

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION TO AMEND BROWNFIELD CLEANUP AGREEMENT AND AMENDMENT

PART I. BROWNFIELD CLEANUP AGREEMENT AMENDMENT APPLICATION

Checl	k the appropriate box below based on the nature o Amendment to [check one or more boxes below]	f the amendment modification requested:
L	Add	JUL 17 2019
	☐ Substitute ☐ Remove ☐ Change in Name	BUR. OF TECH. SUPPORT
	applicant(s) to the existing Brownfield Cleanup Agree	ement [Complete Section I-IV below and Part II]
	Does this proposed amendment involve a transfer of	title to all or part of the brownfield site?∐Yes□No
	If yes, pursuant to 6 NYCRR Part 375-1.11(d), a Cha submitted. If not, please submit this form with this Ar http://www.dec.ny.gov/chemical/76250.html	nge of Use form should have been previously nendment. See
	Amendment to modify description of the property(ies Agreement [Complete Sections I and V below and Page 1986]	listed in the existing Brownfield Cleanup
	Amendment to Expand or Reduce property boundaries Brownfield Cleanup Agreement [Complete Section I a	es of the property(ies) listed in the existing and V below and Part II]
	Sites in Bronx, Kings, New York, Queens, or Rich determination that the site is eligible for the tangible predevelopment tax credit. Please answer questions of	property credit component of the brownfield
\checkmark	Other (explain in detail below)	
ii Ii	Please provide a brief narrative on the nature of the Department's 5.13.19 Site Information Form identifies the Indicated in the October 2018 BCA application for this site, the Parcels, one of which was SBL # 100.63-3-33. The City of Enew tax parcel # for the entire combined site will be 100.63-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-100.60-	he site as Tax Map ID # 100.63-3-33. As he site was combined from 3 different tax Buffalo Assessor's office has advised that the

Section I. Existing Agreement I	nformation				
BCP SITE NAME: C915341- 1	155 Main Street	BCP SITE NUMBER: C915341			
NAME OF CURRENT APPLICANT(S): Main & Dodge LLC					
INDEX NUMBER OF EXISTING A	AGREEMENT 69154	31-01-14DATE OF EXISTING AGREEMENT: 2.19.19			
Section II. New Requestor Infor	mation (if no change	e to Current Applicant, skip to Section V)			
NAME					
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
 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 (DOS) Corporation & Business Entity Database. A print-out of entity information from the DOS database must be submitted to DEC with the application, to document that the applicant is authorized to do business in NYS. 					
NAME OF NEW REQUESTOR'S	REPRESENTATIVE				
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
NAME OF NEW REQUESTOR'S	CONSULTANT (if ap	plicable)			
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONĖ	FAX	E-MAIL			
NAME OF NEW REQUESTOR'S	ATTORNEY (if applic	able)			
ADDRESS					
CITY/TOWN		ZIP CODE			
PHONE	FAX	E-MAIL			
the Requestor. This would be doc	umentation from corp corporation, or a Corp	Application and Amendment has the authority to bind porate organizational papers, which are updated, porate Resolution showing the same, or an Operating ched?			
Describe Requestor's Relationship	o to Existing Applican	t:			

Section III. Current Pe existing owner/opera	roperty Owner/Operator Inforr tor information is provided, a	nation (only include if new owner/operator or no nd highlight new information)
OWNER'S NAME (if di	fferent from requestor)	
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
OPERATOR'S NAME	(if different from requestor or ov	vner)
ADDRESS		
CITY/TOWN		ZIP CODE
PHONE	FAX	E-MAIL
Section IV. Eligibility	Information for New Requesto	or (Please refer to ECL § 27-1407 for more detail
		ase provide an explanation as an attachment.
Are any enforceme	nt actions pending against the re	equestor regarding this site? Yes No
Is the requestor pre relating to contamir		er for the investigation, removal or remediation Yes No
 Is the requestor sub Any questions rega Fund Administrator. 	oject to an outstanding claim by rding whether a party is subject	the Spill Fund for this site? Yes Note to a spill claim should be discussed with the Spill
any provision of the Article 27 Title 14; o	subject law; ii) any order or dete	ative, civil or criminal proceeding to be in violation of cermination; iii) any regulation implementing ECL on of the state or federal government? If so, provi
Has the requestor properties application, such as relevant information.	name, address, Department as	ne BCP? If so, include information relative to the signed site number, the reason for denial, and other Yes \(\subseteq \)
Has the requestor be act involving the har	een found in a civil proceeding t idling, storing, treating, disposin	o have committed a negligent or intentionally tortiog or transporting of contaminants?
disposing or transpo	rting of contaminants; or ii) that ublic administration (as that tern	nse i) involving the handling, storing, treating, involves a violent felony, fraud, bribery, perjury, the is used in Article 195 of the Penal Law) under
jurisdiction of the De		concealed material facts in any matter within the statement or made use of or made a false statement mitted to the Department?
		t forth in ECL 27-1407.9(f) that committed an act e the basis for denial of a BCP application?
	participation in any remedial pi to substantially comply with an	ogram under DEC's oversight terminated by DEC
11. Are there any unred	istered bulk storage tanks on-si	te which require registration?

THE NEW REQUESTOR MUST CERTIFY THAT IT IS ACCORDANCE WITH ECL §27-1405 (1) BY CHECKII					RIN
PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination.	VOLUNTEER A requestor other than a participant, including requestor whose liability arises solely as a result ownership, operation of or involvement with the sit subsequent to the disposal of hazardous waste of discharge of petroleum.				a result of th the site
	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.				ownership, ertifies that ith respect y by taking continuing re release; or natural
	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.				
Requestor's Relationship to Property (check one):					
☐ Prior Owner ☐ Current Owner ☐ Potential /Fut	ure Purchas	ser Other_			
must be submitted. Proof must show that the reques BCA and throughout the BCP project, including the abi attached? Yes No	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 V. Property description and description of	changes/a	ddîtions/re	ductions (if applical	ole)
ADDRESS 1155 Main Street					
CITY/TOWN Buffalo NY			ZIP C	ODE 1420)9
TAX BLOCK AND LOT (TBL) (in existing agreement)					
Parcel Address Parcel No. Section No. Block No. Lot No Acreage					Acreage
New tax parcel # effective 12.1.19 will be:	100.	63-	3-	1.1	1.55 - no change
		-		W	

Check appropriate boxes below:					WW-94-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-
Changes to metes and bounds description or TBL correction					
Addition of property (may require additional citizen participation depending on the nature of the expansion – see attached instructions)					
Approximate acreage added:					
ADDITIONAL PARCELS:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
·					
Reduction of property					
Approximate acreage removed:					
PARCELS REMOVED:					
Parcel Address	Parcel No.	Section No.	Block No.	Lot No.	Acreage
				MAN and An a	
If requesting to modify a metes and bounds description please attach a revised metes and bounds description,	or requesti survey, or a	ng changes acceptable s	to the bou	undaries of this appli	f a site, cation.
			•		

PART II. BROWNFIELD CLEANUP PROGRAM AMENDMENT

Existing Agreement Information	
BCP SITE NAME: C915341- 1155 Main Street	BCP SITE NUMBER: C915341
NAME OF CURRENT APPLICANT(S): Main & Dodge LLC	
INDEX NUMBER OF EXISTING AGREEMENT: C915341-01-19	
EFFECTIVE DATE OF EXISTING AGREEMENT: February 19, 2019)

Declaration of Amendment:

By the Requestor(s) and/or Applicant(s) signatures below, and subsequent signature by the Department, the above application to amend the Brownfield Cleanup Agreement described above is hereby approved. This Amendment is made in accordance with and subject to all of the BCA and all applicable guidance, regulations and state laws applicable thereto. All other substantive and procedural terms of the Agreement will remain unchanged and in full force and effect regarding the parties to the Agreement.

Nothing contained herein constitutes a waiver by the Department or the State of New York of any rights held in accordance with the Agreement or any applicable state and/or federal law or a release for any party from any obligations held under the Agreement or those same laws.

Statement of Certification	on and Signatures: New Requestor(s) (if applicable)	
(Individual)		
my knowledge and belief. misdemeanor pursuant to	nation provided on this form and its attachments is true and complete to the best of am aware that any false statement made herein is punishable as a Class A section 210.45 of the Penal Law. My signature below constitutes the requisite ent to the BCA Application, which will be effective upon signature by the	of
Date:	Signature:	
Print Name:		
am authorized by that ent supervision and direction; complete to the best of m punishable as a Class A r	title	t I /
Date:	Signature:	
Print Name:		

	Statement of Certification and Signatures: Existing Applicant(s) (an authorized representative of each applicant must sign)
	(Individual)
	I hereby affirm that I am a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am aware of this Application for an Amendment to that Agreement and/or Application. My signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
	Date:Signature:
	Print Name:
	(Entity)
	I hereby affirm that I am Authorized Ref (title) of Main & Dollar (entity) which is a party to the Brownfield Cleanup Agreement and/or Application referenced in Section I above and that I am, aware of this Application for an Amendment to that Agreement and/or Application. Fair Dather MDS signature below constitutes the requisite approval for the amendment to the BCA Application, which will be effective upon signature by the Department.
	Date: 7 15 19 Signature:
	Print Name: Fadi Dagher miD
į	REMAINDER OF THIS AMENDMENT WILL BE COMPLETED SOLELY BY THE DEPARTMENT
5	Status of Agreement:
	PARTICIPANT A requestor who either 1) was the owner of the site at the time of the disposal of contamination 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 contamination. 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 contamination.
E	Effective Date of the Original Agreement:
	Signature by the Department:
С	DATED:
	NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
	Ву:
	Michael J. Ryan, P.E., Director Division of Environmental Remediation

SUBMITTAL INFORMATION:

• Two (2) copies, one hard 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 DEPARTMENT USE ONLY	
BCP SITE T&A CODE:	LEAD OFFICE:
PROJECT MANAGER:	· · · · · · · · · · · · · · · · · · ·

BCP COC Conference - May 22, 2019

Information which will appear on the COC (except the email):

Fields in bold can only be changed by an amendment to the Brownfield Cleanup Agreement.

The BCA Amendment Formis available on the Department's Website.

For fields not in bold, make changes directly on this sheet.

PLEASE WRITE CHANGES LEGIBLY

Site Name: 1155 Main Street

Site Address: 1155 Main Street, Buffalo, N.Y. 14209

Site #: C915341

For Applicant to confirm:

Applicant name(s) and address(es)

Name

Main & Dodge LLC 50 Lakefront Boulevard, Suite 103, fdagher@cedarlanddev.com

Buffalo, NY 14202

Address

Site Tax Map ID# 100.63-3-3

Site Size*: 1.55 Acres

Minor Changes in Site Size may be made without a BCA Amendment.

Site owner name(s) and address(es)

Main & Dodge LLC

50 Lakefront Boulevard, Suite 103, Buffalo, NY 14202

email

% of site in en-zone: 100

Information which will not appear on the COC:

Representatives Name(s) and Address(es)

Name	Address	email
Benchmark Environmental	2558 Hamburg Turnpike, Suite 300.	cboron@benchmarkturnke

Engineering & Science PLLC Buffalo, NY 14218

Attorney

Name
Bond, Schoeneck & King

Address
200 Delaware Ave, Suite 900, sricca@bsk.com

Buffalo, NY 14202

Please check one of the following boxes:

The above information is correct

Corrections have been made to the above information directly on the page, if appropriate.

Applicant intends to submit an Application to Amend Brownfield Cleanup Agreement (BCA) and

Amendment form (see link at the top of the page)

Signature

over, please

Please review this sheet, make any changes necessary, check the correct box indicating whether or not changes were necessary, and (chose one):

- 1) Return the sheet to the sign-in table at the May 22, 2019 Meeting with Brownfield Cleanup Program Volunteers and Participants;
- 2) Scan the sheet and email to derweb@dec.ny.gov
 - 3) Mail completed sheet to:

Policy and Planning Section NYS DEC - Division of Environmental Remediation, 12th Floor 625 Broadway Albany, NY 12233-7012

Brownfield Cleanup Program Application

1155 Main Street Site Buffalo, New York

October 2018

0371-018-002

Prepared For:

Main & Dodge LLC



Prepared By:



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, which 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.

-accinemo and relimb

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.

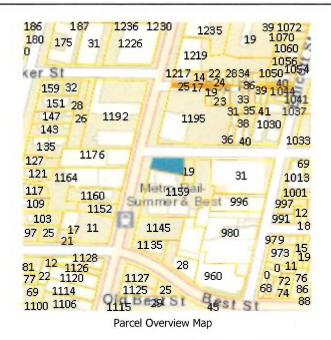
Location

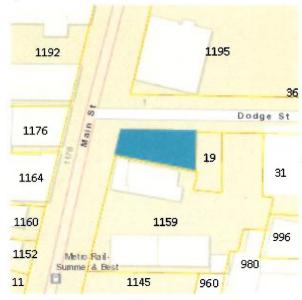
The Site is located on the southeast corner of Main Street and Dodge Street in a highly developed mixed-use residential and commercial area of the City of Buffalo, Erie County, New York. The Site is bordered by Dodge Street to the north; Main Street to the west; a parking lot and the Summer-Best Transit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



Erie County On-Line Mapping System Parcel Detail Report







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

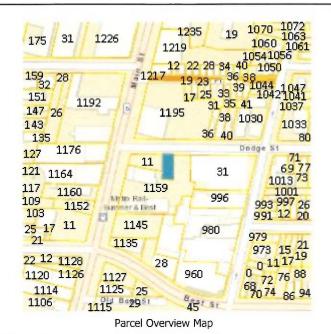
Fireplace: 0

Beds: 0

Baths: 0

Erie County On-Line Mapping System Parcel Detail Report

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





Parcel 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

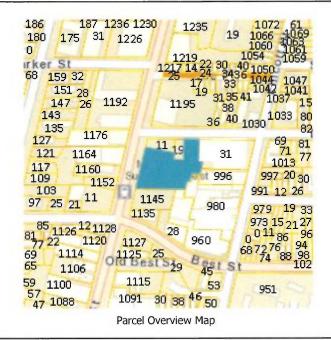
Fireplace: 0

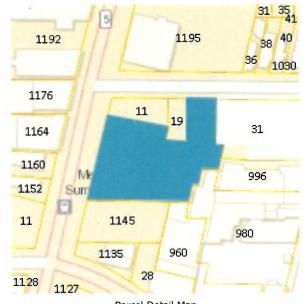
Beds: 0

Baths: 0

Erie County On-Line Mapping System Parcel Detail Report

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





Parcel 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

Saft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

City of Buffalo Mayor Byron W. Brown				of Assessment & Ta ombination F	
				Request Infor	mation
Employee	Zloty,Rhonda	~	Permit	✓	
Request Date	September 25, 2018		Roll Year	2019	~
Requestor Name	Steven Ricca Esq		Requestor Phone	716-416-7047	
Requestor Email	sricca@bsk.com				
				Combined	Parcels
Street Number	11		Street Name	Dodge	~
Parcel SBL	100.63-3-34	~	Roll Section	1	
Parcel Class	330		Bank Code		
Owner	D&S Capital Real Estate	II LLC			
Last Deed Filed	Book 11287 Page 4184	record	ed 10/30/15		
Street Number	19		Street Name	Dodge	V
Parcel SBL	100.63-3-1	~	Roll Section	1	
Parcel Class	330		Bank Code		
Owner	D&S Capital Real Estate	II LLC			
Last Deed Filed	Book 11263, Page 2781	record	ted 4/25/14		
Street Number	1159		Street Name	Main	~
Parcel SBL	100.63-3-33	~	Roll Section	1	
Parcel Class	330		Bank Code		
Owner	D&S Capital Real Estate	II LLC			
Last Deed Filed	Book 11263, Page 2781	record	ted 4/25/14		
- Insert Parcel				Support Info	rmation
Comments	Planning Board Approve MAIN	al has l	been obtained, copy atta	ached. PLEASE COMBINE	
Attachments	combo 11 19 dodge 4 5.32 MB	· 1159	main-09252018135938.pd		

F BUFFALO DEPARTMENT OF ASSESSMENT & TAXATION

ALL, ROOM 101, 65 NIAGARA SQUARE, BUFFALO, NEW YORK 14202

ROVAL FOR COMBINATION OF PARCELS

is form. List all parcels	to be combined, have all lier	ns checked and return	this form to the above	address
CLERK IK LI FLU E JIST BE EXACT FOR ALL PARCELS	State II W		X RES (Check Appropriate	
Name	SBL Number	Bill Number	Class Code	Exempt Code
	100.63-3-34 100.63-3-1 100.63-3-33		330 330 330	
Lavering	ward ax	proval A	Poerd	
onderi Os	1155 Mai	n		
PERMIT & INSPER	OMBINATIONS REQUIRE F CTION SERVICES OFFFICE RN SIGNED PRE-APPROVESSOR'S OFFICE, ROOM 1	E, ROOM 301 CITY H AL FORM TO	HALL	
re		ge Number		9/25/18 Approval Date
gnature	Gladulle Flann	g Board		

Ricca, Steven

From:

Zloty,Rhonda j. <ASSMT1@ch.ci.buffalo.ny.us>

Sent:

Wednesday, December 19, 2018 11:11 AM

To:

Ricca, Steven

Subject:

[External] 1155 Main

Attachments:

1155 Main SBL 100.63-3-1.1.pdf

Steve – the new SBL number for 2019 is 100.63-3-1.1. Here is scanned copy of the table tax map showing the creation of the new parcel as combined for 2019.

Rhonda J. Zloty, Assistant to Commissioner Martin F. Kennedy Department of Assessment & Taxation 101 City Hall, 65 Niagara Square Buffalo, NY 14202-3385

Telephone: 716-851-5739 Facsimile: 716-851-5730

