



## 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 9*

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

DEC USE ONLY  
BCP SITE #: \_\_\_\_\_

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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 Attachment A

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 B

### 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.

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 C

**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			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

\*Please describe: See Attachment D

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

- **SAMPLE LOCATION** See Attachment D
- **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):**

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

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

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	See Attachment E (Tax Map and Deed)	Section No.	Block No.	Lot No.
				Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.		Yes	No	
2. Is the required property map attached to the application? (application will not be processed without map)		See Figure 2	Yes	No
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	No	
If yes, identify census tract : _____				
Percentage of property in En-zone (check one):      0-49%      50-99%      100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?      Yes      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?      Yes      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?      Yes      No				
If yes, attach relevant supporting documentation.				
7. Are there any lands under water?      Yes      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

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

Type

Issuing Agency

Description

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

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

**NOTE:** If a tangible property tax credit 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 by 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			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<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>			
<b>PROVIDE A LIST OF PREVIOUS 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? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes 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. Yes 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? See Attachment B Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? 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.

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.

See Attachment B

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? <div>Residential      Commercial      Industrial</div> 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) <div>See Attachments B</div> <b>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.</b>	
3. Reasonably anticipated use Post Remediation:    Residential    Commercial    Industrial    (check all that apply) <b>Attach a statement detailing the specific proposed use.</b> <div>See Attachment B</div> If residential, does it qualify as single family housing? <span style="float: right;">Yes    No</span>	
4. Do current historical and/or recent development patterns support the proposed use?	Yes    No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.  <div>See Attachment B</div>	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.  <div>See Attachment B</div>	Yes    No

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, 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 Manager (title) of Great Arrow Estates 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: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the *Proposed DER-32, Brownfield Cleanup Program Applications and Agreements*; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 10/2/17 Signature: [Signature]

Print Name: Nicholas A. Sinatra

### 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 9**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	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.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p><b>From ECL 27-1405(31):</b></p> <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 August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building 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>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		



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

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

#### From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(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, which 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, which sets affordable units aside for home owners 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:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

**Requestor's Requested Status:****Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

**Notes:****For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

**Does Requestor Claim Property is Upside Down:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Property is Underutilized:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:****Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

Disagree

Undetermined

**Notes:**



**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..

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**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.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**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.

**NEW YORK STATE  
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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.

**NEW YORK STATE  
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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  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**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.



## **ATTACHMENT A**

# **NEW YORK STATE DEPARTMENT OF STATE CORPORATION AND BUSINESS ENTITY DATABASE PRINTOUT**

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 17, 2017.

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Selected Entity Name: GREAT ARROW ESTATES LLC

Selected Entity Status Information

**Current Entity Name:** GREAT ARROW ESTATES LLC

**DOS ID #:** 5087801

**Initial DOS Filing Date:** FEBRUARY 17, 2017

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

GREAT ARROW ESTATES LLC

617 MAIN STREET STE 200

BUFFALO, NEW YORK, 14203

**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
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No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
-------------	-----------	-------------

FEB 17, 2017	Actual	GREAT ARROW ESTATES LLC
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A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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

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## ATTACHMENT B

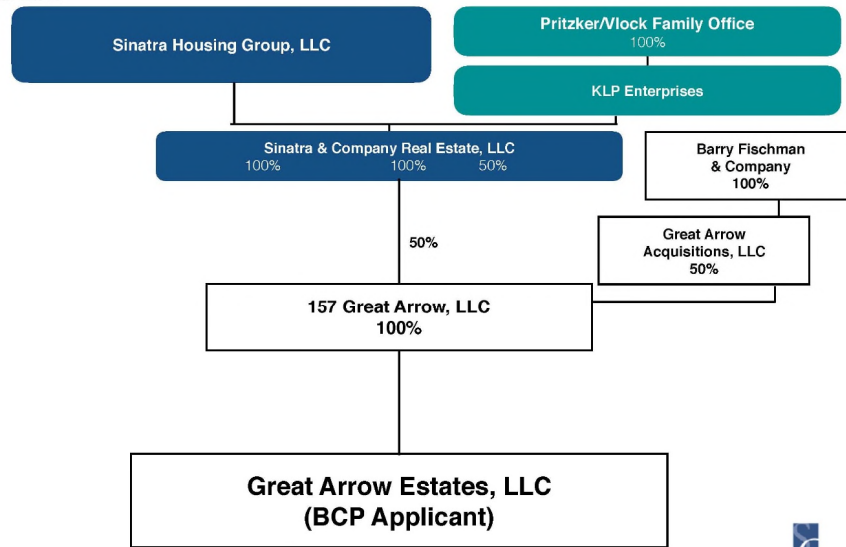
### TEXT ATTACHMENTS to BCP APPLICATION

#### 157 GREAT ARROW AVENUE SITE

BUFFALO, NEW YORK

#### BCP Application Section I – List of Owners of Applicant LLC

Fall 2017



#### BCP Application Section II - Question 4: Short Description of the Overall Development Project.

The planned Great Arrow Apartments will feature market-rate apartments in the four-floor former Pierce Arrow Building D. An amenity-based commercial tenant is planned on the ground floor along with tenant storage, and a bike and mail room. Tenant parking will be available on the exterior of the property. Remediation is anticipated to begin in Summer 2018 with a certificate of completion anticipated by December 2019.

**BCP Application Section IV – Question 10: Property Description and Environmental Assessment**

**Site Location**

The Site address is 157 Great Arrow Avenue, Buffalo, New York, 14207. The Site is land-locked with no frontage on Great Arrow Avenue or any other street. Rather, it is an internal portion of the larger former Pierce Arrow motor car manufacturing facility (**Figure 1**). Located in an urban setting, the site is bounded as follows:

- North: by Conrail railroad property;
- East: by vacant land of the Tapestry Charter School;
- South: by Buildings G and I of the Pierce Arrow Manufacturing facility;
- West: by Building C of the former Pierce Arrow Manufacturing facility.

See **Figure 6**.

**Site Features**

The single prominent site feature is a long four-story building known as Building D of the former Pierce Arrow facility. Building D is approximately 400 feet long (east/west) and 60 feet wide (north/south). Building D is currently vacant and abandoned. (**Figures 2 and 3**)

North and south of Building D are large open areas that are mostly covered with asphalt pavement. A raised berm of soil/fill is present along the entire northern wooded site boundary.

A long narrow (north/south) “arm” of the site projects southward from the western end of Building D and occupies an asphalt covered corridor between Buildings C and E.

The total parcel size is 4.36 acres, with approximately 0.65 acres covered by Building D and the remaining 3.71 acres consisting of open space.

**Current Zoning and Land Use**

Under the City of Buffalo Green Code (passed on April 3, 2017) the site parcel is depicted as zoned N-1S for Secondary Employment Centers, see Figure 8. The land use of the Site is listed as commercial but it is currently vacant.

Land uses of surrounding parcels include:

- Rail to the north;
- Vacant land to the east;
- Commercial to the south and west;
- The parcel that is surrounded by the Site on three sides is listed as industrial use.

The nearest residential lot is approximately 365 feet to the south on Elmhurst Place. **See Figures 7 and 8.**

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

The Site is part of the former Pierce Arrow Automotive Facility at which cars were manufactured from approximately 1906 to 1938. The subject site contains one large building, Building D. Several smaller storage buildings once occupied areas to the north and south of Building D, however over the years these other buildings have all been removed, leaving just Building D on the present 4.32-acre Site.

Building D was built in 1916 and has four stories reportedly used for the following purposes:

- First Floor:               warehousing, shipping, and receiving;
- Second Floor:            machine shop;
- Third Floor:             machine shop; and
- Fourth Floor:            tin shop.

Building D was built slab floor on grade with no basement, however a raised loading dock adjoins the entire northern and eastern exterior walls of the building. The loading dock is hollow and within it exists significant solid waste debris including auto tires.

#### **Site Geology and Hydrogeology**

The following description of site geology and hydrogeology was based on the findings from 33 environmental soil borings (20 by LCS and 13 by GZA) advanced on Site to date. Borings were drilled to a depth of 8 feet at most locations. Three borings located near the former boiler along the east side of Building C, were advanced to a depth of 12 feet.

Weathered asphalt pavement covers nearly the entire Site exterior of Building D. Beneath this asphalt pavement a layer of urban fill material was encountered at all drilling locations. The fill layer is described as sand and gravel with traces of anthropogenic material including wood, brick, glass, and ash. Evidence of slag was not noted at any of the 33 on-Site boring locations. Thickness of the fill ranged from 0.5 feet to 13 feet, with most borings encountering fill at thicknesses ranging between 0.5 and 5.0 feet. Fill material was not observed beneath Building D.

Beneath the fill layer at all drilling locations, a native silty clay soil was encountered. The silty clay was described as brown native silty clay with traces of gravel and sand. The silty clay was reported directly beneath the Building D concrete floor. The silty clay was the deepest geologic layer observed at the boring locations which attained a maximum depth of 12 feet bgs. Bedrock was not encountered.

Groundwater was encountered in 8 of 33 borings drilled on the Site. Where encountered, the depth to groundwater ranged from 1.5 and 12 feet bgs with most showings of water at the 4.0

to 6.0 foot depth range. The discontinuous presence of groundwater indicates that where present it is perched and not indicative of an aquifer.

### **Environmental Assessment**

The Phase I ESA completed by GZA in 2004 identified many potential sources of environmental contamination, these include:

- Long history of heavy manufacturing;
- On-site Rail Road use;
- Coal fueled heating and coal storage;
- On-site boiler fueled by No. 6 and/or No. 2 fuel oil
- Underground fuel oil tank
- Soil/fill berm along the northern site boundary
- Existing UST with oily sludge remains on the ground surface north of Building D
- approximately 20 drums stored on the ground outside and south of the Building D western loading dock. Drums labels included "used oil", "good oil", and "used lathe oil" Heavy staining was observed on the dirt ground near these drums.
- Records of a 15,000 gallon No. 6 fuel oil UST and a 6,000 gallon UST installed exterior of Building C.

Based on the findings of the Phase I, LCS conducted subsurface Soil sampling in 2004. GZA, in support of the BCP application conducted further sampling of near surface and subsurface soil in 2017. Analytical results of the LCS and GZA sampling confirmed the presence of contaminants at concentrations greater than soil cleanup objectives.

#### **Soil Impacts:**

Volatile and semi-volatile organic compounds and metals were detected at concentrations greater than restricted residential, commercial, and in some cases industrial SCOs throughout the site. Figure 3 in Attachment D provides a summary of soil impacts with sample locations, analytes detected, and analyte concentrations shaded were exceeding the various SCOs.

#### **Groundwater Impacts:**

Water, believed to be perched groundwater, was encountered at eight of the 33 soil boring locations. LCS did not sample water from the six locations where encountered in 2004S. GZA collected samples of groundwater at both locations at which water was encountered in 2017. Both of the groundwater samples contained semi-volatile organic compounds at concentrations greater than the NYS Class GA groundwater standards. One of the two samples also contained trichloroethene (TCE) at a concentration greater than the standard. Figure 4 in Attachment D provides a map summarizing the groundwater impacts at the Site.

#### **Soil Vapor and Indoor Air:**

Soil Vapor and indoor air have not yet been characterized. Samples of these media and others are planned for collection during a proposed Remedial Investigation.

The planned Great Arrow Apartments will feature market-rate apartments in the four-floor former Pierce Arrow Building D. An amenity-based commercial tenant is planned on the ground floor along with ample tenant storage, and a bike and mail room. Tenant parking will be available on the exterior of the property.

#### **BCP Application Section VI – Date of Ownership**

Great Arrow Estates LLC took ownership of the property on April 27, 2017, see copy of Deed and Site survey map in Attachment E. A chronological listing of past site owner/operators based on the requestor's information and belief is provided in Attachment F.

#### **BCP Application Section VII – Question 10- relating to termination of a prior BCA**

Mr. Barry Fischman is a member of the Requesting Party, Great Arrow Estates, LLC, for this BCP Application. Mr. Fischman was also a member of an earlier Requesting Party/Volunteer called Pierce Arrow Development, LLC which entered into a Brownfield Cleanup Agreement (BCA) with the State of New York on December 11, 2007 for a different but related Site. That former BCP site was called The Former Pierce Arrow Manufacturing Site (Site No. C915220) was 6.5 acres in size. That Site included all areas of Buildings A and C, a courtyard between Buildings G and H, and an elongated area of land north of Building D. Only the area north of Building D (approximately 1.25 acres) is common between the former BCP Site and the proposed 157 Great Arrow Avenue Site. At significant financial expense to the volunteer, the site was purchased, permitted, admitted into the BCP and nearing start of remedial investigation and cleanup.

Due to circumstances beyond the control of Mr. Fischman, the planned site investigation, remediation, and redevelopment of the Former Pierce Arrow Manufacturing Site was never completed. Specifically, the primary financial partner of Pierce Arrow Development, LLC tragically perished in a plane crash prior to performance of the Remedial Investigation. So, although, the volunteer was to the best of our knowledge, in compliance with the terms of the BCA up until the tragic incident, because of the unexpected funding issue, obligations of the BCA could not be substantially completed. We have no record of termination of that BCA. Therefore, considering that:

- 1) the composition of the volunteer for Site C915220 is mostly different from that of this application, and
- 2) Site C915220 is mostly different than that of the proposed Site, and
- 3) the volunteer of Site C915220 was, to the best of our knowledge, in compliance with the terms of the BCA up until the tragic incident that was out of the control of Mr. Fischman,

It is the opinion of Requestor that the circumstances relating to the non-completion of the BCA for Site C915220 should not negatively impact this application under ECL §27-1407(9).



### Statement of Requestor Volunteer Status

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

A “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge. ECL §27-1405(1)(a).

A “Volunteer” is an applicant other than a participant, including a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. ECL §27-1405(1)(b).

As set out in the BCP Application, the Site was first developed in 1907 as part of the Pierce Arrow Motor Car Company, an early and famous automobile manufacturer that operated at the Site until 1939. Since that time, the buildings constructed by the Pierce Arrow Motor Car Company during that period of ownership (Buildings A, B, C, D, G and H) have been used for warehousing, storage, and offices. The identified contaminants of concern (VOCs, including petroleum compounds, SVOCs, and metals) are associated with USTs that were installed, operated, and used by Pierce Arrow Motor Car Company during the automobile manufacturing process; with automobile activities during that time; and/or with Buffalo urban fill soils placed on site during building construction and site development at that time.

The Site has been owned by the Applicant since April 26, 2017. At no time during the Applicant’s ownership have any USTs or ASTs been installed, operated, or used; any activities or operations been conducted that involved the handling or management of VOC or petroleum compounds; or any contaminated or uncontaminated fill materials been placed on the property. The Applicant has not disposed of or released any contaminants into the environment during its ownership.

Rather, since Applicant has owned the Site, it has completed a Phase II investigation and submitted this Application to implement a site-wide remedial investigation and remedy and has otherwise exercised due and appropriate care with respect to the contamination found at the Site.

Since the Applicant is a purchaser who became involved with the property after the disposal or discharge of contaminants at the site and is an entity whose liability arises solely as a result of the Applicant's ownership of the Site, the Applicant is entitled to Volunteer status under ECL §27-1405(1)(b).

#### **BCP Application Section VIII - Property Eligibility Information**

The anticipated post remedial use of the site is residential apartments. To achieve this end use, the Volunteer must remediate the property to Restricted Residential (Track 2) or Unrestricted (Track 1).

Site investigations to date have clearly confirmed the presence of contamination throughout the site at levels exceeding applicable soil cleanup objectives based on the planned use of the property, as further defined in ECL27-1405(2)(a), see Figure 4. Specifically, the on-Site fill material contains:

- many semi-volatile organic compounds (PAHs) at concentrations greater than restricted residential SCOs, one of which (benzo-a-pyrene) is present above its restricted industrial SCO at several locations;
- several metals (arsenic, chromium, copper, Manganese and nickel) at concentrations greater than restricted residential SCO. Arsenic is also present above its industrial SCO at several locations;
- TCE is present at a concentration greater than its restricted residential SCO. Field observations at this location were reported to NYSDEC's Spills Group and new spill number 1703633 was assigned on July 14, 2017. TCE also exceeded the Class GA groundwater standard at this same location. Other VOCs were confirmed present throughout the site at concentrations above unrestricted use SCOs;

The redevelopment of the site is complicated by the known presence of contamination and, thereby, in its current state renders the property unsuitable for the planned redevelopment as a residential building.

Brownfield site" or "site" shall mean any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations.

## **BCP Application 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 on Figure 6 and listed below:

Tapestry Charter School	Tax Parcel # 78.78-2.11
65 Great Arrow Avenue	Attn: Mr.Dan DiCamillo (716) 332-0754
Buffalo, NY 14207	

Lincoln Securities Corp	Tax Parcel # 78.78-1-8
147 Great Arrow Avenue	Attn: Joe Palisano (716) 874-1380
Buffalo, NY 14207	

O'Connell Machinery Co. Inc.	Tax Parcel # 78.78-1-9
175 Great Arrow Avenue	Attn: Bill O'Connell (716) 877-3666
Buffalo, NY 14207	

Great Arrow Acquisition, LLC	Tax Parcel # 78.78-1-7
255 Great Arrow Avenue	Attn: Tom Wall (716) 874-1101
Buffalo, NY 14207	

157 Great Arrow LLC  
617 Main Street  
Buffalo, NY 14203

Tax Parcel # 78.78-1-11.1  
Attn: Nick Sinatra (716) 220-8468

Great Arrow Inc.  
1727 Elmwood Avenue  
Buffalo, NY 14207

Tax Parcel # 78.78-1-10  
Attn: Joseph Constantine (716) 866-9790

Conrail Co.  
289 Exchange St.

Tax Parcel # 78.78-1-1  
Contact Phone #: (716) 876-2303

3. Local Media:

Local Newspaper:

Buffalo News  
1 News Plaza Buffalo NY 14240 (716) 849-3434  
17  
<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:

18

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. Grabiars 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  
19  
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 Repository:*

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 Attachment G.

Buffalo & Erie County Public Library – North Park Branch  
975 Hertel Avenue  
Buffalo NY 14222

**BCP Application Section X – Land Use Factors**

Question 2: The large Site building (Building D) and the smaller building located to the northwest of Building D are both vacant and exterior areas of the site are also vacant and currently unused. Operations in and around Building D ended in 2004.

Question 3: The planned, post-remedial, use of the Site is for market rate apartments with some complementary commercial offerings for the tenants.

Questions 5 and 6: The proposed Site use is consistent with the current zoning and Buffalo's new Green Code for the land.

## **ATTACHMENT C**

### **ENVIRONMENTAL INVESTIGATION REPORTS**

(electronic copies Sent under separate cover)

- LIMITED AND FOCUSED SUBSURFACE SOIL INVESTIGATION, LCS, INC., September, 2004
- SUBSURFACE INVESTIGATION REPORT, GZA GeoEnvironmental of New York, July, 2017

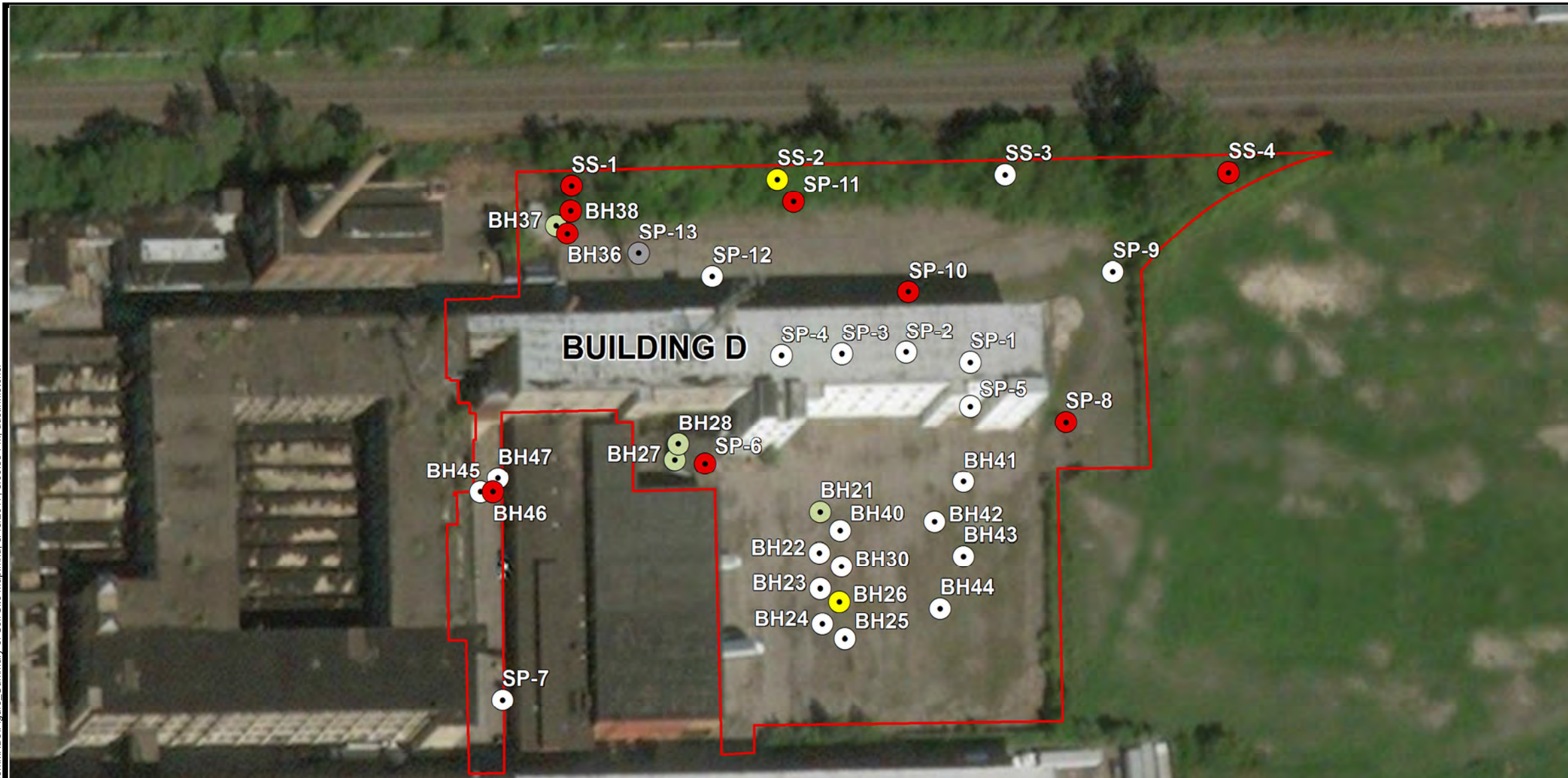


## **ATTACHMENT D**

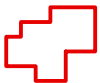
### **Environmental Impact Maps**

- **Figure 4 – Summary of Soil Impacts**
- **Figure 5 – Summary of Groundwater Impacts**





Legend:



Approximate Tax Parcel Boundary  
and BCP Site Boundary

Exceedance of NYSDEC Soil Cleanup  
Objectives



All Analytes Below Unrestricted  
Use Criteria



Sample Exceeds Unrestricted Use  
Criteria For One Or More Analytes



Sample Exceeds Residential Use  
Criteria For One Or More Analytes



Sample Exceeds Restricted  
Residential Use Criteria For One  
Or More Analytes



Sample Exceeds Commercial Use  
Criteria For One Or More Analytes



Sample Exceeds Industrial Use  
Criteria For One Or More Analytes



Source: Erie County GIS Mapping Website and Bing  
Basemap  
Notes: All features should be considered

SAMPLE IDENTIFICATION						BH21	BH26	BH27	BH28	BH36	BH36	BH37	BH38	BH46	SP-6	SP-8	SP-10	SP-11	SP-13	SS-1	SS-2	SS-4	
SAMPLING DATE						8/11/2004	8/11/2004	8/11/2004	8/11/2004	8/12/2004	8/12/2004	8/12/2004	8/12/2004	8/13/2004	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	
SAMPLE TYPE (SS = SURFACE SOIL : SP = SOIL PROBE)						SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SS	SS	SS
SAMPLE DEPTH IN FEET						2 - 4'	0 - 2'	0 - 2'	0 - 2'	2 - 4'	4 - 8'	4 - 6'	4 - 6'	4 - 6'	0 - 1'	0 - 1'	0 - 4.5'	0.5 - 4.5'	4.5'	0.5'	0.5'	0.5'	
	NYSDEC Soil Cleanup Objectives																						
	Unrestricted	Residential	Restricted Residential	Commercial	Industrial																		
Volatile Organic Compounds (mg/kg)																							
Acetone	0.05	100	100	500	1000	0.087	0.167	0.057	ND	ND	0.034	0.084	0.023	ND	NT	NT	NT	NT	0.064	NT	NT	NT	
Benzene	0.06	2.9	4.8	44	89	NT	NT	NT	ND	NT	NT	NT	NT	NT	NT	NT	NT	NT	0.068	NT	NT	NT	
Methylene Chloride	0.05	51	100	500	1000	0.084	0.018	0.007	0.014	ND	0.005	0.005	0.004	ND	NT	NT	NT	NT	0.73	NT	NT	NT	
Trichloroethene	0.47	10	21	200	400	ND	ND	ND	ND	ND	ND	ND	ND	-	NT	NT	NT	NT	23	NT	NT	NT	
Semi Volatile Organic Compounds (mg/kg)																							
Benzo (a) Anthracene	1	1	1	5.6		ND	1.36	ND	ND	ND	ND	ND	ND	4.83	2.3	0.12	2.2	0.19	ND	3.6	0.18	2.4	
Benzo (b) Fluoranthene	1	1	1	5.6		ND	1.35	ND	ND	ND	ND	ND	ND	5.17	3.1	0.18	3.9	0.21	ND	3.6	0.23	2.4	
Benzo (k) Fluoranthene	0.8	1	3.9	56		ND	0.457	ND	ND	ND	ND	ND	ND	4.16	0.95	0.066	1.4	0.56	ND	1.2	0.68	0.67	
Benzo (a) pyrene	1	1	1	1	1.1	ND	1.1	ND	ND	ND	ND	ND	ND	4.16	2.1	0.12	2.5	0.15	ND	2.7	0.16	1.5	
chrysene	1	1	3.9	56		ND	1.2	ND	ND	ND	ND	ND	ND	4.47	2.4	0.13	2.7	0.27	ND	3.1	0.17	2.4	
Dibenz (a,h) anthracene	0.33	0.33	0.33	0.56		ND	0.122	ND	ND	ND	ND	ND	ND	0.779	0.35	0.024	0.44	0.038	ND	0.38	0.032	0.26	
Indeno (1,2,3-cd) pyrene	0.5	0.5	0.5	5.6	11	ND	0.251	ND	ND	ND	ND	ND	ND	1.35	1.4	0.086	2.1	0.11	ND	1.6	0.13	1.1	
Total Metals (mg/kg)																							
Arsenic, Total	13	16	16	16	16	5.25	14.4	ND	4.99	280	10.9	ND	24.1	ND	4.41	7.15	14.6	52.7	ND	5.38	5.71	3.3	
Chromium Total (assumed all Trivalent)	30	36	180	1,500	6,800	24	130	ND	21.6	13.2	11.4	ND	21.3	ND	7	1510	20.5	17.3	ND	26.6	277	11.5	
Copper, Total	50	270	270	270	10000	ND	ND	ND	NT	ND	ND	ND	ND	ND	29.2	200	494	49.5	ND	45	48.6	18.8	
Manganese, Total	1,600	2,000	2,000	10,000	10,000	ND	ND	ND	NT	ND	ND	ND	ND	ND	2,180	38,600	388	87.3	ND	677	642	305	
Nickel, Total	30	140	310	310	10,000	ND	ND	ND	NT	ND	ND	ND	ND	ND	6.32	72	34.7	8.96	ND	23.2	482	13	
Selenium	3.9	36	180	1,500	6,800	5.53	5.33	ND	7.83	22.8	5.13	ND	6.72	ND	1.97	8.23	0.737	1.88	1.76	1.89	0.647	1.6	

157 GREAT ARROW AVENUE  
BUFFALO, NEW YORK 14207

SUMMARY OF SOIL IMPACTS

PREPARED BY:



GeoEnvironmental, Inc.  
Engineers and Scientists  
www.gza.com

PREPARED FOR:

GREAT ARROW DEVELOPMENT, LLC

PROJ MGR: JJR

REVIEWED BY: TGB

CHECKED BY: BK

FIGURE

DESIGNED BY: TGB

DRAWN BY: DCF

SCALE: 1 in = 100 ft

4

DATE: AUGUST 2017

PROJECT NO. 21.0056831.00

REVISION NO.



© 2017 - GZA GeoEnvironmental, Inc. T:\Clients\66831 Pierce Arrow BCP Application for Sinatra\BCP Application\MXD\Figure5\_Summary of Groundwater Impacts.mxd, 8/16/2017, 1:02:54 PM, dustin.fletcher



Parameter	Class GA Groundwater Standard or Guidance Value	SP-9-GW 7/11/2017	SP-13-GW 7/11/2017
<b>Volatile Organic Compounds - EPA Method 8260 TCL + CP-51 (ug/L)</b>			
Acetone	50	< 1.5	9.3
1,1-Dichloroethane	5	< 0.7	3.2
cis-1,2-Dichloroethene	5	0.96 J	2.3 J
Methylcyclohexane	NV	< 0.4	0.54 J
Trichloroethene	5	0.29 J	28
<b>Polycyclic Aromatic Hydrocarbons - EPA Method 8270 (ug/L)</b>			
Acenaphthylene	NV	0.07 J	14 J
Anthracene	50	0.1	71
Benzo(a)anthracene	0.002	0.52	120
Benzo(a)pyrene	Non-Detect	0.59	36
Benzo(b)fluoranthene	0.002	0.86	28
Benzo(g,h,i)perylene	NV	0.55	23
Benzo(k)fluoranthene	0.002	0.29	< 8.4*
Chrysene	0.002	0.63	140
Dibenzo(a,h)anthracene	NV	0.11	< 7.8
Fluoranthene	50	0.93	70
Fluorene	50	0.04 J	< 7.4
Indeno(1,2,3-cd)pyrene	0.002	0.53	9.4 J
Phenanthrene	50	0.41	< 3
Pyrene	50	0.9	390
= Analyte detected at a concentration at or above the Class GA Groundwater Standard or Guidance Value.			
Notes:			
1. Compounds detected in one or more samples are presented on this table. Refer to Appendix C for a list of all compounds included in the analysis.			
2. Analytical testing completed by Alpha Analytical in Westborough, MA.			
3. ug/L = parts per billion.			
4. < = not detected at a concentration at or above the laboratory's method detection limit. Method Standards and Guidance Values and detection limit is indicated.			
5. Class GA Groundwater Standards and Guidance Values are from NYSDEC Ambient Water Quality Groundwater Effluent Limitations, effective June 2008.			
6. NV = No Value.			
7. * - Method Detection Limit exceeded criterion.			

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

157 GREAT ARROW AVENUE  
BUFFALO, NEW YORK 14207

SUMMARY OF GROUNDWATER IMPACTS

PREPARED BY:  
 **GZA** GeoEnvironmental, Inc.  
Engineers and Scientists  
www.gza.com

PREPARED FOR:  
GREAT ARROW DEVELOPMENT, LLC

PROJ MGR: JJR  
DESIGNED BY: TGB

REVIEWED BY: TGB  
DRAWN BY: DCF

CHECKED BY: BK  
SCALE: 1 in = 100 ft

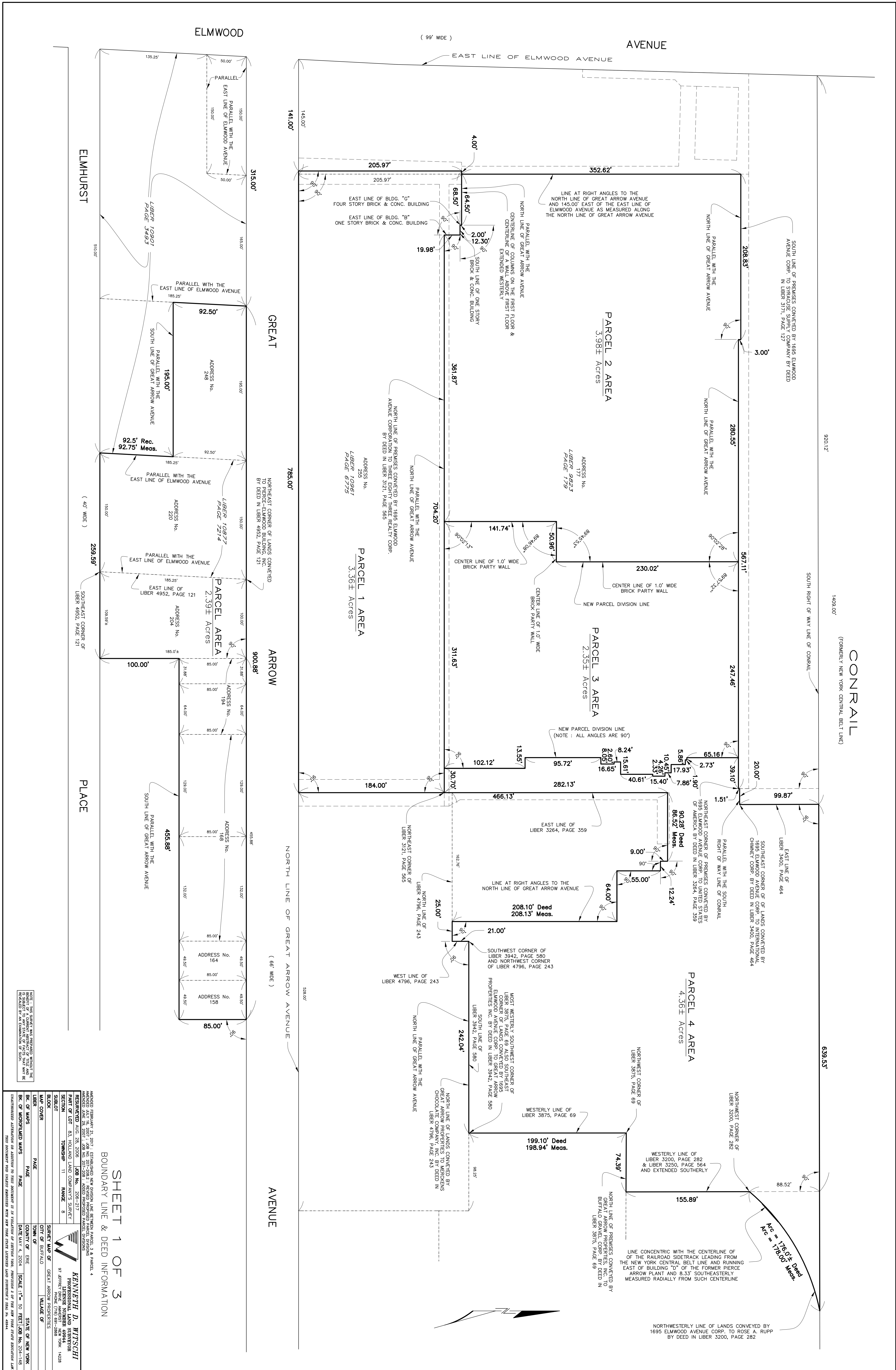
DATE: AUGUST 2017  
PROJECT NO. 21.0056831.00  
REVISION NO.

FIGURE  
5



## **ATTACHMENT E**

### **Site Survey Map and Deed**



ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

BOX 224  
PTN

Party 1:  
157 GREAT ARROW LLC

Party 2:  
GREAT ARROW ESTATES LLC

**Book Type: D Book: 11312 Page: 4732**

Page Count: 5

Doc Type: DEED

Rec Date: 04/27/2017

Rec Time: 03:32:01 PM

Control #: 2017084217

UserID: Scott

Trans #: 17074581

Document Sequence Number  
TT2016019598

**Recording Fees:**

RECORDING	\$45.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

**Consideration Amount: 1.00**

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$0.00
ROAD FUND TT	\$0.00

---

**Total: \$325.00**

STATE OF NEW YORK  
ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Peggy A. Lagree  
Acting County Clerk

**WARRANTY DEED WITH LIEN COVENANT**

MADE the 26<sup>th</sup> day of April, 2017

**BETWEEN**

**157 GREAT ARROW, LLC**

**A New York Limited Liability Company with an office at  
617 Main Street, Suite 200, Buffalo, New York 14203**

**Grantor(s), and**

**GREAT ARROW ESTATES, LLC**

**A New York Limited Liability Company with an office at  
617 Main Street, Suite 200, Buffalo, New York 14203**

**Grantee(s)**

**WITNESSETH**, that the said Grantor(s), in consideration of One and No More Dollars (\$1.00 and No More Dollars) lawful money of the United States, paid by the Grantee(s), does hereby grant and release unto the Grantee(s), its successors and assigns forever, all of its interest in the following described premises:

**ALL THAT TRACT OR PARCEL OF LAND**, described in **Schedule A**, annexed hereto and made a part hereof.

**SUBJECT TO** all easements, rights of way, restrictions, covenants, and agreements of record, if any, now in full force and effect.

**TOGETHER** with the appurtenances and all the estate and rights of the Grantor(s) in and to said premises.

**THIS CONVEYANCE REPRESENTS A MERE CHANGE OF IDENTITY** and is being made by the sole member of the Grantee to the Grantee itself as Grantor's capital contribution to the Grantee in exchange for such sole ownership interest. There is no beneficial change in ownership. This conveyance is not being made to defraud creditors of the Grantor, is not being made at a time when the Grantor is insolvent, nor does this conveyance render the Grantor insolvent.

**TO HAVE AND TO HOLD** the above granted premises unto, the said Grantee(s).

**AND**, the said Grantor(s) do covenant with said Grantee(s) as follows:

**FIRST** - That the Grantee(s) shall quietly enjoy the said premises.

**SECOND** - That the Grantor(s) will forever **WARRANT** the title to said premises.

**THIRD** - Subject to the trust fund provisions of section thirteen of the lien law.

**IN WITNESS WHEREOF**, the said Grantor(s) have hereunto set their hands and seals the day and year first above written.

**157 GREAT ARROW, LLC**

By: **Great Arrow Acquisitions, LLC,**  
Member

By: X [Signature]  
**Barry Fischman, Auth. Rep.**

SS

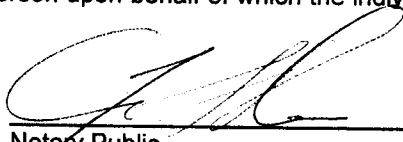
Deed-4

4217

Box 224 (PWS)

STATE OF NEW YORK )  
COUNTY OF ERIE ) ss.:

On the 26 day of April, 20 17, before me, the undersigned, a notary public in and for said state, personally appeared Barry Fischman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

LOUIS A. HAREMSKI  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires ~~March 30, 19~~ 12/31/17



## SCHEDULE A – LEGAL DESCRIPTION

**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, described as follows:

**COMMENCING** on a point drawn at right angles to the northerly line of Great Arrow Avenue and distant 145 feet easterly from the intersection of said northerly line of Great Arrow Avenue with the easterly line of Elmwood Avenue (measured along said northerly line of Great Arrow Avenue), which point is 205.97 feet north of said northerly line of Great Arrow Avenue and constitutes the intersection of said right angle line with the northerly line of certain premises conveyed by 1695 Elmwood Avenue Corporation to Three Eighty-Three Realty Corporation by deed recorded in the Erie County Clerk's Office, New York in Liber 3121 of Deeds at page 565; thence northerly on a continuation of said right angle line approximately 352.62 feet to the southerly line of premises conveyed by 1695 Elmwood Avenue Corporation to Syracuse Supply Company by deed recorded in said Clerk's Office in Liber 3171 of Deeds at page 127; thence easterly and parallel with the said northerly line of Great Arrow Avenue, 208.83 feet to a point; thence southerly and at right angles to the last mentioned line, 3 feet to a point; thence easterly and parallel with said northerly line of Great Arrow Avenue, a distance of 280.55 feet to a point; thence easterly and parallel with the said northerly line of Great Arrow Avenue, a distance of 247.46 feet to the **point of beginning**; thence easterly and on a line parallel with the said northerly line of Great Arrow Avenue, a distance of 39.10 feet to a point which is the northeast corner of premises conveyed by 1695 Elmwood Avenue Corporation to the United States of America by deed recorded in said Clerk's Office in Liber 3264 of Deeds at page 359; thence northerly at right angles to the southerly right of way line of Conrail (formerly New York Central Belt Line), 1.51 feet to a point; thence easterly and on a line parallel with the southerly right of way line of Conrail, 20 feet to a point, which is the southeast corner of lands conveyed by 1695 Elmwood Avenue Corporation into International Chimney Corp. by deed recorded in said Clerk's Office in Liber 3400 of Deeds at page 464; thence northerly and along the east line of International Chimney Corp., as aforesaid, 99.87 feet to a point on the southerly right of way line of Conrail, which point is distant 920.12 feet east of the intersection of said right of way line with the easterly line of Elmwood Avenue (measured along said right of way line); thence easterly along the said right of way line of Conrail, and at right angles to the last said course, 639.53 feet to the intersection of said right of way line with the northwesterly line of lands conveyed by 1695 Elmwood Avenue Corporation to Rose A. Rupp by deed recorded in said Clerk's Office in Liber 3200 of Deeds at page 282; thence southwesterly along the northwesterly line of lands conveyed to Rose A. Rupp on a line concentric with the center line of railroad side track leading from the Conrail line and running east of Building D of the Pierce Arrow Plant and distant 8.33 feet southeasterly measured radially from such center line approximately 176 feet (record), 178 feet (measured) to a point 88.52 feet south of the said southerly right of way line of Conrail, measured at right angles thereto through a point in said right of way line, 1409 feet east of the intersection of said right of way line with the easterly line of Elmwood Avenue (measured along said right of way line) and which point (in the boundary line of the premises herein described) is a northwest corner of the lands conveyed to Rose A. Rupp by the above mentioned deed; thence southerly and at right angles to said right of way line of Conrail along the westerly line of lands conveyed to Rose A. Rupp by the above mentioned deed and the westerly of another deed recorded in said Clerk's Office in Liber 3250 of Deeds at page 564, as extended southerly with said westerly line, a distance of approximately 155.89 feet to the northerly line of premises conveyed by Great Arrow Properties, Inc. to Buffalo Gravel Corp., by deed recorded in the said Clerk's Office in Liber 3875 of Deeds at page 69; thence westerly along said northerly line, 74.39 feet to the northwest corner of lands so conveyed to Buffalo Gravel Corp.; thence southerly along the westerly line of lands so conveyed to Buffalo Gravel Corp.,

199.10 feet (record), 198.94 feet (measured) to the most westerly southwest corner of lands so conveyed to Buffalo Gravel Corp. by the aforesaid deed recorded in said Clerk's Office in Liber 3875 of Deeds at page 69, which line is also the southeast corner of lands conveyed by 1695 Elmwood Avenue Corporation to Great Arrow Properties, Inc. by deed recorded in said Clerk's Office in Liber 3942 of Deeds at page 580, and which point is also on the northerly line of lands conveyed to Merckens Chocolate Company, Inc. by deed recorded in said Clerk's Office in Liber 4796 of Deeds at page 243; thence westerly parallel with the north line of Great Arrow Avenue along the southerly line of premises so conveyed by said deed recorded in the said Clerk's Office in Liber 3942 of Deeds at page 580, which line is also the northerly line of premises conveyed to Merckens Chocolate Company, Inc. by deed aforesaid, recorded in said Clerk's Office in Liber 4796 of Deeds at page 243, 242.04 feet to the southwest corner of premises conveyed to Great Arrow Properties, Inc. by deed, as aforesaid, recorded in said Clerk's Office in Liber 3942 of Deeds at page 580, which point is also the northwest corner of premises conveyed by Great Arrow Properties, Inc. to Merckens Chocolate Company, Inc. by deed, as aforesaid, recorded in said Clerk's Office in Liber 4796 of Deeds at page 243; thence southerly at right angles to the last mentioned line, along a west line of the premises so conveyed to Mercken Chocolate Company, Inc., as aforesaid, 21 feet to a point; thence westerly along the north line of the premises so conveyed to Merckens Chocolate Company, Inc., as aforesaid, 25 feet to a point; thence northerly at right angles to last mentioned line and the northerly line of Great Arrow Avenue, 208.10 feet (record), 208.13 feet (measured) to a point; thence westerly at right angles to the last mentioned line, 64 feet to a point; thence northerly at right angles to the last mentioned line, 55 feet to a point; thence westerly at right angles to the last mentioned line, 12.24 feet to a point; thence northerly at right angles to the last mentioned line, 9 feet to a point; thence westerly at right angles to the last mentioned line, 90.28 feet (record), 85.52 feet (measured) to the easterly line of lands conveyed to the United States of America by deed recorded in said Clerk's Office in Liber 3264 of Deeds at page 359; thence southerly along the easterly line of lands so conveyed to the United States of America a distance 282.13 feet to a point, which point is also then northeast corner of premises conveyed by 1695 Elmwood Avenue Corporation to Three Eighty-Three Realty Corporation by deed recorded in said Clerk's Office in Liber 3121 of Deeds at page 565; thence westerly and parallel with the northerly line of Great Arrow Avenue along the northerly line of premises so conveyed to Three Eighty-Three Realty Corporation, a distance of 30.70 feet to a point; thence northerly and at right angles to the last mentioned line, 102.12 feet to a point; thence westerly and at right angles to the last said line, 13.55 feet to a point; thence northerly at right angles to the last said line, 95.72 feet to a point; thence easterly and at right angles to the last said line, 8.05 feet to a point; thence northerly and at right angles to the last said line, 16.65 feet to a point; thence westerly and at right angles to the last said line, 2.60 feet to a point; thence northerly and at right angles to the last line, 8.24 feet to a point; thence easterly and at right angles to the last said line, 15.61 feet to a point; thence northerly and at right angles to the last said line, 40.61 feet to a point; thence easterly and at right angles to the last said line, 2.33 feet to a point; thence northerly and at right angles to the last said line, 15.40 feet to a point; thence westerly and at right angles to the last said line, 4.26 feet to a point; thence northerly and at right angles to the last said line, 7.86 feet to a point; thence westerly and at right angles to the last said line, 10.45 feet to a point; thence northerly and at right angles to the last said line, 17.93 feet to a point; thence westerly and at right angles to the last said line, 5.86 feet to a point; thence northerly and at right angles to the last said line, 1.9 feet to a point; thence westerly and at right angles to the last said line, 2.73 feet to a point; thence northerly and at right angles to the last said line, 65.16 feet to the south line of premises conveyed by 1695 Elmwood Avenue Corporation to Syracuse Supply Company, by deed recorded in Liber 3171 of Deeds at page 127 in the Erie County Clerk's Office, New York, being the point or place of beginning.

## FOR COUNTY USE ONLY

C1. SWIS Code

140 200

C2. Date Deed Recorded

4 / 27 / 17  
Month Day Year

C3. Book

11 312

C4. Page

4732

New York State Department of  
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

## PROPERTY INFORMATION

1. Property Location

157

GREAT ARROW AVENUE

\* STREET NUMBER

\* STREET NAME

BUFFALO

\* CITY OR TOWN

VILLAGE

14207

\* ZIP CODE

2. Buyer Name

GREAT ARROW ESTATES, LLC

\* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax Billing Address

Indicate where future Tax Bills are to be sent  
if other than buyer address(at bottom of form)

617 MAIN ST., #200

STREET NUMBER AND NAME

BUFFALO

CITY OR TOWN

NY

STATE

14203

ZIP CODE

4. Indicate the number of Assessment  
Roll parcels transferred on the deed

# of Parcels

OR

☒ Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐

5. Deed Property Size

\* FRONT FEET

X

\* DEPTH

OR

4.36

\* ACRES

6. Seller Name

157 GREAT ARROW, LLC

\* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

\*7. Select the description which most accurately describes the  
use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on a Vacant Land

☐

10A. Property Located within an Agricultural District

☐10B. Buyer received a disclosure notice indicating that the property is in an  
Agricultural District☐

## SALE INFORMATION

11. Sale Contract Date

N/A

\* 12. Date of Sale/Transfer

4-26-17

\*13. Full Sale Price

.00

( Full Sale Price is the total amount paid for the property including personal property.  
This payment may be in the form of cash, other property or goods, or the assumption of  
mortgages or other obligations.) Please round to the nearest whole dollar amount.14. Indicate the value of personal  
property included in the sale

.00

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives  
☒ B. Sale between Related Companies or Partners in Business.  
☐ C. One of the Buyers is also a Seller  
☐ D. Buyer or Seller is Government Agency or Lending Institution  
☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)  
☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)  
☐ G. Significant Change in Property Between Taxable Status and Sale Dates  
☐ H. Sale of Business is Included in Sale Price  
☒ I. Other Unusual Factors Affecting Sale Price (Specify Below)  
☐ J. None

\*Comment(s) on Condition:

CHANGE OF IDENTITY CONVEYANCE BY SOLE OWNER OF  
GRANTEE TO THE GRANTEE AS CAPITAL CONTRIBUTION

## ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 16

\*17. Total Assessed Value

305,000

\*18. Property Class

449

\*19. School District Name

BUFFALO

\*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

78.78-1-11

## CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful  
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

157 Great Arrow, LLC

X  
SELLER SIGNATURE4-26-17  
DATE

BUYER SIGNATURE

Great Arrow Estates LLC

X  
BUYER SIGNATURE4-26-17  
DATE

## BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or  
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible  
party who can answer questions regarding the transfer must be entered. Type or print clearly.)

FISCHMAN

BARRY, Auth. Rep.

\* LAST NAME

FIRST NAME

(716)

969-9699

\* AREA CODE

\* TELEPHONE NUMBER (Ex: 9999999)

617

MAIN ST., #200

\* STREET NUMBER

\* STREET NAME

BUFFALO

\* CITY OR TOWN

NY

\* STATE

14207

\* ZIP CODE

## BUYER'S ATTORNEY

NESPER

PAUL T.

LAST NAME

FIRST NAME

(716)

688-3800

AREA CODE

TELEPHONE NUMBER (Ex: 9999999)

**ATTACHMENT F**

**LISTING OF PREVIOUS SITE PROPERTY OWNERS/OPERATORS**

The requestor/applicant, Great Arrow Estates LLC, is the current Site owner and operator and purchased the property on April 26, 2017.

The following listing of current and prior Site owners/operators, is in reverse chronological order. Based on the requestor's available information and belief the listed owners were also the respective site operators.

As of April 27, 2017

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
Great Arrow Estates LLC	Nick Sinatra 617 Main Street Buffalo, NY 14203 (716)220-8468	self (co-requestor)

---

As of December 27, 2016

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
157 Great Arrow, LLC	Nick Sinatra 617 Main Street Buffalo, NY 14203 (716)220-8468	self (co-requestor)

---

As of December 27, 2016

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
Great Arrow Acquisitions, LLC	Tom Wall 255 Great Arrow Ave. Buffalo, NY 14207 (716) 874-1101	None

---

As of October 23, 2007

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
Great Arrow Development, LLC	Paul Nesper esq. 157 Great Arrow Ave. Buffalo, New York 14207 (716)688-3800	None

---

As of July, 2000

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
D-175 Great Arrow, Inc.	Shelby R. Stay 255 Great Arrow Ave. Buffalo, NY 14207 (716) 877-2411	None

---

As of November 1999

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
County of Erie	Real Property Tax Department 95 Franklin Street, Room 100, Buffalo, NY 14202 (716) 858-8333	None

---

As of July 1946

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
Great Arrow Properties, Inc.	261 Great Arrow Avenue, Buffalo, NY 14207	None

---

As of May 1938

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
1695 Elmwood Avenue Corporation	none (no longer in existence)	None

---

As of February 1909

<b>Owner/Operator:</b>	<b>Contact Name/Address/Phone</b>	<b>Relationship to Requestor</b>
Pierce Arrow Motor Car Company	None (no longer in existence/bankruptcy in 1938)	None

**ATTACHMENT G**  
**DOCUMENT REPOSITORY ACKNOWLEDGMENT**

## James Richert

---

**From:** Carol Batt <battc@buffalolib.org>  
**Sent:** Wednesday, August 16, 2017 11:01 AM  
**To:** James Richert  
**Cc:** April Tompkins  
**Subject:** RE: Proposed Public Document Repository for Brownfield Cleanup Program project

Good Morning Jim – As a follow-up to our earlier discussion, please be advised that the all repository documents should be submitted here to the Central Library. We will process them and have them immediately sent to the North Park Branch for review. Thank you. Carol

Carol Ann Batt  
Deputy Director – Chief Operating Officer  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, New York 14203  
Voice (716) 858-7191  
Fax (716) 858-6211

**From:** James Richert [mailto:James.Richert@gza.com]  
**Sent:** Wednesday, August 16, 2017 10:32 AM  
**To:** Carol Batt <battc@buffalolib.org>  
**Subject:** Proposed Public Document Repository for Brownfield Cleanup Program project

Hi Carol, as we discussed moments ago, GZA is assisting our client with a brownfield redevelopment at the former Pierce Arrow facility in the City of Buffalo.

The project is proposed under the New York State Department of Environmental Conservation's Brownfield Cleanup Program (BCP). As part of the BCP process, project related documents including the BCP application, work plans, and environmental reports will be made available to the public for review at a document repository. Typically the preferred document repository is the nearest public library.

We propose to use the North Park branch library located at 975 Hertel avenue as the project document repository. For our BCP application to be complete, we need to receive acknowledgement from library that our proposed repository is acceptable. Will you please respond by email if this is acceptable?

Thank you,

Jim

James J. Richert C.P.G.



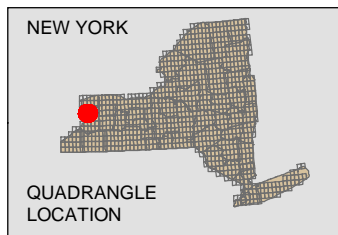
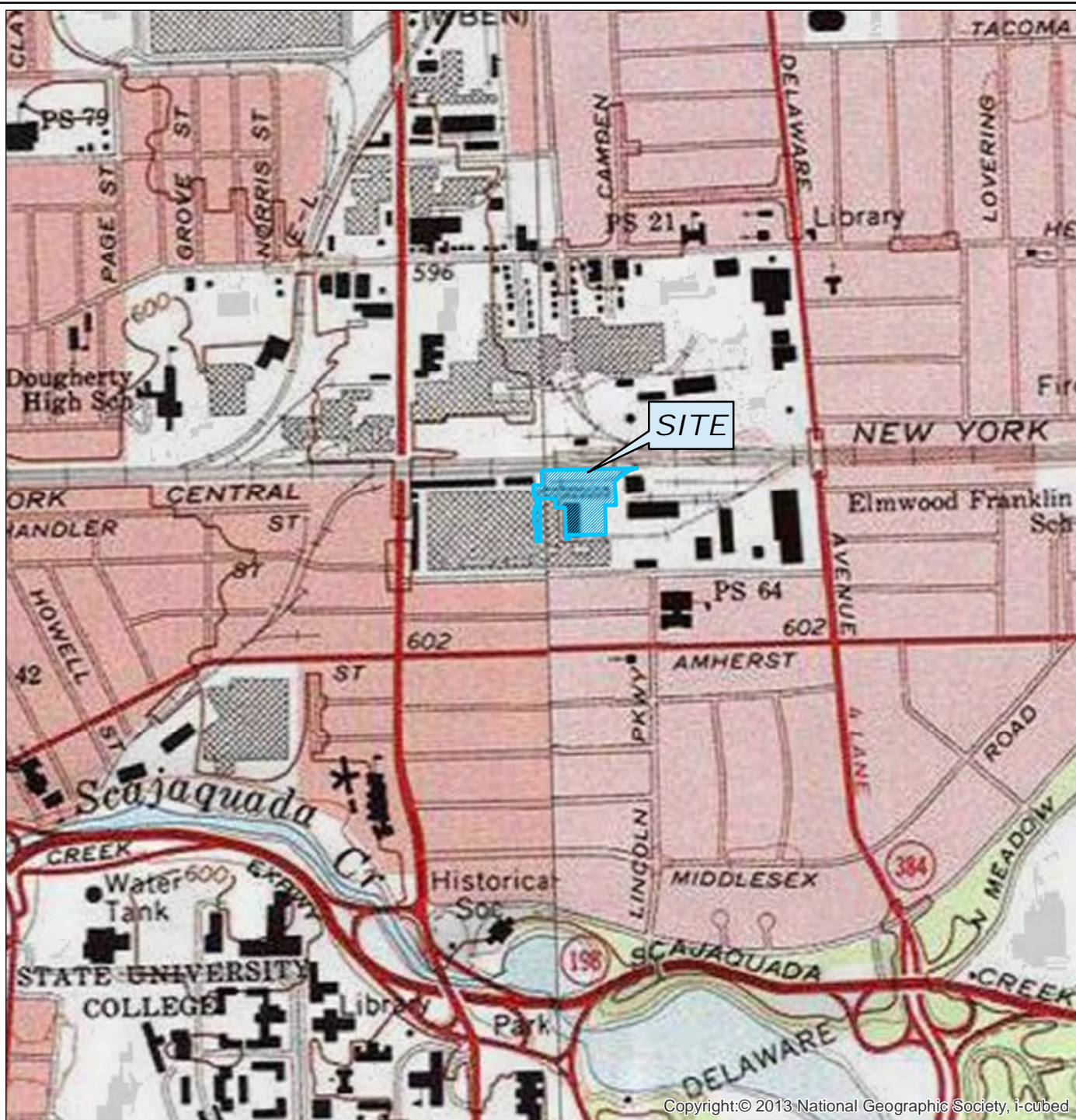
## Senior Project Manager

GZA | 535 Washington Street, 11<sup>th</sup> Floor | Buffalo, New York 14203  
O: 716.844.7048 | C: 716.341.4459 | [james.richert@gza.com](mailto:james.richert@gza.com) | [www.gza.com](http://www.gza.com)

GEOTECHNICAL | ENVIRONMENTAL | ECOLOGICAL | WATER | CONSTRUCTION MANAGEMENT



The Buffalo & Erie County Public Library System has more 3.2 million materials available including books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents as well as those who work and/or go to school in Erie County, New York. For more information call 716-858-8900 or visit <http://www.BuffaloLib.org>. Follow the library on Facebook <https://www.facebook.com/buffalolibrary.central?ref=ts> , Twitter <http://twitter.com/buffalolibrary> , Pinterest <http://www.buffalolib.org/sites/default/files/images/pinterest.png> , Instagram <http://instagram.com/buffalolibrary> and Flickr <http://www.buffalolib.org/sites/default/files/images/flickr.png>



SOURCE : THIS MAP CONTAINS THE ESRI ARCGIS ONLINE USA TOPOGRAPHIC MAP SERVICE, PUBLISHED DECEMBER 12, 2009 BY ESRI ARCGIS SERVICES AND UPDATED AS NEEDED. THIS SERVICE USES UNIFORM NATIONALLY RECOGNIZED DATUM AND CARTOGRAPHY STANDARDS AND A VARIETY OF AVAILABLE SOURCES FROM SEVERAL DATA PROVIDERS

Data Supplied by :



0 500 1,000 2,000  
SCALE IN FEET

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

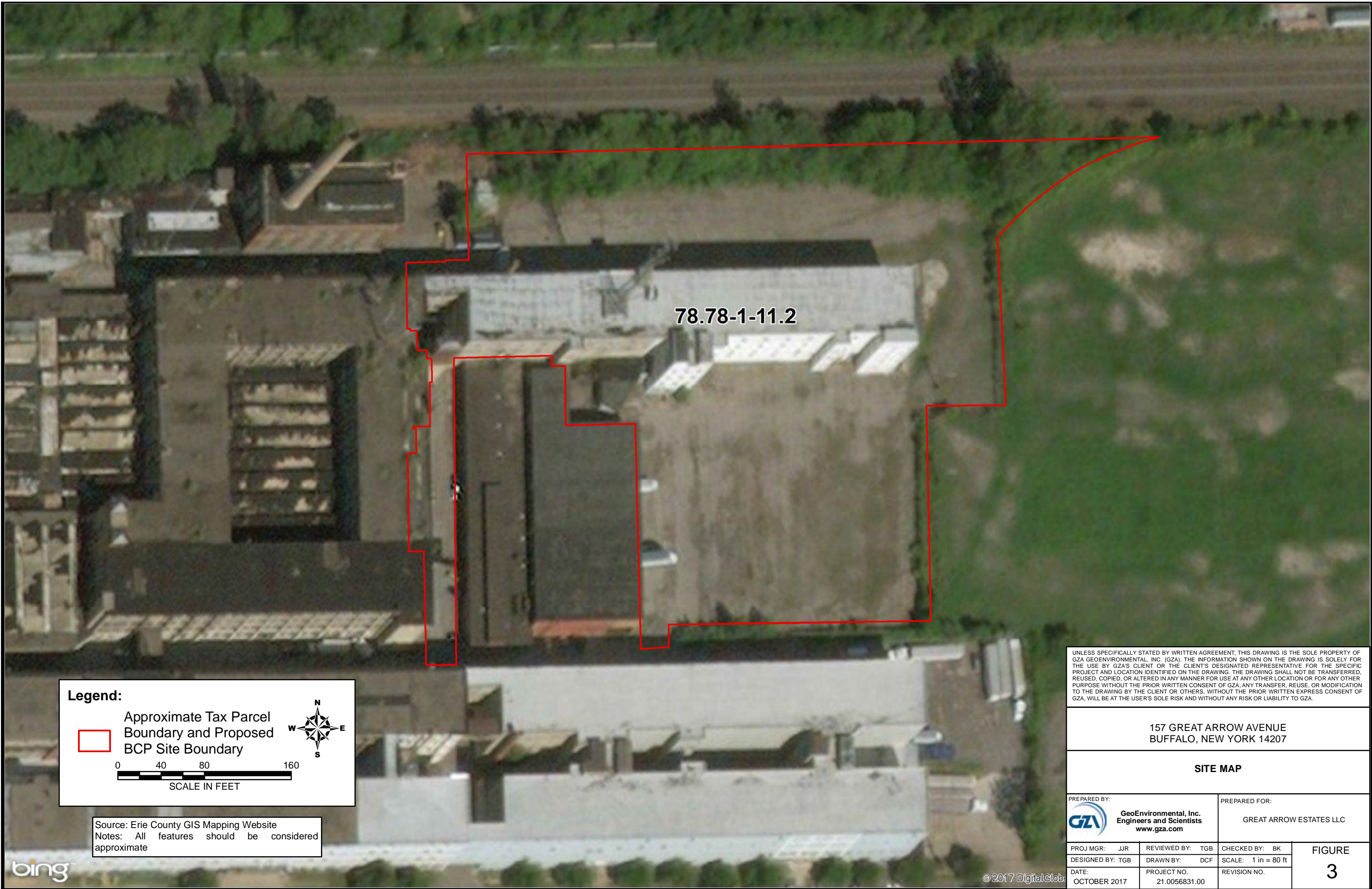
NO.		ISSUE/DESCRIPTION		BY	DATE
157 GREAT ARROW AVENUE BUFFALO, NEW YORK 14207		PREPARED BY: <b>GeoEnvironmental, Inc.</b> <b>of Buffalo</b> <b>Engineers and Scientists</b> 535 WASHINGTON ST BUFFALO, NEW YORK 14203		PREPARED FOR: <b>GREAT ARROW ESTATES LLC</b>	
Final Engineering Report Greater Property Locus Map		PROJ MGR: JJR	REVIEWED BY: TGB	CHECKED BY: BK	FIGURE <b>1</b>
		DESIGNED BY: TGB	DRAWN BY: DCF	SCALE: 1" = 1,000'	
		DATE: <b>October 2017</b>	PROJECT NO. <b>21.0056831.00</b>	REVISION NO.	



	PREPARED BY: <b>DIVISION OF REAL PROPERTY TAX SERVICES</b> <b>ERIE COUNTY, NEW YORK</b>	<b>NOTES</b> THIS MAP WAS PREPARED FOR TAX PURPOSES ONLY AND IS NOT TO BE REPRODUCED OR USED FOR SURVEYING OR CONVEYANCING.  MAP PREVIOUSLY CONVERTED TO AUTOCAD DIGITAL FORMAT BY ANATOLY G. BUREVINSKY, INC. IN COOPERATION WITH WILSON MAPPING, INC. (1999)	<b>REVISION TABLE</b> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>DATE</th> <th>REASON FOR REVISION</th> </tr> </thead> <tbody> <tr> <td>3/29/07</td> <td>BLK 1, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 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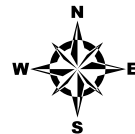
© 2017 - GZA GeoEnvironmental, Inc. T:\Clients\66831 Pierce Arrow BCP Application for Sinatra\BCP Application\MXD\Figure3\_SiteMap.mxd, 10/6/2017, 8:32:41 AM, dustin.fletcher



**Legend:**



Approximate Tax Parcel  
Boundary and Proposed  
BCP Site Boundary



Source: Erie County GIS Mapping Website  
Notes: All features should be considered  
approximate

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

157 GREAT ARROW AVENUE  
BUFFALO, NEW YORK 14207

**SITE MAP**

PREPARED BY:



**GeoEnvironmental, Inc.**  
Engineers and Scientists  
[www.gza.com](http://www.gza.com)

PREPARED FOR:

GREAT ARROW ESTATES LLC

PROJ MGR: JJR

REVIEWED BY: TGB

CHECKED BY: BK

FIGURE

DESIGNED BY: TGB

DRAWN BY: DCF

SCALE: 1 in = 80 ft

3

DATE:

PROJECT NO.

REVISION NO.

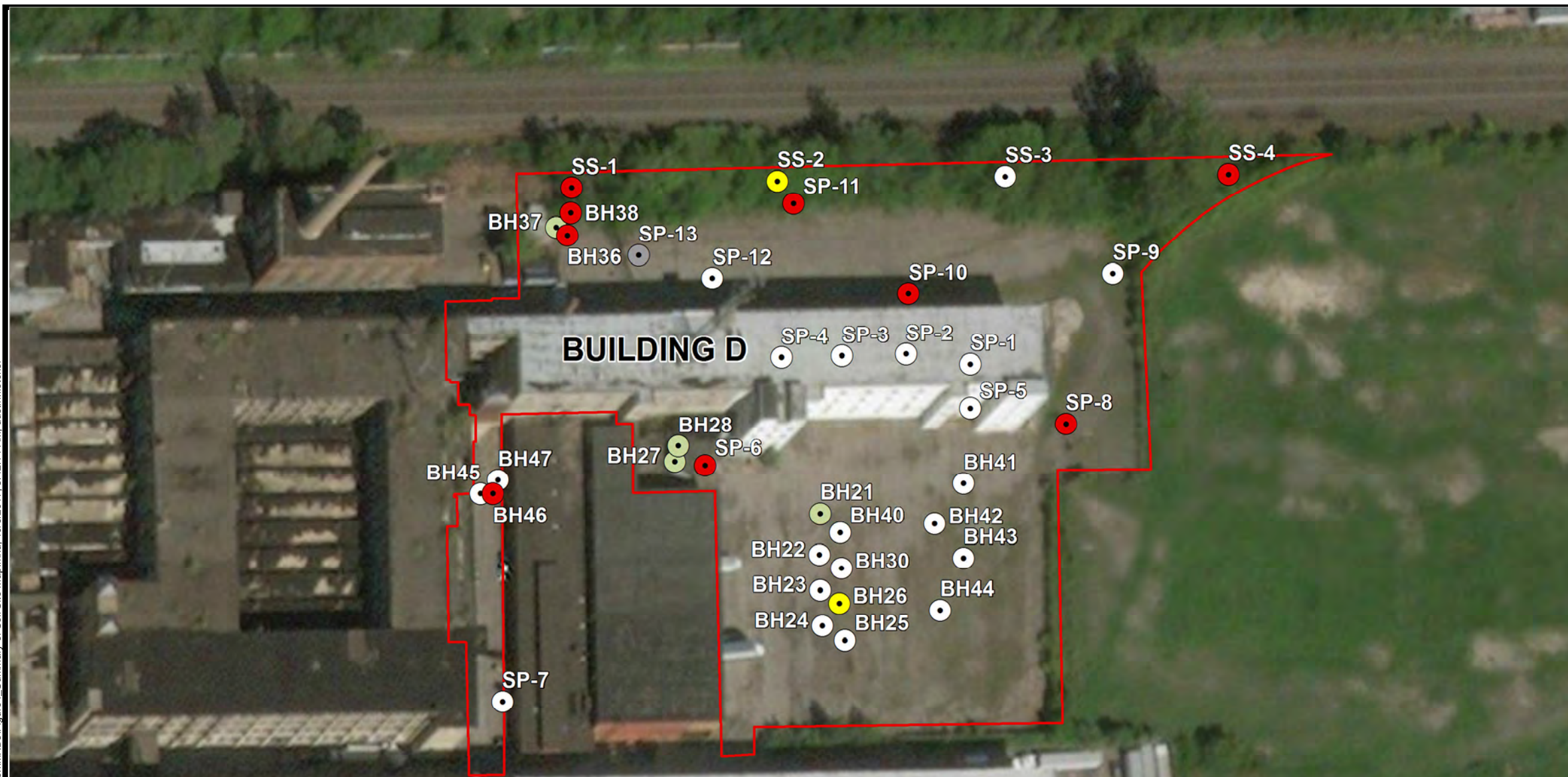
OCTOBER 2017

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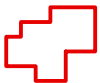


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Legend:



Approximate Tax Parcel Boundary  
and Proposed BCP Site Boundary

Exceedance of NYSDEC Soil Cleanup  
Objectives

- All Analytes Below Unrestricted  
Use Criteria
- Sample Exceeds Unrestricted Use  
Criteria For One Or More Analytes
- Sample Exceeds Residential Use  
Criteria For One Or More Analytes
- Sample Exceeds Restricted  
Residential Use Criteria For One  
Or More Analytes
- Sample Exceeds Commercial Use  
Criteria For One Or More Analytes
- Sample Exceeds Industrial Use  
Criteria For One Or More Analytes



Source: Erie County GIS Mapping Website and Bing  
Basemap  
Notes: All features should be considered

SAMPLE IDENTIFICATION						BH21	BH26	BH27	BH28	BH36	BH36	BH37	BH38	BH46	SP-6	SP-8	SP-10	SP-11	SP-13	SS-1	SS-2	SS-4
SAMPLING DATE						8/11/2004	8/11/2004	8/11/2004	8/11/2004	8/12/2004	8/12/2004	8/12/2004	8/12/2004	8/13/2004	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017	7/11/2017
SAMPLE TYPE (SS = SURFACE SOIL : SP = SOIL PROBE)						SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SS	SS	SS
SAMPLE DEPTH IN FEET						2 - 4'	0 - 2'	0 - 2'	0 - 2'	2 - 4'	4 - 8'	4 - 6'	4 - 6'	4 - 6'	0 - 1'	0 - 1'	0 - 4.5'	0.5 - 4.5'	4.5'	0.5'	0.5'	0.5'
	NYSDEC Soil Cleanup Objectives																					
	Unrestricted	Residential	Restricted Residential	Commercial	Industrial																	
Volatile Organic Compounds (mg/kg)																						
Acetone	0.05	100	100	500	1000	0.087	0.167	0.057	ND	ND	0.034	0.084	0.023	ND	NT	NT	NT	NT	0.064	NT	NT	NT
Benzene	0.06	2.9	4.8	44	89	NT	NT	NT	ND	NT	NT	NT	NT	NT	NT	NT	NT	NT	0.068	NT	NT	NT
Methylene Chloride	0.05	51	100	500	1000	0.084	0.018	0.007	0.014	ND	0.005	0.005	0.004	ND	NT	NT	NT	NT	0.73	NT	NT	NT
Trichloroethene	0.47	10	21	200	400	ND	ND	ND	ND	ND	ND	ND	ND	-	NT	NT	NT	NT	23	NT	NT	NT
Semi Volatile Organic Compounds (mg/kg)																						
Benzo (a) Anthracene	1	1	1	5.6		ND	1.36	ND	ND	ND	ND	ND	ND	4.83	2.3	0.12	2.2	0.19	ND	3.6	0.18	2.4
Benzo (b) Fluoranthene	1	1	1	5.6		ND	1.35	ND	ND	ND	ND	ND	ND	5.17	3.1	0.18	3.9	0.21	ND	3.6	0.23	2.4
Benzo (k) Fluoranthene	0.8	1	3.9	56		ND	0.457	ND	ND	ND	ND	ND	ND	4.16	0.95	0.066	1.4	0.56	ND	1.2	0.68	0.67
Benzo (a) pyrene	1	1	1	1	1.1	ND	1.1	ND	ND	ND	ND	ND	ND	4.16	2.1	0.12	2.5	0.15	ND	2.7	0.16	1.5
chrysene	1	1	3.9	56		ND	1.2	ND	ND	ND	ND	ND	ND	4.47	2.4	0.13	2.7	0.27	ND	3.1	0.17	2.4
Dibenz (a,h) anthracene	0.33	0.33	0.33	0.56		ND	0.122	ND	ND	ND	ND	ND	ND	0.779	0.35	0.024	0.44	0.038	ND	0.38	0.032	0.26
Indeno (1,2,3-cd) pyrene	0.5	0.5	0.5	5.6	11	ND	0.251	ND	ND	ND	ND	ND	ND	1.35	1.4	0.086	2.1	0.11	ND	1.6	0.13	1.1
Total Metals (mg/kg)																						
Arsenic, Total	13	16	16	16	16	5.25	14.4	ND	4.99	280	10.9	ND	24.1	ND	4.41	7.15	14.6	52.7	ND	5.38	5.71	3.3
Chromium Total (assumed all Trivalent)	30	36	180	1,500	6,800	24	130	ND	21.6	13.2	11.4	ND	21.3	ND	7	1510	20.5	17.3	ND	26.6	277	11.5
Copper, Total	50	270	270	270	10000	ND	ND	ND	NT	ND	ND	ND	ND	ND	29.2	200	494	49.5	ND	45	48.6	18.8
Manganese, Total	1,600	2,000	2,000	10,000	10,000	ND	ND	ND	NT	ND	ND	ND	ND	ND	2,180	38,600	388	87.3	ND	677	642	305
Nickel, Total	30	140	310	310	10,000	ND	ND	ND	NT	ND	ND	ND	ND	ND	6.32	72	34.7	8.96	ND	23.2	482	13
Selenium	3.9	36	180	1,500	6,800	5.53	5.33	ND	7.83	22.8	5.13	ND	6.72	ND	1.97	8.23	0.737	1.88	1.76	1.89	0.647	1.6

157 GREAT ARROW AVENUE  
BUFFALO, NEW YORK 14207

SUMMARY OF SOIL IMPACTS

PREPARED BY:



GeoEnvironmental, Inc.  
Engineers and Scientists  
www.gza.com

PREPARED FOR:

GREAT ARROW ESTATES LLC

PROJ MGR: JJR

REVIEWED BY: TGB

CHECKED BY: BK

FIGURE

DESIGNED BY: TGB

DRAWN BY: DCF

SCALE: 1 in = 100 ft

4

DATE: OCTOBER 2017

PROJECT NO. 21.0056831.00

REVISION NO.



© 2017 - GZA GeoEnvironmental, Inc. T:\Clients\66831 Pierce Arrow BCP Application for Sinatra\BCP Application\MXD\Figure5\_Summary of Groundwater Impacts.mxd, 10/6/2017, 8:51:09 AM, dustin.fletcher




Source: Erie County GIS Mapping Website and Bing Basemap  
Notes: All features should be considered

Parameter	Class GA Groundwater Standard or Guidance Value	SP-9-GW 7/11/2017	SP-13-GW 7/11/2017
<b>Volatile Organic Compounds - EPA Method 8260 TCL + CP-51 (ug/L)</b>			
Acetone	50	< 1.5	9.3
1,1-Dichloroethane	5	< 0.7	3.2
cis-1,2-Dichloroethene	5	0.96 J	2.3 J
Methylcyclohexane	NV	< 0.4	0.54 J
Trichloroethene	5	0.29 J	28
<b>Polycyclic Aromatic Hydrocarbons - EPA Method 8270 (ug/L)</b>			
Acenaphthylene	NV	0.07 J	14 J
Anthracene	50	0.1	71
Benzo(a)anthracene	0.002	0.52	120
Benzo(a)pyrene	Non-Detect	0.59	36
Benzo(b)fluoranthene	0.002	0.86	28
Benzo(g,h,i)perylene	NV	0.55	23
Benzo(k)fluoranthene	0.002	0.29	< 8.4*
Chrysene	0.002	0.63	140
Dibenzo(a,h)anthracene	NV	0.11	< 7.8
Fluoranthene	50	0.93	70
Fluorene	50	0.04 J	< 7.4
Indeno(1,2,3-cd)pyrene	0.002	0.53	9.4 J
Phenanthrene	50	0.41	< 3
Pyrene	50	0.9	390
= Analyte detected at a concentration at or above the Class GA Groundwater Standard or Guidance Value.			
Notes:			
1. Compounds detected in one or more samples are presented on this table. Refer to Appendix C for a list of all compounds included in the analysis.			
2. Analytical testing completed by Alpha Analytical in Westborough, MA.			
3. ug/L = parts per billion.			
4. < = not detected at a concentration at or above the laboratory's method detection limit. Method Standards and Guidance Values and detection limit is indicated.			
5. Class GA Groundwater Standards and Guidance Values are from NYSDEC Ambient Water Quality Groundwater Effluent Limitations, effective June 2008.			
6. NV = No Value.			
7. * - Method Detection Limit exceeded criterion.			

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157 GREAT ARROW AVENUE  
BUFFALO, NEW YORK 14207

#### SUMMARY OF GROUNDWATER IMPACTS

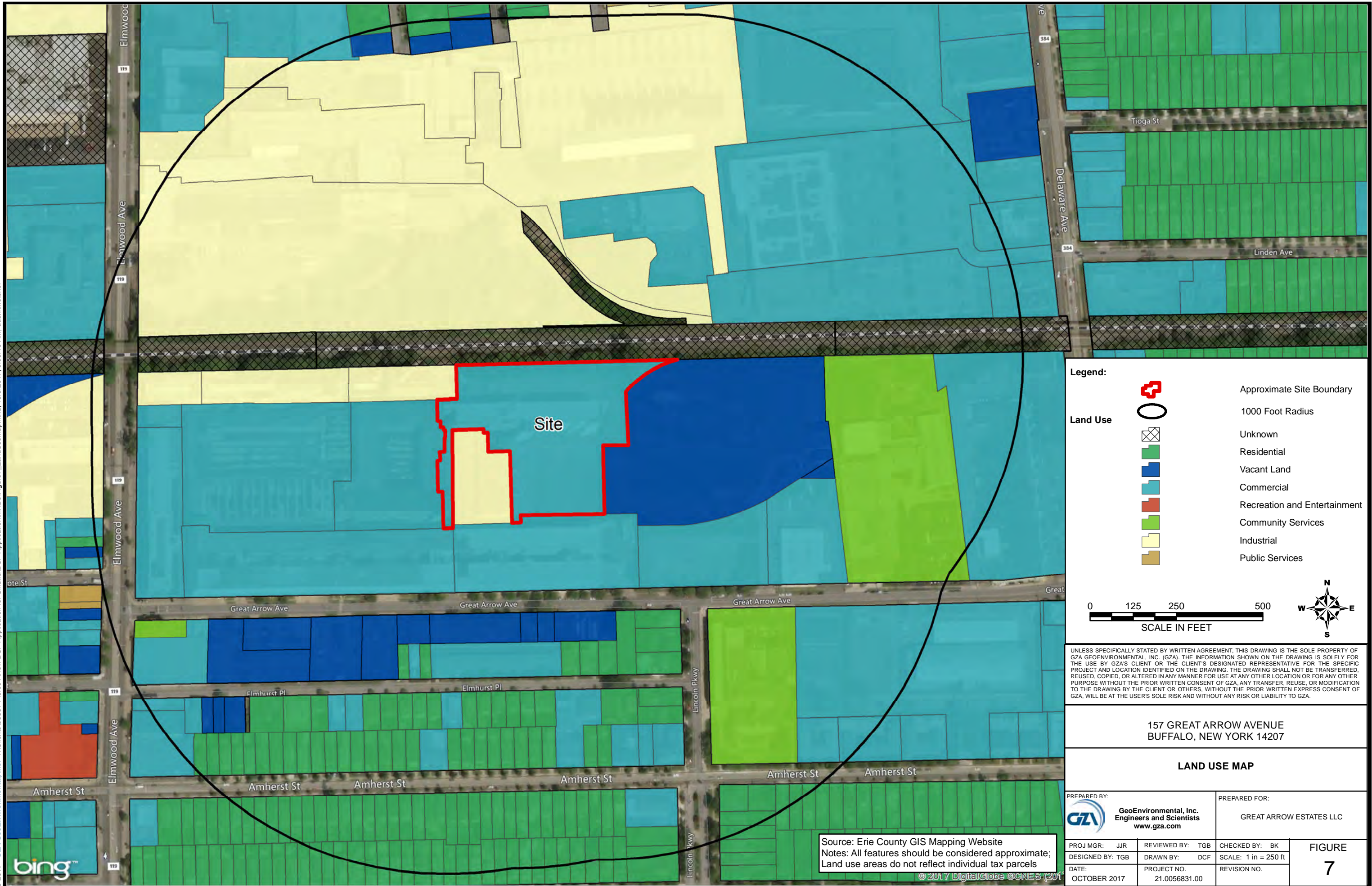
PREPARED BY:  GeoEnvironmental, Inc. Engineers and Scientists www.gza.com		PREPARED FOR:  GREAT ARROW ESTATES LLC	
PROJ MGR: JJR	REVIEWED BY: TGB	CHECKED BY: BK	FIGURE  5
DESIGNED BY: TGB	DRAWN BY: DCF	SCALE: 1 in = 100 ft	
DATE: OCTOBER 2017	PROJECT NO. 21.0056831.00	REVISION NO.	



Source: Erie County GIS Mapping Website  
Notes: All features should be considered approximate

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