

Brownfield Cleanup Program Application

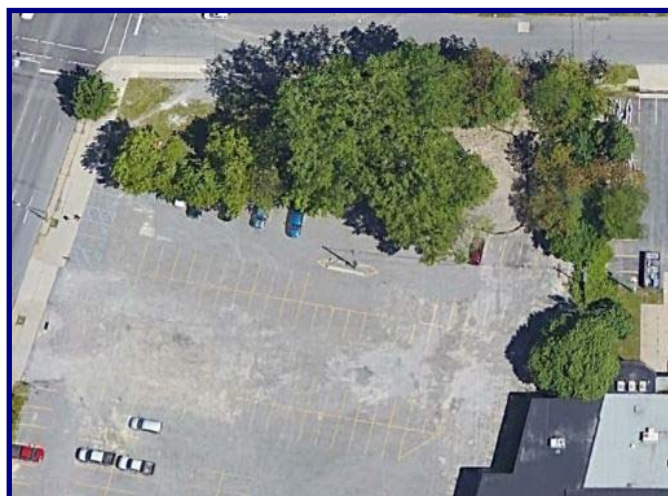
1155 Main Street Site
Buffalo, New York

October 2018

0371-018-002

Prepared For:

Main & Dodge LLC



Prepared By:





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 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #: _____

NAME Main & Dodge LLC

ADDRESS 50 Lakefront Boulevard, Suite 103

CITY/TOWN Buffalo

ZIP CODE 14202

PHONE 716-217-9105

FAX

E-MAIL fdagher@cedarlanddev.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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **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 **Not Applicable**

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 Appendix A; Section II

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). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

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	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 type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input checked="" type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: motel, gas station, used automobile sales, residential.

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 1155 Main Street				
ADDRESS/LOCATION 1155 Main Street (formerly 1159 Main Street, 11 Dodge Street, 19 Dodge Street)				
CITY/TOWN Buffalo		ZIP CODE 14209		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 1.55		
LATITUDE (degrees/minutes/seconds) 42 ° 54 ' 19.3 "		LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 02.0 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	See Appendix A; Section IV	Section No.	Block No.	Lot No.
1155 Main Street				1.55
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 an accurate map of the proposed site. See Appendix A; Section IV				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : <u>Census Tract 168</u></div> <div style="margin-top: 10px;"> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100% </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

None/Unknown

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

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☐ Yes ☐ No

Not Applicable

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

Not Applicable

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)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY	
		BCP SITE NAME: _____	
		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Cedarland Development LLC - Dr. Fadi Dagher, President			
ADDRESS 50 Lakefront Boulevard, Suite 103			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-217-9105	FAX	E-MAIL fdagher@cedarlanddev.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-8560583	E-MAIL cboron@benchmarkturnkey.com	
NAME OF REQUESTOR'S ATTORNEY Steven Ricca, Esq.			
ADDRESS 200 Delaware Avenue, Suite 900			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-416-7000	FAX	E-MAIL sricca@bsk.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Main & Dodge LLC		OWNERSHIP START DATE: 10/10/2018	
ADDRESS 50 Lakefront Boulevard, Suite 103			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-217-9105	FAX	E-MAIL fdagher@cedarlanddev.com	
CURRENT OPERATOR'S NAME Same as Requestor			
ADDRESS Same as Requestor			
CITY/TOWN Same as Requestor		ZIP CODE Same as Requestor	
PHONE Same as Requestor	FAX	E-MAIL Same as Requestor	
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". <div style="text-align: center; color: red; border: 1px solid red; padding: 2px; display: inline-block;">See Appendix B; Section VI</div>			
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.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
See Appendix B; Section VII			
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: **See Appendix B; Section VII**

☐ 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 8
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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors**See Appendix B; Section X**

1. What is the current municipal zoning designation for the site? N-1C: Mixed Use Core

What uses are allowed by the current zoning? (Check boxes, below)

☒ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

☐ Yes ☒ No

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.

See Appendix B; Section X.

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

See Appendix B; Section X.

☒ Yes ☐ No

XI. Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of Main & Dodge 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: 11/21/18

Signature: _____

Print Name: Dr. Fadi Dagher

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 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input checked="" 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
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website 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
From ECL 27-1405(31):	
<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>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (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: 1155 Main Street

City: Buffalo

Site Address: 1155 Main Street (formerly 1159 Main Street, 11 Dodge Street, 19 Dodge Street)

County: Erie

Zip: 14209

Tax Block & Lot

Section (if applicable):

Block:

Lot:

Requestor Name: Main & Dodge LLC

City: Buffalo

Requestor Address: 50 Riverfront Boulevard, Suite 103

Zip: 14202

Email: fdagher@cedarlanddev.com

Requestor's Representative (for billing purposes)

Name: Cedarland Development LLC - Dr. Fadi Dagher, President

Address: 50 Riverfront Boulevard, Suite 103

City: Buffalo

Zip: 14202

Email: fdagher@cedarlanddev.com

Requestor's Attorney

Name: Steven Ricca, Esq.

Address: 200 Delaware Avenue, Suite 900

City: Buffalo

Zip: 14202

Email: sricca@bsk.com

Requestor's Consultant

Name: Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G. **Address:** 2558 Hamburg Turnpike, Suite 300

City: Buffalo

Zip: 14218

Email: cboron@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

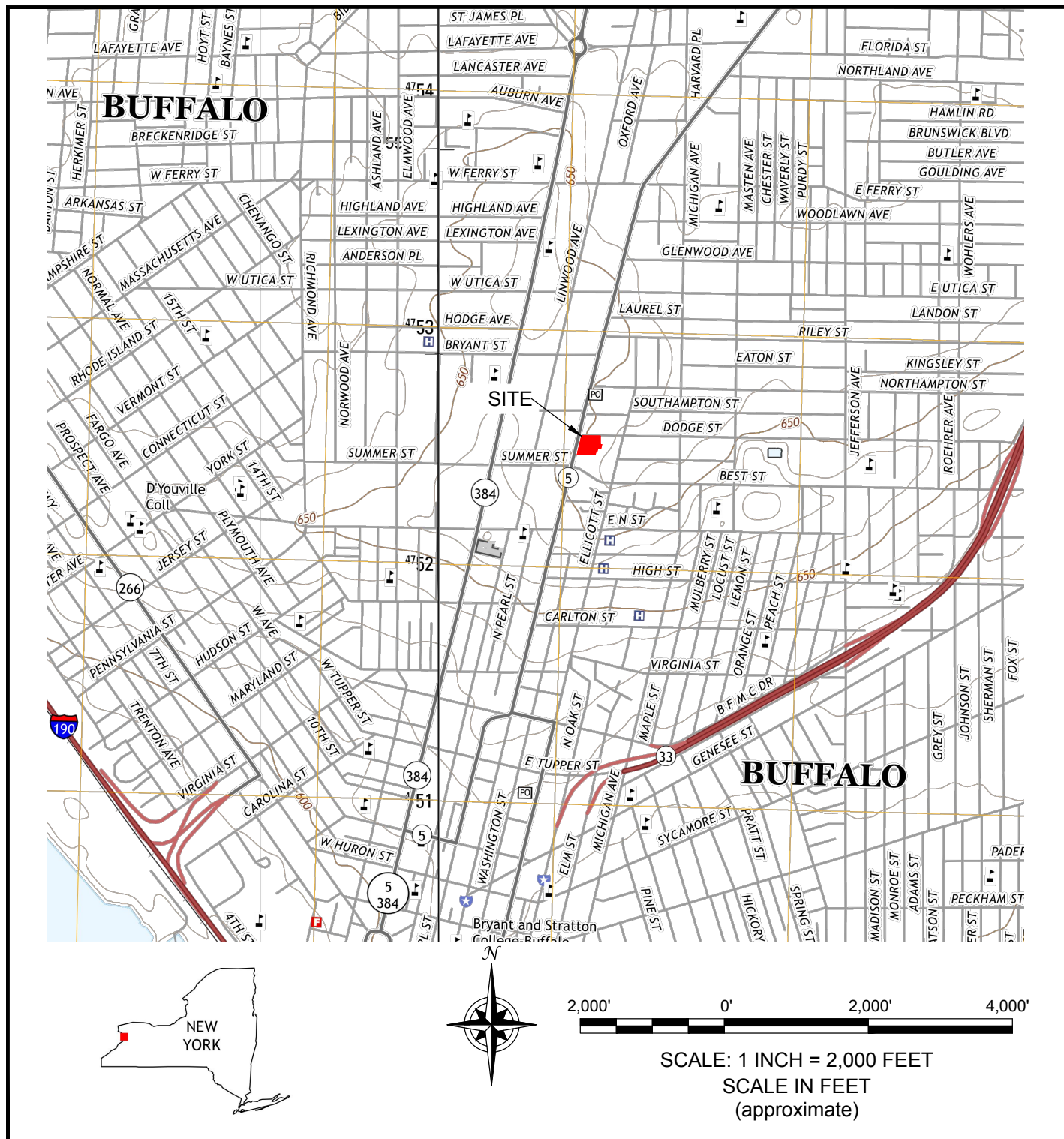
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

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 | Preliminary Project Rendering |
| Figure 7 | Investigation Locations & Areas of Concern |
| Figure 8 | Adjacent Property Owners |
| Figure 9 | Zoning Map |
| Figure 10 | USDA Soil Type Map |

FIGURE 1



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

PROJECT NO.: 0371-018-001

DATE: SEPTEMBER 2018

DRAFTED BY: CMC

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

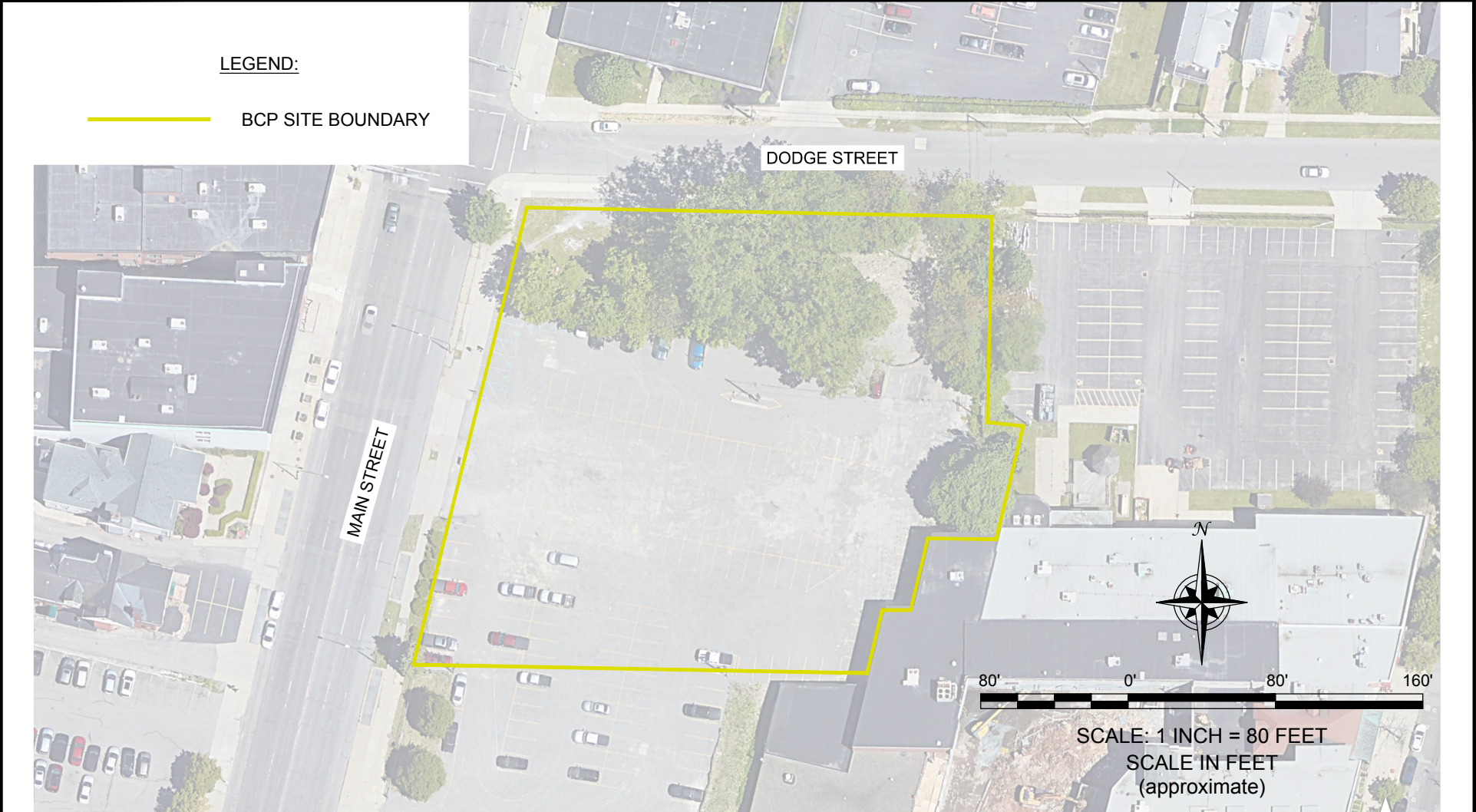
1155 MAIN STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

MAIN & DODGE LLC

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

PROJECT NO.: 0371-018-002

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

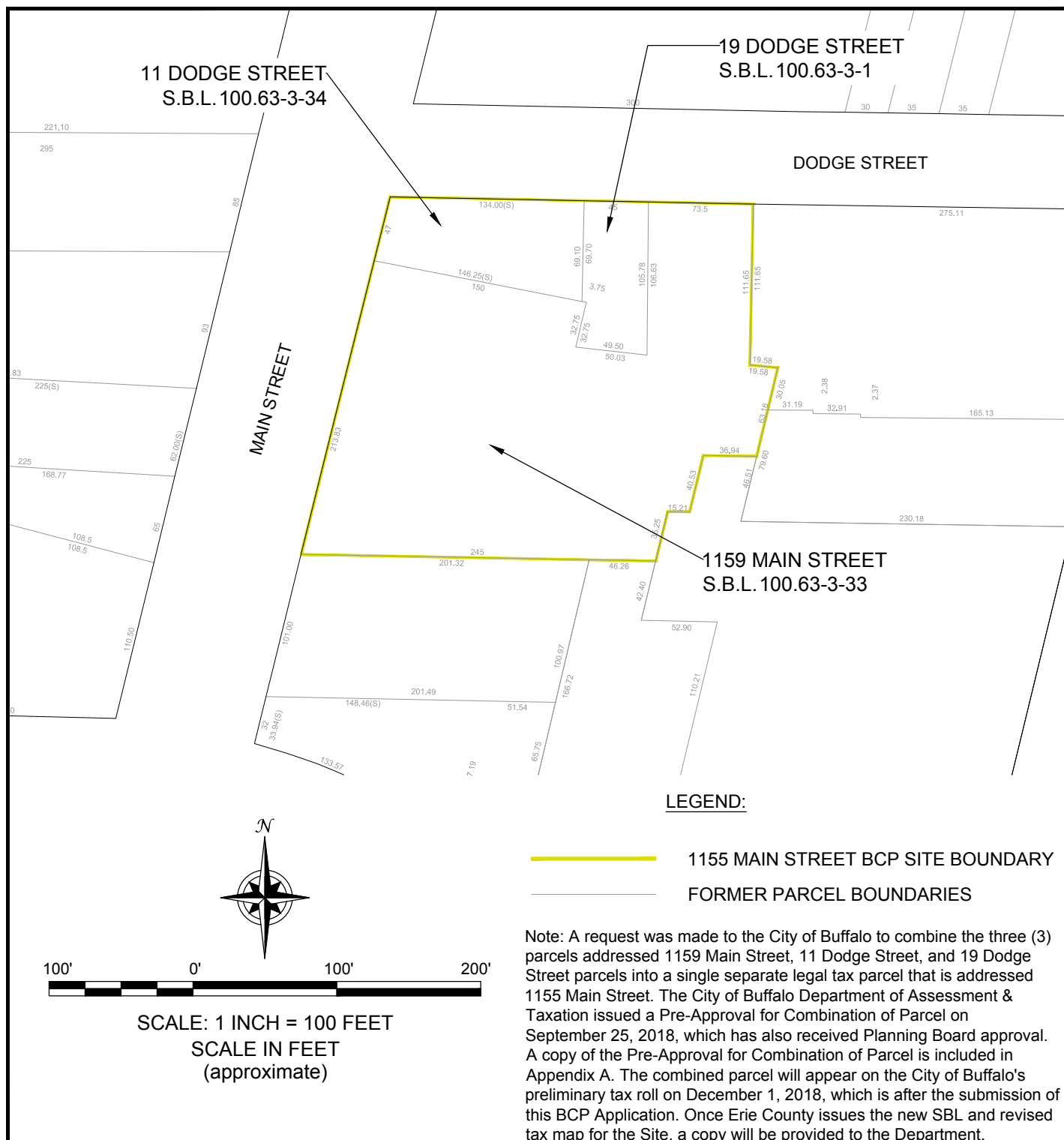
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FIGURE 2

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FIGURE 3



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

PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

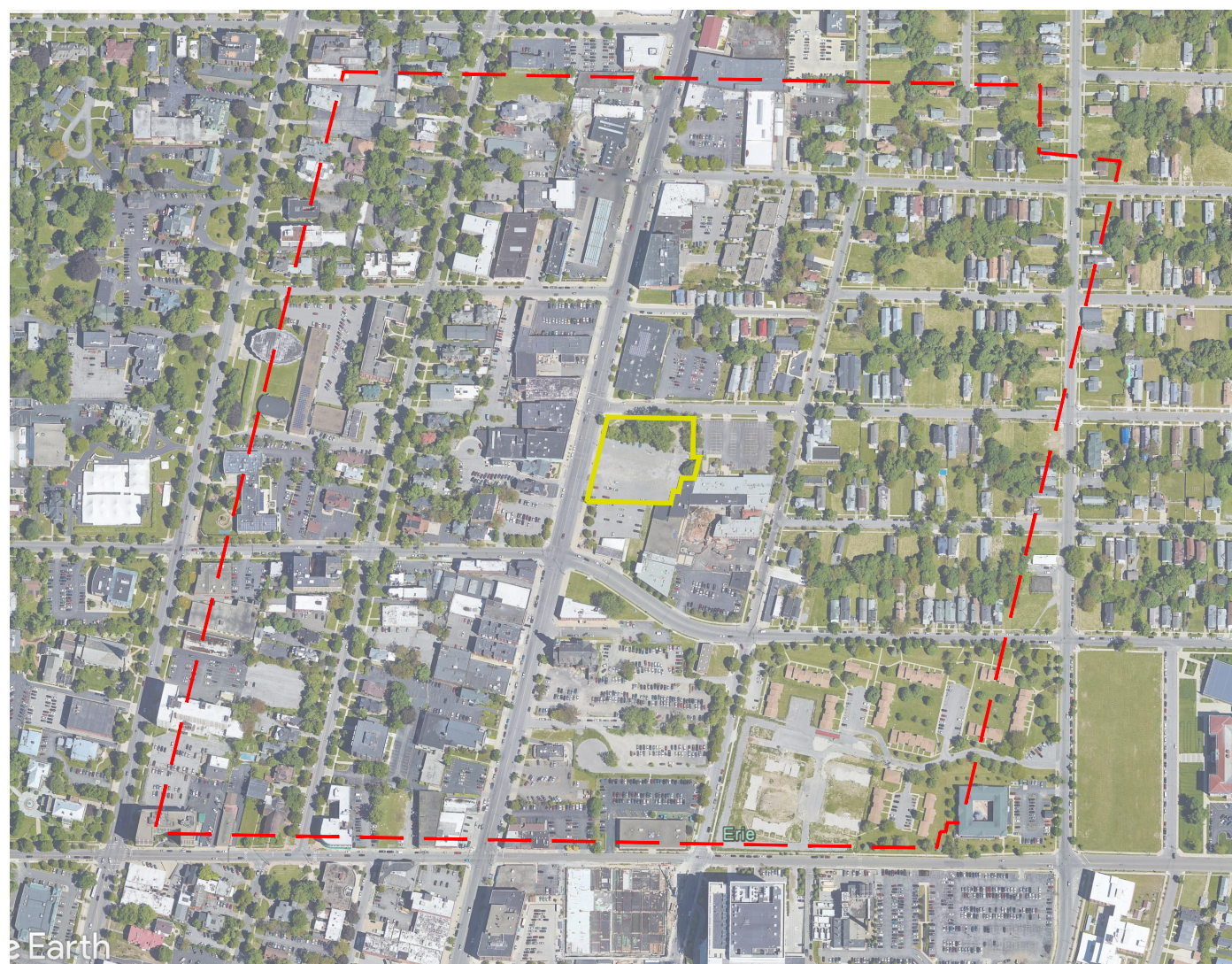
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FIGURE 4



500' 0' 500' 1,000'

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

LEGEND:

— BCP SITE BOUNDARY
- - - 1,000' SETBACK



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SUITE 300
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PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

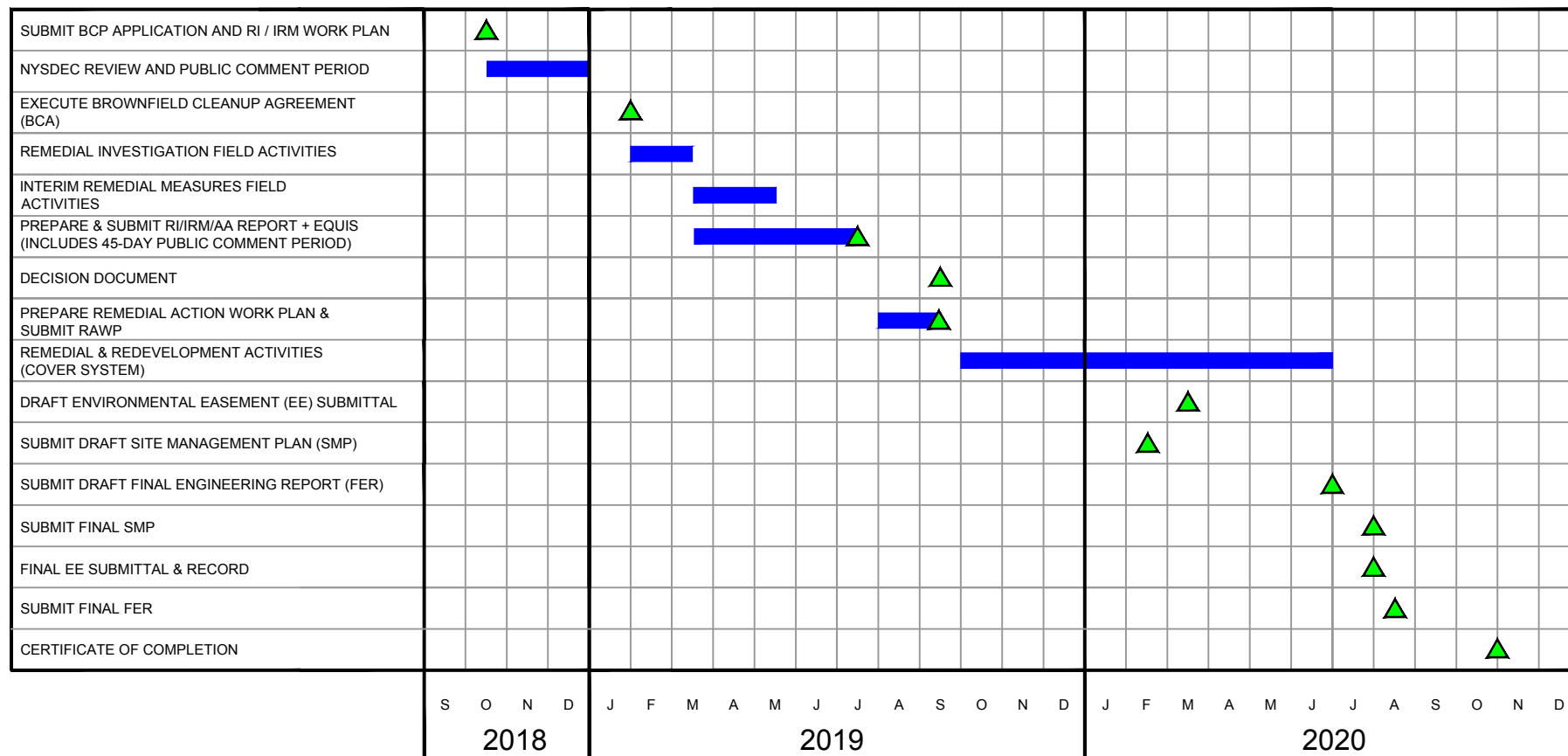
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PROJECT TASKS:



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

PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

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MAIN & DODGE LLC

FIGURE 5

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

PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

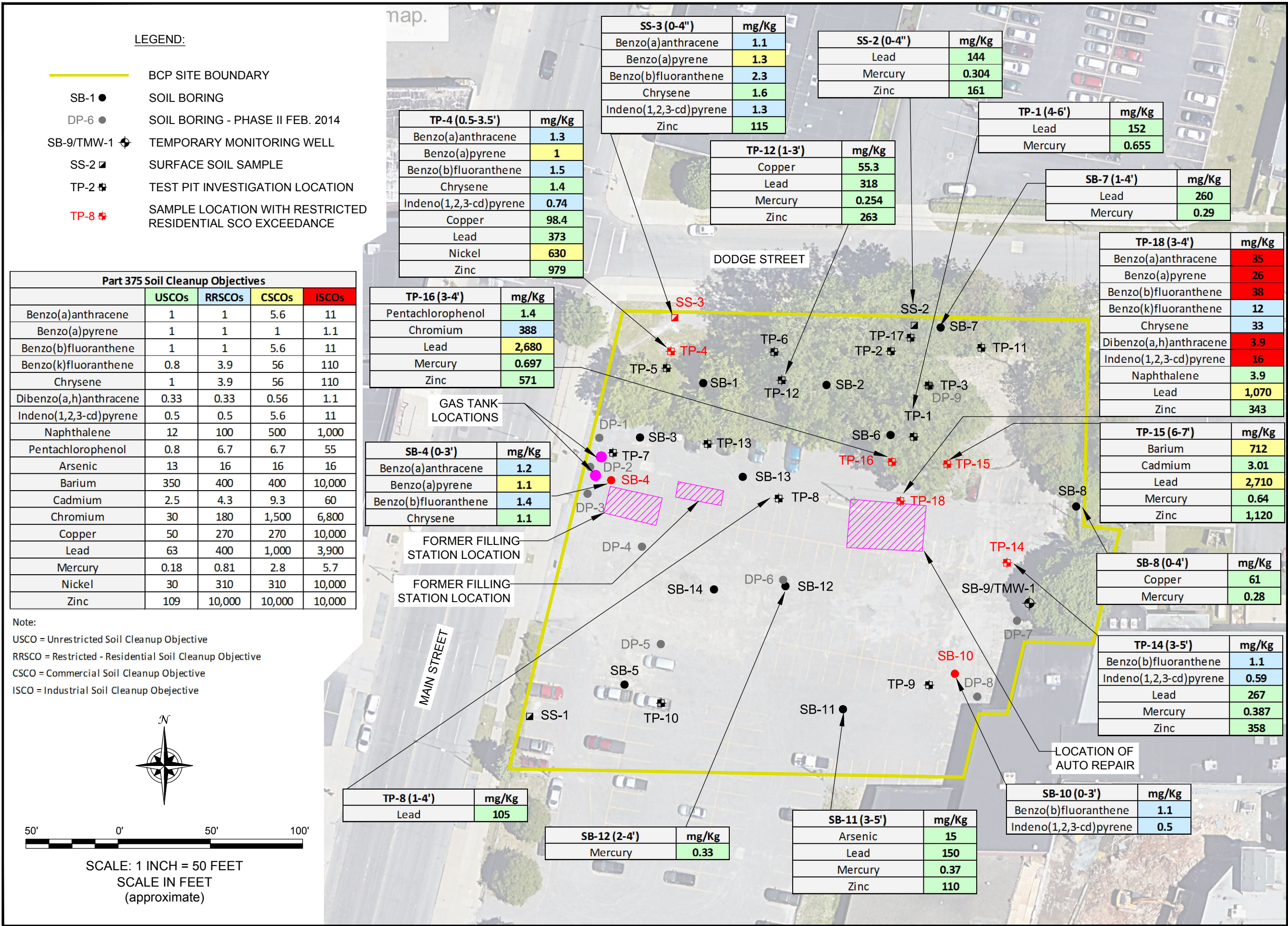
PREPARED FOR

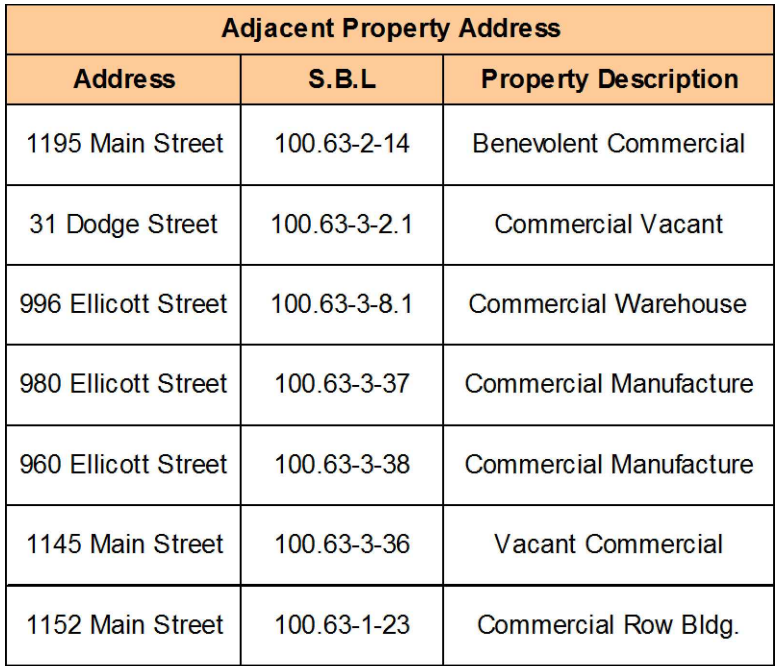
MAIN & DODGE LLC

FIGURE 6

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Adjacent Property Address		
Address	S.B.L	Property Description
1160 Main Street	100.63-1-22	Commercial Row Bldg.
1164 Main Street	100.63-1-22	Commercial Row Bldg.
1176 Main Street	100.63-1-20	Commercial Health Bldg.
1192 Main Street	100.63-1-18.11	Commercial Warehouse



BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK
PREPARED FOR
MAIN & DODGE LLC

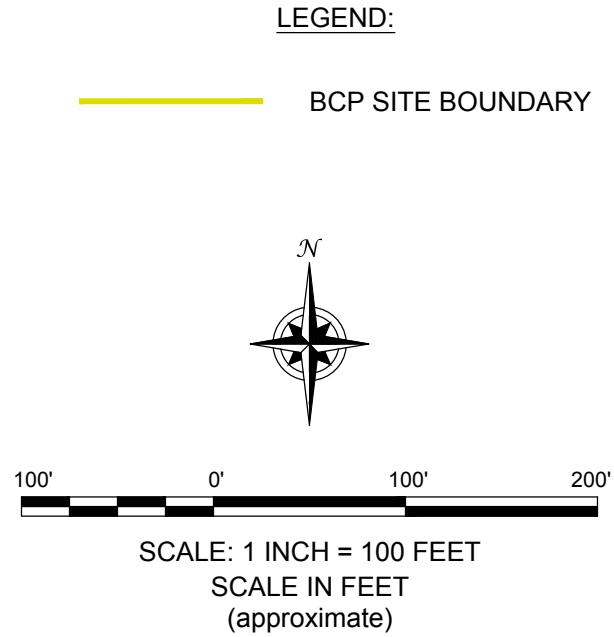


JOB NO.: 0371-018-002

FIGURE 8

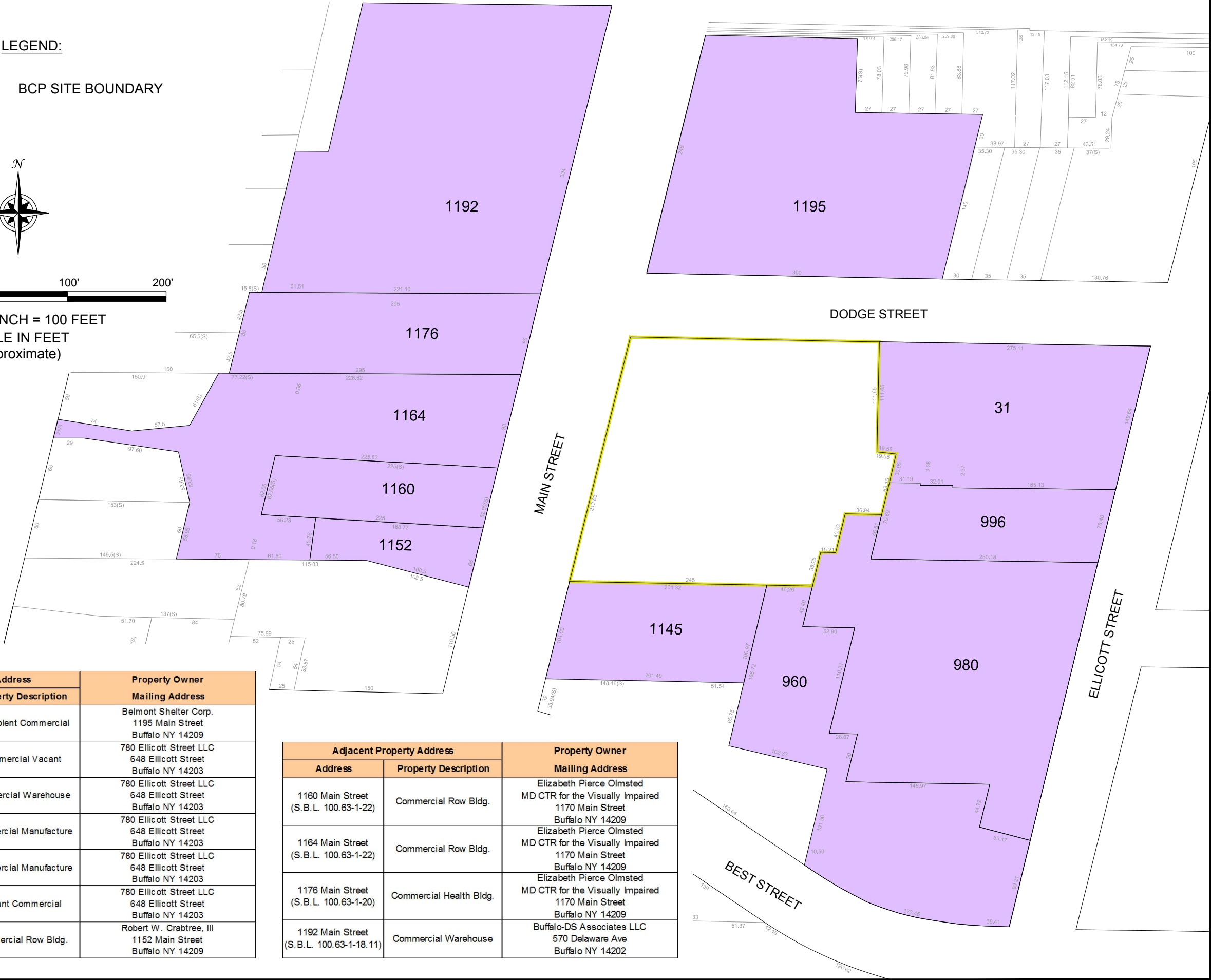
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DATE: OCTOBER 2018
DRAFTED BY: CMC



Adjacent Property Address		Property Owner
Address	Property Description	Mailing Address
1195 Main Street (S.B.L. 100.63-2-14)	Benevolent Commercial	Belmont Shelter Corp. 1195 Main Street Buffalo NY 14209
31 Dodge Street (S.B.L. 100.63-3-2.1)	Commercial Vacant	780 Ellicott Street LLC 648 Ellicott Street Buffalo NY 14203
996 Ellicott Street (S.B.L. 100.63-3-8.1)	Commercial Warehouse	780 Ellicott Street LLC 648 Ellicott Street Buffalo NY 14203
980 Ellicott Street (S.B.L. 100.63-3-37)	Commercial Manufacture	780 Ellicott Street LLC 648 Ellicott Street Buffalo NY 14203
960 Ellicott Street (S.B.L. 100.63-3-38)	Commercial Manufacture	780 Ellicott Street LLC 648 Ellicott Street Buffalo NY 14203
1145 Main Street (S.B.L. 100.63-3-36)	Vacant Commercial	780 Ellicott Street LLC 648 Ellicott Street Buffalo NY 14203
1152 Main Street (S.B.L. 100.63-1-23)	Commercial Row Bldg.	Robert W. Crabtree, III 1152 Main Street Buffalo NY 14209

Adjacent Property Address		Property Owner
Address	Property Description	Mailing Address
1160 Main Street (S.B.L. 100.63-1-22)	Commercial Row Bldg.	Elizabeth Pierce Olmsted MD CTR for the Visually Impaired 1170 Main Street Buffalo NY 14209
1164 Main Street (S.B.L. 100.63-1-22)	Commercial Row Bldg.	Elizabeth Pierce Olmsted MD CTR for the Visually Impaired 1170 Main Street Buffalo NY 14209
1176 Main Street (S.B.L. 100.63-1-20)	Commercial Health Bldg.	Elizabeth Pierce Olmsted MD CTR for the Visually Impaired 1170 Main Street Buffalo NY 14209
1192 Main Street (S.B.L. 100.63-1-18.11)	Commercial Warehouse	Buffalo-DS Associates LLC 570 Delaware Ave Buffalo NY 14202



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PRROGRAM APPLICATION
1155 MAIN STREET SITE
BUFFALO, NEW YORK
PREPARED FOR
MAIN & DODGE LLC

BENCHMARK
ENVIRONMENTAL
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SCIENCE, PLLC

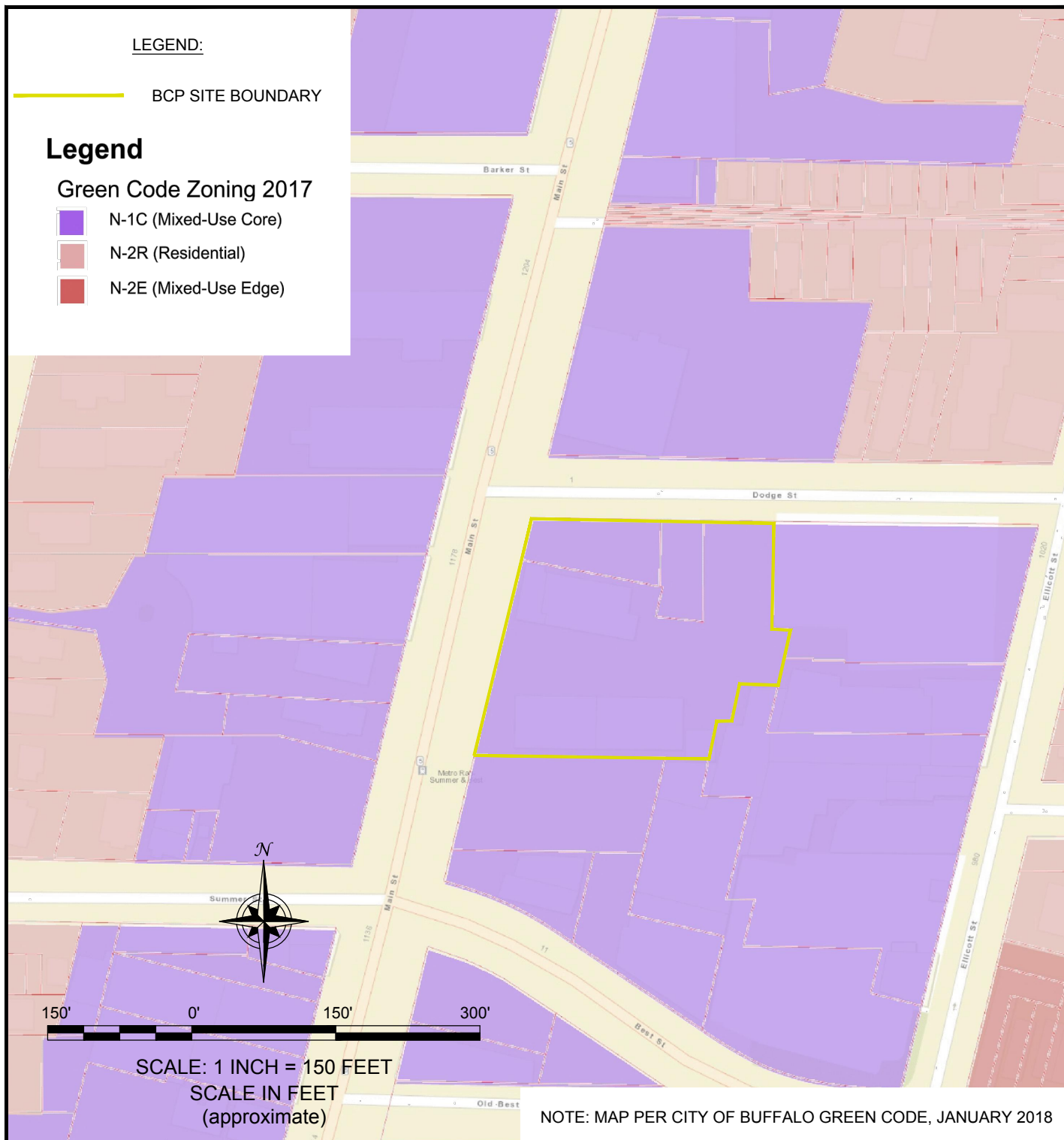
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: 0371-018-002

FIGURE 8

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FIGURE 9



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

PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

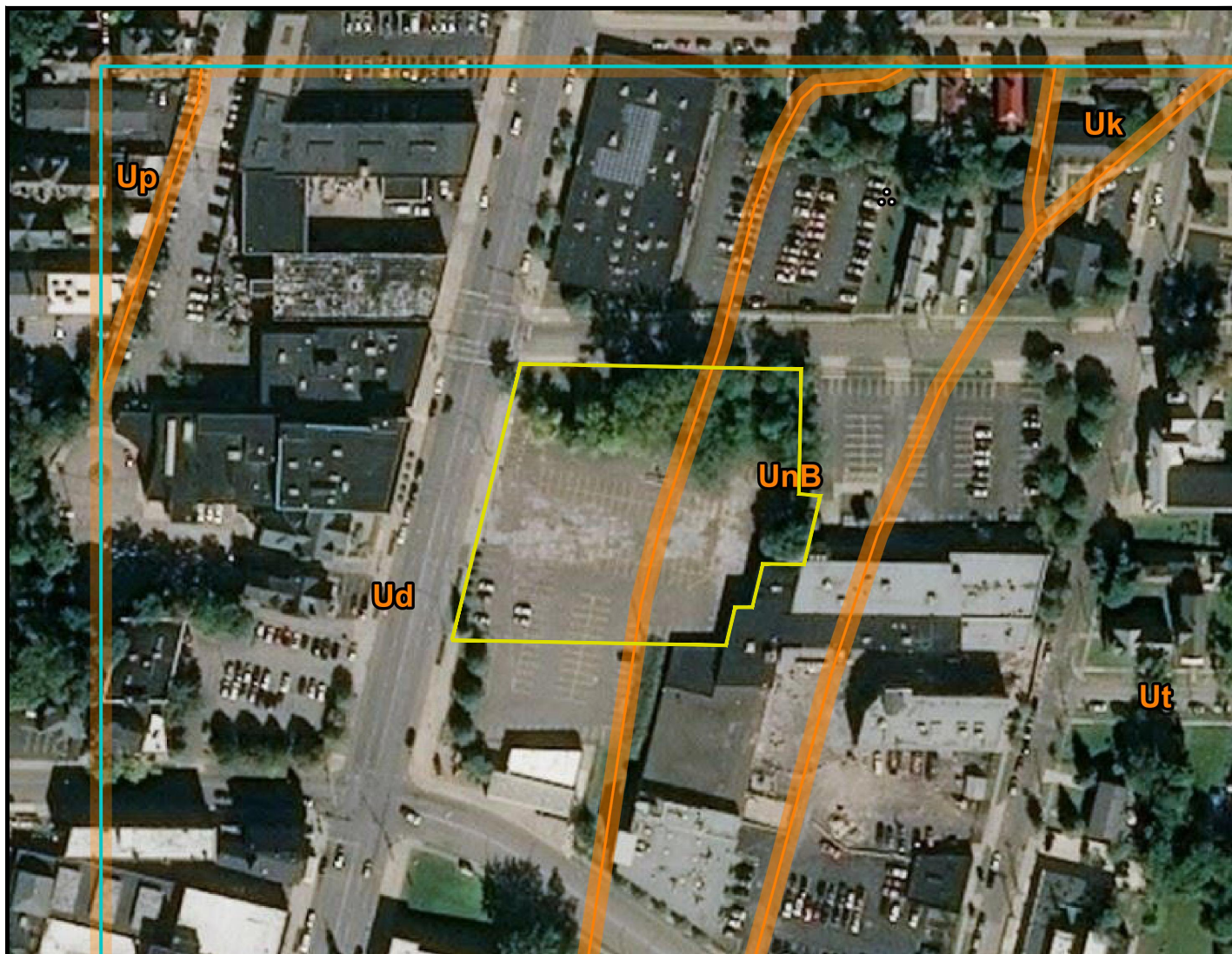
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MAIN & DODGE LLC

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FIGURE 10



SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)

LEGEND:

	BCP SITE BOUNDARY
Ud	URBAN LAND
UnB	URBAN LAND-COLONIE COMPLEX, 3 TO 6 PERCENT SLOPES
Ut	URBAN LAND-ODESSA COMPLEX, 0 TO 3 PERCENT SLOPES
Up	URBAN LAND-GALEN COMPLEX
Uk	URBAN LAND-CLAVERACK COMPLEX

NOTE: MAP PER USDA WEB SOIL SURVEY



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

PROJECT NO.: 0371-018-002

DATE: OCTOBER 2018

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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 MAIN STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

MAIN & DODGE LLC

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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

**EXHIBIT A1 – MAIN & DODGE LLC NYS CORPORATION & BUSINESS
ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – CEDARLAND DEVELOPMENT LLC NYS CORPORATION &
BUSINESS ENTITY DATABASE INFORMATION**

**EXHIBIT A3 – D&S CAPITAL REAL ESTATE II, LLC NYS CORPORATION &
BUSINESS ENTITY DATABASE INFORMATION**

EXHIBIT A4 - SIGNATURE CONSENT

EXHIBIT A5 – CITY OF BUFFALO PLANNING BOARD APPROVAL

EXHIBIT A6 - ERIE COUNTY PARCEL DETAIL REPORTS

**EXHIBIT A7 - CITY OF BUFFALO PRE-APPROVAL FOR PARCEL
COMBINATION**

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

SECTION I – REQUESTOR INFORMATION

Requestor Main & Dodge LLC, a Delaware limited liability company, is authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for Main & Dodge LLC is attached as Exhibit A1.

Requestor Main & Dodge LLC is managed by Cedarland Development LLC (Cedarland). A copy of the New York State Corporation and Business Entity Database printout for Cedarland is attached as Exhibit A2.

The Members of Requestor Main & Dodge LLC include 98.5% owner D&S Capital Real Estate II, LLC (D&S), a New York limited liability company, and 1.5% owner Blackfish Main & Dodge, LLC, a Delaware limited liability company (Blackfish). A copy of the New York State Corporation and Business Entity Database printout for D&S is attached as Exhibit A3. Blackfish will not manage the property and is not authorized to do business in New York State.

Exhibit A4 is the Signature Consent which identifies Dr. Fadi Dagher, as President of Cedarland Development LLC and sole manger of Main & Dodge LLC, as authorized person to execute document or agreements necessary under the Brownfield Cleanup Program.

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.

SECTION II – PROJECT DESCRIPTION

Main & Dodge 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.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

Main & Dodge 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 a Remedial Investigation (RI) and the necessary Interim Remedial Measures (IRMs), upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the entire ±1.55-acre Site, with the construction of a 5-story mixed-use commercial and residential project. The Site Plan has received City of Buffalo Planning Board Approval, as reflected in Exhibit A5. The Site Redevelopment Plan estimates capital investment of approximately \$20,000,000.

A preliminary project rendering of the development is included as Figure 6.

The Project will result in the remediation, redevelopment and reuse of an idle environmentally-impacted Site located at the corner of Main Street and Dodge Street in the City of Buffalo, New York.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings completed for the 1155 Main Street Site (hereinafter, the “Project Site” or the “Site”) are provided below. We note that the Site formerly consisted of three (3) parcels with the following addresses: 1159 Main Street, 11 Dodge Street and 19 Dodge Street which on September 25, 2018 were preapproved for parcel combination as discussed below in Appendix A, Section IV.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

Phase I Environmental Site Assessment

Empire Geo-Services completed (Empire) completed a Phase I Environmental Site Assessment (ESA) for 1159 Main Street, Buffalo, New York in January 2014.

Below is a summary of the Recognized Environmental Concerns (RECs) as that relates to the 1159 Main Street portion of the Site.

- The subject property has historically operated as a gasoline filling station from at least 1924 to 1947. Information obtained from the City of Buffalo Office of Fire Prevention concluded three (3) USTs were removed from the subject property in June of 1962. However, no details were provided on the condition of the USTs. In addition, no information was obtained to suggest the UST grave was free of contaminated soils as a result of a petroleum release. Based on the historical presence of underground petroleum storage tanks during a period of non-regulation, it is Empire's opinion that a REC exists on the subject property as defined by ASTM Standard E1527-13.

Additionally, the following Controlled REC (CREC) was identified for the property adjacent to the east.

- The adjacent property to the east of the subject property was identified as a State Hazardous Waste Site (SHWS). The property is currently owned and operated by Osmose, Inc. and is zoned as an industrial/manufacturing facility. The facility is listed in the SHWS for contaminated soil and groundwater from multiple historical USTs previously existing on the site containing creosote, #2 fuel oil and other chemicals, which were found leaking in 1989. The site has since undergone remediation efforts to remove the contaminants from the groundwater and soil. To date, the soil has been remediated to the satisfaction of the applicable state regulators while the groundwater continues to undergo remediation efforts. As part of the operation and maintenance plan, the on-site groundwater and surrounding sewers are continually monitored for contamination. Furthermore, information provided in the EDR report indicated the remedial action is preventing off site migration of groundwater contamination. Based on the previously discussed information, a CREC is present on the subject property as defined by ASTM E1527-13. *However, it is Empire's opinion that it does not represent a REC because Engineering Controls are in place to prevent migration of contamination in the groundwater and the adjacent property is located approximately 10 feet lower than the subject property.*

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

Phase II Environmental Site Assessment (Empire Geo-Services)

Empire completed a Phase II Environmental Site Assessment dated March 3, 2018 to address the REC and CREC identified at the 1159 portion of the Site during the 2014 Phase I ESA. Nine (9) soil probes were completed at 1159 Main Street (designated DP-1 through DP-9). Findings of the Empire Phase II are detailed below:

- Two (2) soil samples from investigation locations, DP-3 and DP-7, were submitted for laboratory testing. One (1) sample was from the western portion of the property near the location of the former USTs and one (1) sample was from the western portion of the property near the Osmose property.
- Samples were analyzed for VOCs and SVOCs via Method 8260 and Method 8270, respectively, for NYSDEC CP-51 list parameters. Both samples were collected from 8 to 12 feet below ground surface and appear to be native soil.
- No VOCs or SVOCs were detected above the Unrestricted Soil Cleanup Objectives (USCOs) in the two (2) samples submitted for analysis.
- Fill material was identified to depths ranging from ground surface to 3 to 8 feet below ground surface (fbgs).

Phase II Environmental Investigation (TurnKey Environmental Restoration, LLC)

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase II Environmental Investigation dated October 2018 for all parcels comprising the Site. The Phase II investigation activities consisted of 14 direct-push soil borings (SBs), 18 test pits (TPs) and three (3) surface soil samples (SS). The locations are shown on Figure 7. Findings of the TurnKey Phase II are detailed below:

- PID measurements were not detected above background (i.e., 0 ppm) at the SBs or TPs with the exception of SB-5, 8 to 12 fbgs which had a field screening result of 3 parts per million (ppm) and TP-15 which had a field screening result of 1 ppm.
- The subsurface conditions encountered at the Site consist of various surface covers (vegetation, topsoil, asphalt, crushed concrete) overlying fill material which is overlying native soil.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

- The fill materials encountered varied from brown to dark brown to black sands containing man-made constituents (brick, cinders, glass, concrete, plaster, metal, wire, plastic, etc.) to brown reworked native soil (sand) containing man-made constituents. In general, fill material is present across the majority of the Site and varies in thickness from 1.5 fbgs to 8 fbgs, with the exception of one (1) location, TP-5, in the northwest portion of the Site. No fill material appeared to be present at this location.
- Groundwater was not encountered during the Phase II, with the exception of SB-9. Saturated conditions were encountered from 8 to 11 fbgs below the fill material present and above the underlying clay and may represent a perched condition.
- No VOCs or PCBs were detected above their respective USCOs in the samples analyzed as part of the Phase II.
- Numerous SVOCs and metals were detected in soil/fill across the Site that exceeded USCOs, RRSCOs, CSCOs and ISCOs.

Figure 7 summarizes the environmental concerns identified in the previous investigations.

Environmental reports are provided as separate PDF files, on the enclosed CD.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 1155 Main Street Site, subject to this BCP application, is located in a highly developed commercial and residential use area in the City of Buffalo, Erie County, New York (see Figures 1 and 2). The ±1.55-acre Site formerly consisted of three (3) parcels as follows:

- 1159 Main Street: SBL 100.63-3-33, 1.25-acres
- 11 Dodger Street: SBL 100.63-3-34, 0.19-acres
- 19 Dodge Street: SBL 100.63-3-1, 0.11-acres

The Erie County tax parcel detail reports for the former parcels of the 1155 Main Street Site are provided for reference in Exhibit A6.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

A request was made to the City of Buffalo to combine the three (3) parcels addressed 1159 Main Street, 11 Dodge Street, and 19 Dodge Street parcels into a single separate legal tax parcel that is addressed 1155 Main Street. The City of Buffalo Department of Assessment & Taxation issued a Pre-Approval for Combination of Parcel on September 25, 2018, which has also received Planning Board approval. A copy of the Pre-Approval for Combination of Parcel is included in Exhibit A7. The combined parcel will appear on the City of Buffalo's preliminary tax roll on December 1, 2018. Once Erie County issues the new SBL and revised tax map for the Site, a copy will be provided to the Department.

According to NYSDEC Environmental Zone (EN-Zone) mapping, 100% of the Site is located within Census Tract 168, which is a Type AB EN-Zone area.

Easements and Permits

Main & Dodge 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 Main Street and Dodge Street. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Main & Dodge LLC is not aware of any other easements or restrictions on the Site.

The Site was not identified in the NYS Department of Environmental Conservation (NYSDEC) Petroleum Bulk Storage database or the NYSDEC Spill database.

Location

The Site is located on the southeast corner of Main Street and Dodge Street in a highly developed mixed-use residential and commercial area of the City of Buffalo, Erie County, New York. The Site is bordered by Dodge Street to the north; Main Street to the west; a parking lot and the Summer-Best Transit Station to the south; and Osmose Utilities Services

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

and an associated parking lot to the east (see Figures 2 and 4). Adjacent property owners are identified on Figure 8.

Site Features

The Site is currently vacant and the former 1159 Main Street parcel is used as a parking lot. The northern end of the Site, which was formerly 11 and 19 Dodge Street is heavily vegetated.

Zoning and Land Use

The project area is planned as a mixed-use residential and commercial area, consistent with the City of Buffalo zoning assigned to the Site (see Figure 9). The current zoning for the Site and the adjacent properties is N-1C, which is Mixed-Use Core (mixed-use mid-rise development at the edges of downtown).

The current use of the Site is as a parking lot.

The surrounding parcels are currently used as follows:

- north – Dodge Street, community facility;
- south – commercial, vacant;
- east – commercial, manufacturing, vacant; and,
- west – Main Street, commercial, community facility.

Planned reuse of the Site as a mixed-use commercial and residential development is consistent with the City of Buffalo zoning for the area.

Past Use of the Site

Based on a historic records and previous investigations, the former 1159 Main Street portion of the Site was used as a gasoline filling station from approximately 1924 until approximately 1947. It was reported that three (3) underground storage tanks (USTs) were removed in

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

1962, but the condition of the USTs is unknown, and no information was provided to determine whether soils in the UST grave are contaminated with petroleum products. The Site was used for used automobile sales from the 1940s to the 1960s. Most recently, the Site was the location of the Buffalo Tourist Lodge Motel, from the 1950s to 2014.

The portions of the Site formerly known as 11 and 19 Dodge street were residential until at least the early 1950s. Since being demolished both have been undeveloped, vacant lots.

Fill material present underlying the Site is impacted as evidenced by SVOCs and metals exceeding the Part 375 Restricted-Residential Use, Commercial Use and/or Industrial Soil Cleanup Objectives.

Previous investigation reports are provided electronically on the enclosed CD.

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 slopes 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, Site soils are characterized as Urban Land (Ud) and Urban Land-Colonie Complex (UnB). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment. The Urban Land-Colonie complex is described as gently sloping areas of urban land and sandy, somewhat excessively drained to well drained Colonie soils. Some areas of the complex have been graded, cut, filled, or otherwise disturbed during urbanization.

Previous investigations have identified the Site geology below the surface cover (asphalt, crushed stone, or vegetative), underlain by fill ranging in thickness from approximately 1.5 to 8 fbs, underlain by native soils consisting of silty fine sands and silty clay. Bedrock was not reencountered during the previous investigations.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

Regional groundwater is anticipated to flow northwesterly towards the Niagara River and Lake Erie. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

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 Remedial Investigation.

Environmental Assessment Narrative

Past use of the Site as an auto service station, gasoline filling station, and presence of urban fill has impacted the Site. Figure 7 summarizes the environmental impacts identified in the previous investigations.

Soil – TurnKey Environmental Restoration completed a Phase II investigation in September 2018 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of SVOCs and metals exceeding the Restricted Residential Use SCOs, Commercial Use SCOs and Industrial Use SCOs, as follows.

Semi Volatile Organic Compounds (SVOCs)

Laboratory analytical results detected SVOCs at or above their respective Part 375 RRSCOs (i.e., the applicable SCOs for the intended Site reuse) at six (6) investigation locations, SB-4, SB-10, TP-4, TP-14, and TP-18. The contaminants and their respective exceedances were identified in the soil/fill material at these locations.

- Benzo(a)anthracene exceeded its RRSCO at three (3) locations (SB-4, TP-4, SS-3) and ISCO at one (1) location, TP-18.
- Benzo(a)pyrene exceeded its CSCO at three (3) locations (SB-4, TP-4, SS-3) and ISCO at one (1) location, TP-18.
- Benzo(b)fluoranthene exceeded its RRSCO at five (5) locations (SB-4, SB-10, TP-4, TP-14, and SS-3) and ISCO at one (1) location, TP-18.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1155 Main Street Site

- Benzo(k)fluoranthene exceeded its RRSCO at one (1) location, TP-18.
- Chrysene exceeded its RRSCO at one (1) location, TP-18.
- Dibenzo(a,h)anthracene exceeded its ISCO at one (1) location, TP-18.
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO at four (4) locations (SB-10, TP-4, TP-14, and SS-3) and its ISCO at one (1) location, TP-18.

Metal Analytes

Metal analytes were detected above their respective RRSCOs at four (4) investigation locations, TP-4, TP-15, TP-16, and TP-18.

- Barium exceeded its CSCO at one (1) location, TP-15.
- Chromium exceeded its RRSCO at one (1) location, TP-15.
- Lead exceeded its CSCO at three (3) locations (TP-15, TP-16, and TP-18).
- Nickel exceeded its CSCO at one (1) location, TP-4.

VOCs were not detected above their respective USCOs and PCBs were not detected above method detection limits in the soil/fill samples collected during the Phase II.

Groundwater- One (1) groundwater sample was collected by Turnkey for VOC analysis from TMW-1 installed at SB-9. The results of the sample indicate benzene and acetone were detected above method detection limits but below their respective groundwater standards. Groundwater was not identified at other investigation location and may represent a perch groundwater condition at that location.

Historic documents and previous investigation reports are provided electronically on the enclosed CD.

EXHIBIT A1

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 25, 2018.

Selected Entity Name: MAIN & DODGE LLC

Selected Entity Status Information

Current Entity Name: MAIN & DODGE LLC

DOS ID #: 5432517

Initial DOS Filing Date: OCTOBER 25, 2018

County: ERIE

Jurisdiction: DELAWARE

Entity Type: FOREIGN 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)

MAIN & DODGE LLC
50 LAKEFRONT BOULEVARD
SUITE 103
BUFFALO, NEW YORK, 14202

Registered Agent

INCorp SERVICES, INC.
919 NORTH MARKET STREET
SUITE 950
WILMINGTON, DELAWARE, 19801

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
OCT 25, 2018	Actual	MAIN & DODGE LLC

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

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

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EXHIBIT A2

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through October 12, 2018.

Selected Entity Name: CEDARLAND DEVELOPMENT LLC

Selected Entity Status Information

Current Entity Name: CEDARLAND DEVELOPMENT LLC

DOS ID #: 4751205

Initial DOS Filing Date: APRIL 30, 2015

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)

CEDARLAND DEVELOPMENT LLC

50 LAKEFRONT BOULEVARD

SUITE 103

BUFFALO, NEW YORK, 14202

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
APR 30, 2015	Actual	CEDARLAND DEVELOPMENT LLC

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

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

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EXHIBIT A3

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through September 12, 2018.

Selected Entity Name: D&S CAPITAL REAL ESTATE II, LLC

Selected Entity Status Information

Current Entity Name: D&S CAPITAL REAL ESTATE II, LLC

DOS ID #: 4532630

Initial DOS Filing Date: FEBRUARY 21, 2014

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)

D&S CAPITAL REAL ESTATE II, LLC

50 LAKEFRONT BOULEVARD

SUITE 103

BUFFALO, NEW YORK, 14202

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
FEB 21, 2014	Actual	D&S CAPITAL REAL ESTATE II, LLC

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

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

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EXHIBIT A4

CEDARLAND DEVELOPMENT LLC

CONSENT

October 15, 2018

The undersigned being the President of Cedarland Development LLC, a New York limited liability company, the sole manager of Main & Dodge LLC, a Delaware limited liability company, (the "*Company*"), hereby consents to the adoption of the following resolutions without a meeting and directs that this Consent be filed with the minutes of the Company:

RESOLVED, that Fadi Dagher, M.D. (an "*Authorized Person*") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, 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 located at 1155 Main Street (formerly comprised of 1159 Main Street, 11 Dodge Street and 19 Dodge Street), 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 Company 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 Company and of any persons designated and authorized to act by any such officer of the Company, 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 Company.

IN WITNESS WHEREOF, the undersigned has executed this Consent as of the date first set forth above.

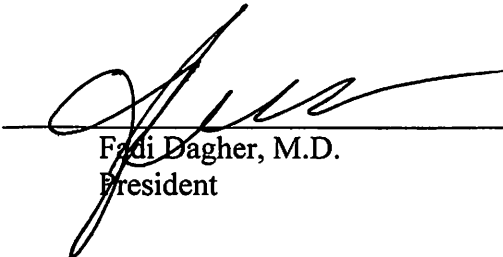

Fadi Dagher, M.D.
President

EXHIBIT A5



BYRON W. BROWN
Mayor

CITY OF BUFFALO
City Planning Board
65 Niagara Square, Room 901 City Hall
Buffalo, NY 14202-3394



BRENDAN MEHAFFY, ESQ.
Executive Director

September 25, 2018

Steven J. Ricca
Bond Schoeneck & King
200 Delaware Avenue
Buffalo, NY 14202

RE: 1159 Main Street

Dear Mr. Ricca:

The City of Buffalo Planning Board, at a meeting held September 24, 2018 considered the matter captioned above pursuant to Section 496 of the Buffalo Code for a Major Site Plan and a Minor Subdivision.

The Planning Board has determined that the Site Plan meets the criteria for approval contained in Section 496 of the Buffalo Code for the construction of a five-story mixed use building.

This approval is valid for one-year from the date of approval.

Please note, additional applications, reviews and approvals may be required which include but are not limited to building permits, encroachment permits, and tree work permits, if required these must be submitted separately.

If you should have any further questions regarding the above, please feel free to contact the office at any time at 716-851-529.

Sincerely,

A handwritten signature in cursive script that reads "Nadine Marrero".

Nadine Marrero, AICP
Director of Planning

Cc: Planning Board File
City Clerk
Building Code Review



THE CITY OF BUFFALO

The City of Buffalo Planning Board

Minutes • September 24, 2018

901 City Hall

Buffalo, NY 14202
<http://www.city-buffalo.com>
James Morrell

Regular Planning Board Meeting OSP Conference Room
901 City Hall, 65 Niagara Sq., Buffalo, NY 14202

4:00 PM

I. Call to Order

The meeting was called to order at 4:00 PM by Vice Chairman Cynthia Schwartz

Attendee Name	Present	Absent	Late	Arrived
James Morrell	<input type="checkbox"/>	<input type="checkbox"/> Excused	<input type="checkbox"/>	
Cynthia Schwartz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Horace Gioia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Martha Lamparelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Andrew Malcolm	<input type="checkbox"/>	<input type="checkbox"/> Excused	<input type="checkbox"/>	
Michael Rembis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Approval of Meeting Minutes

- Planning Board - Regular Planning Board Meeting - Sep 10, 2018 4:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michael Rembis
SECONDER:	Horace Gioia
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

III. Public Hearings

- 1159 Main Street - New Construction of a Five-Story Mixed Use Building

RESULT:	CLOSED PUBLIC HEARING [UNANIMOUS]
MOVER:	Horace Gioia
SECONDER:	Martha Lamparelli
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

1159 Main Street - New Construction of a Five-Story Mixed Use Building

RESULT:	ACCEPT SEQR DECLARATION [UNANIMOUS]
MOVER:	Horace Gioia
SECONDER:	Martha Lamparelli
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

1159 Main Street - New Construction of a Five-Story Mixed Use Building

RESULT:	APPROVE SITE PLAN [UNANIMOUS]
MOVER:	Martha Lamparelli
SECONDER:	Michael Rembis
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

1159 Main Street - New Construction of a Five-Story Mixed Use Building

Approved Minor Subdivision - combination of 3 lots

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Horace Gioia
SECONDER:	Martha Lamparelli
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

IV. New Business

3. 253 Virginia Street - Request Extension for 1-year of a Previously Approved Site Plan

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Horace Gioia
SECONDER:	Michael Rembis
AYES:	Cynthia Schwartz, Horace Gioia, Martha Lamparelli, Michael Rembis
EXCUSED:	James Morrell, Andrew Malcolm

4. Special Use Permit-600 Northampton for a Daycare/Medical Clinic (Recommendation to Common Council)

RESULT:	RECOMMENDED APP
----------------	------------------------

V. Old Business

VI. Adjournment

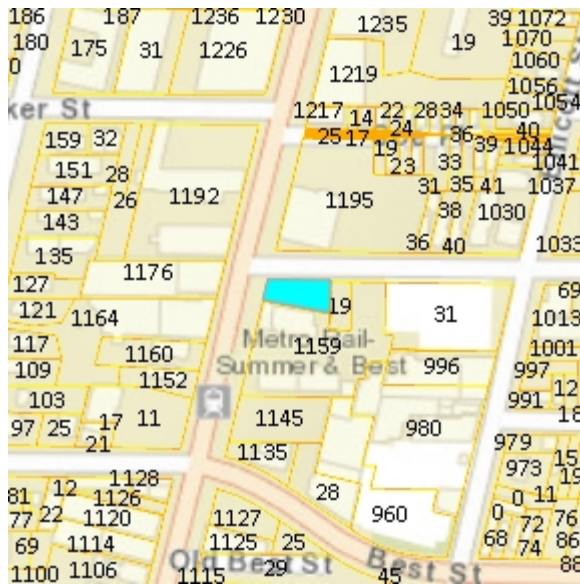
The meeting was closed at 4:33 PM

City Clerk

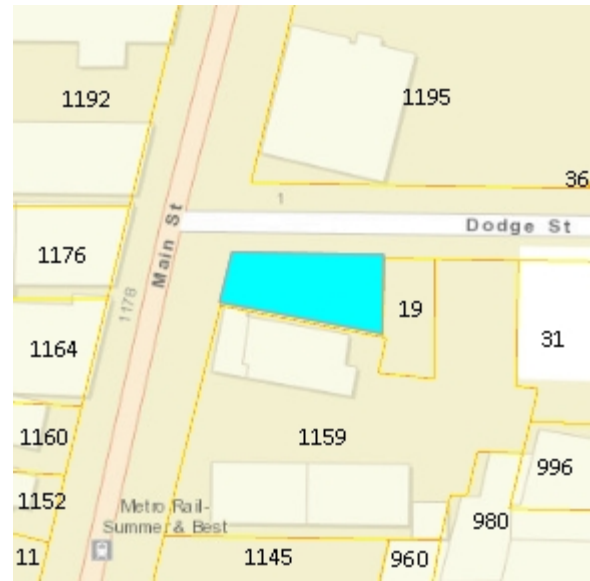
Erie County On-Line Mapping System

Parcel Detail Report

EXHIBIT A6



Parcel Overview Map



Parcel Detail Map

PIN: 1402001006300003034000

SBL: 100.63-3-34

Address: 11 DODGE

Owner 1: D&S CAPITAL REAL ESTATE II LLC

Owner 2:

Mailing Address: 5526 VIA MARINA

City/Zip: WILLIAMSVILLE NY 14221

Municipality: Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 134

Depth: 47

Deed Roll: 1

Deed Book: 11287

Deed Page: 4184

Deed Date:

Acreage: 0.18541483872

Total Assessment: \$4,700

Land Assessment: \$4,700

County Taxes: \$4,700

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

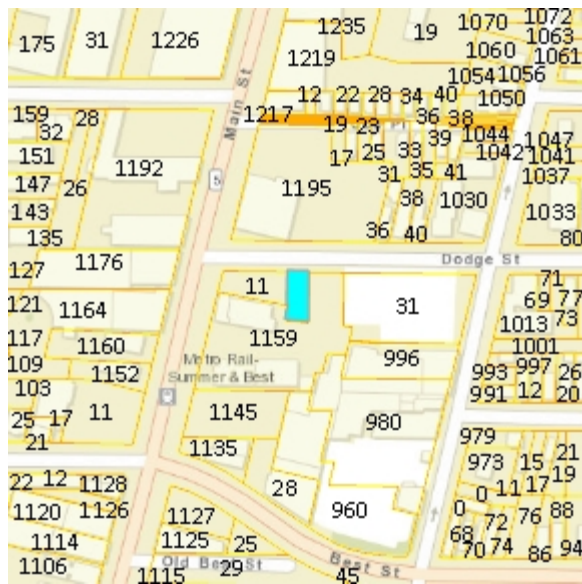
Beds: 0

Baths: 0

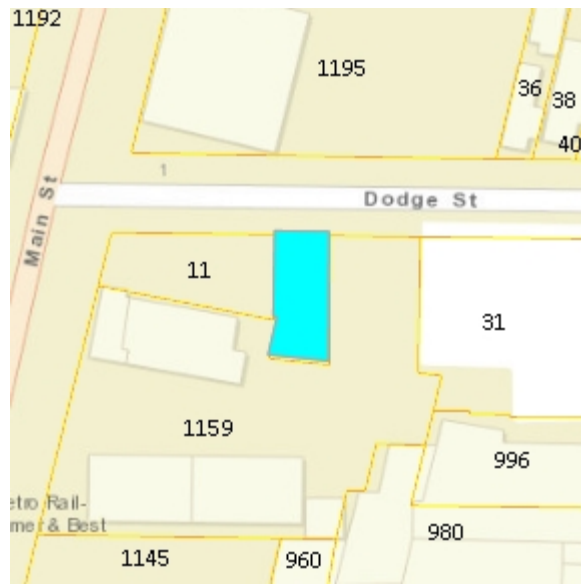
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
9/13/2018 5:25:17 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001006300003001000

SBL: 100.63-3-1

Address: 19 DODGE

Owner 1: D&S CAPITAL REAL ESTATE II LLC

Owner 2:

Mailing Address: 50 LAKEFRONT BLVD

City/Zip: BUFFALO NY 14202

Municipality: Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 45

Depth: 106

Deed Roll: 1

Deed Book: 11263

Deed Page: 2781

Deed Date:

Acreage: 0.10858378293

Total Assessment: \$2,400

Land Assessment: \$2,400

County Taxes: \$2,400

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

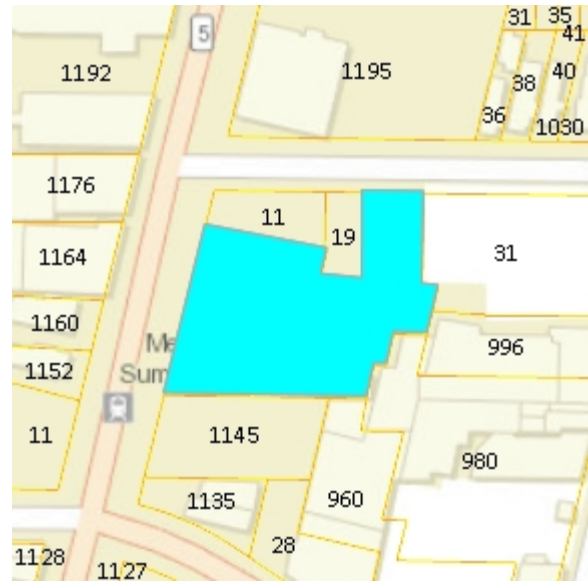
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
9/13/2018 5:23:55 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001006300003033000

SBL: 100.63-3-33

Address: 1159 MAIN

Owner 1: D&S CAPITAL REAL ESTATE II LLC

Owner 2:

Mailing Address: 50 LAKEFRONT BLVD

City/Zip: BUFFALO NY 14202

Municipality: Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 213.83

Depth: 245

Deed Roll: 1

Deed Book: 11263

Deed Page: 2781

Deed Date:

Acreage: 1.24775134865

Total Assessment: \$141,600

Land Assessment: \$141,600

County Taxes: \$141,600

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

EXHIBIT A7

City of Buffalo

Mayor Byron W. Brown

Office of Assessment & Taxation
Parcel Combination Form**Request Information**

Employee Permit ☒
Request Date Roll Year
Requestor Name Requestor Phone
Requestor Email

Combined Parcels

Street Number Street Name
Parcel SBL Roll Section
Parcel Class Bank Code
Owner
Last Deed Filed

Street Number Street Name
Parcel SBL Roll Section
Parcel Class Bank Code
Owner
Last Deed Filed


Street Number Street Name
Parcel SBL Roll Section
Parcel Class Bank Code
Owner
Last Deed Filed

▼ Insert Parcel

Support Information

Comments

Attachments

 combo 11 19 dodge + 1159 main-09252018135938.pdf
5.32 MB

▼ Insert Another Attachment

CITY OF BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION
CITY HALL, ROOM 101, 65 NIAGARA SQUARE, BUFFALO, NEW YORK 14202

PRE-APPROVAL FOR COMBINATION OF PARCELS

To request a combination, complete this form. List all parcels to be combined, have all liens checked and return this form to the above address

DATE September 6, 2018 CLERK IK DISTRICT 6 COM x RES
(Check Appropriate Item)

D + S Capital Real Estate II LLC

TITLE ON DEED

(MUST BE EXACT FOR ALL PARCELS TO BE COMBINED)

PARCEL ADDRESSES

	Hse #	Street Name	SBL Number	Bill Number	Class Code	Exempt Code
1	11	Dodge	100.63-3-34		330	
2	19	Dodge	100.63-3-1		330	
3	1159	Main	100.63-3-33		330	
4						
5						
6						
7						
8						
9						
10						
11						
12						

Planning Board Approval Rec'd

Please combine all 1155 Main

Contact Phone # and Email (Required): 416-7047 (Steven Ricca) - attorney for owner

PARCEL COMBINATIONS REQUIRE PRE-APPROVAL BY
PERMIT & INSPECTION SERVICES OFFICE, ROOM 301 CITY HALL
RETURN SIGNED PRE-APPROVAL FORM TO
ASSESSOR'S OFFICE, ROOM 101 CITY HALL

Inspector's Signature

Badge Number

Approval Date

FRANK D'ANNARIO

Inspector's Printed Signature

*Radio Shack
→ Planning Board*

9/25/18

APPENDIX B

BCP APPLICATION PART B – SECTION V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

EXHIBIT B1 - DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
BCP Application – Part B
Section V – Section X
1155 Main Street Site

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
1159 Main Street			
Current Owner/Operator			
Main & Dodge LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone # 716-217-9105	Vacant Lot/Parking Lot	October 10, 2018 ~ Present	Applicant
Previous Owners/Operators			
D&S Capital Real Estate II, LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone # 716-217-9105	Vacant Lot/Parking Lot	2014 ~ October 2018	Managing member of D&S Capital Real Estate II, LLC is a member of Main & Dodge LLC
Sleep and Save, Inc. 1159 Main Street Buffalo, NY 14209 Phone: unavailable	Motel	2004 ~ 2014	None – No relationship
Red Carpet Inn Motel 1726 Montreal Circle, Suite 110 Tucker, GA 30084 Phone: 770-270-1180	Motel	1990 ~2004	None – No relationship
Imperial Budget Motel 1159 Main Street Buffalo, NY 14209	Motel	1980 ~ 1990	None – No relationship
Imperial 400 Motel Additional information unavailable	Motel	1960s ~ 1980	None – No relationship

APPENDIX B
BCP Application – Part B
Section V – Section X
1155 Main Street Site

Auto Land, Inc. 1165 Main Street*, Buffalo, NY Phone: unavailable Best Motors 1159 Main Street, Buffalo, NY Phone: unavailable King Cole Motors, Inc. 1165 Main Street*, Buffalo, NY Phone: unavailable JC Crosby Co., Inc. 1165 Main Street*, Buffalo, NY Phone: unavailable Engles, Inc. 1159 Main Street, Buffalo, NY Phone: unavailable Townsend Motor Sales 1159 Main Street, Buffalo, NY Phone: unavailable	Used Automobile Sales	1940s ~ 1960s	None – No relationship
Michael Conrad Filling Station 1165 Main Street*, Buffalo, NY Phone: unavailable Harold Klinck Filling Station 1165 Main Street*, Buffalo, NY Phone: unavailable Hygrade Petroleum Filling Station 1165 Main Street*, Buffalo, NY Phone: unavailable	Gasoline Filling Station	1924 ~ 1947	None – No relationship
Unknown Owner(s)	Residential	1890s ~ 1920s	None – No relationship

Note: * = Different address used for 1159 Main Street parcel.

APPENDIX B
BCP Application – Part B
Section V – Section X
1155 Main Street Site

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
11 Dodge Street			
Current Owner/Operator			
Main & Dodge LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone: 716-217-9105	Parking lot	October 10, 2018 ~ Present	Applicant
Previous Owners/Operators			
D&S Capital Real Estate II, LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone: 716-217-9105	Vacant Lot/Parking Lot	2014 ~ October 2018	Managing member of D&S Capital Real Estate II, LLC is a member of Main & Dodge LLC
Park Development Additional information unavailable	Vacant	1985	None – No relationship
City of Buffalo 65 Niagara Square Buffalo, NY 14202 Phone: 716-851-4200	Vacant	1984	None – No relationship
Helen Chesbro 11 Dodge Street Buffalo, NY 14209	Residential	1959	None – No relationship

APPENDIX B
BCP Application – Part B
Section V – Section X
1155 Main Street Site

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
19 Dodge Street			
Current Owner/Operator			
Main & Dodge LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone: 716-217-9105	Vacant/Undeveloped Land	October 10, 2018 ~ Present	Applicant
Previous Owners/Operators			
D&S Capital Real Estate II, LLC 50 Riverfront Boulevard, Suite 103 Buffalo, NY 14209 Phone: 716-217-9105	Vacant Lot/Parking Lot	2014 ~ October 2018	Managing member of D&S Capital Real Estate II, LLC is a member of Main & Dodge LLC
Sleep & Save Inc. 1159 Main Street Buffalo, NY 14209 Phone: unavailable	Commercial	1987	None- no relationship
Zem-Aly Inc. Additional information unavailable	Commercial	1982	None – no relationship
1159 Main Street Corp. Additional information unavailable	Commercial	1968	None- - no relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

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

The SVOC and metals impacts are present at the Site. The former use as a gasoline station (1924 through 1947), auto service station, and the presence of fill material have impacted the Site. 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 at the Site other than D&S Capital Real Estate II, LLC

APPENDIX B
BCP Application – Part B
Section V – Section X
1155 Main Street Site

recently transferred its title to the Site to Main & Dodge LLC, of which D&S Capital Real Estate II, LLC is currently a member. Therefore, Main & Dodge 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 Barbara Miller-Williams
District 1
92 Franklin Street
Buffalo, NY 14202

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

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

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City of Buffalo Contacts:

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

Darius Pridgen
Ellicott District Councilmember
65 Niagara Sq, Rm 1315
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

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

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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:

William A. Kresse, PhD, Principal
City Honors at FMP
186 E North St.
Buffalo, NY 14204

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

Dawn DiNatale, Principal
Math Science Tech Prep School @ 39
487 High St.
Buffalo, Ny 14211

Serena M. Restivo, Principal
Futures Academy
295 Carlton St.
Buffalo, NY 14204

Other Interested Parties:

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

Document Repository:

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

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Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 8).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
960	Ellicott	Commercial Manufacturing	780 Ellicott Street, LLC 648 Ellicott Street Buffalo, NY 14203
980	Ellicott	Industrial (Manufacturing)	780 Ellicott Street, LLC 648 Ellicott Street Buffalo, NY 14203
996	Ellicott	Commercial Warehouse	780 Ellicott Street, LLC 648 Ellicott Street Buffalo, NY 14203
31	Dodge	Commercial Vacant	780 Ellicott Street, LLC 648 Ellicott Street Buffalo, NY 14203
1145	Main	Vacant Commercial	780 Ellicott Street, LLC 648 Ellicott Street Buffalo, NY 14203
1195	Main	Community Services (Benevolent)	Belmont Shelter Corp. 1195 Main Street Buffalo, NY 14209

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1192	Main	Commercial Warehouse	Buffalo-DS Associates, LLC 570 Delaware Avenue Buffalo, NY 14202
1176	Main	Commercial Health Building	Elizabeth Pierce Olmsted M.D. Center for the Visually Impaired 1170 Main Street Buffalo, NY 14209
1164	Main	Commercial Row Building	Elizabeth Pierce Olmsted M.D. Center for the Visually Impaired 1170 Main Street Buffalo, NY 14209
1160	Main	Commercial Row Building	Elizabeth Pierce Olmsted M.D. Center for the Visually Impaired 1170 Main Street Buffalo, NY 14209
1152	Main	Commercial Row Building	Crabtree Robert W III 1152 Main Street Buffalo, NY 14209

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 Exhibit B1.

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SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is N-1C (Mix-Used Core – Mixed-use mid-rise developments at edges of downtown) consistent with the City of Buffalo Unified Development Ordinance (see Figure 9). The planned redevelopment is consistent with the City of Buffalo Zoning and Land Use plans.

2 – Current Use

The Site is currently vacant, used as a parking lot in the southern and central portion and has vacant vegetated land in the northern portion of the Site.

Historic operations at the Site included a gasoline filling station and gasoline service station from approximately 1924 to approximately 1947. Historic records indicate three (3) USTs, a filling station, a greasing pit, and three (3) separate buildings were present on Site at that time. The Site was also used for used automobile sales from the 1940s to the 1960s and a motel from the 1960s to 2014. The portions of the Site formerly known as 11 and 19 Dodge Street were residential until the structures there were demolished. Since demolition these parcels have been vacant/undeveloped land. The previous investigations have identified SVOCs and metal contamination on-Site that will require remediation.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire 1.55-acre Site, with the construction of a 5-story mixed-use building with student housing and minor commercial space on the first floor. The residential portion of the project will be student housing, not single-family housing. A preliminary project rendering of the development is included as Figure 6.

The planned redevelopment (mixed use residential and commercial) is consistent with the historic and recent development patterns within the City of Buffalo. Historically, the Site has been used for residential and commercial purposes and the surrounding areas have

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included residential, commercial, and manufacturing (adjacent former Osmose Inc. facility at 980 Ellicott Street to the east). Historically, this area was densely populated and a thriving thoroughfare in the City of the Buffalo. Significant development has occurred in Buffalo Niagara Medical Campus which is located approximately two (2) blocks southeast of the Site. The current zoning for the Site and the adjacent properties is N-1C, which is Mixed-Use Core (mixed-use mid-rise development at the edges of downtown). The City of Buffalo Planning Board has approved the Site Plan (see Exhibit A5). The proposed redevelopment supports recent development pattern and current land use requirement.

EXHIBIT B1

Chris Z. Boron

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Wednesday, September 26, 2018 2:14 PM
To: Chris Z. Boron
Subject: RE: Document Repository - 1 Lafayette Square for 1155 Main Street Site

Good afternoon Chris,

Per your request, 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 pertaining to 1155 Main Street, Buffalo, New York, and will be made available for public review at the Central Library (downtown) 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 (***Carol Batt has retired and is no longer with us***). 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

September 26, 2018

Ms. Carol Ann Batt
Chief Operating Officer
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203


Re: Document Repository for Brownfield Cleanup Program
1155 Main Street Site
Buffalo, New York

Dear Ms. Batt:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & 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 me if you have questions or require additional information.

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

A handwritten signature in blue ink, appearing to read 'Cliff Boron'.

Christopher Boron, P.G.
Sr. Project Manager

File: 0371-018-001

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www.benchmarkees.com

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