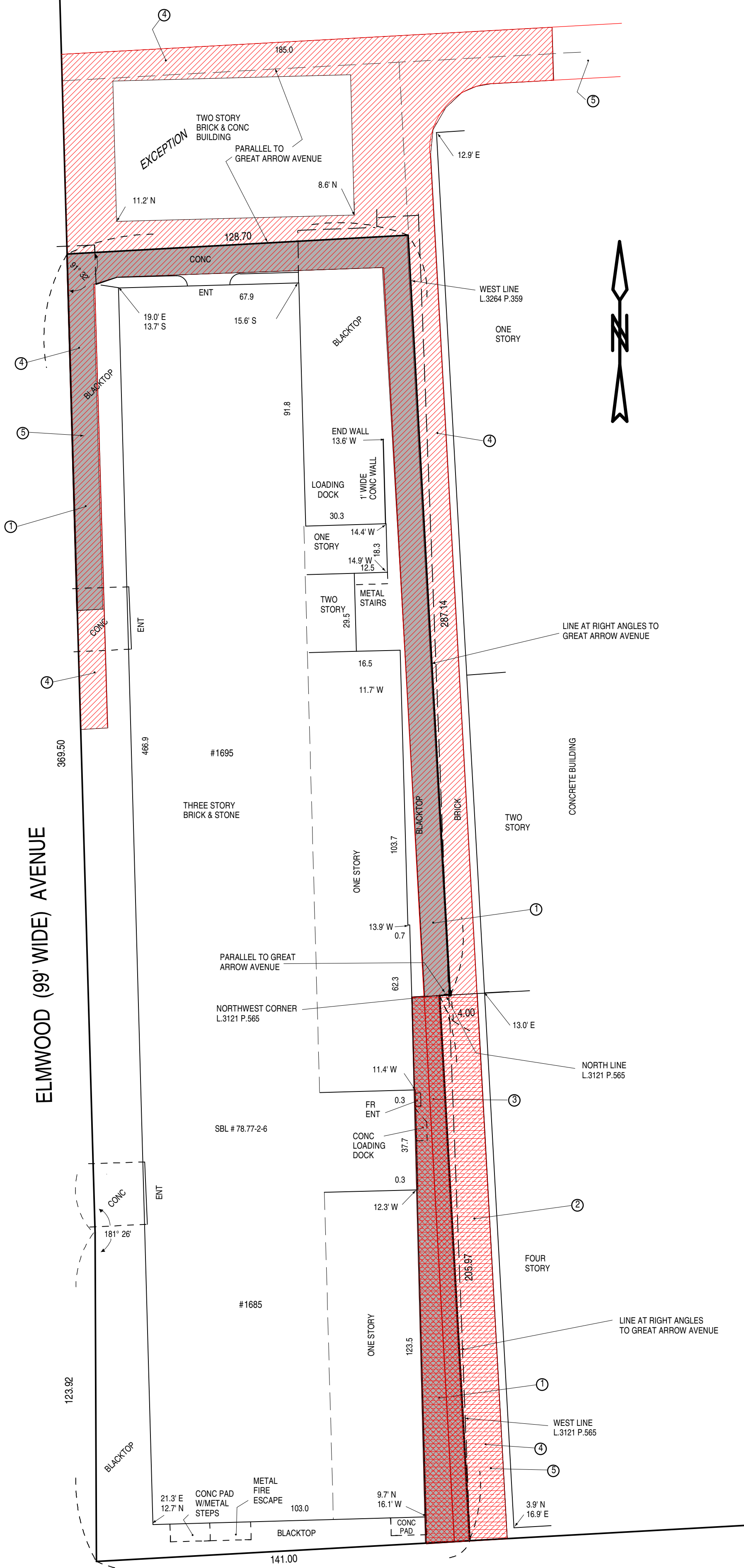
COMMENCING at the southwest corner of Parcel A above described; running thence northerly along the westerly line of said Parcel A, 10 feet; thence westerly and parallel with Great Arrow Avenue 184.85 feet to the easterly line of Elmwood Avenue as a 99 foot street; thence southerly along the easterly line of Elmwood Avenue approximately 10 feet to the northerly line of Parcel E above described; thence easterly along the northerly line of said Parcel E to the point of beginning.

For Conveyancing Only  
Together with all rights, title and interest of, in and to any streets and roads abutting the above described premises. Our policy of title insurance include such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein.

AS-40-1; AS-40-Gen.







PARCEL SUBJECT TO UNDEFINED EASEMENT TO N.Y. TELE. CO. AND  
BUFFALO NIAGARA ELECTRIC CORP. L.3157 P.587

PARCELS NOT AFFECTED BY THE FOLLOWING:  
L.3229 P.509  
L.3250 P.564  
L.3607 P.276  
L.3620 P.192 (APPEARS TO BE WRONG LIBER OR PAGE)  
L.3840 P.41  
L.3875 P.94  
L.3892 P.267  
L.3894 P.301  
L.3894 P.308  
L.3942 P.580

- ① INGRESS & EGRESS EASEMENT L.3976 P.183
- ② INGRESS & EGRESS EASEMENT L.3264 P.359
- ③ INGRESS & EGRESS EASEMENT L.3121 P.565
- ④ INGRESS & EGRESS EASEMENT L.3171 P.127, L.3502 P.527
- ⑤ INGRESS & EGRESS EASEMENT L.3354 P.78, L.3400 P.464, L.3816 P.81

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO  
THIS SURVEY MAP IS A VIOLATION OF SECTION 7209,  
PART 2 OF THE NEW YORK STATE EDUCATION LAW.

NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF  
AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF  
FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SAME.

**BISSELL STONE**  
CIVIL ENGINEERING : LAND SURVEYING : SITE PLANNING : CONSULTING  
TELEPHONE: (716) 632-7000 FAX: (716) 632-7004

DATE: MAY 31, 2016	JOB NO: 54200	FIELD BOOK: DC	SCALE 1" = 30'
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SURVEY OF PART OF LOT 83  
CITY OF BUFFALO

SECTION --

TOWNSHIP 11  
- ERIE COUNTY, NEW YORK -

RANGE 8  
HOLLAND LAND COMPANY

FORMERLY GEO. DIEHL; SHEEHAN, FRETTS & TALLAM; FRETTS & SENIOR; SENIOR, BISSELL & BRONKIE  
DESIGN SYSTEM COLLABORATIVE; THE BISSELL CO.

**Parcel Address and SBL Nos.**  
1695 Elmwood Ave., City of Buffalo, County of Erie, State of New York  
S-B-L:78.77-2-6

DOCUMENT	PARTY	DATE RECORDED	RECORDING INFO	PURPOSE
Easement	Three Eighty Three Realty Corp	6/30/1941	3121/565	Easement for ingress and egress
Easement	New York Tel/Buffalo Niagara Electric Corp	9/23/1941	3157/587	Pole lines
Easement	Syracuse Supply Company	10/21/1941	3171/127	Easement for ingress and egress
Right of Ingress/Egress	United States of America	6/29/1942	3264/359	Pedestrian and vehicular ingress and egress and utility services
Right of Ingress/Egress	Cedrie F. Smallidge	2/26/1943	3354/78	Pedestrian and vehicular ingress and egress and utility services
Right of Ingress/Egress	International Chimney Corp	6/30/1943	3400/464	Ingress and egress and public utility services
Right of Ingress/Egress	Cedric F. Smallidge	2/24/1944	3502/527	Ingress and egress and public utility services

Parcel Address and SBL Nos.

1721 Elmwood Ave., City of Buffalo, County of Erie, State of New York

S-B-L:78.77-2-2 *[Parcel A in Holland Land Title & Abstract Company, Inc. Search No. 2010-45866]*

DOCUMENT	PARTY	DATE RECORDED	RECORDING INFO	PURPOSE
Easement	New York Tel/Buffalo Niagara Electric Corp	9/23/1941	3157/587	Pole lines
Easement	1695 Elmwood Avenue Corporation	10/21/1941	3171/127	Easement for ingress and egress reserved
Right of Ingress/Egress	United States of America	6/29/1942	3264/359	Pedestrian and vehicular ingress and egress and utility services

Parcel Address and SBL Nos.

1723 Elmwood Ave., City of Buffalo, County of Erie, State of New York

S-B-L:78.77-2-3 *[Parcels B, C & D in Holland Land Title & Abstract Company, Inc. Search No. 2010-45866]*

DOCUMENT	PARTY	DATE RECORDED	RECORDING INFO	PURPOSE
Easement	New York Tel/Buffalo Niagara Electric Corp	9/23/1941	3157/587	Pole lines
Easement	1695 Elmwood Avenue Corporation	10/21/1941	3171/127	Easement for ingress and egress reserved
Right of Ingress/Egress	United States of America	6/29/1942	3264/359	Pedestrian and vehicular ingress and egress and utility services

**Exhibit 6**  
**Site Map**

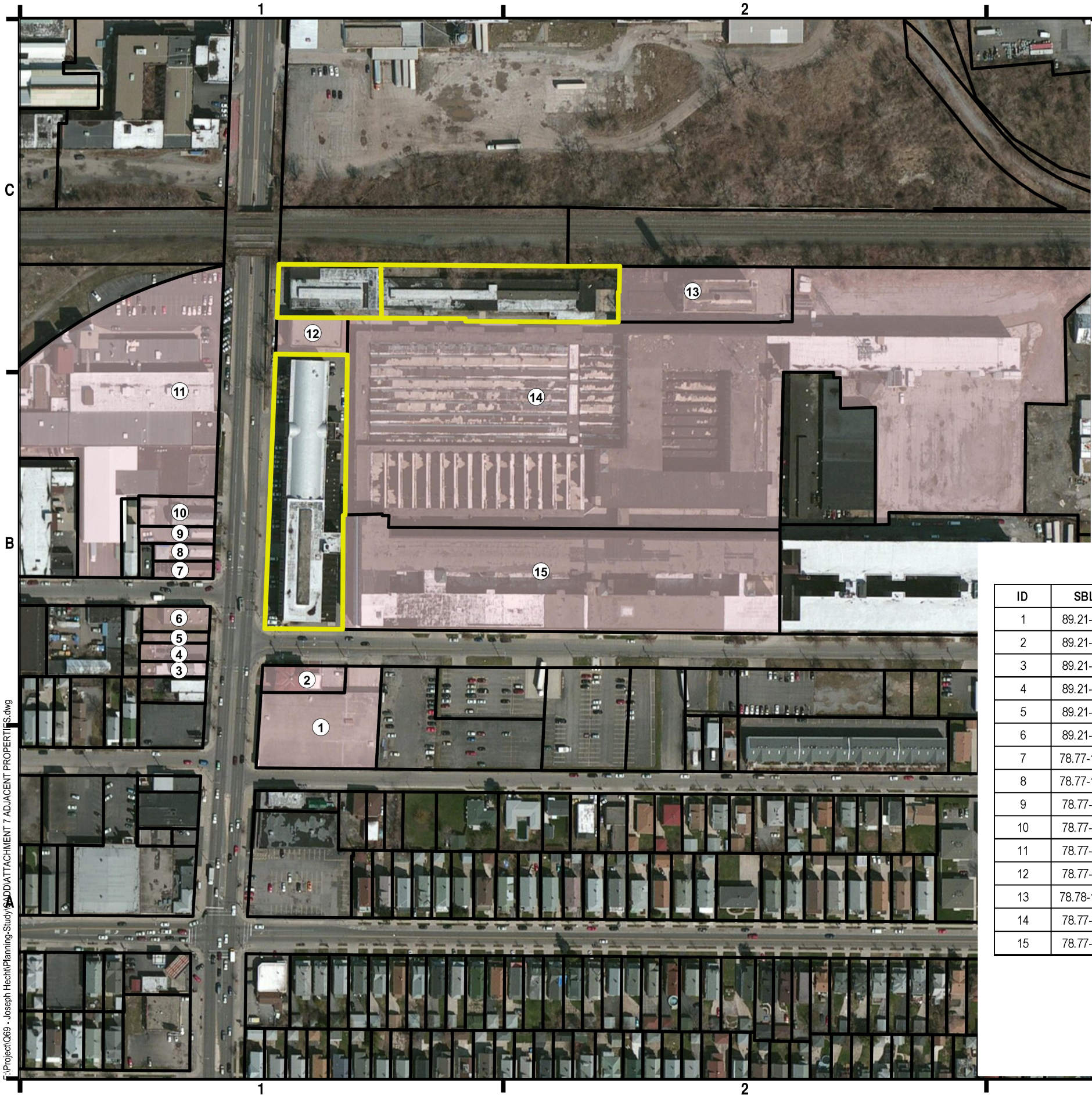






**Exhibit 7**  
**Adjacent Parcel and Land Use**

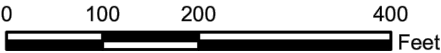




LEGEND

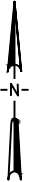
- PROPOSED BROWNFIELD CLEANUP PROGRAM (BCP) BOUNDARY
- ADJACENT PROPERTIES

ID	SBL	ADDRESS	OWNER
1	89.21-2-2	1635 ELMWOOD AVENUE	DAVID CHERTOFF
2	89.21-2-1	1655 ELMWOOD AVENUE	ENGINE 36, LLC
3	89.21-1-8	1654 ELMWOOD AVENUE	SHANDRA BEUTNER
4	89.21-1-7	1656 ELMWOOD AVENUE	SHANDRA BEUTNER
5	89.21-1-6	1662 ELMWOOD AVENUE	NATIONAL FUEL
6	89.21-1-5	1664 ELMWOOD AVENUE	NIAGARA MOHAWK POWER CORP.
7	78.77-1-11	1672 ELMWOOD AVENUE	ELMWOOD JAKES, LLC
8	78.77-1-10	1676 ELMWOOD AVENUE	JANIS M. RICHMEYER
9	78.77-1-9	1678 ELMWOOD AVENUE	MARY C. PLOCH
10	78.77-1-8	1680 ELMWOOD AVENUE	SIGMUND & W. PLOCH
11	78.77-1-7	1700 ELMWOOD AVENUE	HADLEY EXHIBITS, INC.
12	78.77-2-4	1711 ELMWOOD AVENUE	DEVIN O'BRIEN
13	78.78-1-10	1727 ELMWOOD AVENUE	BILLIE HALL
14	78.77-2-5	177 GREAT ARROW AVENUE	GREAT ARROW ACQUISITION
15	78.77-2-7	255 GREAT ARROW AVENUE	GREAT ARROW ACQUISITION



C&S  
COMPANIES®

C&S Engineers, Inc.  
141 Elm Street.  
Buffalo, New York 14203  
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PIERCE ARROW BROWNFIELD  
CLEANUP PROGRAM  
APPLICATION  
BUFFALO, NEW YORK

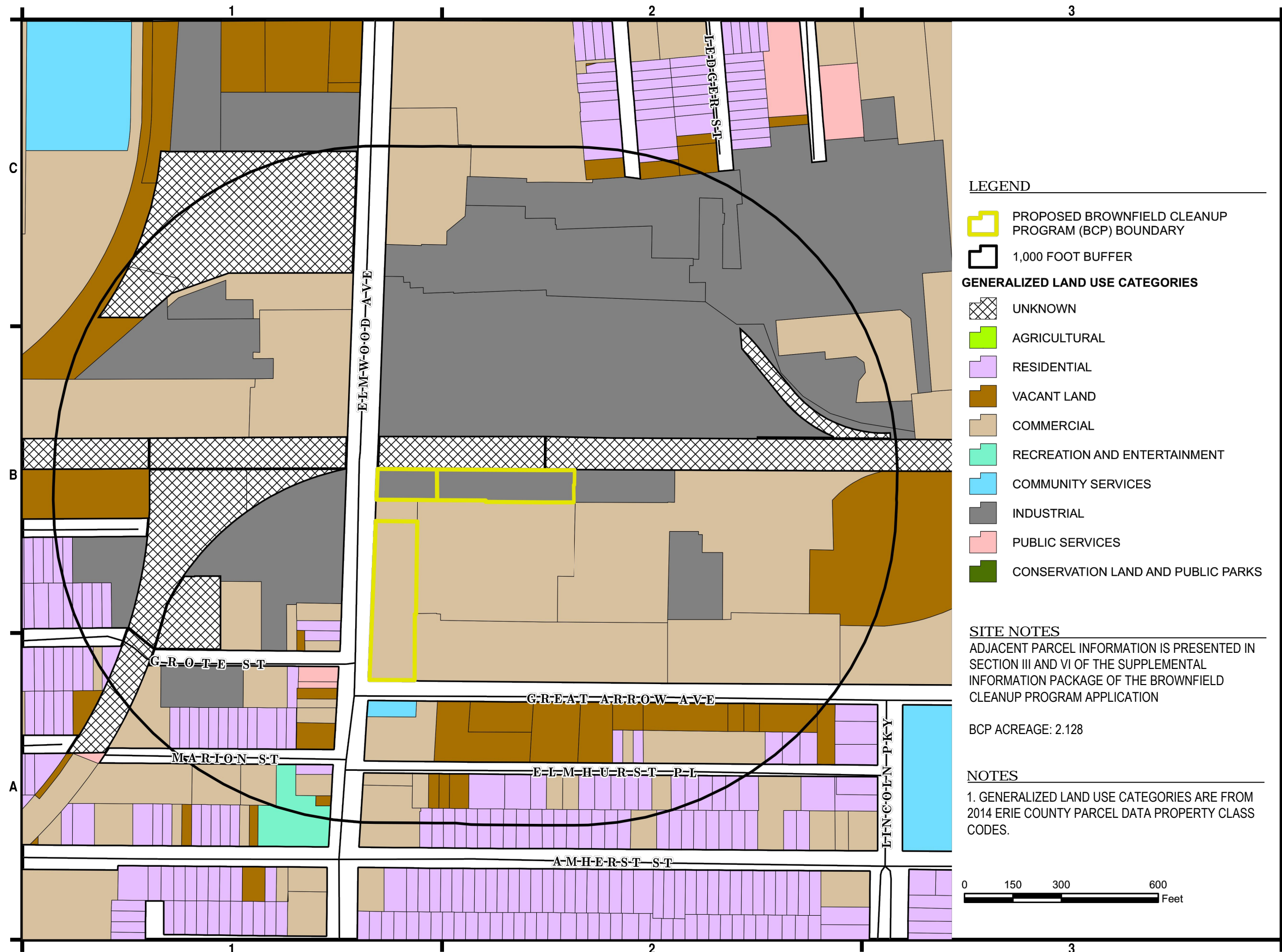
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ADJACENT  
PROPERTIES

EXHIBIT 7



**Exhibit 8**  
**Land Use Map**



#### LEGEND

- PROPOSED BROWNFIELD CLEANUP PROGRAM (BCP) BOUNDARY
- 1,000 FOOT BUFFER
- GENERALIZED LAND USE CATEGORIES**
- UNKNOWN
  - AGRICULTURAL
  - RESIDENTIAL
  - VACANT LAND
  - COMMERCIAL
  - RECREATION AND ENTERTAINMENT
  - COMMUNITY SERVICES
  - INDUSTRIAL
  - PUBLIC SERVICES
  - CONSERVATION LAND AND PUBLIC PARKS

#### SITE NOTES

ADJACENT PARCEL INFORMATION IS PRESENTED IN SECTION III AND VI OF THE SUPPLEMENTAL INFORMATION PACKAGE OF THE BROWNFIELD CLEANUP PROGRAM APPLICATION

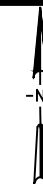
BCP ACREAGE: 2.128

#### NOTES

1. GENERALIZED LAND USE CATEGORIES ARE FROM 2014 ERIE COUNTY PARCEL DATA PROPERTY CLASS CODES.



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## PIERCE ARROW BROWNFIELD CLEANUP PROGRAM APPLICATION BUFFALO, NEW YORK

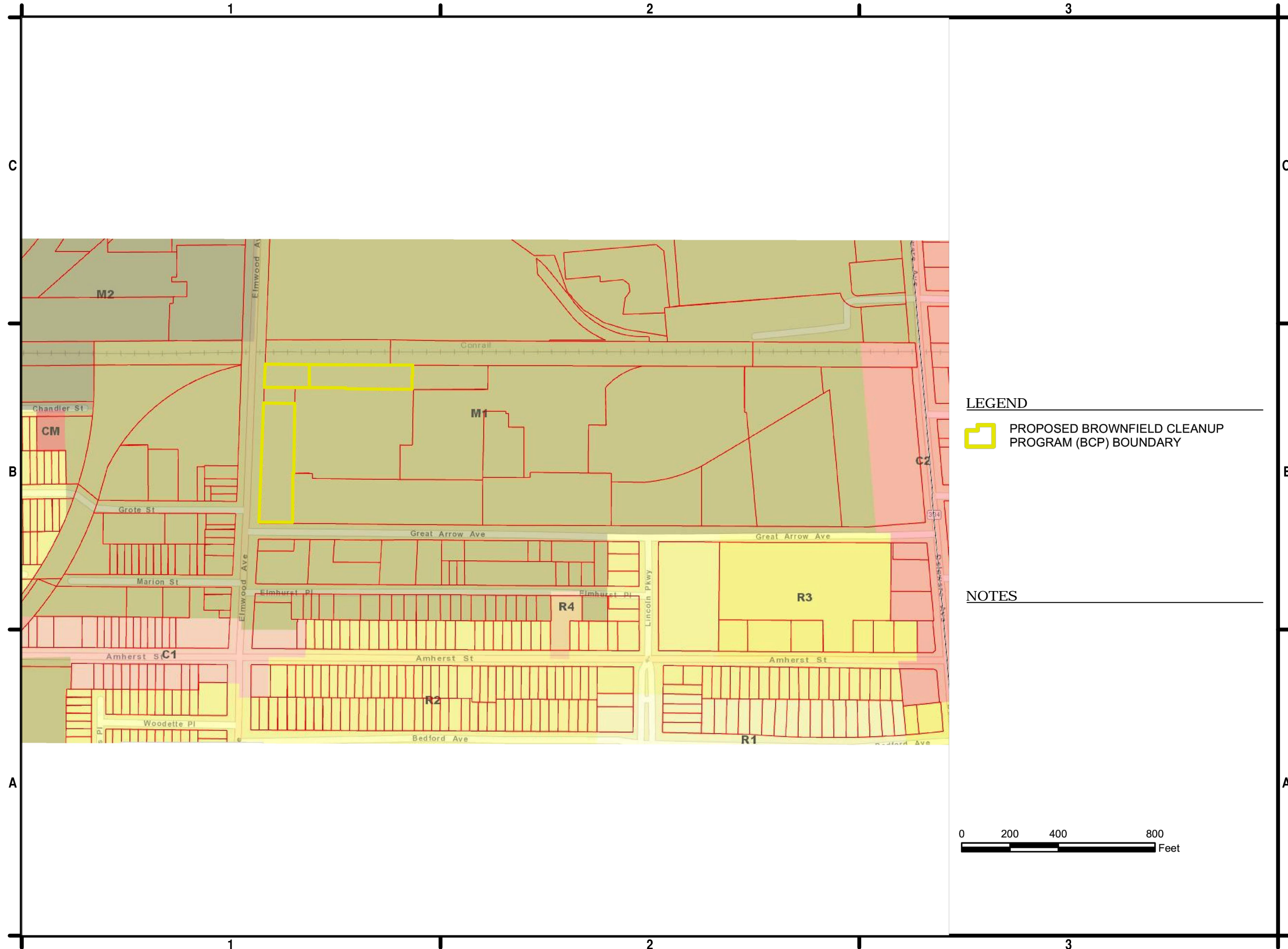
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LAND USE


EXHIBIT 8

**Exhibit 9**  
**Zoning Map**

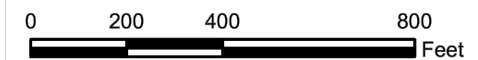
F:\Project\Q69 - Joseph Hecht\Planning-Study\CADD\ZONING MAP.dwg



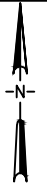
#### LEGEND

-  PROPOSED BROWNFIELD CLEANUP PROGRAM (BCP) BOUNDARY

#### NOTES



C&S Engineers, Inc.  
141 Elm Street.  
Buffalo, New York 14203  
Phone: 716-847-1630  
Fax: 716-847-1454  
www.cscos.com



PIERCE ARROW BROWNFIELD  
CLEANUP PROGRAM  
APPLICATION  
BUFFALO, NEW YORK


ZONING MAP

EXHIBIT 9

**Exhibit 10**  
**Document Repository Confirmation**

## Cody Martin

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**From:** Carol Batt <battc@buffalolib.org>  
**Sent:** Friday, July 29, 2016 11:59 AM  
**To:** Cody Martin  
**Cc:** April Tompkins  
**Subject:** RE: Brownfield Cleanup Program Document Repository

Yes, the Library can serve as an official repository.

All documents should be sent/delivered to:

Buffalo & Erie County Public Library  
Central Library  
1 Lafayette Square  
Buffalo, NY 14203  
Attn: Carol Ann Batt, COO

Once received, you will also receive an official letter acknowledgement as follow-up. Carol

Carol Ann Batt  
Deputy Director, Chief Operating Officer  
Buffalo & Erie County Public Library System  
1 Lafayette Square  
Buffalo, NY 14203  
Phone 716-858-7191 : Fax 716-858-6211

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From: Cody Martin [mailto:cmartin@cscos.com]  
Sent: Friday, July 29, 2016 10:59 AM  
To: Carol Batt  
Subject: Brownfield Cleanup Program Document Repository

Hello,

C&S Engineers is submitting a new Brownfield Cleanup Program Application for a property along Elmwood Ave and would like the North Park branch to act as the document repository for the project. In order for the application to be complete, we would need acknowledgement from the library that you are willing to be the document repository. Please let me know if that is acceptable.

Thank you,



[www.cscos.com](http://www.cscos.com)



**Cody Martin**  
**Environmental Scientist / GIS Technician**

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