

# Brownfield Cleanup Program Application

Former Central Dry Cleaners Site  
Buffalo, New York

April 2018

0239-017-002

Prepared For:

169 West Utica, LLC



Prepared By:

In Association With:



2558 Hamburg Turnpike, Suite 300, Buffalo, New York 14218 | phone: (716) 856-0599 | fax: (716) 856-0583



## 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 169 West Utica LLC

ADDRESS 617 Main Street, Suite 200

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE 716-220-8468

FAX 716-299-2061

E-MAIL nick@sinatraandcompany.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒

Yes

☐

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

**See Appendix A; Section I**

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.**

**See Appendix A; Section I**

#### 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 Figure 5**

**Section III. Property's Environmental History****See Appendix A; Section III**

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).

**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	X	X	
Chlorinated Solvents	X	X	
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

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

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

- SAMPLE LOCATION
- 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

**See Appendix A; Section III  
see Figure 7**

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):**

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

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

Section IV. Property Information - See Instructions for Further Guidance																			
PROPOSED SITE NAME    Former Central Dry Cleaners																			
ADDRESS/LOCATION 169 West Utica Street																			
CITY/TOWN    Buffalo		ZIP CODE    14222																	
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo																			
COUNTY    Erie		SITE SIZE (ACRES) 1.13																	
LATITUDE (degrees/minutes/seconds) 42   °                      54   '                      41.49   "		LONGITUDE (degrees/minutes/seconds) 78   °                      52   '                      20.36   "																	
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.																			
<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 55%; text-align: left; padding: 5px;">Parcel Address</th> <th style="width: 10%; text-align: center; padding: 5px;">Section No.</th> <th style="width: 10%; text-align: center; padding: 5px;">Block No.</th> <th style="width: 10%; text-align: center; padding: 5px;">Lot No.</th> <th style="width: 15%; text-align: center; padding: 5px;">Acreage</th> </tr> </thead> <tbody> <tr> <td style="text-align: center; padding: 5px;">169 West Utica Street</td> <td style="text-align: center; padding: 5px;">100.38</td> <td style="text-align: center; padding: 5px;">3</td> <td style="text-align: center; padding: 5px;">5.1</td> <td style="text-align: center; padding: 5px;">1.13</td> </tr> <tr> <td style="height: 20px;"></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Parcel Address	Section No.	Block No.	Lot No.	Acreage	169 West Utica Street	100.38	3	5.1	1.13					
Parcel Address	Section No.	Block No.	Lot No.	Acreage															
169 West Utica Street	100.38	3	5.1	1.13															
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a metes and bounds description of the property.																			
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) <span style="border: 1px solid red; padding: 2px;">See Figure 2,3 and 4</span>																			
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information)    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>  If yes, identify census tract : _____  Percentage of property in En-zone (check one): <input checked="" type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%																			
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  If yes, identify name of properties (and site numbers if available) in related BCP applications: _____																			
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No																			
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.																			
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.																			



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

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

<u>Easement/Right-of-way Holder</u>	<u>Description</u>
none/unknown	

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
RCRA	USEPA	NYD980773543
NY Dry Cleaners	NYSDEC	9-1402-00178

10. Property Description and Environmental Assessment – please refer to application instructions for the proper format of each narrative requested. See Appendix A; Section IV

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. NA ☐ 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: NR \_\_\_\_\_

**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 Mr. Nicholas Sinatra			
ADDRESS 617 Main Street, Suite 200			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-220-8468	FAX 716-299-2061	E-MAIL nick@sinatraandcompany.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Thomas Forbes, PE			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo, New York		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL tforbes@benchmarkturnkey.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo, New York		ZIP CODE 14204	
PHONE 716-845-6760	FAX 716-845-6764	E-MAIL cslater@cslaterlaw.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Same		OWNERSHIP START DATE: December 20 <sup>+</sup>	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Same			
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 PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

## Section VII. Requestor Eligibility Information (continued)

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

## Section IX. Contact List Information See Appendix B; Section XI

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. See Figure 7
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		See Appendix B; Section X
<p>1. What is the current zoning for the site? What uses are allowed by the current zoning?  <input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial            If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use:   <input type="checkbox"/> Residential   <input type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   <input checked="" type="checkbox"/> Vacant   <input type="checkbox"/> Recreational   (check all that apply)  <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></p>		
<p>3. Reasonably anticipated use Post Remediation:   <input checked="" type="checkbox"/> Residential   <input type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   (check all that apply)   <b>Attach a statement detailing the specific proposed use.</b>            If residential, does it qualify as single family housing?   <span style="border: 1px solid red; padding: 2px;">TBD - residential</span>   <input type="checkbox"/> Yes   <input type="checkbox"/> No</p>		
4. Do current historical and/or recent development patterns support the proposed use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B; Section X</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<p>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.</p> <p>See Appendix B; Section X</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

## XI. Statement of Certification and Signatures

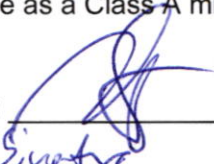
(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of 169 West Utica 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 [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:

4/13/18

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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Please answer questions below and provide documentation necessary to support answers.</b>	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p>	
<p><b>From 6 NYCRR 375-3.2(I) as of 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:** Former Central Dry Cleaners  
**City:** Buffalo

**Site Address:** 169 West Utica Street  
**County:** Erie **Zip:** 14222

### Tax Block & Lot

**Section (if applicable):** 100.38 **Block:** 3 **Lot:** 5.1

**Requestor Name:** 169 West Utica, LLC  
**City:** Buffalo

**Requestor Address:** 617 Main Street, Suite 200  
**Zip:** 14203 **Email:** nick@sinatraandcompany.com

### Requestor's Representative (for billing purposes)

**Name:** Mr. Nicholas Sinatra  
**City:** Buffalo

**Address:** 617 Main Street, Suite 200  
**Zip:** 14203

**Email:** nick@sinatraandcompany.com

### Requestor's Attorney

**Name:** Mr. Craig Slater, Esq  
**City:** Buffalo, New York

**Address:** 500 Seneca Street, Suite 504  
**Zip:** 14204

**Email:** cslater@cslaterlaw.com

### Requestor's Consultant

**Name:** Mr. Thomas Forbes, PE  
**City:** Buffalo, New York

**Address:** 2558 Hamburg Turnpike, Suite 300  
**Zip:** 14218

**Email:** tforbes@benchmarkturnkey.com

**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

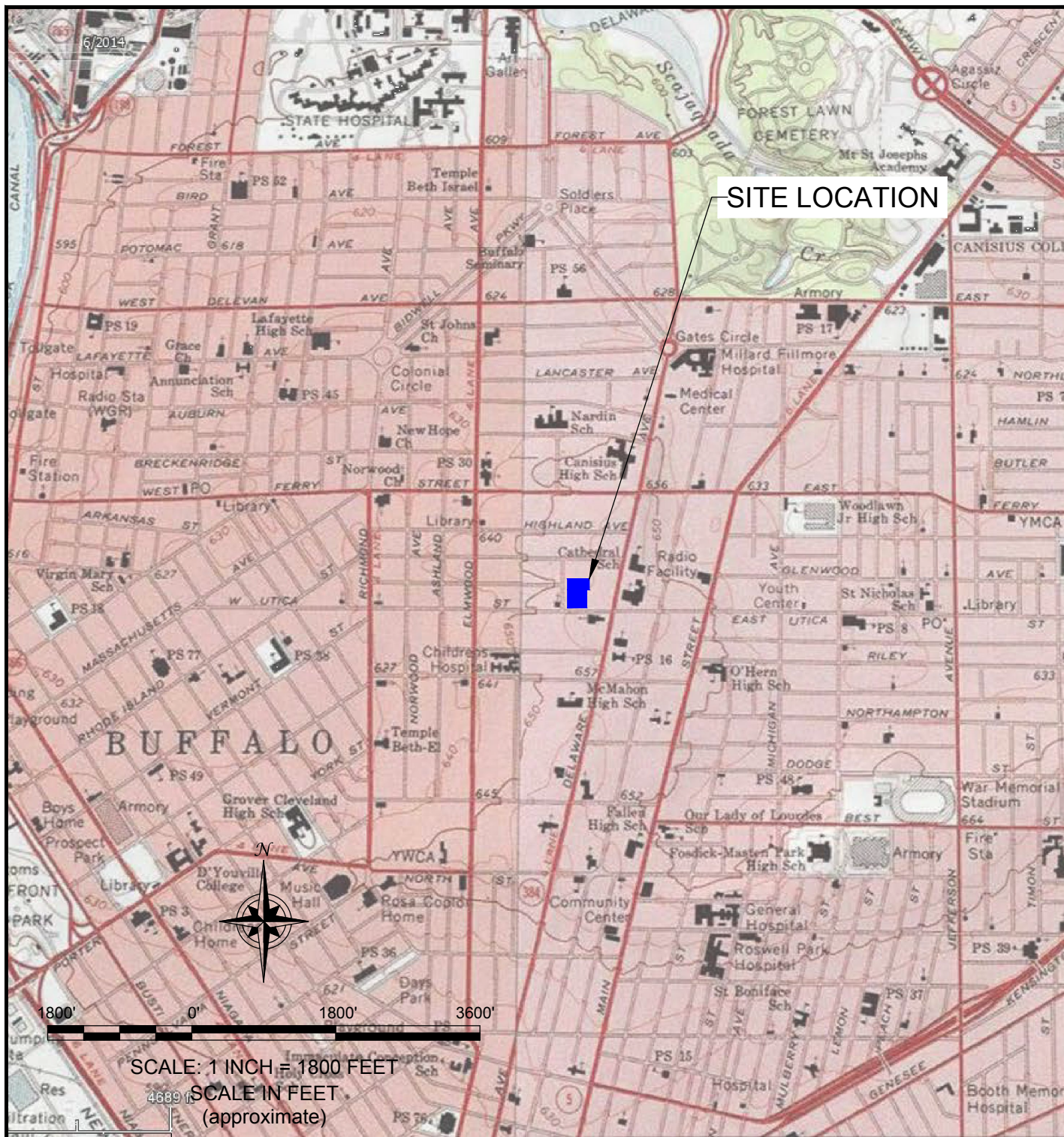
Notes:

## FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Previous Investigation Locations
Figure 7	Adjacent Property Owners
Figure 8	Current Zoning Map
Figure 9	USDA Soil Type Map



**FIGURE 1**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

## SITE LOCATION AND VICINITY

BROWNFIELD CLEANUP PROGRAM APPLICATION  
FORMER CENTRAL DRY CLEANERS SITE

BUFFALO, NEW YORK  
PREPARED FOR  
169 WEST UTICA, LLC

PROJECT NO.: T0239-017-002

DATE: JULY 2017

DRAFTED BY: CEH

**DISCLAIMER:**  
PROPERTY OF TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF TURNKEY ENVIRONMENTAL RESTORATION, LLC.



**FIGURE 2**



SCALE: 1 INCH = 60 FEET  
SCALE IN FEET  
(approximate)

LEGEND:

— PROPERTY BOUNDARY



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



PROJECT NO.: T0239-017-002

DATE: JULY 2017

DRAFTED BY: CMC

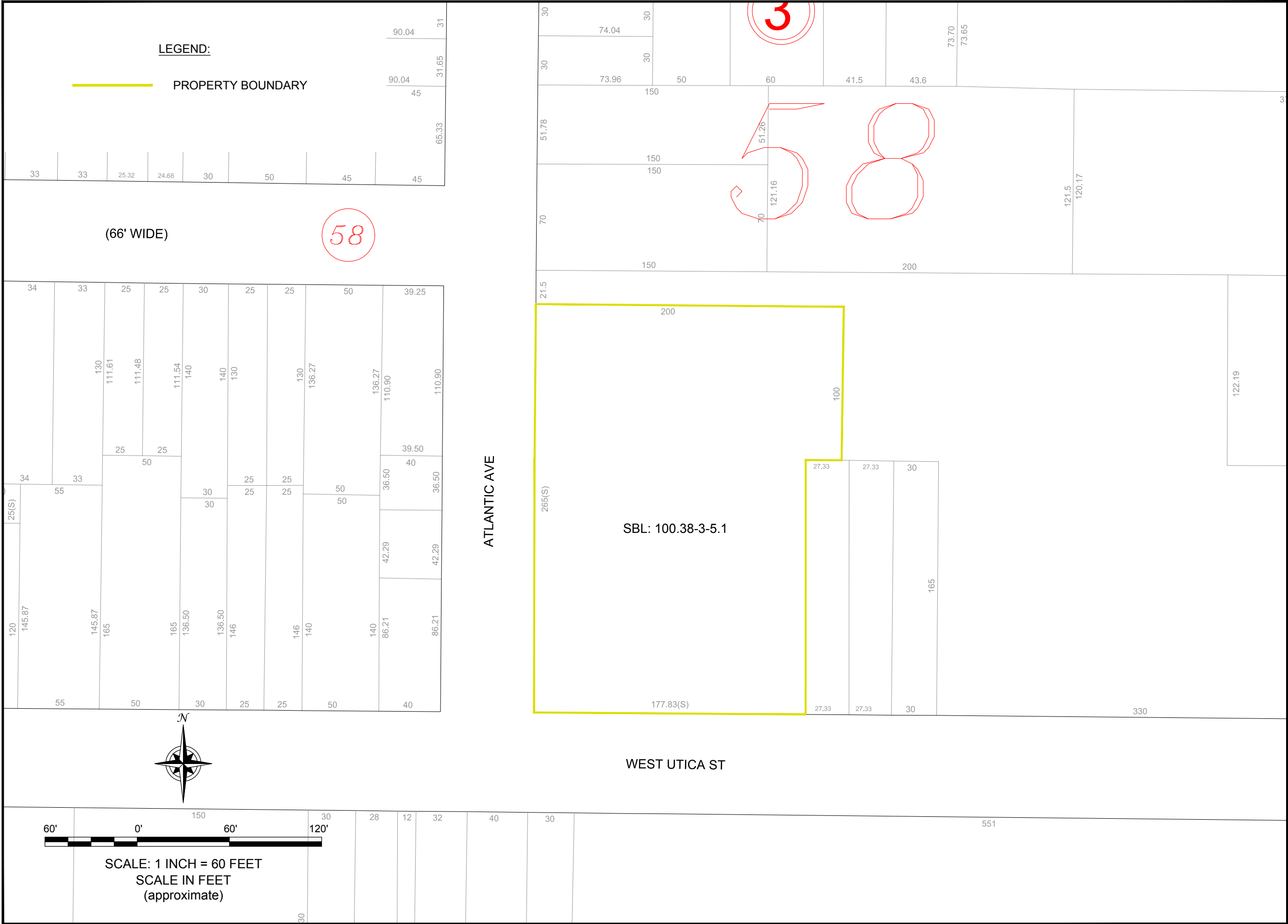
## SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION  
FORMER CENTRAL DRY CLEANERS SITE

BUFFALO, NEW YORK  
PREPARED FOR  
169 WEST UTICA, LLC

**DISCLAIMER:** PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC **IMPORTANT:** THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

DATE: MAY 2018  
DRAFTED BY: CMC



**TAX MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER CENTRAL DRY CLEANERS SITE

PREPARED FOR

BUFFALO, NEW YORK

169 WEST UTICA, LLC

JOB NO.: 0239-017-001

**FIGURE 3**

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

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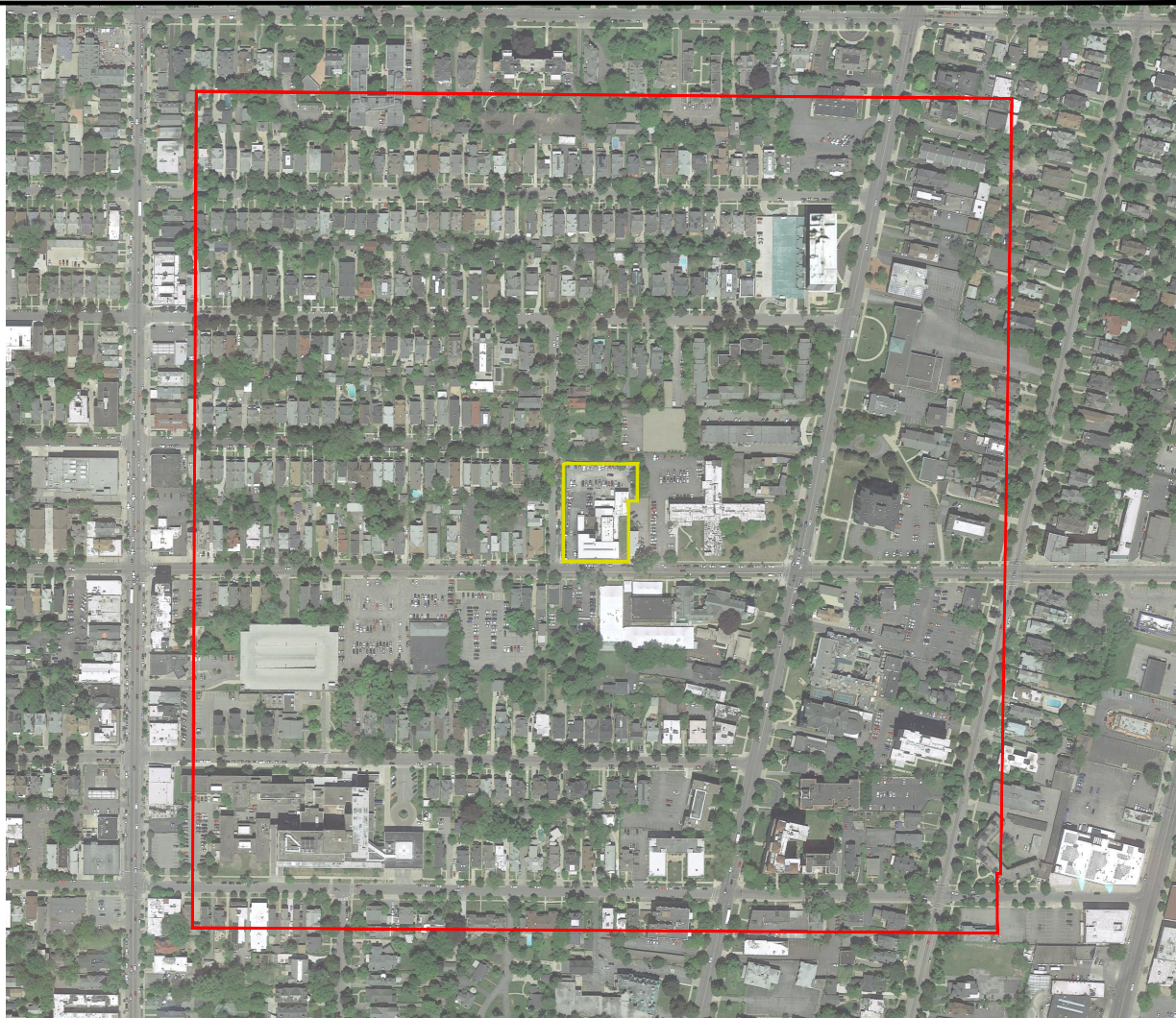


LEGEND:

- PROPERTY BOUNDARY
- 1,000 FOOT SETBACK



SCALE: 1 INCH = 500 FEET  
SCALE IN FEET  
(approximate)



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



PROJECT NO.: 0239-017-001

DATE: AUGUST 2017

DRAFTED BY: CMC

## PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION  
FORMER CENTRAL DRY CLEANERS SITE

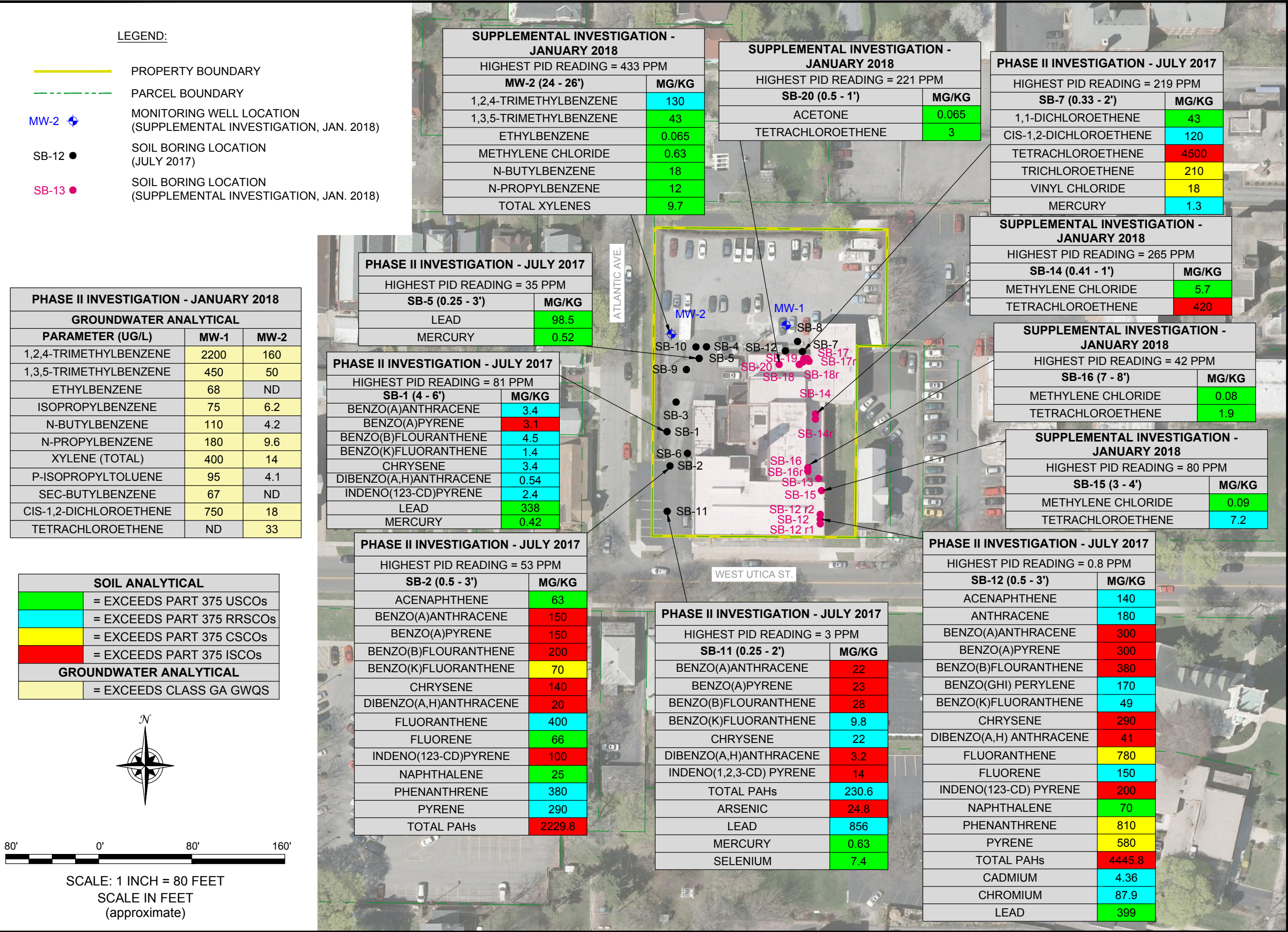
BUFFALO, NEW YORK  
PREPARED FOR  
169 WEST UTICA, LLC

FIGURE 4

**DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.**



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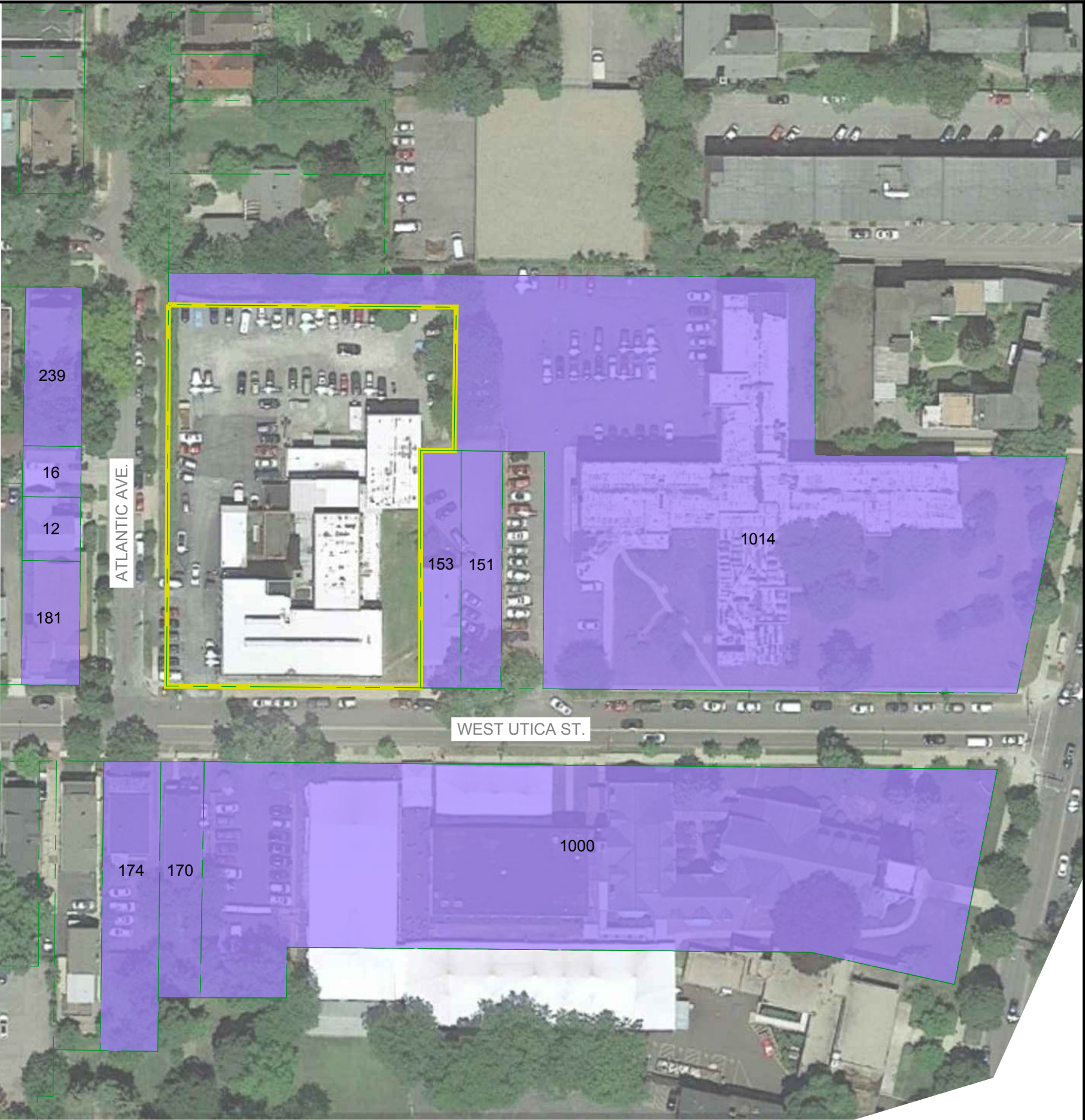
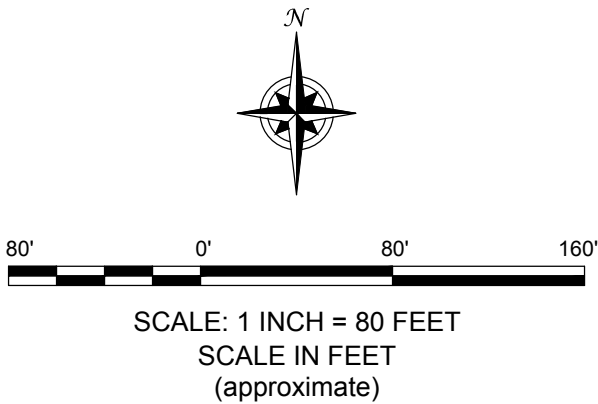


LEGEND:

PROPERTY BOUNDARY

PARCEL BOUNDARY

Adjacent Property Address		
Address	S.B.L	Property Description
1014 Delaware Avenue	100.38-3-1	Buffalo Center for Rehabilitation & Nursing
151 West Utica Street	100.38-3-3	Vacant Commercial
153 West Utica Street	100.38-3-4	Religious
1000 Delaware Avenue	100.46-1-22.1	Religious
170 West Utica Street	100.46-1-21	Two Family Residential
174 West Utica Street	100.46-1-20	Three Family Residential
181 West Utica Street	100.38-4-32	Religious
12 Atlantic Avenue	100.38-4-31	One Family Residential
16 Atlantic Avenue	100.38-4-30	One Family Residential
239 Anderson Place	100.38-4-29	Two Family Residential



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION  
FORMER CENTRAL DRY CLEANERS SITE

PREPARED FOR  
BUFFALO, NEW YORK  
169 WEST UTICA, LLC

BENCHMARK  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

TURNKEY  
ENVIRONMENTAL  
RESTORATION, LLC

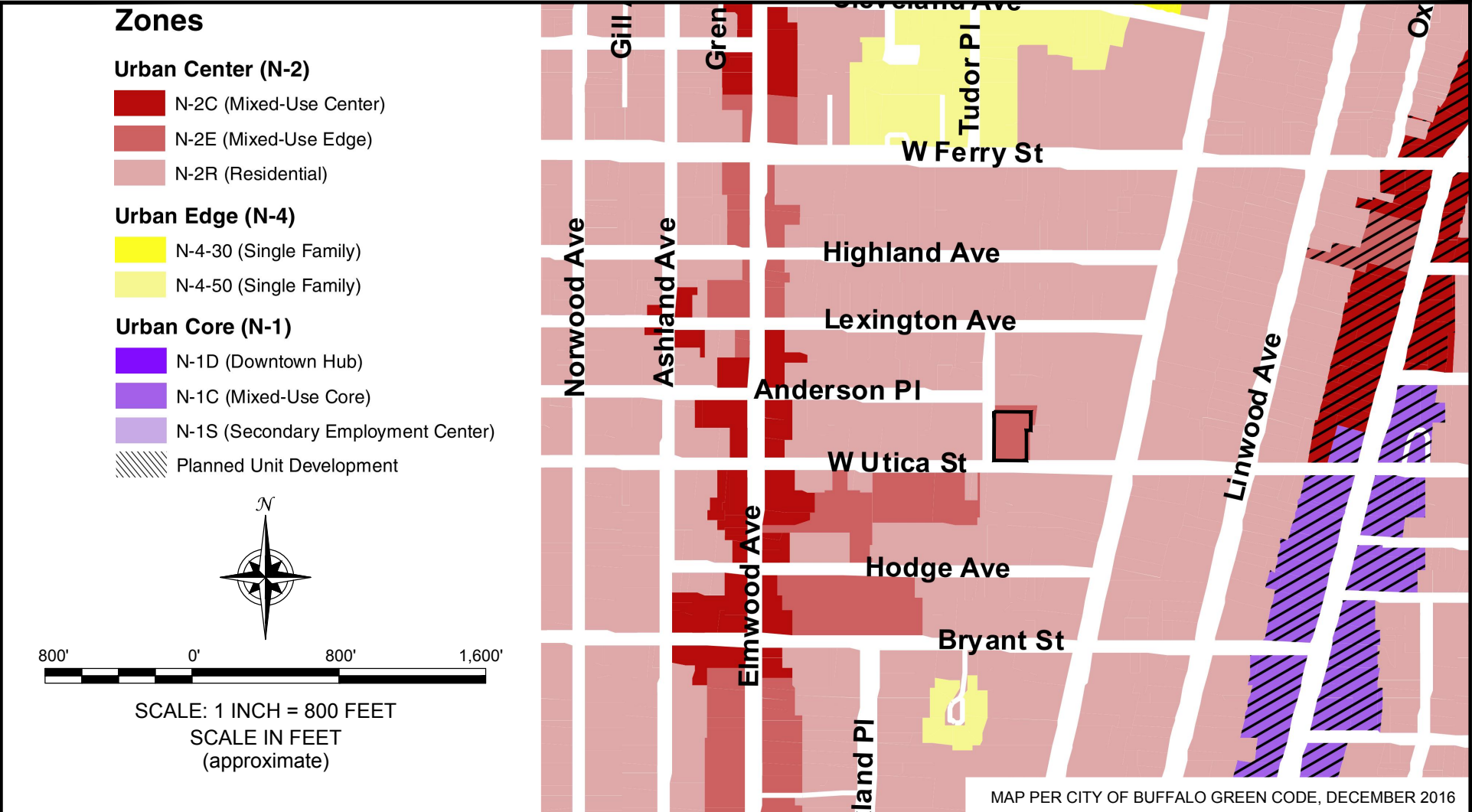
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0239-017-001

FIGURE 7

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**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

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

**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

PROJECT NO.: 0239-017-001

DATE: AUGUST 2017

DRAFTED BY: CMC

**CURRENT ZONING MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

FORMER CENTRAL DRY CLEANERS SITE

BUFFALO, NEW YORK

PREPARED FOR

169 WEST UTICA, LLC

**FIGURE 8**

**DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.**

**LEGEND:**

UmA - URBAN LAND-COLLAMER COMPLEX,  
(1 TO 6 PERCENT SLOPES)

Up - URBAN LAND-GALEN COMPLEX



SCALE: 1 INCH = 100 FEET  
SCALE IN FEET  
(approximate)



SOURCE: UNITED STATES DEPARTMENT OF AGRICULTURE



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



PROJECT NO.: 0239-017-001  
DATE: AUGUST 2017  
DRAFTED BY: CMC

**USDA SOIL TYPE MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION  
FORMER CENTRAL DRY CLEANERS SITE

BUFFALO, NEW YORK  
PREPARED FOR  
169 WEST UTICA, LLC

**FIGURE 9**

**DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.**

# **APPENDIX A**

## **BCP APPLICATION PART A – SECTIONS I - IV**

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

**SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

**SECTION IV – PROPERTY INFORMATION**

**NYS DOS CORPORATION & BUSINESS ENTITY DATABASE INFORMATION**

**SIGNATURE RESOLUTION**

**ERIE COUNTY PARCEL DETAIL REPORT**

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

**SECTION I – REQUESTOR INFORMATION**

The New York State Department of State's Corporation & Business Entity Database print-out for the volunteer applicant 169 West Utica LLC is attached.

Benchmark Environmental Engineering and Science, PLLC, a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project. The Slater Law Firm, PLLC will be acting as the Volunteer's attorney.

169 West Utica LLC corporate information is attached.

**SECTION II – PROJECT DESCRIPTION**

169 West Utica LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (BCP) and is submitting this BCP application for eligibility acceptance into the program.

169 West Utica LLC has prepared a Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan for concurrent submittal with the BCP application and is prepared to complete the approved RI and IRMs upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the entire 1.13 acre site, with the construction of a residential redevelopment. The vacant dry-cleaning building will be demolished to address underlying dry-cleaning related contamination beneath the building.



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

The Project will result in the remediation and redevelopment of an environmentally-impacted Site within a mixed-use residential and commercial area of the City of Buffalo, New York.

**SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

A summary of the previous environmental investigation findings completed for the Former Central Dry Cleaners Site (hereinafter, the “Project Site” or the “Site”) are provided below. Investigation locations and associated analytical results are provided on Figure 6. Electronic copies of the referenced reports are provided individually in a separate electronic folder, identified as Previous Investigation Reports, on the enclosed CD.

**Phase I Environmental Site Assessment - July 2017**

TurnKey completed a Phase I ESA on the Site in July 2017. The Phase I ESA Report identified the following Recognized Environmental Condition’s (RECs):

- The long history of dry cleaning at the Site with the documented on-Site use of petroleum (Stoddard) and chlorinated dry cleaning solvents.
- Multiple historic USTs (solvent) were located on-Site.
- Historic records indicate a dry cleaning solvent recovery still on-Site. Multiple floor disturbances and floor drains are located proximate to likely dry cleaning equipment.
- The incinerator with ash waste of unknown nature and the large brick vent stack are considered RECs due to the potential presence of impacts.
- The hydraulic freight elevator with black staining noted to concrete surfaces proximate to the controls.
- The potential for miscellaneous fill materials exists on-site as the property appears to have previously been built up with a retaining wall observed along the northern property boundary.
- Electronic wastes (i.e., light ballasts possibly containing PCBs) and the miscellaneous containers of hazardous/regulated materials observed within the building.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

- The asphalt disturbances of unknown nature noted on exterior portions of the Site are considered RECs as such appear proximate to UST locations.

Based on the finding of the Phase I ESA, TurnKey recommended a Phase II Investigation to assess subsurface conditions on-site due to the extensive commercial history as a dry cleaning facility.

Ltd. Phase II Environmental Site Investigation, Former Central Dry Cleaners Site, 165-169 West Utica Street, Buffalo, New York - August 2017

A Limited Phase II Site Investigation was completed in July 2017 to further assess RECs identified by the Phase I. The investigation consisted of advancing soil borings around the exterior of the vacant commercial buildings. Twelve soil borings, designated as SB-1 through SB-12 were completed across the Site, with six (6) boring location being selected for soil sample analysis. Findings of the Ltd. Phase II Investigation are detailed below:

- Elevated PID were detected in all 12 of the soil borings completed across the Site, with highest reading of 218 ppm (SB-7).
- Elevated VOCs, primarily dry cleaning related compounds, were detected on Site exceeding RSCOs, CSCOs, and ISCOs.
- Shallow fill material, including brick, concrete, ash, cinders, glass, and wood was identified in all 12 boring location, ranging in depth from 1 to 4 fbgs.
- Elevated PAHs exceeding RSCO, CSCOs, and ISCOs were detected in 4 of the 6 sample locations. Elevated total PAHs above the 500 ppm guidance were detected at two (2) locations, with total PAHs as high as 4,445 ppm.
- Elevated metals, including arsenic and lead, were detected above their RSCO, CSOCs, and ISCOs.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Supplemental Site Investigation, Former Central Dry Cleaners Site, 165-169 West Utica Street, Buffalo, New York – February 2018

A Supplemental Site Investigation was completed in January 2018 to further assess potential dry cleaning related contamination beneath the existing building, and collect on-Site groundwater data. The Supplemental Site Investigation included the advancement of eight (8) interior borings beneath the existing building floor in accessible areas and installation of two (2) groundwater wells. Findings of the Supplemental Site Investigation included:

- Elevated PID readings and odors were noted during the investigation.
- Elevated PCE was detected in soil/fill beneath the existing building exceed ISCOs.
- Elevated VOCs were detected in soil samples exceeding RSCOs, CSCOs, and ISCOs.
- Elevated VOCs were detected in groundwater exceeding NYS Groundwater Quality Standards (GWQS). Petroleum-related VOCs, likely related to historic Stoddard solvent usage on-Site, were detected at higher concentrations at MW-1 (4,045 ug/L) than MW-2 (262 ug/L) along the western boundary.

**SECTION IV – PROPERTY INFORMATION**

Parcel Description

The Former Central Dry Cleaners Site, subject to this BCP application, consists of one (1) tax parcel totaling 1.1 acres, located in a mixed-use residential and commercial use area in the City of Buffalo, Erie County, New York (see Figures 1-3), and is further identified as:

- **169 West Utica Street, S.B.L. #100.38-3-5.1; 1.13 acres**

A copy of the tax map is provided as Figure 3. The boundaries of the proposed BCP Site correspond with the tax map boundaries. The Erie County parcel detail report for the property is attached for reference.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

According to NYSDEC Environmental Zone (En-Zone) mapping, the Site is not located within an En-Zone.

Easements and Permits

169 West Utica LLC is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-ways along West Utica Street and Atlantic Avenue. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public water.

169 West Utica LLC is not aware of any other easements or restrictions on the Site.

**SECTION IV, QUESTION 10 – PROPERTY DESCRIPTION AND ENVIRONMENTAL ASSESSMENT**

Property Description Narrative

Location

The Site, addressed at 169 West Utica Street, in a highly developed urban mixed-use residential and commercial area of the City of Buffalo, Erie County, New York. The Site is located at the corner of West Utica Street and Atlantic Avenue and is bordered by West Utica Street to the south, Atlantic Avenue to the west, residential properties to the north, and commercial-religious properties to the east (see Figures 2-4). Adjacent property owners are identified on Figure 7.

Site Features

The Site is currently developed with one vacant approximately 30,000 square foot former dry cleaning building and surrounding asphalt and gravel parking areas. A small grass covered area is located along the eastern property boundary.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Current Zoning and Land Use

According to the Buffalo Green Code, Land Use Plan (September 2016), the Site is located in the Urban Center (N-2) Mixed-Use Edge (N-2E) which is defined as mixed use residential-commercial with compact residential blocks adjoining mixed-use centers at a neighborhood scale. The planned redevelopment for residential use is consistent with the current City of Buffalo Green Code zoning (see Figure 8).

The Site is currently vacant. The land use of the surrounding parcels are as follows:

- north – residential;
- south – commercial and residential (across West Utica);
- east – commercial (office and religious), and,
- west – residential (across Atlantic).

Figure 7 identifies the adjacent property owners.

Past Use of the Site

Based on historic City of Buffalo municipal records, the site has been used for dry cleaning since at least 1909 with dry cleaning operations continuing until approximately 2011, which appears to have led to Site contamination with VOCs, PAHs, and metals.

No remedial measures are known to have been completed at the Site; and, no governmental agencies or remedial programs are known to be involved with the Site prior to this NYSDEC BCP application.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways.

According to the United States Department of Agriculture (USDA) Web soil survey, the majority of the Site soils are characterized as Urban Land-Galen complex (Up), with lesser portions characterized Urban Land-Collamer complex (UmA). This complex consists of nearly level areas of urban land and moderately well drained Galen soil (see Figure 9). Due to urbanization and industrial past, surface soils within the City of Buffalo are characterized as urban land (Ud) covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

On-Site drilling activities completed during the previous investigations identified soil-fill to approximate depth of 4-5 fbgs, with underlying well graded sand and fine gravel from 5-35 fbgs. Groundwater was encountered approximately 23 fbgs. Based on preliminary groundwater gauging between MW-1 and MW-2, a fairly flat gradient is present on-Site. Bedrock was not encountered during on-Site drilling activities and is estimated to be approximately 70 fbgs based on regional bedrock map. Depth to bedrock will be determined during planned Remedial Investigation (RI) activities.

Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells to assess and characterize groundwater flow patterns and quality are planned to be installed during the RI.

Environmental Assessment Narrative

Based on the previous investigations, evidence of dry cleaning related petroleum solvents (Stoddard) and chlorinated solvents were detected on-Site in soil and groundwater; and,

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

elevated polycyclic aromatic hydrocarbons (PAHs) and metals were detected in on-site fill material. Figure 6 identifies prior investigation locations and elevated soil and groundwater concentrations with comparison to applicable SCO and GWQS.

Soil - Tetrachloroethene (PCE) was detected in shallow soil-fill underneath the existing building and proximate to former dry cleaning operations on-Site exceeding the Protection of Groundwater SCO (1.3 ppm), with detected concentrations ranging from 1.9 to 4500 ppm. PCE was detected at two (2) locations exceeding the Industrial Use SCO (300 ppm). Elevated PAHs were detected in shallow soil-fill exceeding their Industrial Use SCOs, with total PAHs exceeding 500 ppm in two (2) sample locations. Elevated metals, including arsenic (24.8 ppm), cadmium (4.36 ppm), chromium (87.9 ppm), and lead (856 ppm) were detected exceeding their Restricted Residential Use SCOs (RRSCOs).

Groundwater - petroleum VOCs including 1,2,4-trimethylbenzene (2,200 ppb), 1,3,5-trimethylebenzene (450 ppb), xylene (400 ppb) and other petroleum related VOCs were detected above GQWS (typically 5 ppb). Cis-1,2-dichloroethene (750 ppb) was detected above GQWS in both wells, and PCE (33 ppb) was detected above its GQWS (5 ppb) at one well location.

A Site Plan with the historic areas of concern and investigation location results for soil and groundwater is summarized on Figure 6.

Historic documents and previous investigation reports are provided as separate PDF files, electronically on the enclosed CD.



# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through April 4, 2018.

---

Selected Entity Name: 169 WEST UTICA LLC

Selected Entity Status Information

**Current Entity Name:** 169 WEST UTICA LLC

**DOS ID #:** 4334613

**Initial DOS Filing Date:** DECEMBER 18, 2012

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

169 WEST UTICA LLC  
617 MAIN STREET, SUITE 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
No Information Available		

\*Stock information is applicable to domestic business corporations.

**Name History**

Filing Date	Name Type	Entity Name
NOV 16, 2016	Actual	169 WEST UTICA LLC
DEC 18, 2012	Actual	1487 MAIN STREET LLC

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

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

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**169 WEST UTICA, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE SOLE SHAREHOLDER**

March 14, 2018

The undersigned being holders of all of the membership interest of **169 WEST UTICA, LLC**, a New York limited liability company (the "**Company**"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 169 West Utica, Buffalo, New York; and be it further

**RESOLVED**, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

**RESOLVED**, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

**IN WITNESS WHEREOF**, the undersigned have executed this Joint Unanimous Written Consent as of the date first set forth above.

  
\_\_\_\_\_  
Nicholas Sinatra, Managing Member

State of New York        )  
County of Erie        )     ss.:

On the 14 day of March in the year 2018, before me, the undersigned, a Notary Public in and for the said state, personally appeared Nicholas Sinatra, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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

JENNIFER ANN VELARDE  
Notary Public - State of New York  
NO 01VE6371453  
Qualified in Erie County  
My Commission Expires Feb 28, 2022

**S&N PROPERTIES, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE SOLE SHAREHOLDER**

March 14, 2018

The undersigned being holders of all of the membership interest of **S&N PROPERTIES LLC**, a New York limited liability company (the "**Company**"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to authorize the Company's wholly owned subsidiary, 169 West Utica, LLC to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 169 West Utica, Buffalo, New York; and be it further

**RESOLVED**, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

**RESOLVED**, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

**IN WITNESS WHEREOF**, the undersigned have executed this Joint Unanimous Written Consent as of the date first set forth above.

  
\_\_\_\_\_  
Nicholas Sinatra, Managing Member

State of New York            )  
County of Erie        )       ss.:

On the 14 day of March in the year 2018, before me, the undersigned, a Notary Public in and for the said state, personally appeared Nicholas Sinatra, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

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

JENNIFER ANN VELARDE  
Notary Public - State of New York  
NO. 01VE6371453  
Qualified in Erie County  
My Commission Expires Feb 26, 2022

**S&N BUFFALO PROPERTIES GROUP, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE SHAREHOLDERS**

April 23rd, 2018

The undersigned being holders of all of the membership interest of **S&N BUFFALO PROPERTIES GROUP LLC**, a New York limited liability company (the "**Company**"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

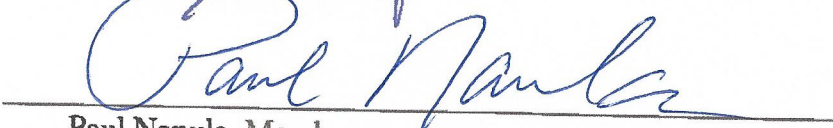
**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to authorize the Company's wholly owned subsidiary, 169 West Utica, LLC to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 169 West Utica, Buffalo, New York; and be it further

**RESOLVED**, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

**RESOLVED**, that any acts of any officer of the Corporation and of any persons designated and authorized to act by any such officer of the Corporation, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Corporation.

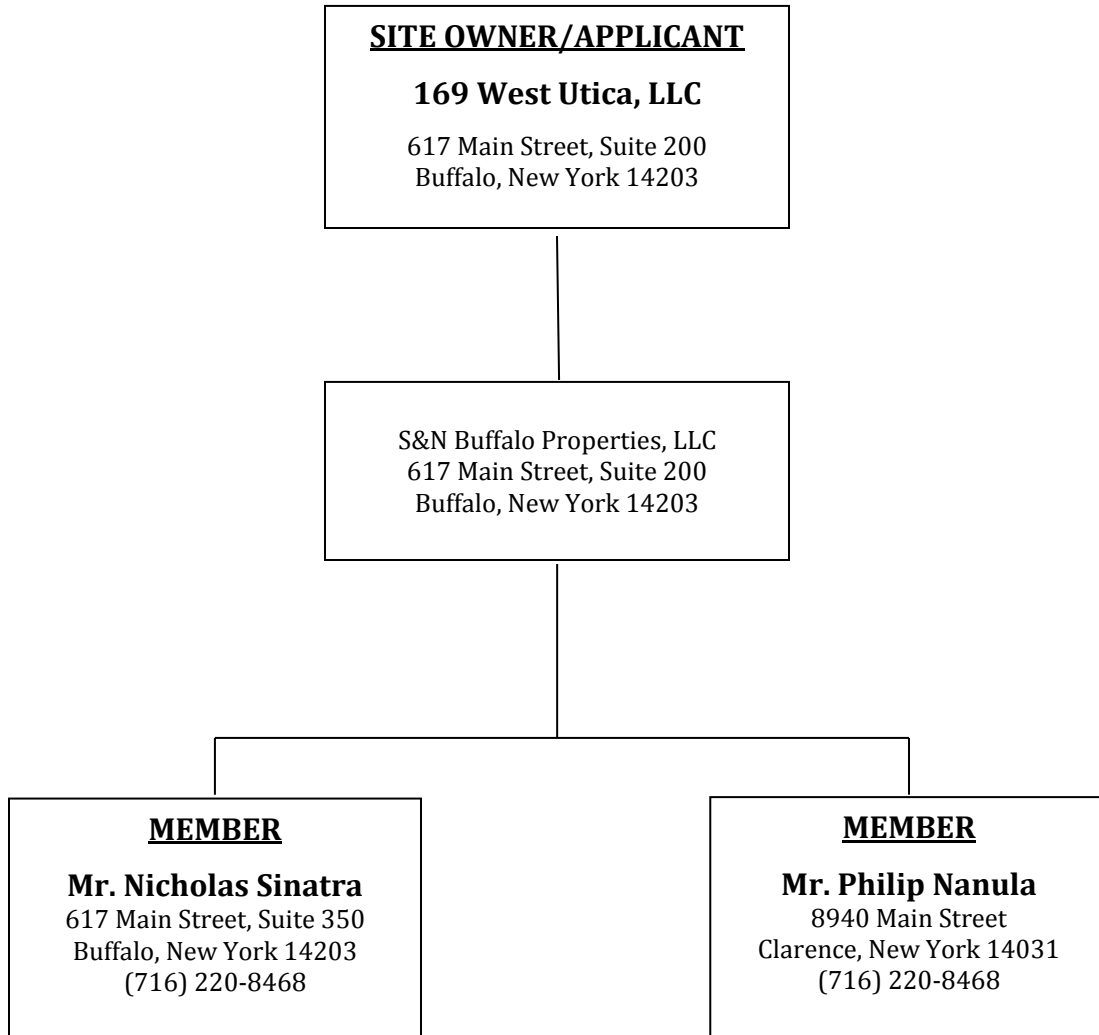
**IN WITNESS WHEREOF**, the undersigned have executed this Joint Unanimous Written Consent as of the date first set forth above.

  
\_\_\_\_\_  
Nicholas Sinatra, Member

  
\_\_\_\_\_  
Paul Nanula, Member

**FORMER CENTRAL DRY CLEANERS SITE**

**ORGANIZATIONAL CHART**





# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
6/21/2017 4:45:47 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001003800003005100  
**SBL:** 100.38-3-5.1  
**Address:** 169 UTICA WEST  
**Owner 1:** CENTRAL DRY CLEANING  
**Owner 2:**  
**Mailing Address:** 239 SEA RD  
**City/Zip:** KENNEBUNK ME 04043  
**Municipality:** City of Buffalo  
**Property Class:** 710  
**Class Description:** C - Manufacture  
**Front:** 177.8  
**Depth:** 265  
**Deed Roll:** 1  
**Deed Book:** 01143  
**Deed Page:** 00129  
**Deed Date:**

**Acreage:** 1.12962777866  
**Total Assessment:** \$230,000  
**Land Assessment:** \$22,200  
**County Taxes:** \$230,000  
**Town Taxes:** \$0  
**School Taxes:** \$0  
**Village Taxes:** \$0  
**School District:** CITY OF BUFFALO  
**Year Built:** 0  
**Sqft Living Area:** 0  
**Condition:** 0  
**Heating:** 0  
**Basement:** 0  
**Fireplace:** 0  
**Beds:** 0  
**Baths:** 0

# **APPENDIX B**

## **BCP APPLICATION PART B – SECTION VI - X**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

**SECTION VII – REQUESTOR ELIGIBILITY**

**SECTION IX – CONTACT LIST**

**SECTION X – LAND USE FACTORS**

**DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Information for the previous and current owners/operators is provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
<b>169 West Utica Street</b>			
<b>Current Owner/Operator</b>			
169 West Utica LLC 617 Main Street, Suite 200 Buffalo NY 14203	Vacant	December 2017 to Current	Applicant
<b>Previous Owners/Operators</b>			
471 Elmwood Group, LLC	NA – No operations Vacant	October 2016- December 2017	None - No relationship
Cadet Self Storage, LLC 165 West Utica Street Buffalo NY 14222	Storage	2011-2015	None - No relationship
Cadet Cleaners/Central Dry Cleaners/Parislau Dry Cleaning (Addresses ranging from 157-169 West Utica). Central Dry Cleaning 239 Sea Rd Kennebunk ME 04043  Additional correspondence via: Montesano and Sokolowski 630 Convention Tower 43 Court Street Buffalo, NY 14202 716-854-0466	Dry Cleaning	1909-2011	None - No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Applicant, 169 West Utica LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

The on-Site contamination is related to the former dry cleaning facility that operated on-Site from at least the 1909 until 2011. Applicant’s liability arises solely from having taken title to the property (ownership) after the contaminants had already been released at the Site. The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site; therefore, 169 West Utica LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

**SECTION IX – CONTACT LIST INFORMATION**

Site Contact List

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project’s duration.

*Erie County Contacts:*

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

Erie County Legislator April N.M. Baskin  
District 2  
790 East Delavan Avenue  
Buffalo, NY 14215

Commissioner Thomas R. Hersey, Jr.  
Erie Co. Environment & Planning  
95 Franklin Street  
Buffalo, NY 14202

Mr. Paul Kranz  
Erie Co. Environment & Plan.  
95 Franklin Street  
Buffalo, NY 14202

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Ms. Karen M. McCarthy  
Erie County Legislature Clerk  
25 Delaware Avenue  
Buffalo, NY 14202

Mr. Steve Weathers  
ECIDA  
95 Perry Street  
Buffalo, NY 14203

Commissioner Gale Burstein, MD  
Erie County Health Department  
95 Franklin Street, Room 931  
Buffalo, NY 14202

Commissioner Daniel Neaverth, Jr.  
Erie County Local Emergency  
45 Elm Street  
Buffalo, NY 14203

*City of Buffalo Contacts:*

Byron Brown, Mayor  
City of Buffalo  
65 Niagara Sq  
Buffalo, NY 14219

Joel P. Feroletto  
Niagara District Councilmember  
1504 City Hall  
Buffalo, NY 14202

James K. Morrell, Chairman  
City of Buffalo Planning Board  
901 City Hall  
Buffalo, NY 14219

*Supplier of Potable Water:*

Buffalo Water Department  
Veolia Water  
2 Porter Avenue  
Buffalo, NY 14201

Erie County Water Authority  
295 Main Street #350  
Buffalo, NY 14203

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

*Local News Media:*

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

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

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

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

WJYE  
ATTN: Environmental News Desk  
1700 Rand Building  
Buffalo, NY 14203

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

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

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

*Nearby Schools:*

Janet Barnes, Head of School  
Oracle Charter School  
888 Delaware Avenue  
Buffalo, NY 14209

Laura Collins, Principal  
Stanley G Falk School  
848 Delaware Avenue  
Buffalo, NY 14209

Dr. Hank Stopinski, Principal  
Health Sciences Charter School  
1140 Ellicott Street  
Buffalo, NY 14209

Jennifer Koch, PhD, Executive Director  
Community Music School  
415 Elmwood Avenue  
Buffalo, NY 14222

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Ms. Ella Dunne, Principal  
International Preparatory School/  
Grover Cleveland High School  
110 14<sup>th</sup> Street  
Buffalo, NY 14213

Principal  
Frank A. Sedita Academy  
21 Lowell Street  
Buffalo, NY 14213

*Other Interested Parties:*

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

*Document Repository:*

Mary Jean Jakubowski  
Executive Director  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203



**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below. See Figure 7.

Adjacent Property Address			Property Owner
No.	Street	Property Use	Mailing Address
1014	Delaware	633 Aged - Home	HB Finance LLC C/O Kahn Zevi 2071 Flatbush Ave, Suite 22 Brooklyn, NY 11234
151	Utica West	330 - Vacant Comm.	Central Dry Cleaning c/o Bernard Wahl 239 Sea Rd, Unit 12 Kennebunk ME 04043
153	Utica West	620 - Religious	The Church Mission of Help Inc. 153 West Utica Street Buffalo NY, 14222
1000	Delaware	620 - Religious	Hellenic East Orthodox Church 146 West Utica Street Buffalo NY, 14222
170	Utica West	220 - 2 Family Res	Peter M. Kooshoian 190 Woodbridge Avenue Buffalo NY, 14214
174	Utica West	230 - 3 Family Residential	Gregory F. Richardson 204 Norwood Avenue Buffalo NY, 14222

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

181	Utica West	620 - Religious	World Life Church Inc. 181 Utica West Buffalo NY, 14222
12	Atlantic	210 - 1 Family Residential	Peggy Ann Scali 12 Atlantic Avenue Buffalo, NY 14222
16	Atlantic	210 - 1 Family Residential	Engelbrecht William Jtwros Pedersen Robert C Jtwros 16 Atlantic Avenue Buffalo, NY 14222
239	Anderson	220 - 2 Family Res	Stephen E. Lane 239 Anderson Place Buffalo, NY 14222

Document Repository

The Buffalo and Erie County Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in Appendix B.

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Former Central Dry Cleaners Site**  
**169 West Utica Street, Buffalo, New York**

**SECTION X – LAND USE FACTORS**

**1 – Current Zoning**

The current zoning for the Site is Urban Center (N-2) Mixed-Use Edge (N-2E which is defined as mixed use residential-commercial with compact residential blocks adjoining mixed-use centers at a neighborhood scale. The planned redevelopment for residential use is consistent with the current Green Code zoning (see Figure 8).

**2 – Current Use**

The Site is currently a vacant building with asphalt parking lot.

Historic operation of the Site as a dry cleaner from at least the 1909 until 2011 has impacted the site with petroleum and chlorinated dry cleaning chemicals. Historic records indicate multiple USTs and a petroleum solvent recovery still. Previous investigations have identified contamination onsite that will require additional investigation and remediation.

**3, 4, 5 and 6 – Planned Future Use**

The Volunteer plans to redevelop the entire 1.13 acre Site, with the construction of a residential project. Final determination of townhouses or residential condo-apartments has not yet been finalized.

The planned redevelopment is consistent with the historic and recent development patterns, applicable zoning and the comprehensive Buffalo Green Code.

## Charlotte M. Clark

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**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Monday, April 09, 2018 10:24 AM  
**To:** Charlotte M. Clark  
**Subject:** RE: Former Central Dry Cleaners Site - Document Repository Request

Good morning Charlotte,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for document(s) submitted by your company for the Brownfield Cleanup Program pertaining to **"Former Central Dry Cleaners Site, 169 West Utica Street - City of Buffalo, County of Erie, New York."** Document(s) will be made available for public review at the Central Branch Library. ***Also, this serves as permission to submit any additional updates pertaining to the above document and all other future documents.*** We will be the repository for all documents your company needs to be made available to the public. You/your company are free to bring or send your documents to the Central Library without additional permission for each individual document.

We prefer that you do not take documents to individual libraries. Please bring or send your document(s) to the Central Library and we will process according to our procedure and distribute to the location of your choice.

Please keep the following in mind:

- Documents (including updates) for public review should be **sent or brought in person to the Central Library to my attention** (Carol Batt has retired). Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: April Tompkins**  
**Re: Repository Documents**  
**Buffalo and Erie County Public Library**  
**1 Lafayette Square**  
**Buffalo, NY 14203**

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.
- If you would like the document(s) distributed at libraries other than Central, you will need to send or give us the appropriate quantity of copies with labels regarding their destinations. We will distribution accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print. Patrons are not allowed to take repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,  
*April Tompkins, Sr. Library Clerk*

Office of Chief Operating Officer & Information Technology  
Buffalo and Erie County Public Library  
1 Lafayette Square | Buffalo, NY 14203  
Voice: 716-858-7129 | Fax: 716-858-6211  
E-mail: [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)

---

**From:** Charlotte M. Clark <CClark@benchmarkturnkey.com>  
**Sent:** Friday, April 6, 2018 2:02 PM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Subject:** Former Central Dry Cleaners Site - Document Repository Request

Good Afternoon April,

Attached is the letter of transmittal requesting that the Buffalo and Erie County Library act as the document repository for the **Former Central Dry Cleaners Site**. Please respond at your earliest convenience. Let me know if you have any questions.

Thank you,

**Charlotte Clark**

Environmental Engineer  
[CClark@benchmarkturnkey.com](mailto:CClark@benchmarkturnkey.com)

**Benchmark Environmental Engineering & Science, PLLC**

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

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218  
Phone: (716) 856-0599, Mobile: (716) 220-1201

Strong Advocates | Effective Solutions | Integrated Implementation

**DISCLAIMERS:**

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**Virus Warning:** While reasonable precautions have been taken to protect against viruses in this message, we accept no responsibility for any damages arising from the potential presence of such viruses.

**Contracts:** Nothing in this message shall be construed as legally binding upon Benchmark or TurnKey.

**Professional Opinions:** Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship and when directly pertaining to a binding contract scope of work. Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.



**Strong Advocates, Effective Solutions, Integrated Implementation**

April 6, 2018

Ms. April Tompkins  
Senior Library Clerk  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program  
Former Central Dry Cleaners Site  
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our Client, 169 West Utica, LLC, Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC (Benchmark-TurnKey) would like to request the Buffalo and Erie County Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact if you have questions or require additional information.

Sincerely,  
Benchmark Environmental Engineering & Science, PLLC



Charlotte M. Clark  
Project Engineer

cc: File: B0239-017-002

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

2558 Hamburg Turnpike, Suite 300 | Buffalo, NY 14218  
phone: (716) 856-0599 | fax: (716) 856-0583