

# Brownfield Cleanup Program Application

130 Main Street Site  
Buffalo, New York

April 2019

0239-018-004

Prepared For:

130 Main Environmental Remediation, 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 130 Main Environmental Remediation, LLC

ADDRESS 617 Main Street, Suite 200

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE 716-220-8468

FAX 716-299-2061

E-MAIL nick@sinatraandcompany.com

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

☒ Yes ☐ No

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

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☒ No

3. 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



## 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 130 Main Environmental Remediation II, LLC

ADDRESS 2558 Hamburg Turnpike

CITY/TOWN Buffalo

ZIP CODE 14218

PHONE 716-856-0599

FAX 716-856-0583

E-MAIL pwerthman@turnkeyllc.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.

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

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- the date the Certificate of Completion is anticipated.



## 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 130 Main Master Developer, LLC

ADDRESS 617 Main Street, Suite 200

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE 716-220-8468

FAX 716-299-2061

E-MAIL nick@sinatraandcompany.com

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

☒ Yes ☐ No

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

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

#### Section II. Project Description

1. What stage is the project starting at?

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NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No

3. Please attach a short description of the overall development project, including:

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- the date the Certificate of Completion is anticipated.



**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 type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Commercial Uses (Former Memorial Auditorium)

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 130 Main Street Site				
ADDRESS/LOCATION 130 Main Street				
CITY/TOWN Buffalo		ZIP CODE 14202		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 0.51		
LATITUDE (degrees/minutes/seconds) 42 ° 52 ' 41.66 "		LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 39.68 "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
(a portion of) 130 Main Street	111.17	14	1	0.51
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, please attach an accurate map of the proposed site. <span style="border: 1px solid red; padding: 2px;">See Appendix A; Section IV</span>				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) <span style="border: 1px solid red; padding: 2px;">See Figures 2 - 4</span>				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right;"> <span style="border: 1px solid red; padding: 2px;">See Figure 8</span> If yes, identify census tract : 165         </div>				
Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

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

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

Easement/Right-of-way Holder

Description

None-unknown

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

Type

Issuing Agency

Description

RCRA Generator (to ECHDC for larger property)

USEPA

NYR000084178

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

NA

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

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

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ Yes ☐ No

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor:



**BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)**

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Nicholas Sinatra			
ADDRESS 617 Main Street, Suite 200			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-220-8468	FAX 716-299-2061	E-MAIL nick@sinatraandcompany.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Thomas H. Forbes, P.E.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL tforbes@benchmarkturnkey.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq.			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-845-6760	FAX 716-845-6764	E-MAIL cslater@cslaterlaw.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME Erie Canal Harbor Development Corporation OWNERSHIP START DATE: 2/22/2008			
ADDRESS 95 Perry Street, Suite 500			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-846-8200	FAX	E-MAIL eriecanalharbor@esd.ny.gov	
CURRENT OPERATOR'S NAME As owner			
ADDRESS As owner			
CITY/TOWN As owner		ZIP CODE As owner	
PHONE As owner	FAX	E-MAIL As owner	
<b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b> <b>See Appendix B: Section VI</b>			
<b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>		<b>See Appendix B; Section VII</b>	
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## Section VII. Requestor Eligibility Information (continued)

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

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: 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.**

Unknown



## 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.**

[See Appendix B; Section VII](#)

## 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. [See Figure 10](#)
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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? Canalside Guidelines / N-1C

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.

☒ Yes ☐ No

Canal Side Design Guidelines - Erie Canal Harbor Development Corporation, rev March 2010

See Appendix B; Section X.

See Figure 10

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

☒ Yes ☐ No

Canal Side Design Guidelines - Erie Canal Harbor Development Corporation, rev March 2010

See Appendix B; Section X

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

130 Main Environmental Remediation, LLC

I hereby affirm that I am Authorized Member (title) of \_\_\_\_\_ (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: 6/9/19

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

Print Name: Nicholas Sinatra (Authorized Member)

## 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: \_\_\_\_\_

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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Date: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

130 Main Environmental Remediation II, LLC

I hereby affirm that I am Authorized Member (title) of \_\_\_\_\_ (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: 6/28/19

Signature: 

Print Name: Paul H Werthman (Authorized Member)

### 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: \_\_\_\_\_



## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

Date: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

130 Main Master Developer, LLC

I hereby affirm that I am Authorized Member (title) of \_\_\_\_\_ (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 4/21/19

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

Print Name: Nicholas Sinatra (Authorized Member)

## 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: \_\_\_\_\_



## BCP Application Summary (for DEC use only)

**Site Name:** 130 Main Street Site

**City:** Buffalo

**Site Address:** 130 Main Street

**County:** Erie

**Zip:** 14202

**Tax Block & Lot**

**Section (if applicable):** 111.17      **Block:** 14      **Lot:** 1

**Requestor Name:** 130 Main Environmental Remediation, LLC      **Requestor Address:** 617 Main Street, Suite 200

**City:** Buffalo

**Zip:** 14203

**Email:** nick@sinatraandcompany.com

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

**Name:** Mr. Nicholas Sinatra

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

**City:** Buffalo

**Zip:** 14203

**Email:** nick@sinatraandcompany.com

**Requestor's Attorney**

**Name:** Mr. Craig Slater, Esq.

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

**City:** Buffalo

**Zip:** 14204

**Email:** cslater@cslaterlaw.com

**Requestor's Consultant**

**Name:** Mr. Thomas H. Forbes, P.E.      **Address:** 2558 Hamburg Turnpike, Suite 300

**City:** Buffalo

**Zip:** 14218

**Email:** tforbes@benchmarkturnkey.com

**Percentage claimed within an En-Zone:** ☐ 0%    ☐ <50%    ☐ 50-99%    ☒ 100%

**DER Determination:** ☐ Agree    ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer    ☐ Participant

**DER/OGC Determination:** ☐ Agree    ☐ Disagree

Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:** ☐ Yes    ☐ No

**Does Requestor Claim Property is Upside Down:** ☐ Yes    ☐ No

**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:** ☐ Yes    ☐ No

**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:** ☐ Yes    ☐ No    ☐ Planned, No Contract

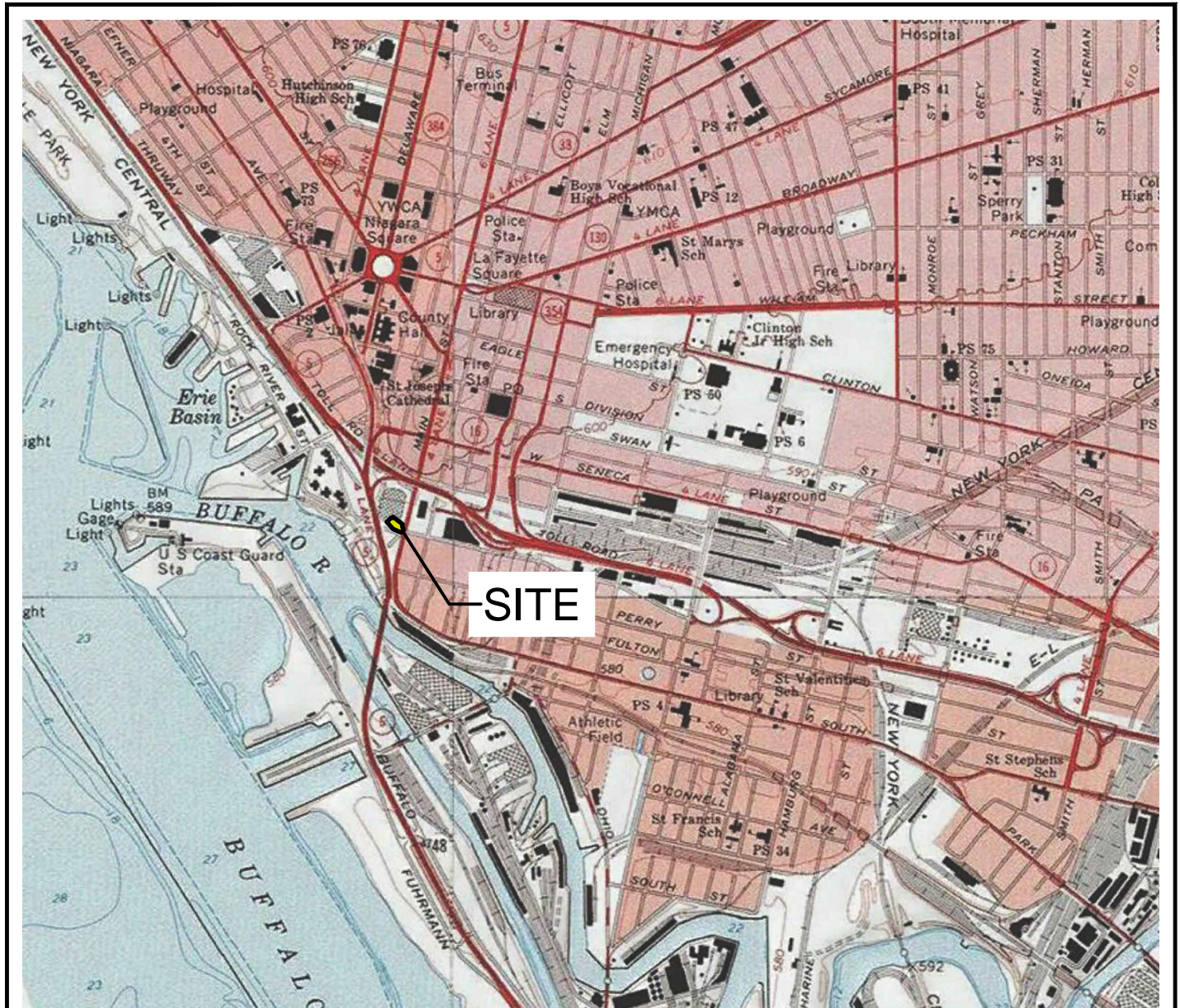
**DER/OGC Determination:** ☐ Agree    ☐ Disagree    ☐ Undetermined

Notes:

## FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Conceptual Project Rendering
Figure 7	Investigation Locations & Areas of Concern
Figure 8	NYS EnZone Map
Figure 9	Buffalo Harbor Brownfield Opportunity Area Map
Figure 10	Adjacent Property Owners
Figure 11	Zoning Map
Figure 12	USDA Soil Type Map
Figure 13	NYSDEC Wetlands Map

**FIGURE 1**



2000' 0' 2000' 4000'

SCALE: 1 INCH = 2000 FEET  
SCALE IN FEET  
(approximate)



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

DRAFTED BY: CMS

## SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
BUFFALO, NEW YORK

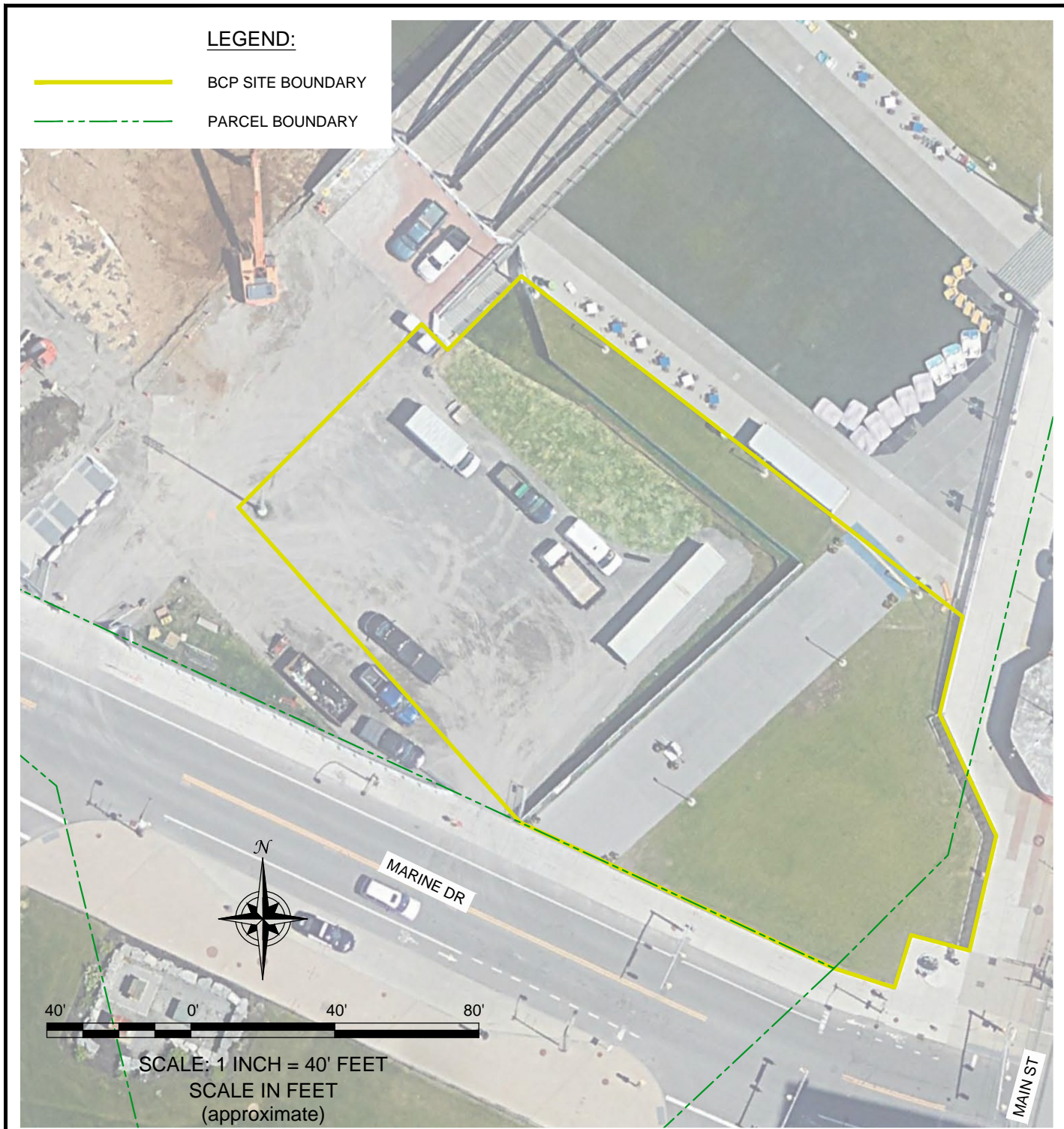
PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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FIGURE 2



IN ASSOCIATION WITH



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PROJECT NO.: B0239-018-004

DATE: APRIL 2019

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## SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

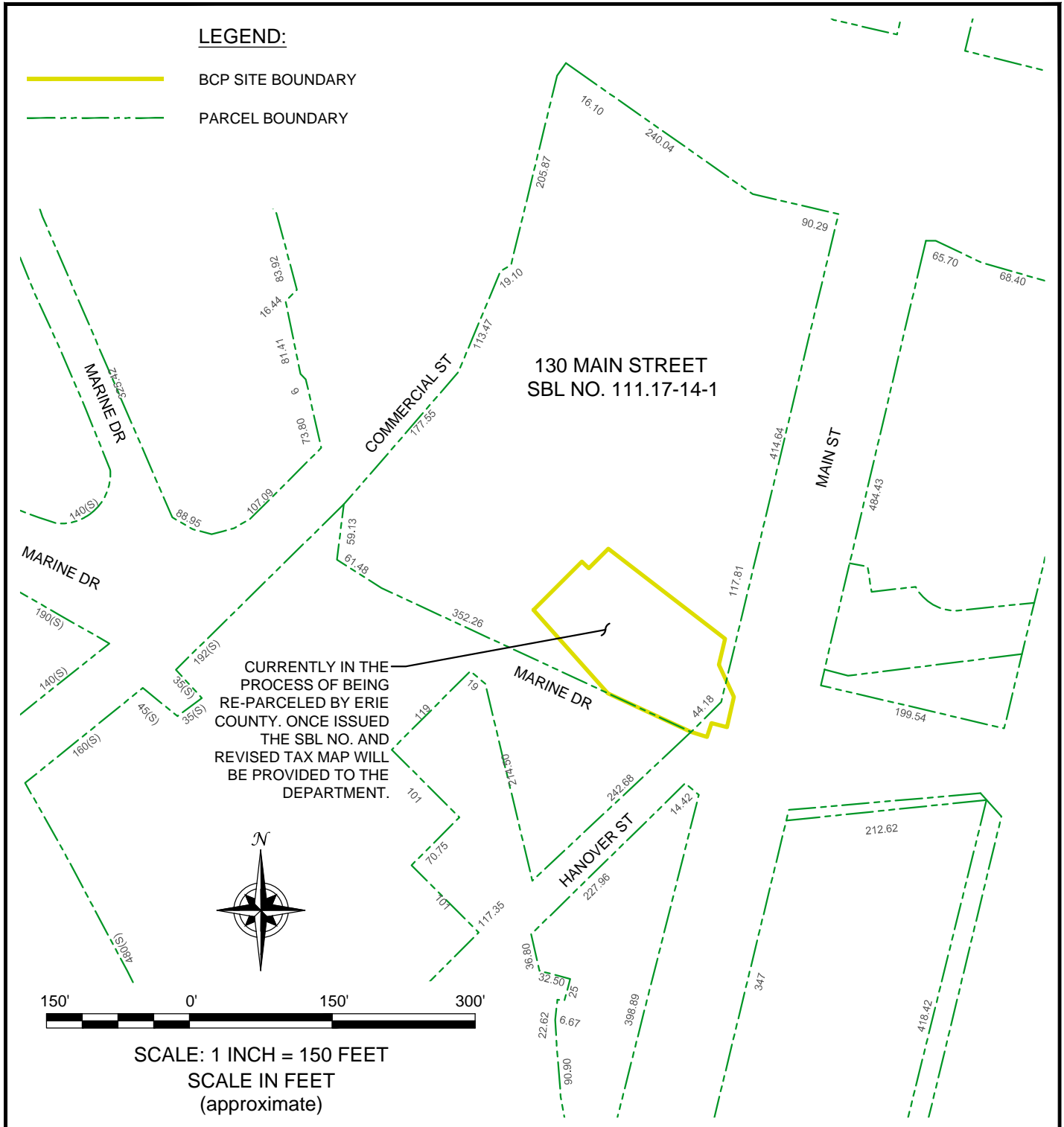
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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**FIGURE 3**



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-018-004

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## TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
BUFFALO, NEW YORK

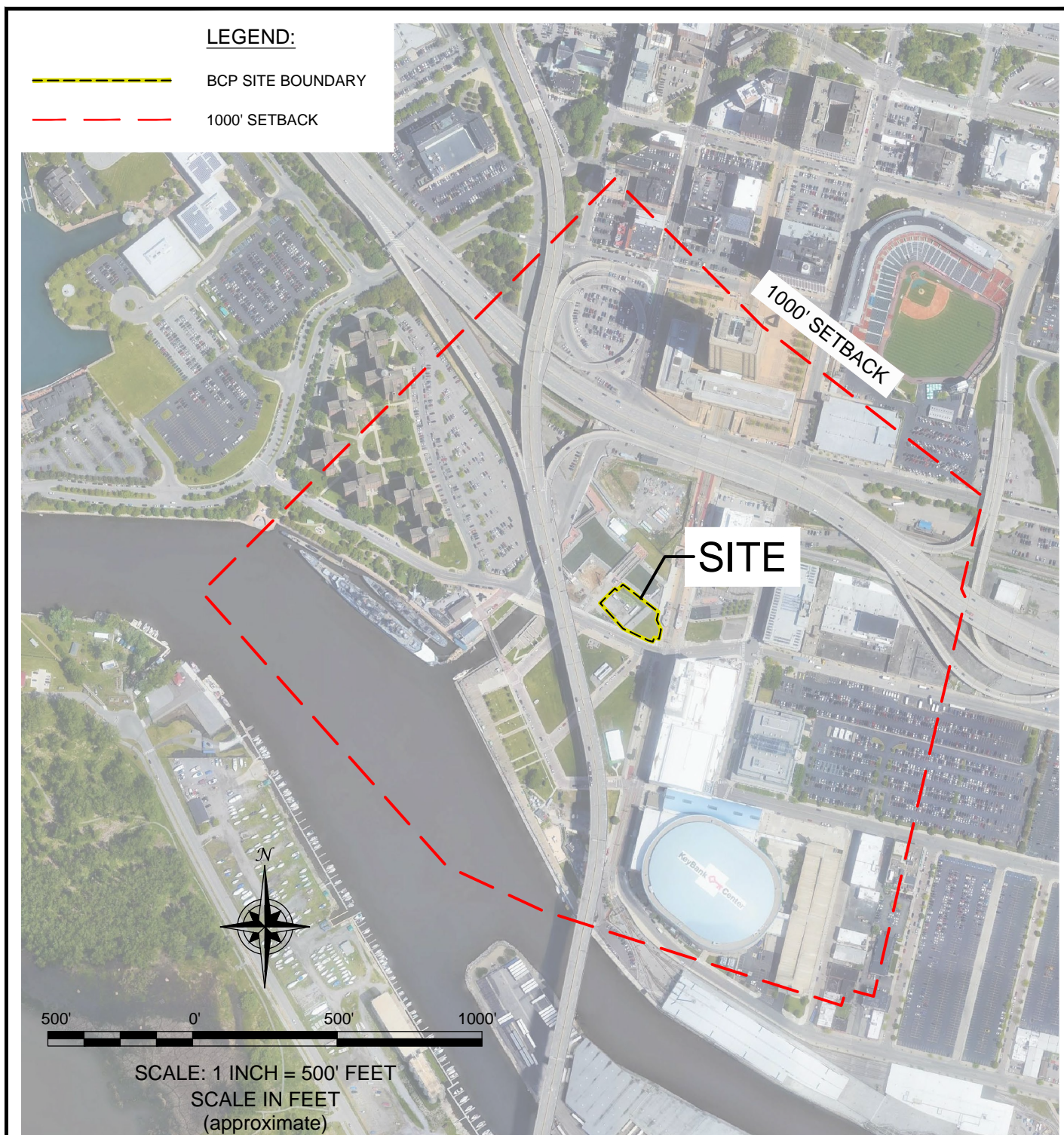
PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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**FIGURE 4**



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

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## PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

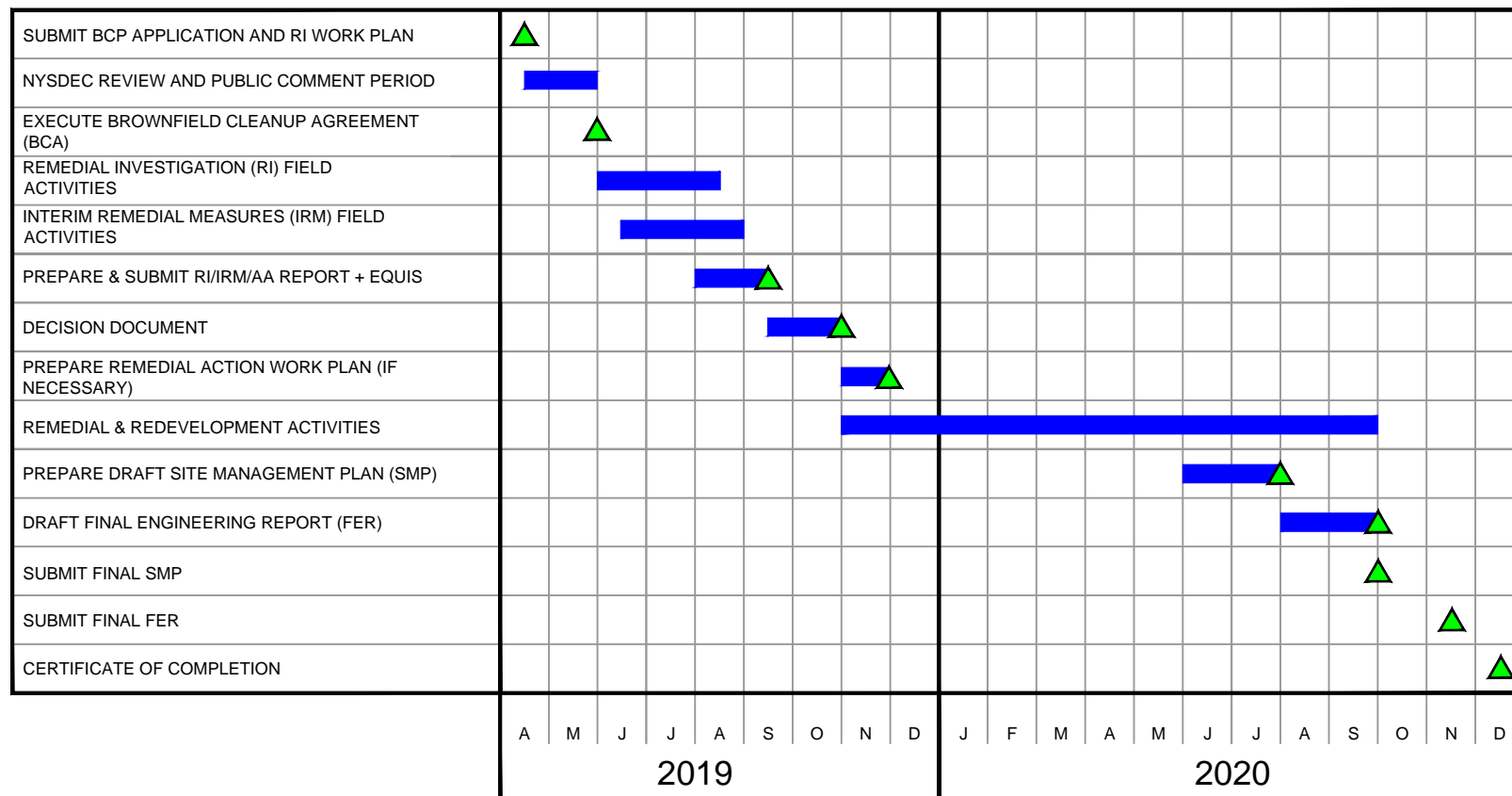
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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**PROJECT TASKS:**



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-028-004

DATE: APRIL 2019

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## PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

**FIGURE 5**

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NOTE: PHOTO TAKEN FROM BUFFALO RISING, AUGUST 2018



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

PROJECT NO.: B0239-028-004

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## CONCEPTUAL PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

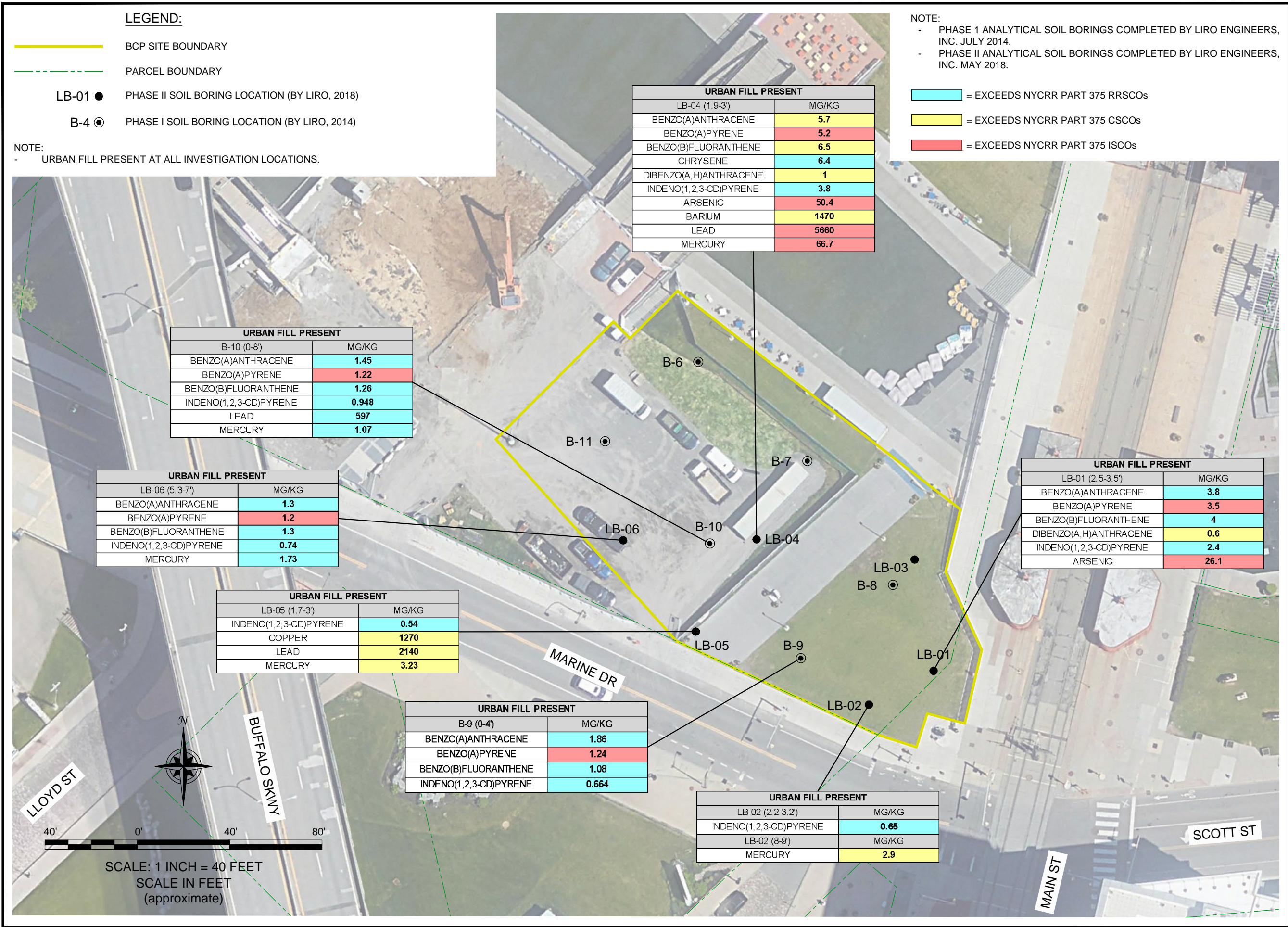
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR  
130 MAIN ENVIRONMENTAL REMEDIATION, LLC

FIGURE 6

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## INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION  
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC



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

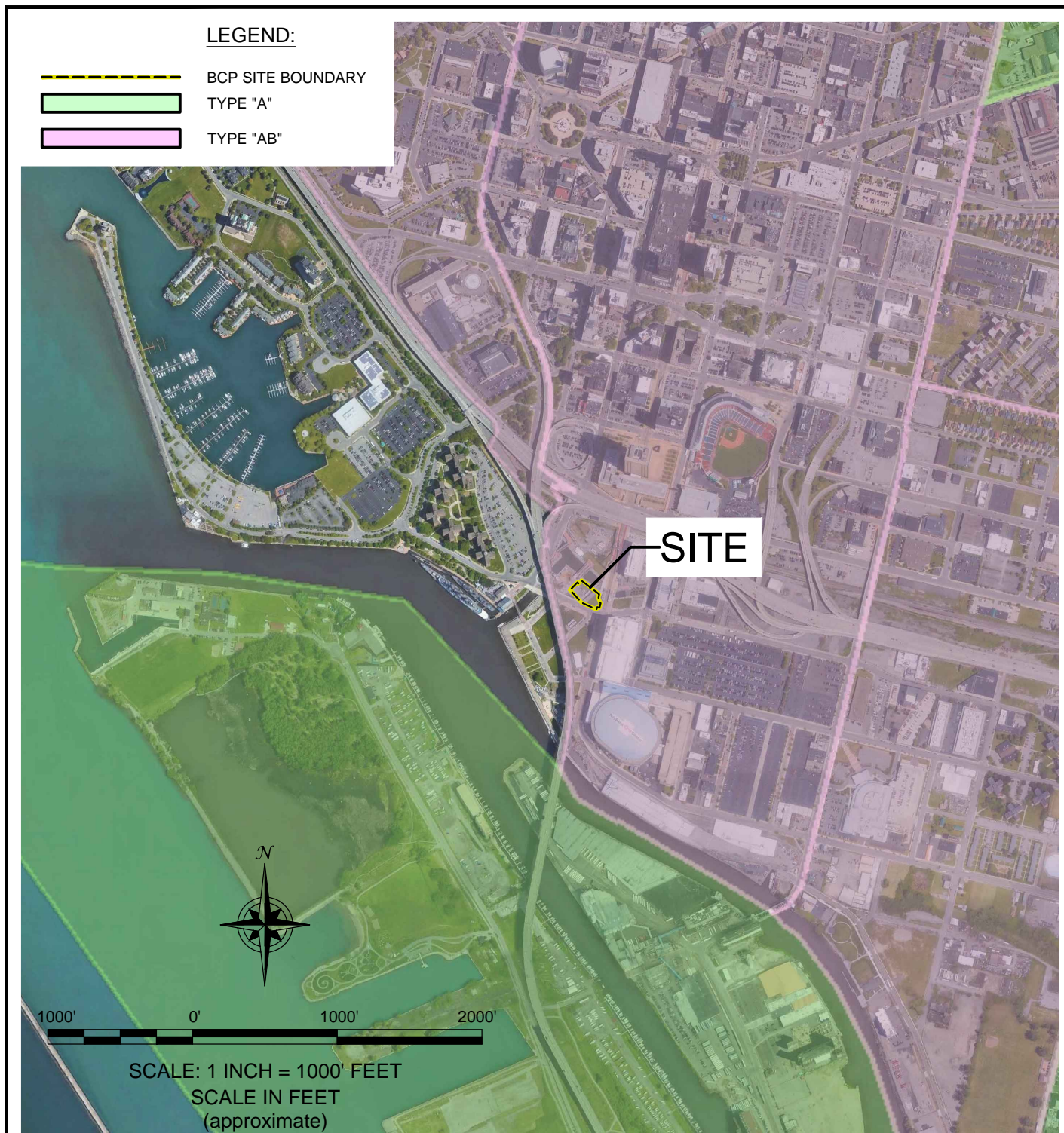
JOB NO.: B0239-018-004

**FIGURE 7**

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**FIGURE 8**



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

DRAFTED BY: CMS

## NEW YORK STATE ENZONE MAP

### BROWNFIELD CLEANUP PROGRAM APPLICATION

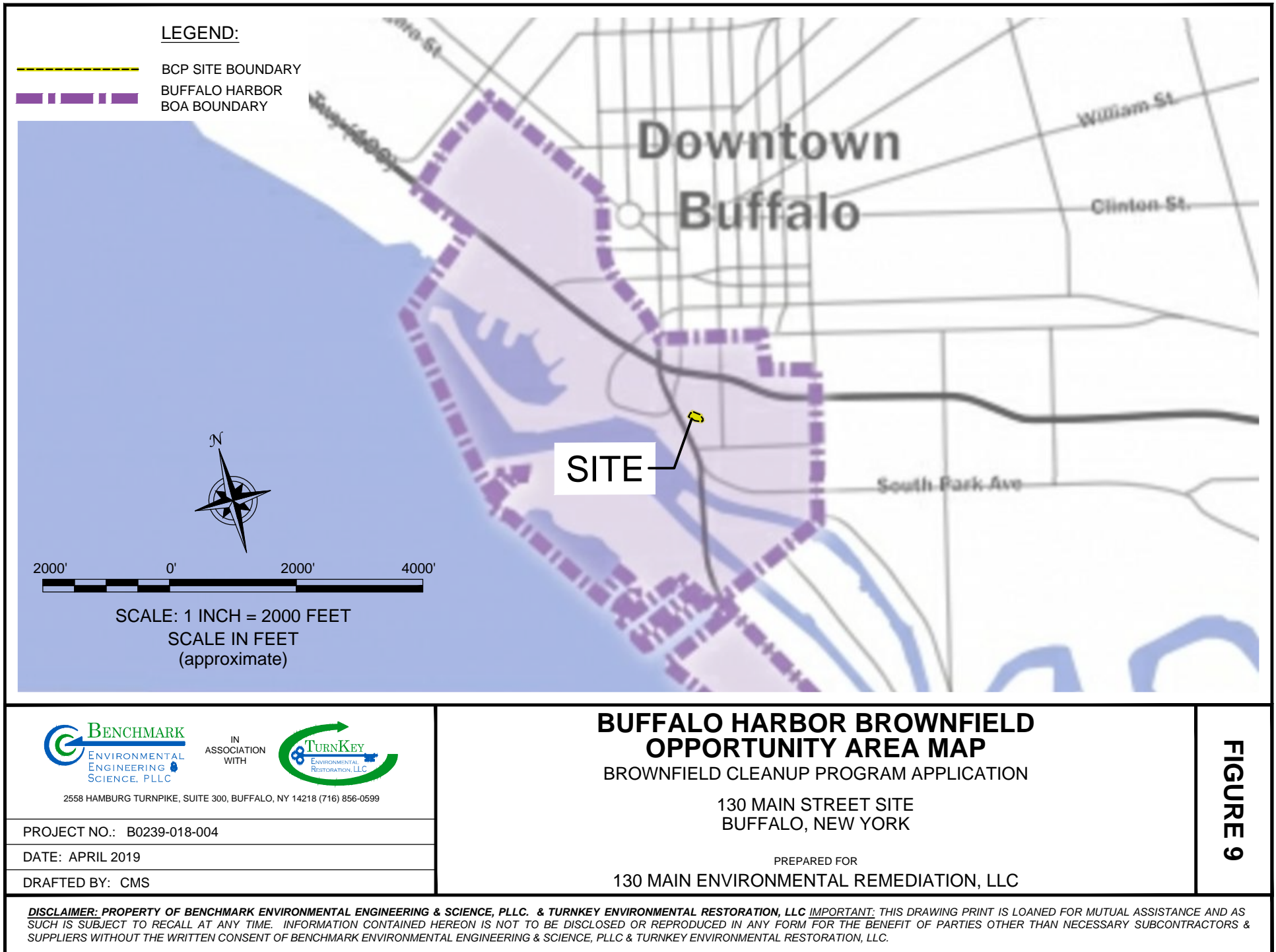
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

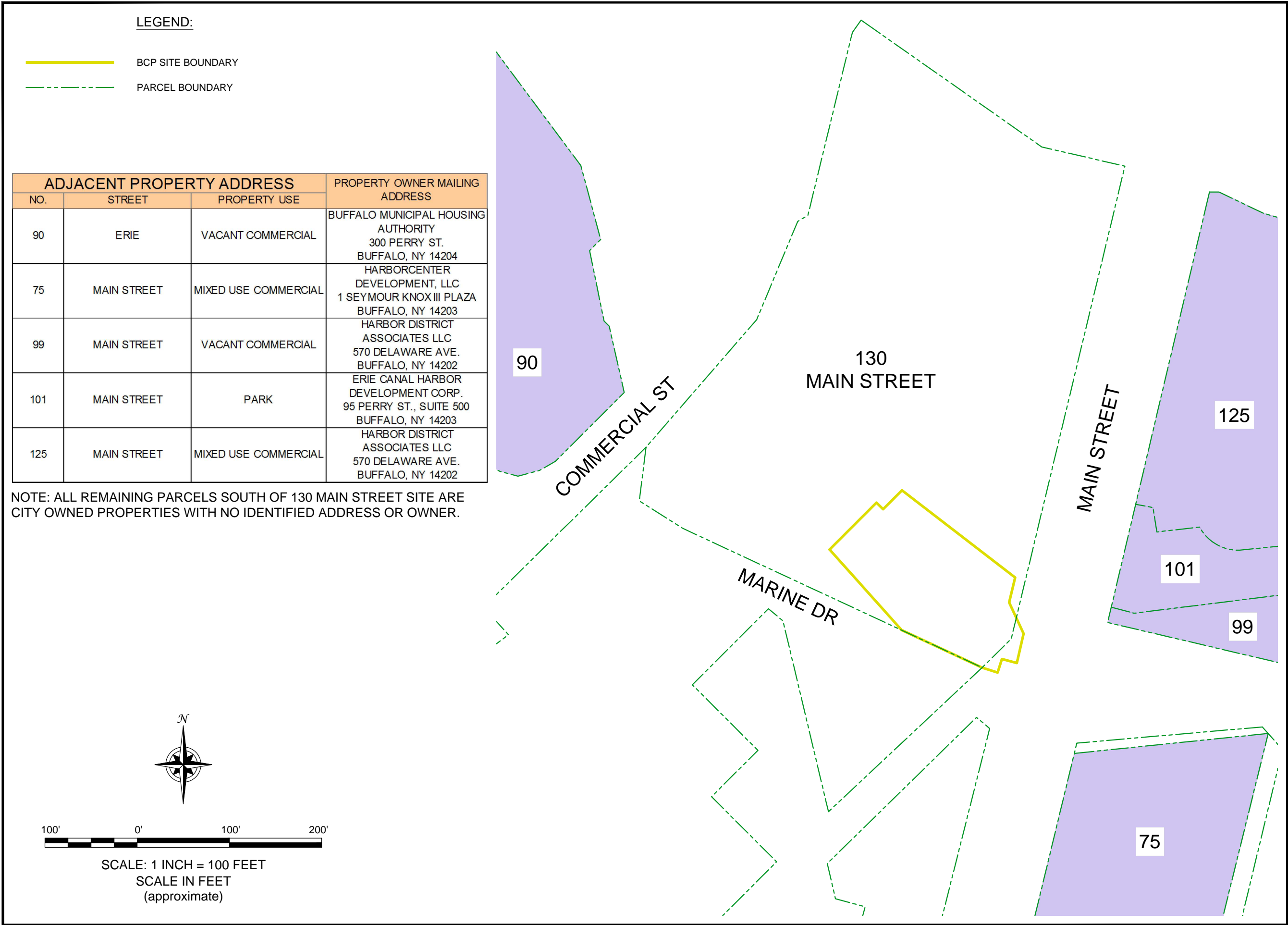
130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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IN ASSOCIATION WITH

BENCHMARK

ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

8TURNKEY

Environmental  
Restoration, LLC

ASSOCIATION WITH

8TURNKEY

Environmental  
Restoration, LLC

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

JOB NO.: B0239-018-004

ADJACENT PROPERTY OWNERS

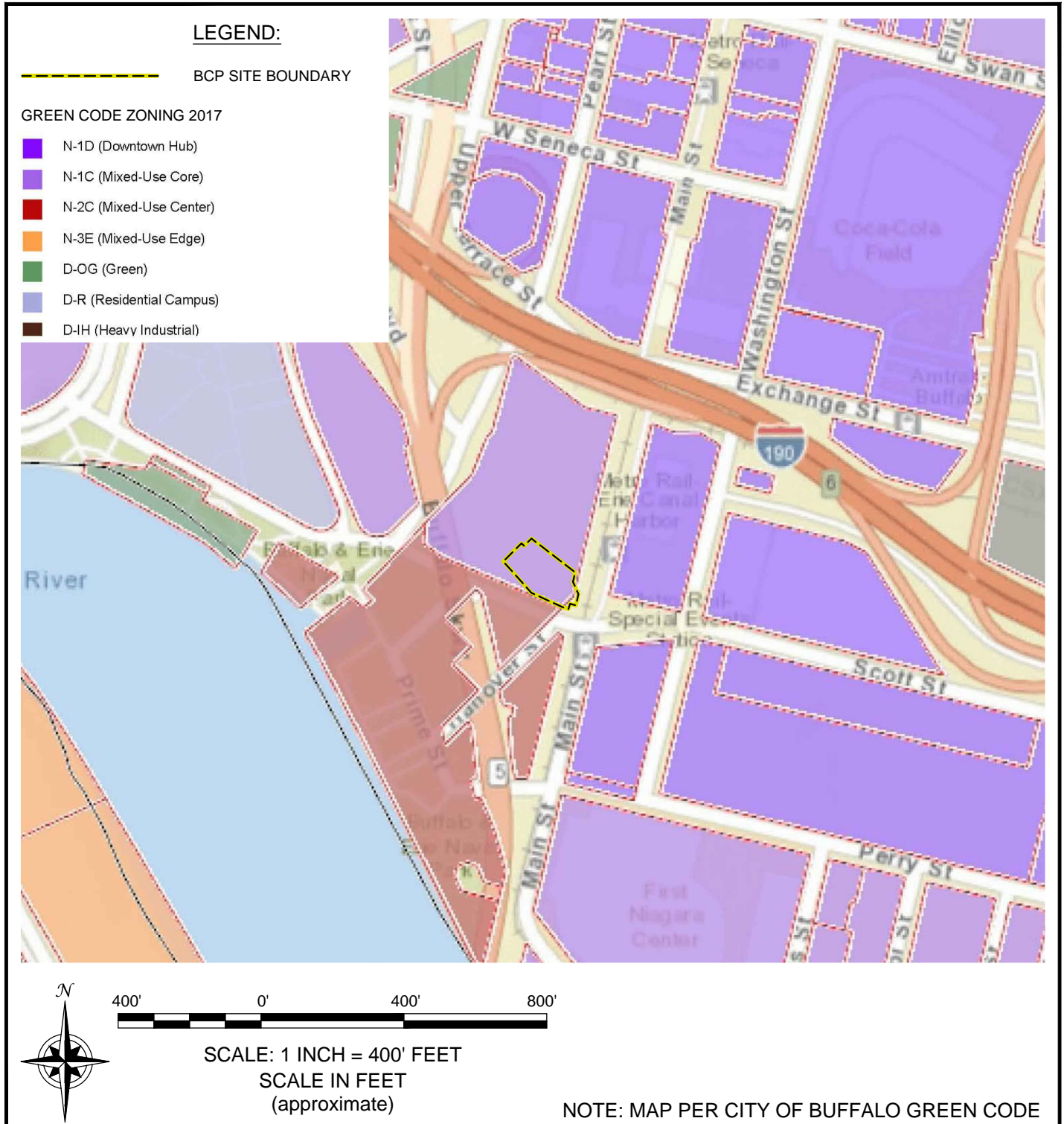
BROWNFIELD CLEANUP PROGRAM APPLICATION  
130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR  
130 MAIN ENVIRONMENTAL REMEDIATION, LLC

FIGURE 10

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**FIGURE 11**



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

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## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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FIGURE 12

LEGEND:

BCP SITE BOUNDARY

MAP UNIT LEGEND

MAP UNIT SYMBOL	MAP UNIT NAME
Ud	URBAN LAND
W	WATER



150' 0' 150' 300'

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

NOTE: MAP PER USDA NRCS WEBSOIL SURVEY



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
BUFFALO, NEW YORK

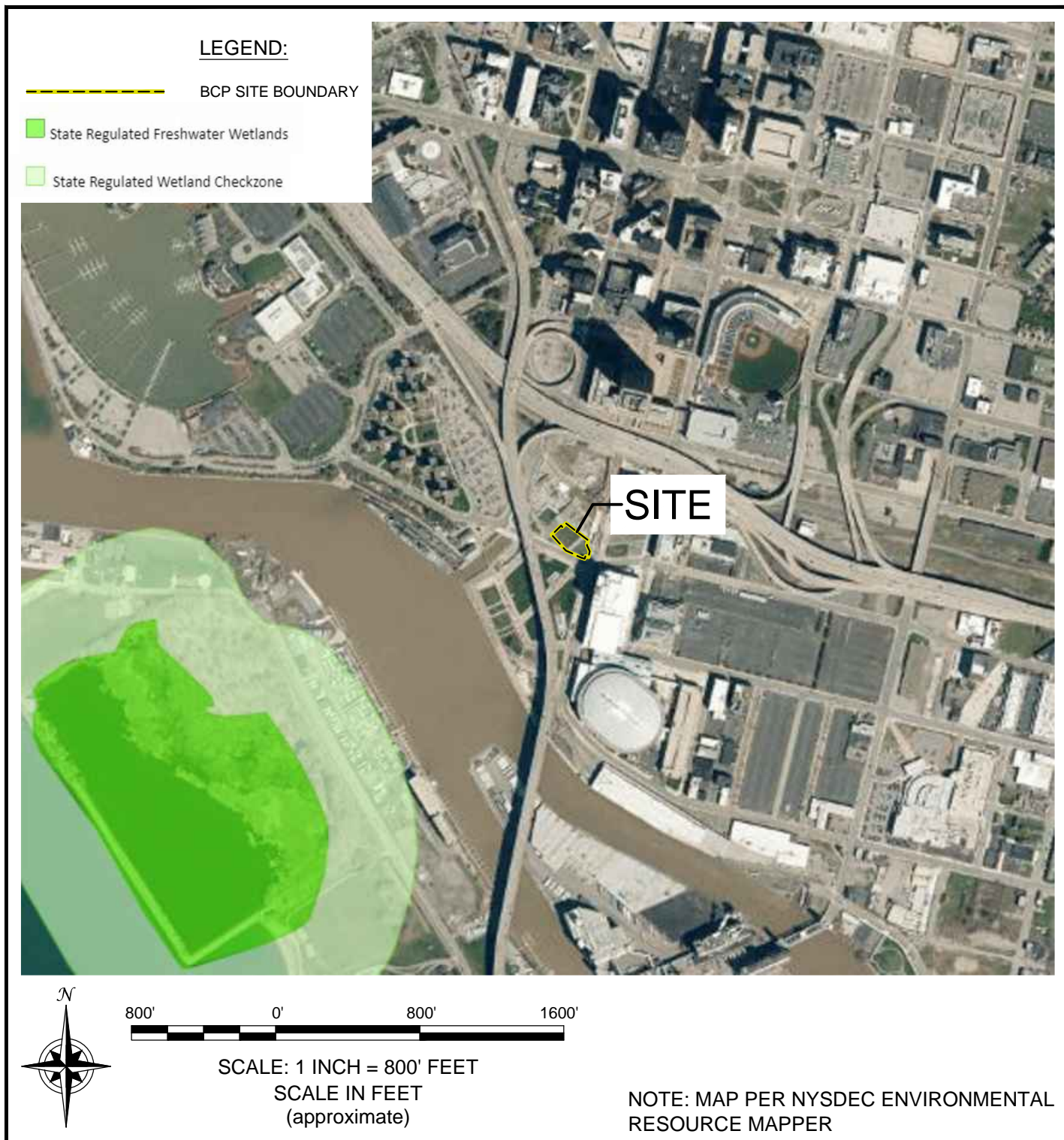
PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

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**FIGURE 13**



IN ASSOCIATION WITH



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

PROJECT NO.: B0239-018-004

DATE: APRIL 2019

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## NYSDEC WETLANDS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

130 MAIN STREET SITE  
 BUFFALO, NEW YORK

PREPARED FOR

130 MAIN ENVIRONMENTAL REMEDIATION, 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**

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

**SIGNATURE RESOLUTION**

**ERIE COUNTY TAX MAP**

**METES AND BOUNDS**

**ERIE COUNTY PARCEL DETAIL REPORT**

**ECHO AND ENVIROFACTS DATABASE RECORDS**

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

**SECTION I – REQUESTOR INFORMATION**

The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for co-applicants 130 Main Environmental Remediation, LLC; 130 Main Environmental Remediation II, LLC, and 130 Main Master Developer, LLC (referred to herein jointly as 130 Main) are attached.

Benchmark Environmental Engineering and Science, PLLC, a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project.

130 Main co-applicants organizational information is attached.

**SECTION II – PROJECT DESCRIPTION**

130 Main, 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.

130 Main 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 0.51-acre BCP site. Preliminary redevelopment plan calls for a mixed-use commercial and residential development. The redevelopment estimates capital investment of approximately \$20,000,000.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

A conceptual rendering of the development is included as Figure 6.

The Project will result in the remediation and redevelopment of an environmentally-impacted Site within an Urban Core<sup>1</sup> area of the City of Buffalo, New York.

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

A summary of the previous environmental investigation findings completed for the larger 130 Main Street parcel are summarized below. Efforts to reference specific locations and/or findings on the Site (hereinafter, the “Project Site” or the “Site”) are provided below.

Environmental Soil Data Report for the Former Buffalo Memorial Auditorium Site - 2009

C&S Companies and their subcontractor, Empire GeoServices, Inc. (Empire) completed an *Environmental Soil Data Report for the Former Buffalo Memorial Auditorium Site, Proposed Buffalo Canal Side Development, Buffalo, New York* for Erie Canal Harbor Development Corporation in July and November 2009. The following results were observed:

- Polycyclic aromatic hydrocarbons (PAHs) and metals were detected exceeding New York State Department of Environmental Conservation (NYSDEC) Commissioner Policy 51 (CP-51) Soil Cleanup Levels (SCLs) at locations surrounding the Site.

Phase I Environmental Site Assessment - July 2017

LiRo Engineers, Inc. (LiRo) completed a *Phase I Environmental Site Assessment – South And Block, Southeast Portion of 130 Main Street, A Portion of Tax Section No. 111-.17, Block No. 14, Lot No. 1, Buffalo, New York* for Erie Canal Harbor Development Corporation in (July 2017).

Findings and Recognized Environmental Condition’s (RECs) are detailed below:

- Elevated PAHs were detected exceeding 6NYCRR Part 375 Restricted Residential Use Soil Cleanup Objectives (RRSCOs), Commercial Use Soil Cleanup Objectives (CSCOs), and Industrial Use Soil Cleanup Objectives (ISCOs).

---

<sup>1</sup> According to the Land Use Plan of the Buffalo Green Code an Urban Core is defined as high intensity areas in terms of uses, building heights, and scale and having zoning codes of N-1D, N-1S, or N-1C.



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

- Elevated lead and mercury were detected exceeding RRSCOs.
- Exceedances of PAHs and metals indicate contaminated fill.
- Historic records indicated that the s land use prior to Memorial Auditorium included multiple commercial and industrial manufacturing uses.
- Multiple NYSDEC Spills were recorded for the larger site (0902966, 1201860, 1407916, 1407917, and 1410926).

Based on the findings of the Phase I ESA, LiRo recommended a Phase II Investigation and the preparation of a soil management plan prior to any development.

Phase II Environmental Subsurface Investigation Report – May 2018

LiRo completed a *Phase II Environmental Subsurface Investigation Report – South And Block, Southeast Portion of 130 Main Street, A Portion of Tax Section No. 111-.17, Block No. 14, Lot No. 1, Buffalo, New York* for Erie Canal Harbor Development Corporation on May 30, 2018 to further assess RECs identified by the Phase I. Findings of the Phase II are detailed below:

- Elevated PAHs exceeding RRSCOs, CSCOs, and/or ISCOs were detected in five (5) of the six (6) shallow soil/fill samples on-Site.
- Numerous metals, including arsenic, barium, copper, lead, and mercury, were detected above their respective RRSCOs, CSCOs, and/or ISCOs. Mercury was detected at 66.7 ppm, and lead was detected at 5600 ppm exceeding their respective ISCOs in shallow (1.9-3') sample depth.

Investigation locations and findings are provided on Figure 7. Referenced environmental reports are provided as separate PDF files, on the enclosed CD.

**SECTION IV – PROPERTY INFORMATION**

Parcel Description

The 130 Main Street Site, subject to this BCP application, consists of a 0.51-acre portion of a larger 4.64-acre tax parcel, located in the highly developed Urban Core of the City of

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

Buffalo, Erie County, New York (see Figures 1 and 2). The parcel map is provided as Figure 3.

130 Main is currently in the process of acquiring the Site, which will require subdividing the Site from the larger parcel. The larger 130 Main Street parcel is currently owner by the Erie Canal Harbor Development Corp. (ECHDC). Once the property transfer is complete, Erie County will issue the new S.B.L. identifier and revised tax map for the parcel. Copies of the new tax parcel will be provided to the Department at that time.

A metes and bounds description has been provided.

According to NYS Environmental Zone (En-Zone) mapping, the Site is located within an En-Zone Type AB designated census tract 165 (see Figure 8).

According to the NYSDOS Office of Planning and Development, the Site is located within the Buffalo Harbor Brownfield Opportunity Area (BOA) (see Figure 9).

Easements and Permits

130 Main 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 Marine Drive. The Site is supplied with electric and natural-gas. The Site is not currently supplied with municipal sanitary sewer or public water, but the surrounding area is connected.

It should be noted that a Resource Conservation and Recovery Act (RCRA) Generator identification is referenced with the larger property (NYR000084174), with Erie Canal Harbor Development Corp. (ECHDC) as contact. Based on review of the USEPA ECHO

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

database records, it appears that the identification was necessary to dispose of waste from the former Memorial Auditorium by ECHDC, and likely not associated with the 130 Main Street Project Site.

130 Main is not aware of any other easements or restrictions on the Site.

Property Description and Environmental Assessment

Location

The 130 Main Street Site, addressed as 130 Main Street, is located in a highly developed commercial and residential area of the City of Buffalo, Erie County, New York. The 0.51-acre Site is located at the corner of Main Street and Marine Drive and is bordered by Canalside to the north, Marine Drive to the south, Main Street and the NFTA Metro Rail to the east, and the Children's Museum to the west. (see Figures 2 and 4). Adjacent property owners are identified on Figure 10.

Site Features

The Site is currently vacant open space used as recreational area associated with Canalside. It is covered by grass lawn and a concrete sidewalk. There is a temporary container-type building located on the east portion of the site. A portion of the former Buffalo Memorial Auditorium was located on Site.

Current Zoning and Land Use

According to the Buffalo Green Code (April 2017), the Site is located in a Mixed-Use Core (N-1C) which is defined as mixed use residential and commercial, able to support high densities, with access to either Metro Rail or Bus lines (see Figure 11). Additional specific requirements are identified in the Canal Side Design Guidelines - Erie Canal Harbor Development Corporation (rev March 2010), requiring a high-density mixed use development.

**APPENDIX A**  
**BCP Application – Part A**  
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**130 Main Street Site**  
**Buffalo, New York**

The surrounding parcels are as follows:

- north – recreational/commercial;
- south – recreational/commercial (across Marine Drive);
- east – commercial (across Main Street), and,
- west – educational/commercial (Children’s Museum).

Planned reuse of the Site is consistent with the Canal Side Design Guidelines and Buffalo Green Code.

Past Use of the Site

Based on historic records and previous investigations, the Site was developed with various commercial structures and a portion of Lake Street from the late 1880’s through the late 1930’s. Aerial photographs during this time also show that the non-developed area of the Site was disturbed, suggesting demolition of on-Site structures. A portion of the former Buffalo Memorial Auditorium was located on-Site from 1939 through 2009. The site has been vacant since the Auditorium was demolished in 2009.

The historic use has impacted the Site with PAHs and metals contamination that will require remediation prior to Site redevelopment.

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 slope westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, all of the Site soils are



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

characterized as Urban Land (Ud) with level to gently sloping land in which 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (see Figure 12).

On-Site drilling activities completed by others identified fill to an approximate depth of 9-15 fbgs, with underlying clay/silt from 15-25 fbgs, and sand to bedrock, at approximately 45 fbgs. Groundwater was identified ranging from 10-15 fbgs and is assumed to generally flows in the west to southwest direction towards the Buffalo River and Lake Erie

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

Environmental Assessment Narrative

Based on the previous investigations, shallow historic fill (0 to 8 fbgs) at the Site is contaminated with PAHs and metals including arsenic, barium, copper, lead and mercury.

Laboratory analytical results indicate elevated PAHs exceeding RRSCOs, CSCOs, and ISCOs were present in seven (7) of the thirteen (13) shallow fill locations, and elevated metals, including arsenic, barium, copper, lead and mercury were detected in the shallow fill at levels exceeding RRSCOs, CSCOs, and/or ISCOs at five (5) locations.

Specifically, elevated mercury was detected exceeding its ISCO of 5.7 ppm at LB-04 (66.7 ppm) and exceeding its CSCO of 2.8 ppm at LB-05 (3.23 ppm) and LB-02 (2.9 ppm). Lead was detected exceeding its ISCO of 3,900 ppm at LB-04 (5,660 ppm) and its CSCO of 1,000 ppm at LB-05 (2,140 ppm). Arsenic was detected exceeding its ISCO of 16 ppm at LB-04 (50.4 ppm) and LB-01 (26.1 ppm)

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**130 Main Street Site**  
**Buffalo, New York**

Figure 7 identifies prior investigation locations and elevated soil concentrations with comparison to applicable SCOs.

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

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through March 28, 2019.

---

Selected Entity Name: 130 MAIN ENVIRONMENTAL REMEDIATION, LLC

Selected Entity Status Information

**Current Entity Name:** 130 MAIN ENVIRONMENTAL REMEDIATION, LLC

**DOS ID #:** 5523399

**Initial DOS Filing Date:** MARCH 28, 2019

**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)**

130 MAIN ENVIRONMENTAL REMEDIATION, LLC

617 MAIN STREET SUITE 200

BUFFALO, NEW YORK, 14203

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

**# of Shares**

**Type of Stock**

**\$ Value per Share**



No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAR 28, 2019	Actual	130 MAIN ENVIRONMENTAL REMEDIATION, 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.

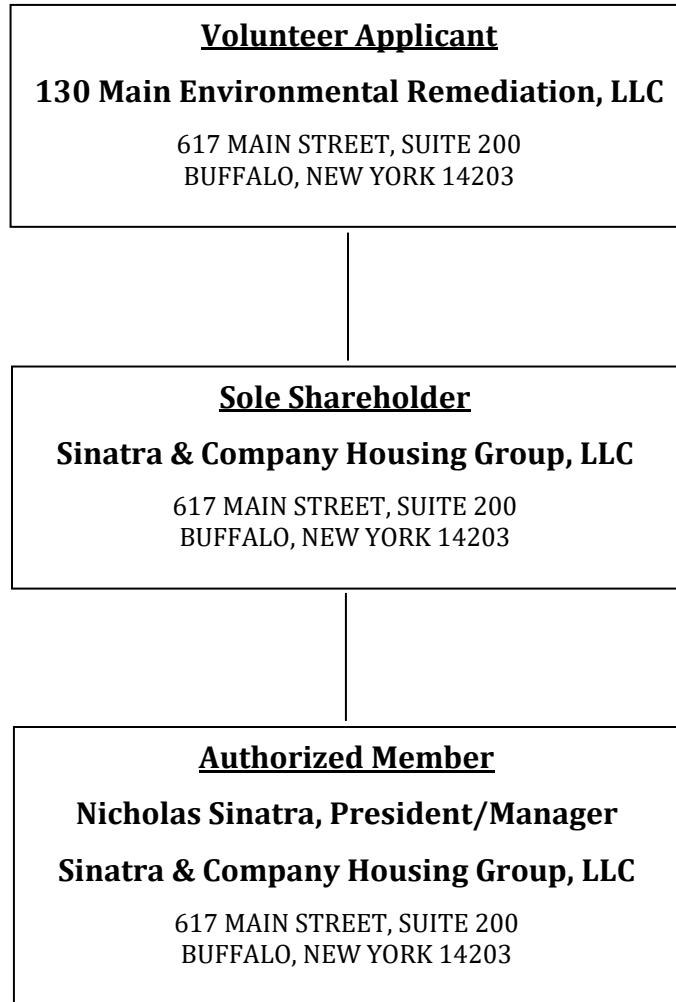
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**130 MAIN STREET SITE**

**ORGANIZATIONAL CHART**



**130 MAIN ENVIRONMENTAL REMEDIATION, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER**

April 15, 2019

The undersigned being holder of all of the membership interest of **130 MAIN ENVIROMENTAL REMEDIATION, LLC**, a New York limited liability company (the "**Company**"), hereby consents to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at the 130 Main 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 Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

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

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



---

Nicholas Sinatra, Authorized Member  
Sinatra & Company Housing Group, LLC



**SINATRA & COMPANY HOUSING GROUP, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER**

April 15, 2019

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

**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to authorize the Company's subsidiary, 130 Main Environmental Remediation, LLC to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at the Former Women & Children's Hospital Site, Buffalo, New York; and be it further

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

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

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

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

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 2, 2019.

---

Selected Entity Name: 130 MAIN ENVIRONMENTAL REMEDIATION II, LLC

Selected Entity Status Information

**Current Entity Name:** 130 MAIN ENVIRONMENTAL REMEDIATION II, LLC

**DOS ID #:** 5571558

**Initial DOS Filing Date:** JUNE 17, 2019

**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)**

130 MAIN ENVIRONMENTAL REMEDIATION II, LLC

2558 HAMBURG TURNPIKE

SUITE 360

BUFFALO, NEW YORK, 14218

**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
JUN 17, 2019	Actual	130 MAIN ENVIRONMENTAL REMEDIATION 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.

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**130 MAIN STREET SITE**

**ORGANIZATIONAL CHART**



130 MAIN ENVIRONMENTAL REMEDIATION II, LLC

UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER

June 28, 2019

**BROWNFIELD CLEANUP AND REDEVELOPMENT, LLC**, a New York limited liability company, being the sole member of **130 MAIN ENVIRONMENTAL REMEDIATION II, LLC** (the "**Company**"), a New York limited liability company, hereby consents to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Paul H. Werthman (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 130 Main 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 manager of the Company and of any persons designated and authorized to act by any such manager 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 Unanimous Written Consent of the member as of the date first set forth above.



Paul H. Werthman, Authorized Managing Member  
Brownfield Cleanup and Redevelopment, LLC

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through August 2, 2019.

---

Selected Entity Name: 130 MAIN MASTER DEVELOPER, LLC

Selected Entity Status Information

**Current Entity Name:** 130 MAIN MASTER DEVELOPER, LLC

**DOS ID #:** 5571576

**Initial DOS Filing Date:** JUNE 17, 2019

**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)**

130 MAIN MASTER DEVELOPER, LLC

617 MAIN STREET, SUITE 200

BUFFALO, NEW YORK, 14203

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

**# of Shares**

**Type of Stock**

**\$ Value per Share**



No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
JUN 17, 2019	Actual	130 MAIN MASTER DEVELOPER, 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.

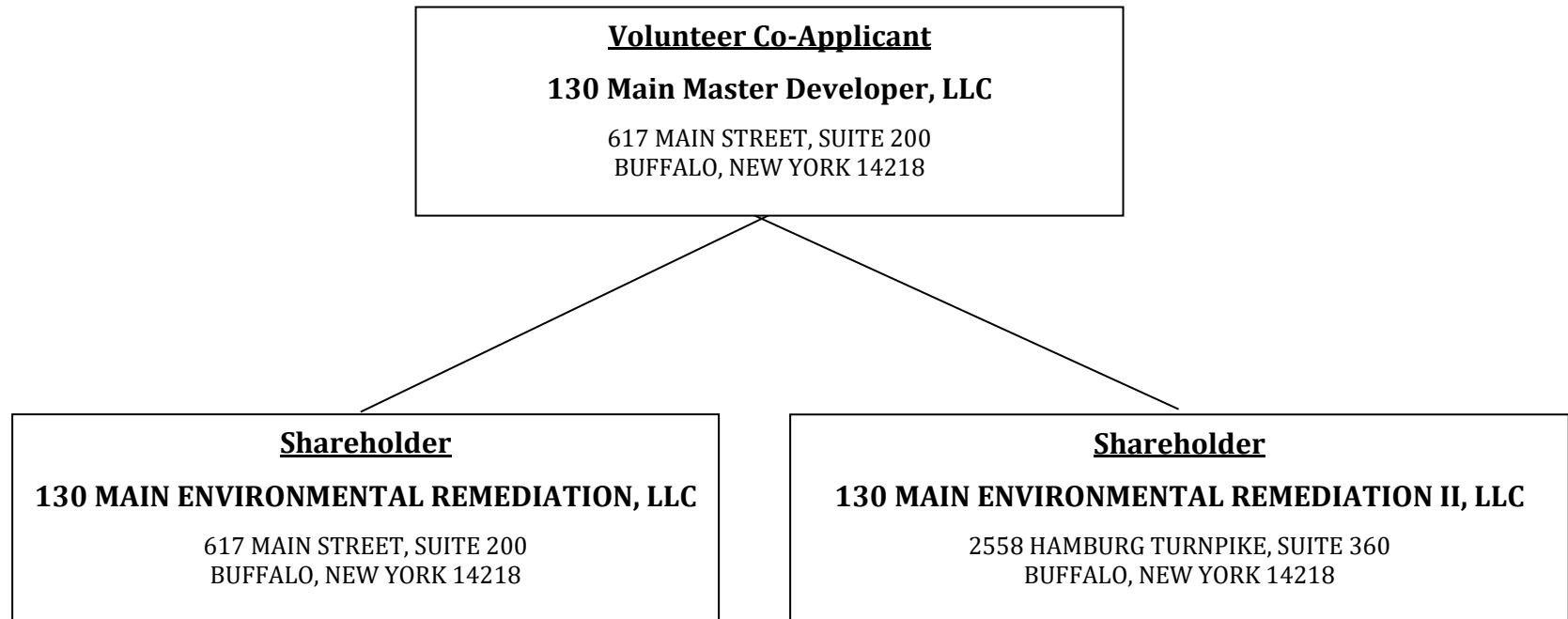
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**130 MAIN STREET SITE**

**ORGANIZATIONAL CHART**



**130 MAIN MASTER DEVELOPER, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE MEMBERS**

June 27, 2019

The undersigned being holders of all of the membership interest of **130 MAIN MASTER DEVELOPER, LLC**, a New York limited liability company (the "**Company**"), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Nicholas Sinatra (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the 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 the property located at 130 Main 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 manager of the Company and of any persons designated and authorized to act by any such manager 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 have executed this Unanimous Written Consent of the members as of the date first set forth above.



---

Nicholas Sinatra, Managing Member  
130 Main Environmental Remediation, LLC

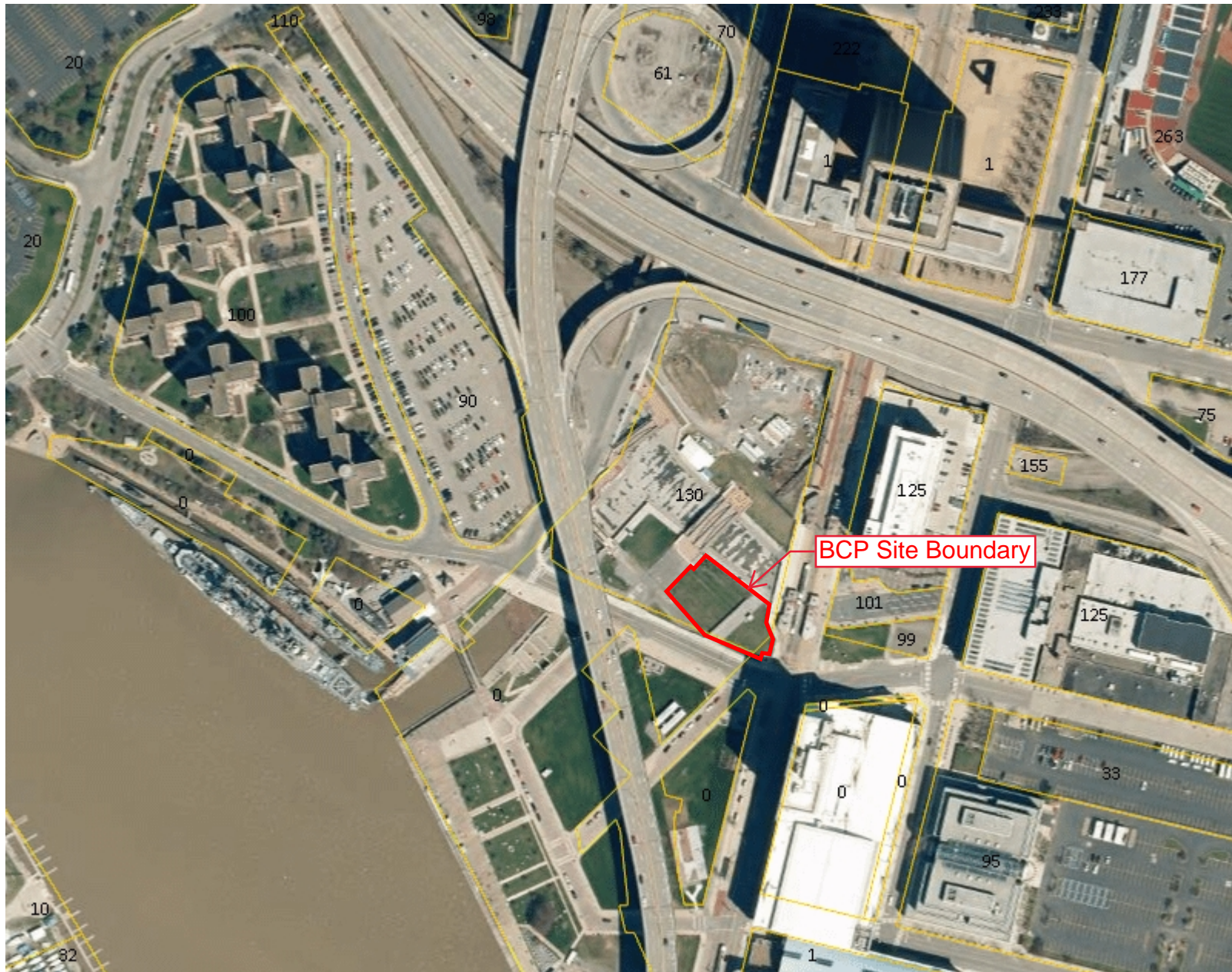


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Paul H. Werthman, Managing Member  
130 Main Environmental Remediation II, LLC



# Erie County On-Line Mapping Application



## Legend

- Parcels
- Municipal Boundaries

0 376.17 752.3Feet

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

**ERIE COUNTY**  
**DEPARTMENT OF ENVIRONMENT & PLANNING**  
**OFFICE OF GIS**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514





**PARCEL DESCRIPTION**  
**Portion of 130 Main – A2.2&A2.3**

**ALL THAT TRACT OR PARCEL OF LAND** situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 85, and being a portion of lands now or formerly conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780 and being more particularly bounded and described as follows:

**COMMENCING** at a point on the northeast line of Marine Drive (50' wide) at its intersection with the northwest line of Main Street (99' wide), said point being a southeast corner of lands conveyed to the Erie Canal Harbor Development Corporation by deed recorded in the Erie County Clerks Office in Liber 11141 of Deeds at Page 780;

Thence N 46° 02' 09" E along the said northwest line of Main Street, a distance of 6.72 feet to the **POINT OF BEGINNING**;

Thence N 71° 34' 15" W, a distance of 4.13 feet to a point;

Thence N 65° 22' 40" W, a distance of 81.46 feet to a point;

Thence N 43° 15' 46" W, a distance of 126.39 feet to a point;

Thence N 45° 14' 21" E, a distance of 71.78 feet to a point;

Thence S 44° 26' 06" E, a distance of 8.43 feet to a point;

Thence N 45° 25' 37" E, a distance of 30.59 feet to a point;

Thence S 51° 41' 40" E, a distance of 164.42 feet to the said northwest line of Main Street;

Thence S 13° 54' 30" W along the said northwest line of Main Street, a distance of 67.39 feet to a point;

Thence S 46° 02' 09" W and continuing along the said northwest line of Main Street, a distance of 37.38 feet to the point or place of beginning

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
1/7/2019 7:16:02 AM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001111700014001000

**SBL:** 111.17-14-1

**Address:** 130 MAIN

**Owner 1:** ERIE CANAL HARBOR DEVELOPMENT

**Owner 2:** CORPORATION

**Mailing Address:** 95 PERRY ST

**City/Zip:** BUFFALO NY 14203

**Municipality:** Buffalo

**Property Class:** 556

**Class Description:** C - Outdoor rink

**Front:** 532.45

**Depth:** 0

**Deed Roll:** 8

**Deed Book:** 11141

**Deed Page:** 780

**Deed Date:**

**Acreage:** 4.64409839688

**Total Assessment:** \$10,000,000

**Land Assessment:** \$3,460,000

**County Taxes:** \$0

**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

Detailed Facility Report

Facility Summary

ERIE CANAL HARBOR DEVELOPMENT CORP  
125 MAIN ST, BUFFALO, NY 14203

FRS (Facility Registry Service) ID: 110004561000  
EPA Region: 02  
Latitude: 42.87811  
Longitude: -78.87669  
Locational Data Source: FRS  
Industry:  
Indian Country: N

Enforcement and Compliance Summary

Statute	Insps (5 Years)	Date of Last Inspection	Compliance Status	Qtrs with NC (Noncompliance) (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
RCRA	--	--	No Violation Identified	0	0	--	--	--	--	--

Regulatory Information

Other Regulatory Reports

Clean Air Act (CAA): No Information  
Clean Water Act (CWA): No Information  
Resource Conservation and Recovery Act (RCRA): Active (H )  
LQG (NYR000084178)  
Safe Drinking Water Act (SDWA): No Information

Air Emissions Inventory (EIS): No Information  
Greenhouse Gas Emissions (eGGRT): No Information  
Toxic Releases (TRI): No Information  
Compliance and Emissions Data Reporting Interface (CEDRI): No Information

Known Data Problems

Facility/System Characteristics

Facility/System Characteristics

System	Statute	Identifier	Universe	Status	Areas	Permit Expiration Date	Indian Country	Latitude	Longitude
FRS		110004561000					N	42.87811	-78.87669
RCR	RCRA	NYR000084178	LQG	Active (H )			N	42.878006	-78.876297

Facility Address

System	Statute	Identifier	Facility Name	Facility Address
FRS		110004561000	ERIE CANAL HARBOR DEVELOPMENT CORP	125 MAIN ST, BUFFALO, NY 14203
RCR	RCRA	NYR000084178	ERIE CANAL HARBOR DEVELOPMENT CORP	125 MAIN ST, BUFFALO, NY 14203

Facility SIC (Standard Industrial Classification) Codes

System	Identifier	SIC Code	SIC Description
			No data records returned

Facility NAICS (North American Industry Classification System) Codes

System	Identifier	NAICS Code	NAICS Description
RCR	NYR000084178	92114	Executive and Legislative Offices, Combined

Facility Tribe Information

Reservation Name	Tribe Name	EPA Tribal ID	Distance to Tribe (miles)
Cattaraugus Reservation	Seneca Nation of Indians	100000267	21.96
Tonawanda Reservation	Tonawanda Band of Seneca	100000303	23.39
Tuscarora Nation Reservation	Tuscarora Nation	100000312	18.43

Enforcement and Compliance

Compliance Monitoring History (5 years)

Statute	Source ID	System	Inspection Type	Lead Agency	Date	Finding (if applicable)
						No data records returned

Entries in italics are not considered inspections in official counts.

Compliance Summary Data

Statute	Source ID	Current <i>SNC</i> (Significant Noncompliance) / <i>HPV</i> (High Priority Violation)	Current As Of	Qtrs with <i>NCL</i> (Noncompliance) (of 12)	Data Last Refreshed
RCRA	NYR000084178	No	04/06/2019	0	04/05/2019

Three-Year Compliance History by Quarter

Statute	Program/Pollutant/Violation Type	QTR 1	QTR 2	QTR 3	QTR 4	QTR 5	QTR 6	QTR 7	QTR 8	QTR 9	QTR 10	QTR 11	QTR 12+
	RCRA (Source ID: NYR000084178)	04/01-06/30/16	07/01-09/30/16	10/01-12/31/16	01/01-03/31/17	04/01-06/30/17	07/01-09/30/17	10/01-12/31/17	01/01-03/31/18	04/01-06/30/18	07/01-09/30/18	10/01-12/31/18	01/01-03/31/19
	Facility-Level Status	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified	No Violation Identified

Informal Enforcement Actions (5 Years)

Statute	System	Source ID	Type of Action	Lead Agency	Date
					No data records returned

Formal Enforcement Actions (5 Years)

Statute	System	Law/Section	Source ID	Action Type	Case No.	Lead Agency	Case Name	Issued/Filed Date	Settlements/Actions	Settlement/Action Date	Federal Penalty	State/Local Penalty	SEP Cost	Comp Action Cost
														No data records returned

Environmental Conditions



Water Quality

Permit ID   Combined Sewer System?	Number of CSO (Combined Sewer Overflow) Outfalls	12-Digit WBD (Watershed Boundary Dataset) HUC (RAD (Reach Address Database))	WBD (Watershed Boundary Dataset) Subwatershed Name (RAD (Reach Address Database))	State Waterbody Name (ICIS (Integrated Compliance Information System))	Impaired Waters   Impaired Class	Causes of Impairment(s) by Group(s)	Watershed with ESA (Endangered Species Act)-listed Aquatic Species?
No data records returned							

Waterbody Designated Uses

Reach Code	Waterbody Name	Exceptional Use	Recreational Use	Aquatic Life Use	Shellfish Use	Beach Closure Within Last Year	Beach Closure Within Last Two Years
No data records returned							

Air Quality

Nonattainment Area?	Pollutant(s)	Applicable Nonattainment Standard(s)
Yes	Ozone	8-Hour Ozone (1997)
No	Lead	
No	Particulate Matter	
No	Carbon Monoxide	
No	Nitrogen Dioxide	
No	Sulfur Dioxide	

Pollutants

Toxics Release Inventory History of Reported Chemicals Released in Pounds per Year at Site

TRI Facility ID	Year	Total Air Emissions	Surface Water Discharges	Off-Site Transfers to POTWs (Publicly Owned Treatment Works)	Underground Injections	Releases to Land	Total On-site Releases	Total Off-site Releases
No data records returned								

Toxics Release Inventory Total Releases and Transfers in Pounds by Chemical and Year

Chemical Name
No data records returned

Demographic Profile

Demographic Profile of Surrounding Area (3 Miles)

This section provides demographic information regarding the community surrounding the facility. ECHO compliance data alone are not sufficient to determine whether violations at a particular facility had negative impacts on public health or the environment. Statistics are based upon the 2010 US Census and American Community Survey data, and are accurate to the extent that the facility latitude and longitude listed below are correct. The latitude and longitude are obtained from the EPA Locational Reference Table (LRT) when available.

Radius of Area:	3	Land Area:	64%	Households in Area:	38,845
Center Latitude:	42.87811	Water Area:	36%	Housing Units in Area:	48,495
Center Longitude:	-78.87669	Population Density:	5,138/sq.mi.	Households on Public Assistance:	3,577
Total Persons:	83,230	Percent Minority:	63%	Persons Below Poverty Level:	50,226

Race Breakdown	Persons (%)	Age Breakdown	Persons (%)
White:	36,801 (44%)	Child 5 years and younger:	5,452 (7%)

Race Breakdown	Persons (%)	Age Breakdown	Persons (%)
African-American:	33,915 (41%)	Minors 17 years and younger:	18,670 (22%)
Hispanic-Origin:	13,506 (16%)	Adults 18 years and older:	64,560 (78%)
Asian/Pacific Islander:	3,785 (5%)	Seniors 65 years and older:	10,408 (13%)
American Indian:	722 (1%)		
Other/Multiracial:	8,007 (10%)		

Education Level (Persons 25 & older)	Persons (%)	Income Breakdown	Households (%)
Less than 9th Grade:	5,052 (8.97%)	Less than \$15,000:	14,229 (36.08%)
9th through 12th Grade:	8,427 (14.96%)	\$15,000 - \$25,000:	6,125 (15.53%)
High School Diploma:	15,386 (27.31%)	\$25,000 - \$50,000:	9,504 (24.1%)
Some College/2-yr:	14,251 (25.3%)	\$50,000 - \$75,000:	4,511 (11.44%)
B.S./B.A. or More:	13,223 (23.47%)	Greater than \$75,000:	5,067 (12.85%)

**Related Topics:** Envirofacts

FRS

## FRS Facility Detail Report

### ERIE CANAL HARBOR DEVELOPMENT CORP

**EPA Registry Id:** 110004561000  
125 MAIN ST  
BUFFALO, NY 14203

#### Legend

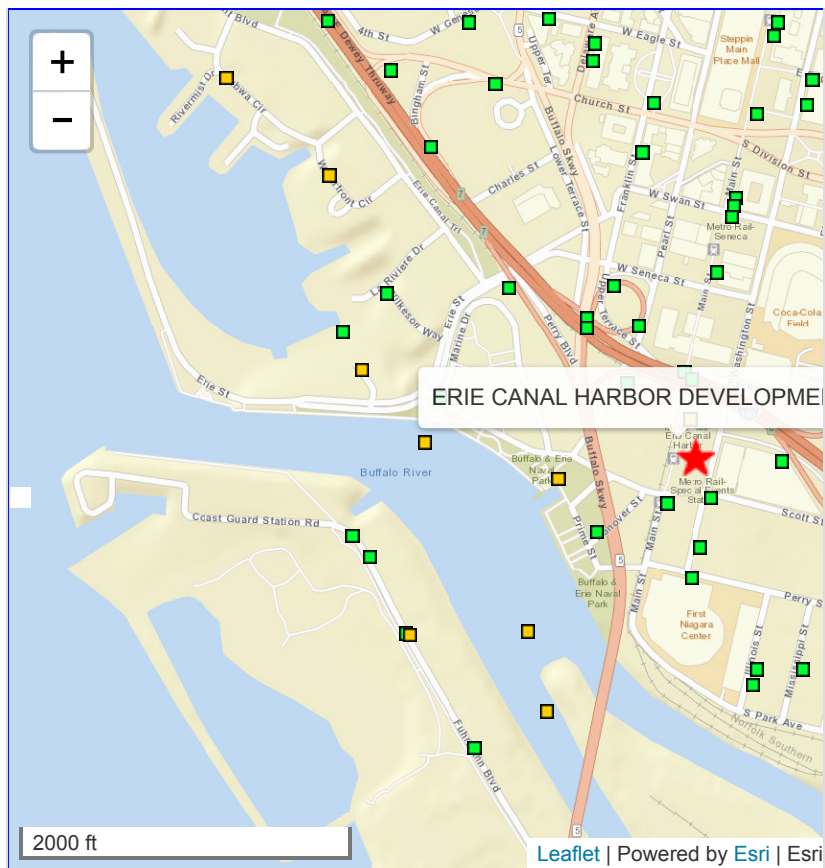
- ★ **Selected Facility**
- **EPA Facility of Interest**
- **State/Tribe  
Facility of Interest**

The facility locations displayed come from the FRS Spatial Coordinates tables. They are the best representative locations for the displayed facilities based on the accuracy of the collection method and quality assurance checks performed against each location. The North American Datum of 1983 is used to display all coordinates.

### Facility Registry Service Links:

- Facility Registry Service (FRS) Overview
- FRS Facility Query
- FRS Organization Query
- EZ Query
- FRS Physical Data Model
- FRS Geospatial Model

[Report an Error](#)



## Environmental Interests

Information System	System Facility Name	Information System Id/Report Link	Environmental Interest Type	Data Source	Last Updated Date	Supplemental Environmental Interests:
RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	ERIE CANAL HARBOR DEVELOPMENT CORP	NYR000084178	LQG (Y)	RCRAINFO	04/14/2015	
BIENNIAL REPORTERS	ERIE CANAL HARBOR DEVELOPMENT CORP	NYR000084178	HAZARDOUS WASTE BIENNIAL REPORTER	RCRAINFO	12/31/2009	
NEW YORK - FACILITY INFORMATION SYSTEM	GENERAL DONOVAN STATE OFFICE BLDG	9-1402-00678	STATE MASTER	FIS		<b>FIS-9-1402-00678/00001</b> AIR PROGRAM
<b>Additional EPA Reports:</b>	MyEnvironment Enforcement and Compliance Site Demographics Facility Coordinates Viewer Environmental Justice Map Viewer Watershed Report					



Standard Industrial Classification Codes (SIC)				
Data Source	SIC Code	Description	Primary	
FIS	9621	REGULATION AND ADMINISTRATION OF TRANSPORTATION PROGRAMS		
Facility Codes and Flags				
EPA Region:		02		
Duns Number:				
Congressional District Number:		26		
Legislative District Number:		NY		
HUC Code/Watershed:		04120103 / BUFFALO-EIGHTEENMILE		
US Mexico Border Indicator:				
Federal Facility:		NO		
Tribal Land:		NO		
Alternative Names				
Alternative Name		Source of Data		
GENERAL WM J DONOVAN STATE OFFICE BLDG		NOTIFICATION (RCRA)		
GENERAL DONOVAN STATE OFFICE BLDG		FRS		
Organizations				
Affiliation Type	Name	DUNS Number	Information System	Mailing Address
OWNER	ERIE CANAL HARBOR DEVELOPMENT CORP		RCRAINFO	
OPERATOR	ERIE CANAL HARBOR DEVELOPMENT CORP		RCRAINFO	

National Industry Classification System Codes (NAICS)						
Data Source	NAICS Code	Description	Primary			
RCRAINFO	92114	EXECUTIVE AND LEGISLATIVE OFFICES, COMBINED				
Facility Mailing Addresses						
Affiliation Type		Delivery Point	City Name	State	Postal Code	Information System
FACILITY MAILING ADDRESS		95 PERRY ST	BUFFALO	NY	14203	RCRAINFO
Contacts						
Affiliation Type		Full Name	Office Phone	Information System		Mailing Address
REGULATORY CONTACT		MARK SMITH	7168468252	RCRAINFO		

Query executed on: FEB-28-2019

# **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**

**DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
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**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
130 Main Street			
Current Owner/Operator			
Erie Canal Harbor Development Corporation (ECHDC) 95 Perry Street, Suite 500 Buffalo NY 14203	Canalside and Vacant/open space since 2009;	February 2008 to Current	None
Previous Owners/Operators			
City of Buffalo 65 Niagara Square Buffalo, NY 14202	Buffalo Memorial Auditorium	1939 - 2008	None - No relationship
H.J. Heise Co. Union Hotel Other Unknown Owners	Commercial	1889 to prior to 1939	None - No relationship

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Co-Applicants, 130 Main Environmental Remediation, LLC; 130 Main Environmental Remediation II, LLC; and, 130 Main Master Developer, LLC (referred to herein jointly as 130 Main), qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

The on-Site contamination is related to previous operations conducted on-Site. The Applicant became involved with the property after the disposal or discharge of contaminants

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and has no relationship with the previous owners/operators of the Site; therefore, 130 Main 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

Barbara Miller-Williams  
Erie County Legislator  
District 1  
427 William Street  
Buffalo, NY 14204

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

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

Mr. Robert M. Graber  
Erie County Legislature Clerk  
92 Franklin Street, 4<sup>th</sup> Floor  
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

David A. Franczyk  
Fillmore District Councilmember  
1504 City Hall  
Buffalo, NY 14202

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

*Supplier of Potable Water:*

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

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

*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 Ch. 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:*

Gregory A. Lodinsky, Principal  
Leonardo Da Vinci High School, PS 212  
320 Porter Avenue  
Buffalo, NY 14201

Nicole Booker, Principal  
Paterson School 13  
266 Oak Street  
Buffalo, NY 14203

Mrs. Adriann Johnson-Cofield  
The Academy School, PS 131@4  
425 South Park Avenue  
Buffalo, NY 14204

Dr. Yolanda Peay, Dean of Students  
Enterprise Charter School  
275 Oak Street, #100  
Buffalo, NY 14203

Dr. Acar, Board of Trustees President  
Buffalo Academy of Science Charter  
School  
190 Franklin Street  
Buffalo, NY 14202

Karen R. Piotrowski  
Buffalo Elementary School of Technology, BPS  
#6  
414 South Division Street  
Buffalo, NY 14204

*Other Interested Parties:*

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

*Document Repository:*

April Tompkins  
Repository Documents  
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 is provided in the table below. See Figure 10.

ADJACENT PROPERTY ADDRESS			PROPERTY OWNER MAILING ADDRESS
NO.	STREET	PROPERTY USE	
90	ERIE	VACANT COMMERCIAL	BUFFALO MUNICIPAL HOUSING AUTHORITY 300 PERRY ST. BUFFALO, NY 14204
75	MAIN STREET	MIXED USE COMMERCIAL	HARBORCENTER DEVELOPMENT, LLC 1 SEYMOUR KNOX III PLAZA BUFFALO, NY 14203
99	MAIN STREET	VACANT COMMERCIAL	HARBOR DISTRICT ASSOCIATES LLC 570 DELAWARE AVE. BUFFALO, NY 14202
101	MAIN STREET	PARK	ERIE CANAL HARBOR DEVELOPMENT CORP. 95 PERRY ST., SUITE 500 BUFFALO, NY 14203
125	MAIN STREET	MIXED USE COMMERCIAL	HARBOR DISTRICT ASSOCIATES LLC 570 DELAWARE AVE. BUFFALO, NY 14202

Document Repository

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

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**SECTION X – LAND USE FACTORS**

**1 – Current Zoning**

The current zoning for the Site is Urban Core (N-1) Mixed-Use Core (N-1C) which is defined as mixed use residential and commercial, able to support high densities. The planned redevelopment for mixed use residential and commercial is consistent with the Canal Side Design Guidelines - Erie Canal Harbor Development Corporation, rev March 2010, and the Buffalo Green Code.

**2 – Current Use**

The Site is currently vacant open space with a grass lawn and sidewalk. There is a metal portable-container-type building located on the east portion of the site.

The Site is a portion of the former Buffalo Memorial Auditorium. The former auditorium was constructed in 1939 and closed in 1996. The auditorium was vacant from 1996 until it was demolished in 2009. The Site has been vacant since 2009.

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

The Volunteer plans to redevelop the entire 0.51-acre Site with the construction of mixed-use residential-commercial project.

The planned redevelopment is consistent with the historic and recent development patterns, applicable zoning and the Canal Side Design Guidelines - Erie Canal Harbor Development Corporation, rev March 2010.





**Erie Canal Harbor  
Development  
Corporation**

A Subsidiary of Empire State Development

August 1, 2019

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

**Re: Property Access Authorization**  
**NYS DEC Brownfield Cleanup Program**  
130 Main Street, Buffalo NY 14203 (Parcel A2.2/A2.3)

Dear Ms. Lewandowski:

Please be advised that the Erie Canal Harbor Development Corporation ("ECHDC") is the owner of the above-referenced property (the "Site"). As owner of the Site, we are aware of and acknowledge that co-applicants 130 Main Environmental Remediation, LLC, 130 Main Environmental Remediation II, LLC and 130 Main Master Developer, LLC will be filing an application to enter the NYS Brownfield Cleanup Program (the "BCP") and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

As owner of the Site, the ECHDC will authorize 130 Main Environmental Remediation, LLC, 130 Main Environmental Remediation II, LLC and 130 Main Master Developer, LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with an DEC requirements and the provisions of the BCP and the BCA.

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

Very truly yours,  
**Erie Canal Harbor Development Corporation**

Steven P. Ranalli  
President



January 7, 2019

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

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

Dear Ms. Tompkins:

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  
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink that reads "Chad M. Schuster".

Chad M. Schuster  
Environmental Scientist

File: 0239-018-004

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

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

## Chad Schuster

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**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Thursday, January 10, 2019 4:39 PM  
**To:** Chad Schuster  
**Subject:** RE: Document Repository Request / Permission for 130 Main Street Site  
**Attachments:** 130 Main Street Site - Document Repository Request.pdf

Hello Chad,

Per our conversation, 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 at the 130 Main Street Site, Buffalo, New York, 14203. These documents will be made available for public review at the Central Library and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

- Documents (including updates) for public review should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. 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