

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION FORM**

**THE CROSSROADS AT GENESEE  
19 DOAT STREET & 9 LANDSDALE PLACE  
BUFFALO, NEW YORK 14211**


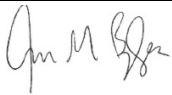
Submitted For:

The Crossroads at Genesee LLC  
1055 Saw Mill River Road, Suite 204  
Ardsley, New York 10502

Prepared By:

**BE3CORP**  
**PANAMERICAN**  
ENVIRONMENT • ENGINEERING • ENERGY  
1270 Niagara Street  
Buffalo, New York, 14213

September 2018

<b>Prepared By:</b> Alexander Brennen	<b>Signature:</b> 	<b>Date:</b> 9/07/18	<b>Title:</b> BE3 - EIT
<b>Reviewed By:</b> Jason M. Brydges, PE	<b>Signature:</b> 	<b>Date:</b> 9/07/18	<b>Title:</b> BE3 - PE

## TABLE OF CONTENTS

BCP Application Form – Completed

Pages 1-12

### EXHIBITS

- A – Section I: Requestor Information – NYSDOS Corp & Business Entity Printout
- B – Section II: Project Description
- C – Section III: Property's Environmental History – Investigation Report (**E Copy Only**)
- D – Section III: Property's Environmental History – Summary
- E – Section IV: Property Information – Property Narrative and Environmental Assessment
- F – Section VI: Current Property Owner/Operator Information
- G – Section VII: Requester Eligibility Information – Volunteer Statement
- H – Section VII: Requester Eligibility Information – Proof of Site Access Certification
- I – Section IX: Contact List Information
- J – Section IX: Contact List Information – Library Acknowledgement Letter
- K – Section X: Land Use Factors

### FIGURES

- 1 – Section III: Property's Environmental History – Site Drawing – Laboratory Data Tables
- 2 – Section IV: Property Information – Tax Map
- 3 – Section IV: Property Information – Boundary Survey Map
- 4 – Section IV: Property Information – USGS Quad Map
- 5 – Section IV: Property Information – Adjacent Property Owners



## 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.

**Refer to Exhibit 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

**Refer to Exhibit B**

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

**Final RIR Not Included**

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.

### 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). **Refer to Exhibit 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: \_\_\_\_\_

**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 full report in Exhibit C, Summary in Exhibit D, and site drawing with data tables in Figure 1.

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	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) <span style="border: 1px solid red; padding: 2px;">See Figures 2-5</span>			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? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

#### 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.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? See Exhibit E

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

Not Applicable

**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>		<b>See Exhibit F</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 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? 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? 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. **See Exhibit G**

**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      See Exhibit H

**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. Not applicable Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  
If yes, please provide: Order # \_\_\_\_\_ Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information See Exhibit I

See Exhibit I

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. See Exhibit J
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	
<p>1. What is the current zoning for the site? What uses are allowed by the current zoning?  Residential      Commercial      Industrial  If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use:      Residential      Commercial      Industrial      Vacant      Recreational (check all that apply)  <span style="border: 1px solid red; padding: 2px;">See Exhibit K, but also see information previously provided in Exhibits B, D and E.</span>  <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:      Residential      Commercial      Industrial (check all that apply)      <b>Attach a statement detailing the specific proposed use.</b>  <span style="border: 1px solid red; padding: 2px;">See Exhibit K, but also see information previously provided in Exhibits B, D and E.</span>  If residential, does it qualify as single family housing? <span style="float: right;">Yes      No</span></p>	
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.	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.	Yes      No



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby 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 *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 M.M. of M.M. (title) of The Crossroads at Genesee 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: 9/6/18

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

Print Name: LARRY REGAN

### 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:**

## EXHIBIT A

### SECTION I: REQUESTOR INFORMATION

#### NYSDOS CORP & BUSINESS ENTITY PRINTOUT

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 7, 2018.

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Selected Entity Name: THE CROSSROADS AT GENESEE LLC

Selected Entity Status Information

**Current Entity Name:** THE CROSSROADS AT GENESEE LLC

**DOS ID #:** 5248021

**Initial DOS Filing Date:** DECEMBER 11, 2017

**County:** WESTCHESTER

**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)**

THE CROSSROADS AT GENESEE LLC

1055 SAW MILL RIVER ROAD

SUITE 204

ARDSLEY, NEW YORK, 10502

**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
DEC 11, 2017	Actual	THE CROSSROADS AT GENESEE 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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## SECTION I: REQUESTOR INFORMATION

### OWNERS/MEMBERS OF THE CROSSROADS AT GENESSEE LLC

**Larry Regan: Owner**

1055 Saw Mill Road #204  
Ardsley, New York 10502

**Kenneth Regan: Owner**

1055 Saw Mill Road #204  
Ardsley, New York 10502

## Exhibit B

### SECTION II: PROJECT DESCRIPTION

#### PURPOSE OF THE PROJECT

The purpose is to complete a remediation of the property for commercial and residential reuse; to reduce the potential exposure to volatile organics in surface and subsurface soil associated with potential vapor migration into the site buildings and exposure to heavy metals and semi-volatile organics in soil; to enhance public and environmental health and reduce potential impacts to groundwater and nearby surface water.

Current and past use of the property and adjacent properties has been a mix of industrial/commercial which has impacted environmental media. The reuse of the property (as commercial and residential) will require remediation of these impacts. The BCP program will help support the significant remediation costs necessary to re-develop the property for the intended re-use.

#### DATE REMEDIAL ACTION TO START

The anticipated date remedial activities and renovations are to start is April 2019.

#### DATE OF ANTICIPATED CERTIFICATE OF COMPLETION

The anticipated date of the certificate of completion is December 2019.

#### ANTICIPATED USE AFTER REMEDIATION

The proposed "The Crossroads at Genesee Apartments," will be lead by Regan Development teamed with Lt. Col. Matt Urban Human Services Center of W.N.Y. and Jericho Road Community Health Center. Redevelopment on the property is planned to be a new mixed-use; approximate 70 unit, affordable apartment building and health care facility. A mix of one, two, and three-bedroom apartments and 1,600 sf of residential community support space, 400 sf for Matt Urban Human Services Center offices are planned. Also, an 8,100 sf, one (1)-story structure will be constructed to provide a new full-service health center, operated by Jericho Road.

## EXHIBIT C

### SECTION III: PROPERTY'S ENVIRONMENTAL HISTORY

#### INVESTIGATION REPORT (E COPY ONLY)



## Exhibit D

### SECTION III. PROPERTY'S ENVIRONMENTAL HISTORY

#### Summary

Investigation reports for the property and adjacent properties indicated that potential environmental impacts exist at the property from past activities on the property and from the adjacent/nearby properties. The past investigations on the property include:

- *Phase I Environmental Site Assessment for 19 Doat Street and 9 Landsdale Street Properties Buffalo, NY* completed in 2017
- *Phase II Environmental Site Assessment for 19 Doat Street and 9 Landsdale Street Properties Buffalo, NY* completed in 2018
- *Supplemental Phase II ESA – 19 Doat and 9 Landsdale Street Properties* complete in 2018.

The Phase I ESA shows industrial and manufacturing uses have occurred on the properties since the early 1900's. Uses onsite include textile manufacturing and dyeing in the early 1900's when the property was owned by the Monarch Knitting Company (1912) and then the Butterworth Dyeing and Bleach Works (1925). In 1929 the property was purchased by the Spencer Lens Company and the production of optical lenses took place on the properties. According to historical maps, Bond Clothing Store occupied the property from 1946 to approximately 1950, where uses were associated with clothing manufacturing and retail. From the 1950's to the early 2000's, the property was occupied by the Royal Bedding Company and other small retail tenants. In 2009, uses switched to automotive repair and tire sales. Operations on site have recently stopped, but equipment and material associated with the automotive uses remains onsite.

The Phase I has identified the following RECs on the property.

- Historic use of portions of the property for textile manufacturing, textile dyeing and bleaching, optical glass and instrument manufacturing, and vehicle and tire repair represent uses that typically create environmental impairment and thus represent a potential REC.
- Records indicate at least four different USTs were associated with the property. One permit record suggests a history of leaks from one of the UST. There were no spill reports or documentation of removal of any of these USTs.
- Several drums and containers of unknown content were observed within the basement of the building and outside on the southern and eastern portions of the property. Please note the property transfer agreement includes a stipulation that the current owner will remove contents and leave the facility "broom clean".
- Two gasoline service stations were historically located on adjacent northern property across Doat Street.

There are currently two-Phase II Environmental Site Assessments on the properties. *Phase II Environmental Site Assessment for 19 Doat Street and 9 Landsdale Street Properties Buffalo, NY* was completed in March 2018 and primarily investigates the 19 Doat Street parcel. *Supplemental Phase II ESA – 19 Doat and 9 Landsdale Street Properties* was completed in June 2018 and was done to include sampling on the 9 Landsdale parcel. The Phase II ESAs on the properties illustrate the likely cause of environmental impairment to be associated with bulk petroleum storage, chemical use associated with

textile dyeing, and dry cleaner solvents. The primary contaminants associated with petroleum contamination and dry cleaner solvents are noted as Volatile Organic Compounds (VOCs), including BTEX, and chlorinated solvents, respectively. Polyaromatic Hydrocarbons (PAHs) and other specific Semi Volatile Organic Compounds (SVOCs) can also be associated with petroleum in addition to the known areas of urban backfill.

Surface and subsurface soil borings were taken across both parcels to assess the extent of contamination. Results from the Phase II's found that metals, PCBs, VOCs, and/or SVOCs were detected in all but two of the soil samples taken. A soil boring sample exceeded restricted residential SCOs for arsenic and cyanide in the middle of the parcels. Pesticide exceedances were detected above unrestricted SCOs across the parcels but below residential SCOs. Soil boring BH-8 contained restricted residential SCO exceedances of VOCs. All but one surface sample show SVOCs mainly PAHs exceeding restricted residential SCOs. Various surface samples detected Restricted residential SCO exceedances of metals, pesticides, and/or SVOCs across both parcels.

## Exhibit E

### SECTION IV. PROPERTY INFORMATION

#### PROPERTY DESCRIPTION NARRATIVE

##### *Location*

The property is located on the eastern side of the City of Buffalo municipality, northeast of the downtown area; approximately 4 miles east of Lake Erie and a quarter mile west of State Route 62. The property sits approximately 250 feet east of the intersection of Genesee and Doat Street, between Doat St and Landsdale place. The property is in an En-Zone.

##### *Site Features*

The main site features include an L-shaped, four-story, 91,000 square-foot brick industrial building with the remainder of the site covered with a gravel/asphalt lot. The building takes up most of the south and western portion of the property. With the gravel and asphalt lot covering the north and eastern sections. Currently multiple storage containers, tire piles, and vehicle storage areas exist on the eastern side of the property, however these will be removed by the current owner after the requestor has closed on the property.

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

Currently the property still contains the materials associated with the former tire sales/automotive repair shop but is unused. The property is zoned D-C, flex-commercial, by the City of Buffalo green code, and was formerly zoned M-1. The property is surrounded by a mixture of residential and commercial uses. The Concordia Cemetery lies adjacently east with commercial properties to the north along Genesee St. Residential uses are located to the west and south.

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

Industrial and manufacturing uses have occurred on the properties since the early 1900's. Uses onsite include textile manufacturing and dyeing in the early 1900's when the property was owned by the Monarch Knitting Company (1912) and then the Butterworth Dyeing and Bleach Works (1925). In 1929 the property was purchased by the Spencer Lens Company and the production of optical lenses took place on the properties. According to historical maps, Bond Clothing Store occupied the property from 1946 to approximately 1950, where uses were associated with clothing manufacturing and retail. From the 1950's to the early 2000's, the property was occupied by the Royal Bedding Company and other small retail tenants. In 2009, uses switched to automotive repair and tire sales. Operations on site have recently stopped, but equipment and material associated with the automotive uses remains onsite. Four noted records related to petroleum storage have been found on the property. Permits for a 550-gallon gasoline tank installed in 1929; two 1,000-gallon gasoline tanks installed in 1950 and 1966; and one 5,000-gallon fuel oil tank was installed in 1972. The Phase I ESA site walkover also indicated multiple storage containers and drums located throughout the site with oily substances. Multiple containers were found in the eastern side lot area and in the basement where a room with numerous containers was labeled poison.

### *Site Geology and Hydrogeology*

Based on the previous environmental reports, site soils are a combination of urban land and Lima complex/Cazenovia silt loam (CgA) 0-6% slope mostly covered by concrete, asphalt, buildings, or other impervious surfaces. The area has been significantly developed as dense urban commercial/residential area since at least the late 1800s with current soils predominantly backfill material from redevelopment. Bedrock beneath the target site consists of Onondaga limestone buried beneath glacial deposits with no rock outcrops visible at ground surface. There are no streams or naturally occurring water sources (including wetlands and floodplains) near the site, and two centuries of construction and development within the heavily urbanized area have altered any natural drainage. Groundwater is assumed to generally flow west-northwest, following natural topography and towards the Niagara River.

### *Environmental Assessment*

Based on the previous environmental investigations, the primary contaminants of concern are metals, pesticides, SVOCs, and petroleum VOCs in soil. The 2018 sampling shows metal contamination such as arsenic, chromium, cyanide, and lead exceeding NYSDEC soil standards at depths from zero to two fbg's throughout the site. Arsenic was shown exceeding SCO's at 28 ppm and 18.7 ppm compared to the Residential use SCO of 16 ppm. One surface sample in the middle of the parcel detected dieldrin at 0.584 ppm exceeding the Residential SCO of 0.039 ppm. SVOC contamination, primarily PAHs was found exceeding Residential SCO's across the site at depths up to 12 fbg's. BTEX compounds were found at BH-8 in the middle of the site greatly exceeding the Residential SCO of xylene and trimethylbenzenes at 232.2 ppm and 371 ppm respectively.

## Exhibit F

### SECTION VI. CURRENT PROPERTY OWNER/OPERATOR INFORMATION

CURRENT OWNERS (SEE FIGURE 1 FOR INDIVIDUAL PARCEL OWNERSHIP):

**Mohamud, Khalil**  
411 Walden Ave  
Buffalo, NY 14211  
716-445-1677

#### RELATIONSHIP OF REQUESTOR TO CURRENT AND PREVIOUS OWNERS AND OPERATORS

NONE. The requestor has no relationship to the current or previous owners or current or past operators of the property.

#### PREVIOUS OWNERS AND OPERATORS

##### *Chain of Use*

**2009** – Khalil Mohamud (current owner/operator)  
**1947** – Royal Bedding Co Inc. (previous owner/operator)  
**1925** – Butterworth Dyeing and Bleach Works (previous operator & presumed owner)  
**1912** - Monarch Knitting Company (previous operator & presumed owner)

Please note that the Monarch Knitting Company and Butterworth Dyeing and Bleach Works are past operators on the property and are presumed to have owned the parcels as well, however due to their age, information relating to their ownership is unclear.

#### LAST KNOWN ADDRESS AND TELEPHONE NUMBERS OF THE PREVIOUS OWNERS/OPERATORS

**Royal Bedding Co**  
201 James E Casey Dr  
Buffalo, NY 14206  
716-895-1414

The Monarch Knitting Company and Butterworth Dyeing and Bleach Works are no longer in business, and because of their age, contact information is not traceable.

## Exhibit G

### SECTION VII. REQUESTOR ELIGIBILITY INFORMATION

#### VOLUNTEER STATEMENT

The requestor has answered no to all eligibility questions except for question 11. See **Exhibit D**, which indicate the potential for unregistered bulk storage tanks to remain on the property. Therefore, the answer to question 11 was answered “yes”.

The requestor is certifying that they are volunteers – their liability arises solely because of future ownership and development of the Site after the disposal of hazardous waste or discharge of petroleum. The requestors have not yet purchased the property and certify that they have exercised appropriate care with respect to the chemical impacts found at the property by:

- Obtaining and reviewed a recently completed Phase I Environmental Site Assessment (ESA) completed on the property by others which identified potential recognized environmental conditions;
- Completed a detailed review of past investigations which identified chemical release concerns; and
- Identified the BCP program to further investigate and remediate the concerns.

The requestor has not initiated any operations or property use that would contribute to environmental impacts to the property. As a result, the requestor is a volunteer; was not the owner of the site at the time of the release of chemical impacts and is not the person responsible for the contamination.

The Requestor has no legal relationship beyond the real estate contract to purchase the property. Mohamud, Khalil will have absolutely no involvement with the development activities of the Requestor going forward. Because acceptance into the BCP is a condition precedent of the real estate contract, Mohamud, Khalil remains in title currently and the Requestor is the contract-vendee.

## EXHIBIT H

### SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

#### Proof of Site Access Certification

June <sup>th</sup> 6, 2018

Ms. Kelly Lewandowski  
Chief, Site Control Section  
NYSDEC  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-7020

Re: *Property Access Authorization*  
NYS DEC Brownfield Cleanup Program  
19 Doat Street and 9 Lansdale Street, Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that I am the owner of the above-referenced properties (the "Site"). As owner of the Site, I am aware of and acknowledge that Regan Development Corporation will be filing an application to enter the NYS Brownfield Cleanup Program (the "BCP") and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

As owner of the Site, I authorize The Crossroads at Genesee LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform the any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with an DEC requirements and the provisions of the BCP and the BCA.

Please contact me if you have any questions or require additional information. Thank you.

Very truly yours,

  
Mohamud H. Khalil



## Exhibit I

### SECTION IX: CONTACT LIST INFORMATION

1. THE CHIEF EXECUTIVE OFFICER AND PLANNING BOARD/DEPT. CHAIR OF EACH COUNTY, CITY, TOWN AND VILLAGE IN WHICH THE PROPERTY IS LOCATED.

#### *Erie County*

**County Executive** - Mark C. Poloncarz  
Edward A. Rath County Office Building  
95 Franklin Street, 16th Floor  
Buffalo, New York 14202  
**Phone:** (716) 858-8500

#### *City of Buffalo*

**Mayor** – Byron W. Brown  
201 City Hall,  
Buffalo, NY 14202  
**Mayor's Office Telephone:** 716-851-4841

**Planning Board Chairman** - James K. Morrell  
901 City of Hall  
Buffalo NY 14202  
**Phone:** 716-851-5082

2. RESIDENTS, OWNERS, AND OCCUPANTS OF THE PROPERTY AND PROPERTIES ADJACENT TO THE PROPERTY. REFER TO FIGURE 5.

#### *Property Owners*

**Khalil, Mohamud (101.55-5-21, 101.55-9-8)**  
411 Walden Avenue  
Buffalo, NY 14211

#### *Adjacent Property Owners*

**City of Buffalo (101.55-6-41, 101.55-6-40, 101.55-6-39, 101.55-6-38, 101.55-6-36, 101.55-6-37, 101.55-6-32, 101.55-5-12, 101.55-5-11, 101.48-2-13, 101.48-2-12 ) – Owner, Vacant**  
65 Niagara Square  
Buffalo, NY 14202

**Ahmed, Ishtiaq (101.48-2-2) – Owner, Vacant**  
29 Adams Avenue  
Staten Island, NY 10306

**Ayash, Ahmed (101.48-2-1) – Owner/Occupant**  
58 Montana Ave  
Buffalo, NY 14211

**The Evangelist Lutheran Church (101.55-5-5, 101.55-5-4) – Owner**

3 Doat Street  
Buffalo, NY 14211

**Occupant: Jericho Road Family Practice (101.55-5-5)**

11 Doat Street  
Buffalo, NY 14211

**Barksdale Holdings LLC (101.55-5-6) – Owner, Vacant**

1173-A Second Ave, Suite 229  
New York, NY 10065

**Dechantell, Lloyd (101.55-5-7, 101.55-5-9) – Owner, Vacant**

33 Burke Dr  
Cheektowaga, NY 14215

**Moore, George Jr. (101.55-8) – Owner/Occupant**

PO Box 448  
Buffalo, NY 14212

**Hossain, Abul (101.55-5-10) – Owner/Occupant**

499 Ocean Parkway, Apt 25  
Brooklyn, NY 11218

**Huff, Griel Jr. (101.55-6-33) – Owner/Occupant**

320 Martha Ave  
Buffalo, NY 14215

**River, Ruth (101.55-6-34) – Owner/Occupant**

23 Landsdale Pl.  
Buffalo, NY 14211

**Bagwell, Jacqueline (101.55-6-35) – Owner, Vacant**

25 Landsdale Pl.  
Buffalo, NY 14211

**The Jewish Federation of Greater Buffalo (101.56-9-9.1, 101.56-9-9.2) – Owner/Occupant (Cemetery)**

2640 North Forest Rd  
Getzville, NY 14068

**Waters, William Jr. (101.56-9-7) – Owner/Occupant**

7 Windcrest Dr.  
Cheektowaga, NY 14225

**3. LOCAL NEWS MEDIA FROM WHICH THE COMMUNITY TYPICALLY OBTAINS INFORMATION.**

*News Papers*

**The Buffalo News**

One News Plaza  
PO Box 100  
Buffalo, NY 14240  
**Phone:** 716-849-4051  
TV

**WGRZ-TV 2NBC** 259 Delaware Ave, Buffalo, NY 14202. 716-849-2222.

**WIVB-TV 4, WNLO-TV.** 2077 Elmwood Avenue, Buffalo, NY 14207. 716-874-4410

**WKBW-TV 7** Broadcast Plaza, Buffalo, NY 14202. 716-845-6100. Fax: 716-842-1855.

**WNED-TV 17 PBS.** 140 Lower Terrace Street, Buffalo, NY 14202. 716-845-7000

**YNN Buffalo,** 355 Chicago St., Buffalo, NY 14204 716) 558-8999 Option 2

4. THE PUBLIC WATER SUPPLIER WHICH SERVICES THE AREA IN WHICH THE PROPERTY IS LOCATED

*Public Water Supplier:*

**Buffalo Water Department**

120 Delaware Ave,  
Buffalo, New York 14202

*County:*

**Erie County Water Department**

295 Main St Rm 350  
Buffalo, New York, 14202

5. ANY PERSON WHO HAS REQUESTED TO BE PLACED ON THE CONTACT LIST.

None.

6. THE ADMINISTRATOR OF ANY SCHOOL OR DAY CARE FACILITY LOCATED ON OR NEAR THE PROPERTY.

There are no schools/day care facilities on the property.

**Universal School**

1957 Genesee St  
Buffalo, NY 14211

**Administrator: Myles Carter**

**PS 92 B.U.I.L.D. Community School**

340 Fougerson St  
Buffalo, NY 14211

**Administrator: Dr. Kriner Cash**

**Harvey Austin Elementary School**

1405 Sycamore St

Buffalo, NY 14211

**Administrator: Dr. Kriner Cash**

7. THE LOCATION OF A DOCUMENT REPOSITORY FOR THE PROJECT (E.G., LOCAL LIBRARY).

**Frank E. Merriweather Jr. Library**

1324 Jefferson Av

Buffalo, NY 14208

**Phone:** 716-883-4418

8. COMMUNITY BOARD – NOT APPLICABLE

## Exhibit J

### SECTION IX: CONTACT LIST INFORMATION

#### LIBRARY ACKNOWLEDGEMENT LETTER

##### **Frank E. Merriweather Jr. Library**

April Tompkins  
1324 Jefferson Avenue  
Buffalo, NY 14208

**From:** April Tompkins  
**To:** [Alex Brennen](#)  
**Subject:** Permission for Repository Documents (Merriweather)  
**Date:** Friday, August 10, 2018 10:21:31 AM

---

Good morning Alex,

Per our conversation this morning, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program and will be made available for public review at the Merriweather Branch Library and/or any other library of your choice. Please refer to our procedure below.

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. 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 two after receipt. If received by Friday morning, they are usually made available 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 destination(s). We will distribution accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. If CD's are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated. Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc 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 original 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

*April Tompkins, Sr. Library Clerk*  
Office of Chief Operating Officer & Technical Support  
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)

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>.

## Exhibit K

### SECTION X: LAND USE FACTORS

#### CURRENT ZONING

The properties at 19 Doat Street and 9 Landsdale Place are currently zoned for D-C, flex commercial, according to the new Buffalo Green Code. The D-C zone allows for general commercial and mixed-use areas, which typically benefit from flexible form standards and are separate from, but within close proximity to, residential neighborhoods. The project received a COB Common Council exception to permit residential occupancy on the ground floor level within this zoning district.

Surrounding parcels are also within the same zoning ordinance. The primary zoning in the surrounding area contains adjacent Urban Neighborhood zones N-3R (residential) the property is also located within a corridor zoned D-IL (light industrial) that runs to the north and south .

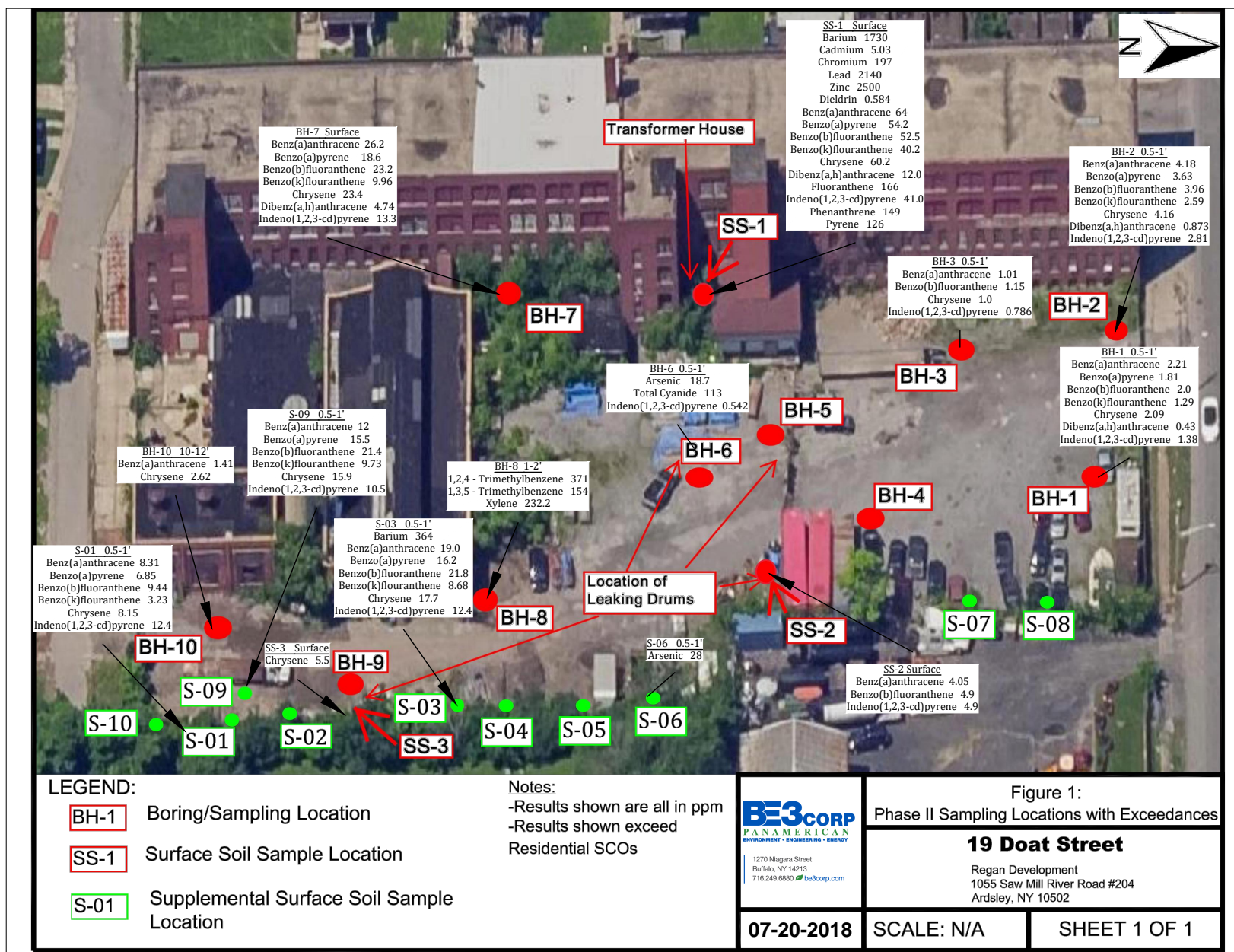
#### CURRENT USE

The property has been associated with automotive repair and tire sales since 2009. Currently the property contains all the equipment and materials associated with this use, however these operations on the site have recently stopped. Potential sources of contamination on the property were identified in previous investigations as multiple oily substance filled containers. Drums and larger containers were found in the gravel lot adjacent the building as well as in the building basement. Historical information indicates at least four petroleum bulk storage containers or USTs on the property with no records associated with removal. The locations of these USTs are unknown and, if still in place, could be impacting the subsurface.

#### REASONABLY ANTICIPATED USE POST REMEDIATION

Redevelopment on the property is planned to be a new mixed-use; approximate 70 unit, affordable apartment building and health care facility. A mix of one, two, and three-bedroom apartments and 1,600 sf of residential community support space, 400 sf for Matt Urban Human Services Center offices are planned. Also, an 8,100 sf, one (1)-story structure will be constructed to provide a new full-service health center, operated by Jericho Road.





**Table 1**  
**Soil Sample Analytical Results**  
**NYCRR Part 375**  
**Sampling Date: 1-29-18**

Contaminants	Sample Identification and Depth													Soil Cleanup Objectives		
	BH-1 (0.5'-1')	BH-2 (0.5'-1')	BH-3 (0.5'-1')	BH-4 (0.5'-1')	BH-5 (0.5'-1')	BH-6 (1'-2')	BH-7 (surface)	BH-8 (1'-2')	BH-9 (5'-6')	BH-10 (10'-12')	SS-1 (surface)	SS-2 (surface)	SS-3 (surface)	Unrestricted Use	Residential	Restricted Residential
<b>METALS</b>																
Arsenic	1.38	3.15	ND	2.21	ND	18.7	ND	7	2.18	3.52	12.6	ND	3.56	13	16	16
Barium	53.8	99.4	21.7	57	24.3	115	91	136	102	93.8	1730	25.2	104	350	350	400
Beryllium	0.273	0.638	0.145	0.471	0.133	0.71	0.202	0.55	0.543	0.567	0.352	ND	0.513	7.2	14	72
Cadmium	0.435	0.85	0.184	ND	0.132	0.263	0.492	ND	ND	ND	5.03	0.146	0.207	2.5	2.5	4.3
Chromium, hexavalent <sup>a</sup>	10.7	14.5	5.54	14.9	4.14	12.6	16.9	15.3	16.9	18.5	197	4.93	18.5	1	22	110
Chromium, trivalent <sup>a</sup>	10.7	14.5	5.54	14.9	4.14	12.6	16.9	15.3	16.9	18.5	197	4.93	18.5	30	36	180
Copper	63.2	11.1	ND	21.7	5.15	ND	12.8	29.8	13.4	16.7	167	ND	10.2	50	270	270
Total Cyanide <sup>a</sup>	0.344	0.439	0.461	ND	ND	113	0.45	ND	ND	ND	15.1	0.518	0.449	27	27	27
Lead	184	118	51.3	14.1	26.9	130	82.6	69	10.3	14.6	2140	13.5	42.6	63	400	400
Manganese	207	287	160	235	127	240	211	331	428	339	496	87.9	189	1600	2,000	2,000
Total Mercury <sup>c</sup>	0.0308	0.0542	0.0221	0.0343	0.0257	0.107	0.0824	0.0613	0.0266	0.0196	0.612	0.00766	0.0509	0.18	0.81	0.81
Nickel	9.21	9.38	6.07	11.1	6.21	14.6	11.2	13.1	18.6	21	25.5	3.49	13.2	30	140	310
Silver	ND	0.39	0.389	0.337	0.264	0.858	0.581	ND	0.475	ND	2.49	0.47	ND	2	36	180
Zinc	139	494	41.4	44.6	30.7	132	157	81.3	47.6	69.7	2500	274	81.1	109	2200	10,000
<b>PCBs/PESTICIDES</b>																
4,4'-DDE	0.00509	0.00177	ND	ND	ND	ND	ND	0.00496	ND	ND	ND	ND	ND	0.0033	1.8	8.9
4,4'-DDT	0.00376	0.00494	0.00482	ND	0.00242	0.00164	ND	ND	ND	ND	0.246	0.00333	0.00462	0.0033	1.7	7.9
4,4'-DDD	0.0188	0.00474	ND	ND	0.003	0.00241	ND	0.0159	ND	ND	ND	0.00344	0.0125	0.0033	2.6	13
Aldrin	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.00595	0.02	0.005	0.019	0.097
alpha-BHC	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.0067	0.00468	0.02	0.097	0.48
Chlordane (alpha)	0.00195	0.0233	0.00187	ND	0.00593	ND	0.773	0.00315	ND	ND	ND	0.00535	0.0154	0.094	0.91	4.2
Dibenzofuran	0.251	0.458	ND	ND	ND	ND	3.04	ND	ND	0.466	12.8	ND	ND	7	14	59
Dieldrin	0.00678	ND	ND	ND	0.0035	ND	ND	0.00212	ND	ND	0.584	0.0236	0.00515	0.005	0.039	0.2
Endosulfan I <sup>b</sup>	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.00629	0.00511	2.4	4.8	24
Endosulfan II <sup>b</sup>	0.00573	ND	ND	ND	0.00159	ND	ND	0.00444	ND	0.00173	ND	0.00737	0.0224	2.4	4.8	24
Endosulfan sulfate <sup>b</sup>	0.0148	0.0192	0.0221	ND	0.00212	0.00207	0.471	0.00792	ND	0.00389	0.711	0.0146	0.0118	2.4	4.8	24
Endrin	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.00167	ND	0.0188	0.0297	0.014	2.2	11
Lindane	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.0045	ND	0.1	0.28	1.3
Polychlorinated biphenyls	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	0.12	ND	ND	0.1	1	1
<b>SEMIVOLATILE ORGANIC COMPOUNDS</b>																
Acenaphthene	0.313	0.635	ND	ND	ND	ND	3.12	ND	ND	0.944	14	ND	10.2	20	100	100
Acenaphthylene	ND	ND	ND	ND	ND	ND	2.09	ND	ND	ND	ND	ND	ND	100	100	100
Anthracene	0.769	1.52	0.216	ND	ND	0.211	11.2	ND	ND	0.672	30	ND	4.22	100	100	100
Benz(a)anthracene	2.21	4.18	1.01	ND	ND	0.868	26.2	0.222	ND	1.41	64	4.05	ND	1	1	1
Benzo(a)pyrene	1.84	3.63	0.959	ND	ND	0.726	18.6	0.236	ND	0.803	54.2	ND	ND	1	1	1
Benzo(b)fluoranthene	2	3.96	1.15	ND	ND	0.727	23.2	0.312	ND	ND	52.5	4.9	ND	1	1	1
Benzo(g,h,i)perylene	1.23	2.52	0.717	ND	ND	0.468	10.9	0.221	ND	0.436	33.9	3.75	ND	100	100	100
Benzo(k)fluoranthene	1.29	2.59	0.561	ND	ND	0.577	9.96	0.173	ND	ND	40.2	ND	ND	0.8	1	3.9
Chrysene	2.09	4.16	1	ND	ND	0.857	23.4	0.289	ND	2.62	60.2	ND	5.5	1	1	3.9
Dibenz(a,h)anthracene	0.43	0.873	0.251	ND	ND	0.173	4.74	ND	ND	ND	12	ND	ND	0.33	0.33	0.33
Fluoranthene	5.01	9.92	2.02	ND	1.38	1.73	57.1	0.378	ND	0.401	166	6.82	ND	100	100	100
Fluorene	0.335	0.727	ND	ND	ND	ND	4.32	ND	ND	1.46	16.1	ND	15.4	30	100	100
Indeno(1,2,3-cd)pyrene	1.38	2.81	0.786	ND	ND	0.542	13.3	0.263	ND	ND	41	4.9	ND	0.5	0.5	0.5
Naphthalene	0.237	ND	ND	ND	ND	ND	ND	2.68	ND	5.82	13.6	ND	7.51	12	100	100
Phenanthrene	3.83	7.86	1.04	ND	0.894	0.675	55.2	0.424	ND	9.1	149	5.44	47.9	100	100	100
Pyrene	3.6	7.3	1.57	ND	1.03	1.38	39.8	0.452	ND	2	126	6.75	6.73	100	100	100
TiCs	74	20.6	7.4	2.05	24.4	6.4	123	104	5.3	271	268	353	5550	NA	NA	NA



Table 1  
Soil Sample Analytical Results  
NYCRR Part 375  
Sampling Date: 1-29-18

Contaminants	Sample Identification and Depth													Soil Cleanup Objectives		
	BH-1 (0.5-1')	BH-2 (0.5-1')	BH-3 (0.5-1')	BH-4 (0.5-1')	BH-5 (0.5-1')	BH-6 (1'-2')	BH-7 (surface)	BH- 8 (1'-2')	BH-9 (5'-6')	BH-10 (10'-12')	SS-1 (surface)	SS-2 (surface)	SS-3 (surface)	Unrestricted Use	Residential	Restricted Residential
VOLATILE ORGANIC COMPOUNDS																
cis-1,2-Dichloroethene	ND	0.00499	0.00414	ND	0.00287	0.00329	NA	ND	ND	ND	NA	ND	NA	0.25	59	100
Acetone	ND	ND	0.0384	ND	ND	0.314	NA	ND	ND	ND	NA	0.203	NA	0.05	100	100
Benzene	ND	0.00316	0.00412	ND	0.00234	0.00652	NA	ND	ND	1.76	NA	ND	NA	0.06	2.9	4.8
Butylbenzene (n)	ND	ND	ND	ND	ND	ND	NA	ND	ND	2.21	NA	ND	NA	12	100	100
Ethylbenzene	ND	0.00277	0.00383	ND	ND	0.0364	NA	5.73	ND	4.56	NA	ND	NA	1	30	41
Methyl ethyl ketone (2-	ND	ND	0.0202	ND	ND	0.0118	NA	ND	ND	ND	NA	0.0519	NA	0.12	100	100
Methylene chloride	ND	0.00688	ND	ND	ND	0.00754	NA	ND	ND	ND	NA	ND	NA	0.05	51	100
n-Propylbenzene	ND	ND	0.00504	ND	ND	0.0166	NA	6.1	ND	1.29	NA	ND	NA	3.9	100	100
sec-Butylbenzene	ND	ND	0.00271	ND	ND	0.00294	NA	ND	ND	0.819	NA	ND	NA	11	100	100
Toluene	0.00297	0.00325	0.00513	ND	0.0023	0.0656	NA	ND	ND	ND	NA	ND	NA	0.7	100	100
Trichloroethene	0.0532	0.214	0.173	0.0367	0.0585	0.0655	NA	ND	8.82	ND	NA	ND	NA	0.47	10	21
1,2,4-Trimethylbenzene	0.00318	0.00388	0.172	0.00298	0.0162	0.203	NA	371	ND	4.54	NA	0.0437	NA	3.6	47	52
1,3,5- Trimethylbenzene	ND	0.00249	0.0358	ND	0.00689	0.0651	NA	154	ND	ND	NA	0.0104	NA	8.4	47	52
Xylene (mixed)	0.01186	0.03463	0.044	0.00949	0.018	0.294	NA	232.2	ND	0.765	NA	0.0302	NA	0.26	100	100
TICs	ND	0.185	4.42	ND	0.186	1.75	NA	2080	5.64	251	NA	1.18	NA	NA	NA	NA

Results and SCOs are in parts per million (ppm).

ND - Non-Detect

NA - Not Applicable

NS - Not Specified, and may be required to calculate the ERSCO

<sup>a</sup> The SCO for this compound (or family of compounds) is considered met if the analysis for the total species of this compound is below the specific SCO.

<sup>b</sup> SCO is the sum of endosulfan I, endosulfan II, and endosulfan sulfate (but not for Eco or GW SCO).

<sup>c</sup> This SCO includes the values for elemental Hg or inorganic salts Hg.

1 = laboratory value exceeds restricted residential SCOs

2 = laboratory value exceeds residential SCOs but does not exceed restricted residential SCOs

3 = laboratory value exceeds unrestricted SCOs but does not exceed residential SCOs

**Table 1**  
**Supplemental Soil Sample Analytical Results NYCRR Part 375**  
**Sampling Date: 6-23-18**

Contaminants	Sample Identification and Depth				Soil Cleanup Objectives		
	S-01 (0.5-1')	S-03 (0.5-1')	S-06 (0.5-1')	S-09 (0.5-1')	Unrestricted Use	Residential	Restricted Residential
<b>METALS</b>							
Arsenic	7.78	11	28	4.67	13	16	16
Barium	213	364	99.7	72.8	350	350	400
Beryllium	1.58	1.28	0.788	0.403	7.2	14	72
Cadmium	1.57	1.11	1.73	0.976	2.5	2.5	4.3
Chromium, hexavalent <sup>a</sup>	12.3	10.1	12.3	11.3	1	22	110
Copper	29.1	91.7	87.7	27.5	50	270	270
Lead	98.9	104	205	87.7	63	400	400
Manganese	1060	381	261	306	1600	2,000	2,000
Total Mercury <sup>c</sup>	0.0506	0.0949	0.107	0.0302	0.18	0.81	0.81
Nickel	12.7	11.6	18	10.5	30	140	310
Silver	2.79	2.8	3.38	3.11	2	36	180
Zinc	202	285	277	184	109	2200	10,000
<b>SEMIVOLATILE ORGANIC COMPOUNDS</b>							
Acenaphthene	ND	ND	ND	4.21	20	100	100
Anthracene	3.1	4.2	ND	8.87	100	100	100
Benz(a)anthracene	8.31	19	ND	12	1	1	1
Benzo(a)pyrene	6.85	16.2	ND	15.5	1	1	1
Benzo(b)fluoranthene	9.44	21.8	ND	21.4	1	1	1
Benzo(g,h,i)perylene	4.07	10.4	ND	9.62	100	100	100
Benzo(k)fluoranthene	3.23	8.68	ND	9.73	0.8	1	3.9
Chrysene	8.15	17.7	ND	15.9	1	1	3.9
Fluoranthene	19.7	44.3	ND	33.7	100	100	100
Fluorene	ND	ND	ND	4.48	30	100	100
Indeno(1,2,3-cd)pyrene	4.84	12.4	ND	10.5	0.5	0.5	0.5
Phenanthrene	15	22.8	ND	32.5	100	100	100
Pyrene	15.1	34.9	ND	37	100	100	100
<b>VOLATILE ORGANIC COMPOUNDS</b>							
Tetrachloroethene	ND	ND	0.589	ND	1.3	5.5	19

<sup>a</sup> Results and SCO's are in parts per million (ppm).

ND - Non-Detect

NA - Not Applicable

NS - Not Specified, and may be required to calculate the ERSCO

<sup>a</sup> The SCO for this compound (or family of compounds) is considered met if the analysis for the total species of this compound is below the specific SCO.

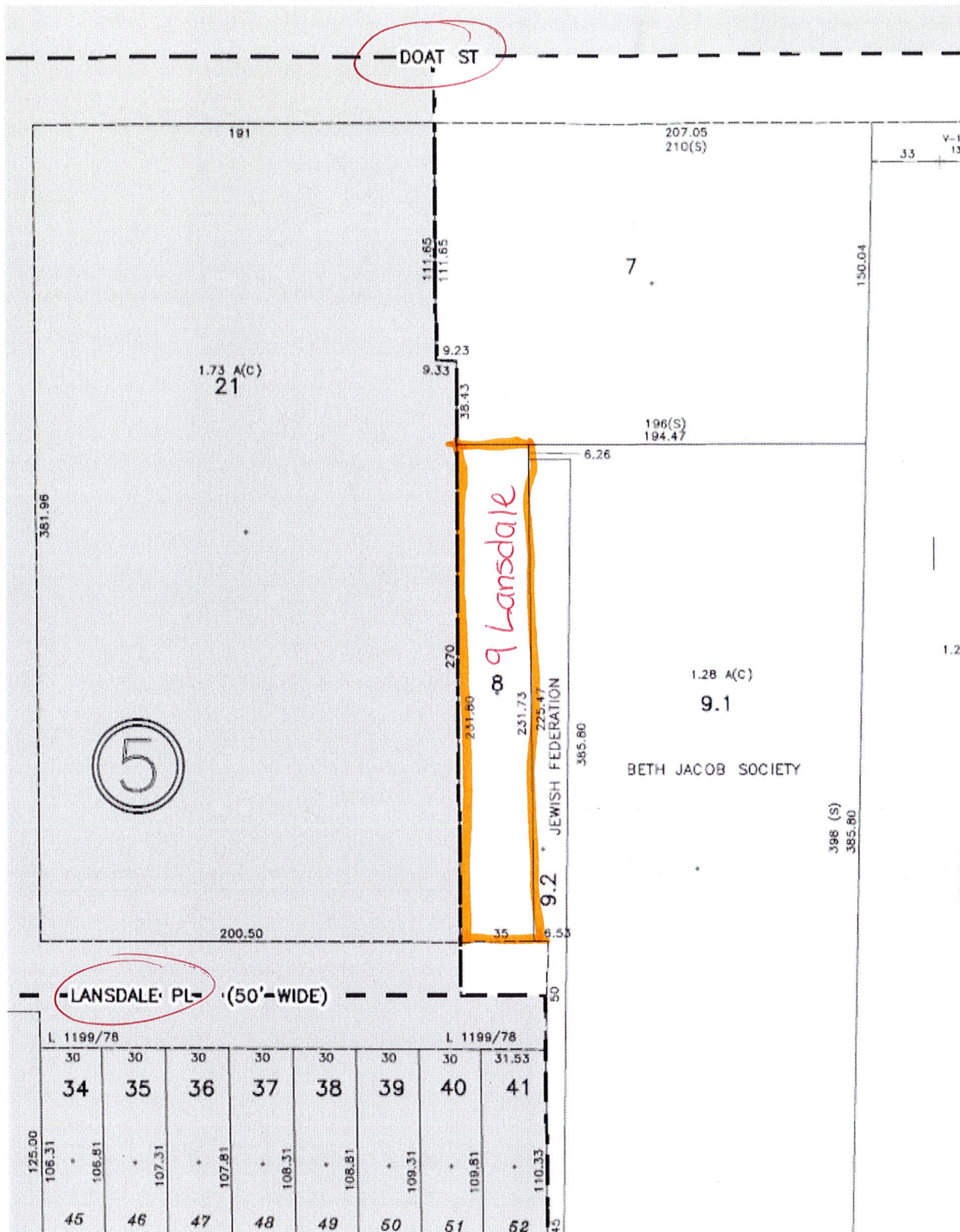
<sup>b</sup> SCO is the sum of endosulfan I, endosulfan II, and endosulfan sulfate (but not for Eco or GW SCO).

<sup>c</sup> This SCO includes the values for elemental Hg or inorganic salts Hg.

1	= laboratory value exceeds restricted residential SCO's
2	= laboratory value exceeds residential SCO's but does not exceed restricted residential SCO's
3	= laboratory value exceeds unrestricted SCO's but does not exceed residential SCO's



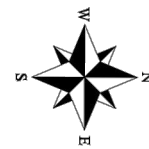




Rapin Pl.

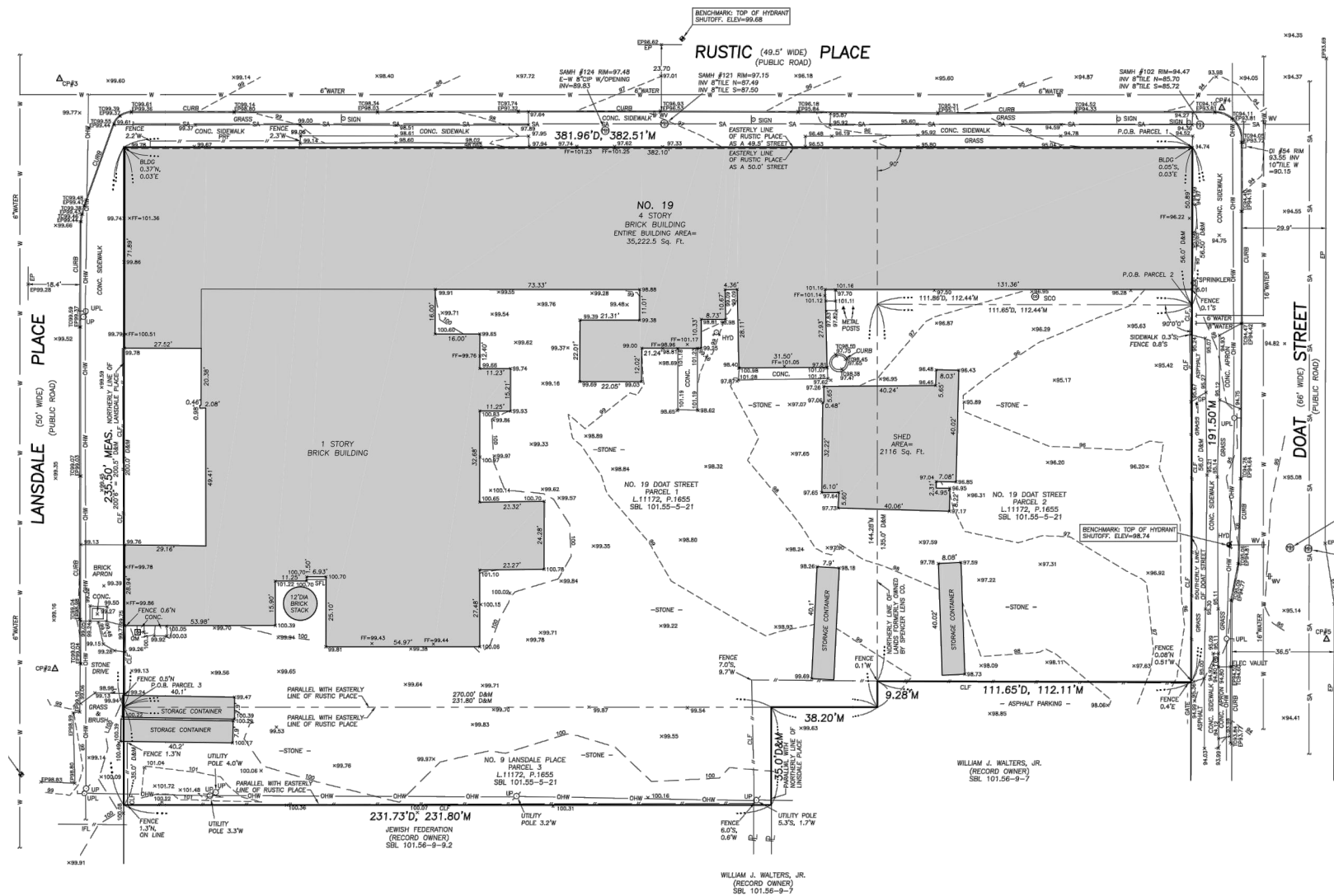
## FIGURE 2: Tax Map

9 Landsdale Place



LEGEND

CLF	—	CHAIN LINK FENCE
PRF	—	POST AND RAIL FENCE
Q	□	SIGN
GP	△	POSTS
G	—	GAS LINE
DAS	⊠	GAS METER
DV	⊞	GAS VALVE
DI	⊞	DRAINAGE INLET
ST	—	STORM SEWER LINE
SMH	⊞	SANITARY MANHOLE
SCD	⊞	SEWER CLEANOUT
SA	—	SANITARY SEWER LINE
INV	⊞	INVERT ELEVATION
UP	⊞	ELECTRIC VAULT
UPL	⊞	UTILITY POLE W/ LIGHT
OHW	—	OVERHEAD WIRES
UE	—	UNDERGROUND ELECTRIC
W	—	WATER LINE
WV	⊞	WATER VALVE
HYD	⊞	HYDRANT
CONC	—	CONCRETE
TC	—	TOP OF CURB
SW	—	SIDEWALK
EP	—	EDGE OF PAVEMENT
FF	—	FINISHED FLOOR
D&M	—	DEED AND MEASURED
CP	△	PRIMARY CONTROL POINT
BM	⊞	BENCHMARK



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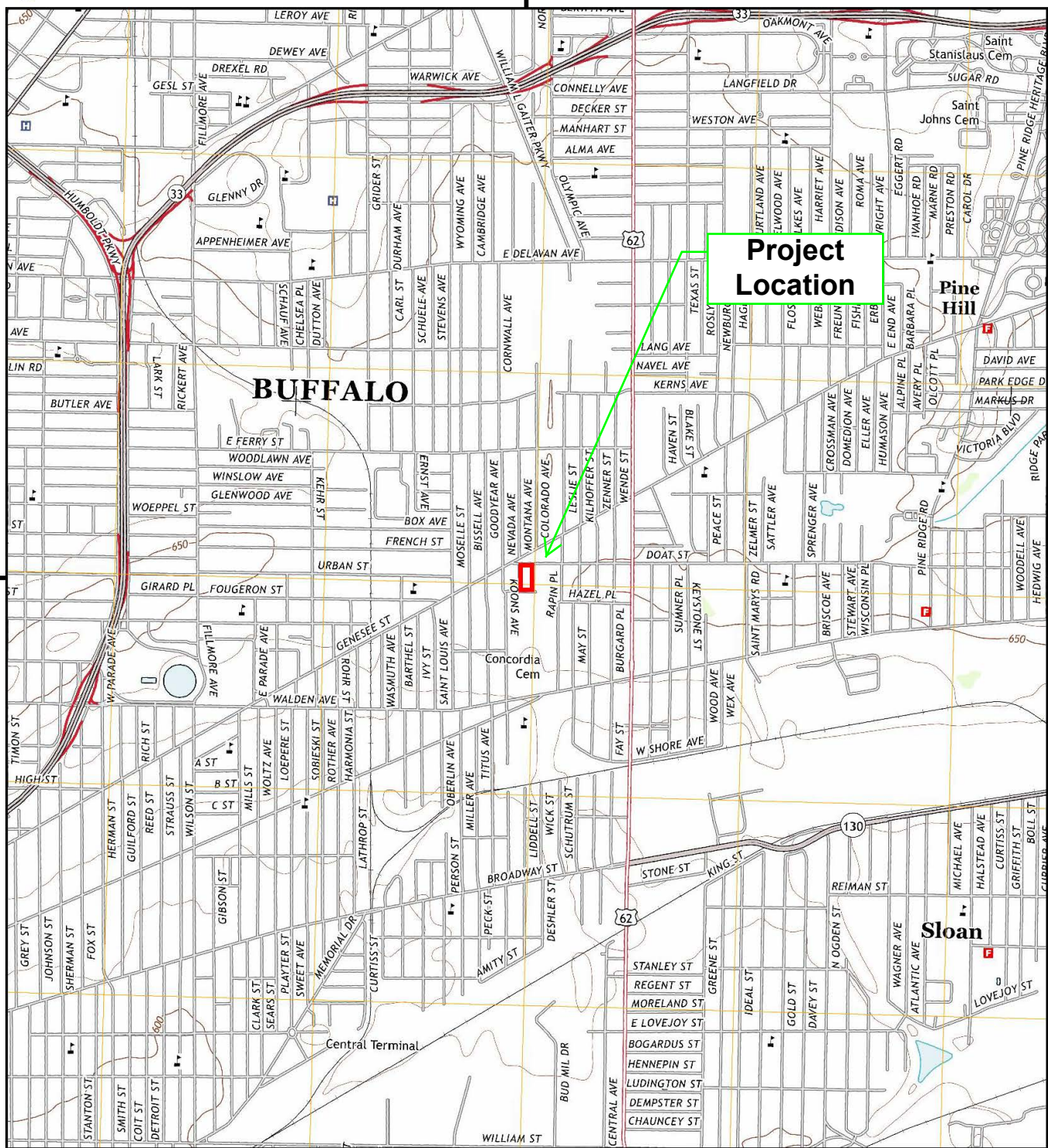
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PANAMERICAN  
ENVIRONMENT • ENGINEERING • ENERGY

1270 Niagara Street  
Buffalo, NY 14213  
716.249.6880 [be3corp.com](http://be3corp.com)

**FIGURE 3: Site Boundary Survey**

**19 DOAT STREET**  
Regan Development  
1055 Saw Mill River Road #204  
Ardley, NY 10502





This report includes information from the following map sheet(s).



1270 Niagara Street  
Buffalo, NY 14213  
716.249.6880 [be3corp.com](http://be3corp.com)

FIGURE 4: USGS Quad Map

19 Doat Street  
Regan Development Corp.

07-24-2018

SCALE: N/A

SHEET 1 OF 1







FIGURE 5: Proposed Property Boundary Lines & Adjacent Property Owners

The Crossroads at Genesee  
Buffalo, NY

07-25-2018

The Crossroads at Genesee LLC