

# Brownfield Cleanup Program Application

Betlem Site  
Hamburg, New York

May 2019

0480-019-001

Prepared For:

Betlem Associates 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

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

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

Yes

No

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

Do all individuals that will be certifying documents meet the requirements detailed below?

Yes

No

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

#### Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

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

**Not Applicable**

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

- the date that the remedial program is to start; and **See Appendix A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**

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

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **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			
Metals			
Pesticides			
PCBs			
Other*			

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

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

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

**See Appendix A; Section III****See Figure 6**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

Yes

No

**4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

Coal Gas Manufacturing  
Salvage Yard  
Landfill

Manufacturing  
Bulk Plant  
Tannery

Agricultural Co-op  
Pipeline  
Electroplating

Dry Cleaner  
Service Station  
Unknown

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

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



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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

See Appendix A; Section IV

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

Yes No

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

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

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

Not Applicable

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

Not Applicable

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?

Not Applicable

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

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

Initials of each Requestor: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
<b>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? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

## Section VII. Requestor Eligibility Information (continued)

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

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

Vendee/purchaser with authority  
for full property access -  
property is under sale contract  
to Betlem

Previous Owner	Current Owner	Potential /Future Purchaser	Other

Yes	No	See Appendix A
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## Section VIII. Property Eligibility Information - See Instructions for Further Guidance

- Not Applicable

See Appendix B; Section IX

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. See Figure 7
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **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? \_\_\_\_\_

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

**Not Applicable**

4. Do current historical and/or recent development patterns support the proposed use?

Yes    No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes    No

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

Yes    No

## XI. Statement of Certification and Signatures

(By a requestor other than an individual)

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

Date: 5/17/19 Signature:   
Print Name: Jonathan Chmielowiec (Managing 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:** \_\_\_\_\_



**Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY.** Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

**BCP App Rev 10**

**Not Applicable**

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
<b>Please answer questions below and provide documentation necessary to support answers.</b>		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see <a href="#">DEC's website</a> for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p><b>From ECL 27-1405(31):</b></p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016:</b> (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		



### Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available\*  
(\*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

#### From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

**BCP Application Summary (for DEC use only)****Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

**Requestor's Requested Status:****Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

Notes:

**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

**Does Requestor Claim Property is Upside Down:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:**

Yes

No

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

**DER/OGC Determination:**

Agree

Disagree

Undetermined

Notes:

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM (BCP)  
INSTRUCTIONS FOR COMPLETING A BCP APPLICATION**

The New York State Department of Environmental Conservation (DEC) strongly encourages all applicants to schedule a pre-application meeting with DEC staff to review the benefits, requirements, and procedures for completing a project in the BCP. Contact your [Regional office](#) to schedule a meeting. To add a party to an existing BCP Agreement and/or Application, use the [BCP Agreement Amendment Application](#). **See guidance at the end of these instructions regarding the determination of a complete application.**

**SECTION I REQUESTOR INFORMATION**

Requestor Name

Provide the name of the person(s)/entity requesting participation in the BCP. (If more than one, attach additional sheets with requested information. If an LLC, the members/owners names need to be provided on a separate attachment). The requestor is the person or entity seeking DEC review and approval of the remedial program.

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 in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to DEC with the application, to document that the requestor is authorized to do business in NYS.

Address, etc.

Provide the requestor's mailing address, telephone number; fax number and e-mail address.

Document Certification

All documents, which are prepared in final form for submission to DEC for approval, are to be prepared and certified in accordance with Section 1.5 of [DER-10](#). Persons preparing and certifying the various work plans and reports identified in Section 1.5 include:

- New York State licensed professional engineers (PEs), as defined at 6 NYCRR 375-1.2(aj) and paragraph 1.3(b)47. Engineering documents must be certified by a PE with current license and registration for work that was done by them or those under their direct supervision. The firm by which the PE is employed must also be authorized to practice engineering in New York State;
- qualified environmental professionals as defined at 6 NYCRR 375-1.2(ak) and DER-10 paragraph 1.3(b)49;
- remedial parties, as defined at 6 NYCRR 375-1.2(ao) and DER-10 paragraph 1.3(b)60; or
- site owners, which are the owners of the property comprising the site at the time of the certification.

**SECTION II PROJECT DESCRIPTION**

As a separate attachment, provide complete and detailed information about the project, including the purpose of the project, the date the remedial program is to start, and the date the Certificate of Completion is anticipated..

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION III**

**PROPERTY'S ENVIRONMENTAL HISTORY**

Please follow instructions on application form.

**SECTION IV**

**PROPERTY INFORMATION**

Proposed Site Name

Provide a name for the proposed site. The name could be an owner's name, current or historical operations (i.e. ABC Furniture) or the general location of the property. Consider whether the property is known by DEC by a particular name, and if so, use that name.

Site Address

Provide a street address, city/town, zip code, and each municipality and county in which the site is located. .

Site Size

Provide the approximate acreage of the site.

GIS Information

Provide the latitude and longitude for the approximate center of the property. Show the latitude and longitude in degrees, minutes and seconds.

Tax Parcel Information

Provide the tax parcel address/section/block/lot information and map. Tax map information may be obtained from the tax assessor's office for all tax parcels that are included in the property boundaries. Attach a county tax map with identifier numbers, along with any figures needed to show the location and boundaries of the property. Include a USGS 7.5 minute quad map on which the property appears and clearly indicate the proposed site's location.

1. Tax Map Boundaries

State whether the boundaries of the site correspond to the tax map boundaries. If no, a metes and bounds description of the property must be attached. The site boundary can occupy less than a tax lot or encompass portions of one or more tax lots and may be larger or smaller than the overall redevelopment/reuse project area. A site survey with metes and bounds will be required to establish the site boundaries before the Certificate of Completion can be issued.

2. Map

Provide a property base map(s) of sufficient detail, clarity and accuracy to show the following: i) map scale, north arrow orientation, date, and location of the property with respect to adjacent streets and roadways; and ii) proposed brownfield property boundary lines, with adjacent property owners clearly identified.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

3. En-zone

Is any part of the property in an En-zone? If so, what percentage? For information on En-zones, please see [DEC's website](#).

4. Multiple applications

Generally, only one application can be submitted, and one BCA executed, for a development project. In limited circumstances, the DEC may consider multiple applications/BCAs for a development project where 1) the development project spans more than 25 acres; 2) the approach does not negatively impact the remedial program, including timing, ability to appropriately address areas of concern, and management of off-site concerns; and 3) the approach is not advanced to increase the value of future tax credits (i.e., circumvent the tax credit caps provided under New York State Tax Law Section 21).

10. Property Description Narrative

Provide a property description in the format provided below. Each section should be no more than one paragraph long.

Location

Example: "The XYZ Site is located in an {urban, suburban, rural} area." {Add reference points if address is unspecific; e.g., "The site is approximately 3.5 miles east of the intersection of County Route 55 and Industrial Road."}

Site Features:

Example: "The main site features include several large abandoned buildings surrounded by former parking areas and roadways. About one quarter of the site area is wooded. Little Creek passes through the northwest corner."

Current Zoning and Land Use: (Ensure the current zoning is identified.)

Example: "The site is currently inactive, and is zoned for commercial use. The surrounding parcels are currently used for a combination of commercial, light industrial, and utility right-of-ways. The nearest residential area is 0.3 miles east on Route 55."

Past Use of the Site: include source(s) of contamination and remedial measures (site characterizations, investigations, Interim Remedial Measures, etc.) completed outside of the current remedial program (e.g., work under a petroleum spill incident).

Example: "Until 1992 the site was used for manufacturing wire and wire products (e.g., conduit, insulators) and warehousing. Prior uses that appear to have led to site contamination include metal plating, machining, disposal in a one-acre landfill north of Building 7, and releases of wastewater into a series of dry wells."

When describing the investigations/actions performed outside of the remedial program, include the major chronological remedial events that lead to the site entering a remedial program. The history should include the first involvement by government to address hazardous waste/petroleum disposal. Do not cite reports. Only include remedial activities which were implemented PRIOR to the BCA. Do not describe sampling information.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION IV (continued)**

Property Description Narrative (continued)

Site Geology and Hydrogeology:

As appropriate, provide a very brief summary of the main hydrogeological features of the site including depth to water, groundwater flow direction, etc.

Environmental Assessment

The goal of this section is to describe the nature and extent of contamination at the site. When describing the nature of contamination, identify just the primary contaminants of concern (i.e., those that will likely drive remedial decisions/actions). If there are many contaminants present within a group of contaminants (i.e., volatile organic compounds, semivolatile organic compounds, metals), identify the group(s) and one or two representative contaminants within the group. When addressing the extent of contamination, identify the areas of concern at the site, contaminated media (i.e., soil, groundwater, etc.), relative concentration levels, and a broad-brush description of contaminated areas/depths.

The reader should be able to know if contamination is widespread or limited and if concentrations are marginally or greatly above Standards, Criteria and Guidance (SGCs) for the primary contaminants. If the extent is described qualitatively (e.g., low, medium, high), representative concentrations should be given and compared with appropriate SCGs. For soil contamination, the concentrations should be compared with the soil cleanup objectives (SCOs) for the intended use of the site.

**A typical Environmental Assessment would look like the following:**

Based upon investigations conducted to date, the primary contaminants of concern for the site include cadmium and trichloroethene (TCE).

*Soil* - Cadmium is found in shallow soil, mostly near a dry well at the northeast end of the property. TCE is found in deeper soil, predominantly at the north end of the site. Concentrations of cadmium found on site (approximately 5 ppm) slightly exceed the soil cleanup objective (SCO) for unrestricted use (2.5 ppm). Concentrations of TCE found on site (5 ppm to 300 ppm) significantly exceed the soil cleanup objectives for the protection of groundwater (0.47 ppm).

*Groundwater* - TCE and its associated degradation products are also found in groundwater at the north end of the site, moderately exceeding groundwater standards (typically 5 ppb), with a maximum concentration of 1500 ppb. A moderate amount of TCE from the site has migrated 300 feet down-gradient off-site. The primary contaminant of concern for the off-site area is TCE, which is present at a maximum concentration of 500 ppb, at 10 feet below the groundwater table near Avenue A.

*Soil Vapor & Indoor Air* - TCE was detected in soil vapor at elevated concentrations and was also detected in indoor air at concentrations up to 1,000 micrograms per cubic meter.

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

**SECTION V**

**ADDITIONAL REQUESTOR INFORMATION**

Representative Name, Address, etc.

Provide information for the requestor's authorized representative. This is the person to whom all correspondence, notices, etc. will be sent, and who will be listed as the contact person in the BCA. Invoices will be sent to the representative of Applications determined to be Participants unless another contact name and address is provided with the application.

Consultant and Attorney Name, Address, etc.

Provide requested information.

**NEW YORK STATE  
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**SECTION VI                      CURRENT PROPERTY OWNER/OPERATOR INFORMATION  
(IF NOT A REQUESTOR)**

Owner Name, Address, etc.

Provide requested information of the current owner of the property. List all parties holding an interest in the Property and, if the Requestor is not the current owner, describe the Requestor's relationship to the current owner.

Operator Name, Address, etc.

Provide requested information of the current operator (if different from the requestor or owner).

Provide a list of previous property owners and operators with names, last known addresses, telephone numbers and the Requestor's relationship to each owner and operator as a separate attachment

**SECTION VII                      REQUESTOR ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to any eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that such information be summarized. For properties with multiple addresses or tax parcels, please include this information for each address or tax parcel.

**SECTION VIII                      PROPERTY ELIGIBILITY INFORMATION**

As a separate attachment, provide complete and detailed information in response to the following eligibility questions answered in the affirmative. It is permissible to reference specific sections of existing property reports; however, it is requested that that information be summarized.

1. CERCLA / NPL Listing

Has any portion of the property ever been listed on the National Priorities List (NPL) established under CERCLA? If so, provide relevant information.

2. Registry Listing

Has any portion of the property ever been listed on the New York State Registry of Inactive Hazardous Waste Disposal Sites established under ECL 27-1305? If so, please provide the site number and classification. See the Division of Environmental Remediation (DER) [website](#) for a database of sites with classifications.

3. RCRA Listing

Does the property have a Resource Conservation and Recovery Act (RCRA) TSDF Permit in accordance with the ECL 27-0900 *et seq*? If so, please provide the EPA Identification Number, the date the permit was issued, and its expiration date. Note: for purposes of this application, interim status facilities are not deemed to be subject to a RCRA permit.

4. Registry / RCRA sites owned by volunteers

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.



**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**SECTION VIII (continued)**

**5. Existing Order**

Is the property subject to an order for cleanup under Article 12 of the Navigation Law or Article 17 Title 10 of the ECL? If so, please provide information on an attachment. Note: if the property is subject to a stipulation agreement, relevant information should be provided; however, property will not be deemed ineligible solely on the basis of the stipulation agreement.

**6. Enforcement Action Pending**

Is the property subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL or subject to any other ongoing state or federal enforcement action related to the contamination which is at or emanating from the property? If so, please provide information on an attachment.

**SECTION IX                      CONTACT LIST INFORMATION**

Provide the names and addresses of the parties on the Site Contact List (SCL) and a letter from the repository acknowledging agreement to act as the document repository for the proposed BCP project.

**SECTION X                      LAND USE FACTORS**

In addition to eligibility information, site history, and environmental data/reports, the application requires information regarding the current, intended and reasonably anticipated future land use.

1. This information consists of responses to the "land use" factors to be considered relative to the "Land Use" section of the BCP application. The information will be used to determine the appropriate land use in conjunction with the investigation data provided, in order to establish eligibility for the site based on the definition of a "brownfield site" pursuant to ECL 27-1405(2).
2. This land use information will be used by DEC, in addition to all other relevant information provided, to determine whether the proposed use is consistent with the currently identified, intended and reasonably anticipated future land use of the site at this stage. Further, this land use finding is subject to information regarding contamination at the site or other information which could result in the need for a change in this determination being borne out during the remedial investigation.

**SECTION XI                      SIGNATURE PAGE**

The Requestor must sign the application, or designate a representative who can sign. The requestor's consultant or attorney cannot sign the application. If there are multiple parties applying, then each must sign a signature page. 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 entity's name must appear exactly as given in the NYS Department of State's Corporation & Business Entity Database.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION**

1. The first step in the application review and approval process is an evaluation to determine if the application is complete. To help ensure that the application is determined complete, requestors should review the list of [common application deficiencies](#) and carefully read these instructions.
2. DEC will send a notification to the requestor within 30 calendar days of receiving the application, indicating whether such application is complete or incomplete.
3. An application must include the following information relative to the site identified by the application, necessary for making an eligibility determination, or it will be deemed incomplete. **(Please note: the application as a whole requires more than the information outlined below to be determined complete).** The application must include:
  - a. for all sites, an investigation report sufficient to demonstrate the site requires remediation in order to meet the requirements of the program, and that the site is a brownfield site at which contaminants are present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by DEC that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations. Required data includes site drawings requested in Section III, #3 of the BCP application form.
  - b. for those sites described below, documentation relative to the volunteer status of all requestors, as well as information on previous owners or operators that may be considered responsible parties **and** their ability to fund remediation of the site. This documentation is required for:
    - i. real property listed in the registry of inactive hazardous waste disposal sites as a class 2 site, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP; or
    - ii. real property that was a hazardous waste treatment, storage or disposal facility having interim status pursuant to the Resource Conservation and Recovery Act (RCRA) program, which may be eligible provided that DEC has not identified any responsible party for that property having the ability to pay for the investigation or cleanup of the property prior to the site being accepted into the BCP.
  - c. for sites located within the five counties comprising New York City, in addition to (a) and if applicable (b) above, if the application is seeking a determination that the site is eligible for tangible property tax credits, sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a). **If this 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, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.**
  - d. for sites previously remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law, relevant documentation of this remediation.

**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**DETERMINATION OF A COMPLETE APPLICATION (continued)**

4. If the application is found to be incomplete:
  - a. the requestor will be notified via email or phone call regarding minor deficiencies. The requestor must submit information correcting the deficiency to DEC within the 30-day review time frame; or
  - b. the requestor will receive a formal Letter of Incomplete Application (LOI) if an application is substantially deficient, if the information needed to make an eligibility determination identified in #4 above is missing or found to be incomplete, or if a response to a minor deficiency is not received within the 30-day period. The LOI will detail all of the missing information and request submission of the information. If the information is not submitted within 30 days from the date of the LOI, the application will be deemed withdrawn. In this case, the requestor may resubmit the application without prejudice.
5. If the application is determined to be complete, DEC will send a Letter of Complete Application (LOC) that includes the dates of the public comment period. The LOC will:
  - a. include an approved public notice to be sent to all parties on the Contact List included with the application;
  - b. provide instructions for publishing the public notice in the newspaper on the date specified in the letter, and instructions for mailing the notice to the Contact List;
  - c. identify the need for a certification of mailing form to be returned to DEC along with proof of publication documentation; and
  - d. specify the deadline for publication of the newspaper notice, which must coincide with, or occur before, the date of publication in the Environmental Notice Bulletin (ENB).
    - i. DEC will send a notice of the application to the ENB. As the ENB is only published on Wednesdays, DEC must submit the notice by the Wednesday before it is to appear in the ENB.
    - ii. The mailing to parties on the Contact List must be completed no later than the Tuesday prior to ENB publication. If the mailings, newspaper notice and ENB notice are not completed within the time-frames established by the LOC, the public comment period on the application will be extended to insure that there will be the required comment period.
    - iii. Marketing literature or brochures are prohibited from being included in mailings to the Contact List.

## FIGURES

Figure 1	Site Location & 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	Investigation Locations & Areas of Concern
Figure 7	Adjacent Property Owners
Figure 8	Zoning Map
Figure 9	USDA Soil Type Map



**FIGURE 1**



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

## SITE LOCATION & VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK

PREPARED FOR  
BETLEM ASSOCIATES LLC

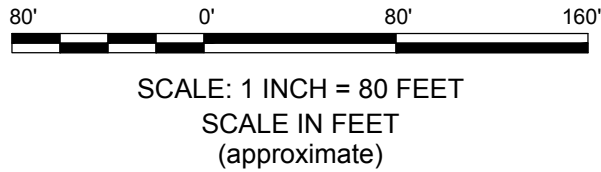
PROJECT NO.: B0472-018-001

DATE: MAY 2019

DRAFTED BY: CCB

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- LEGEND:
- PROPERTY BOUNDARY
  - PARCEL
  - RAILROAD

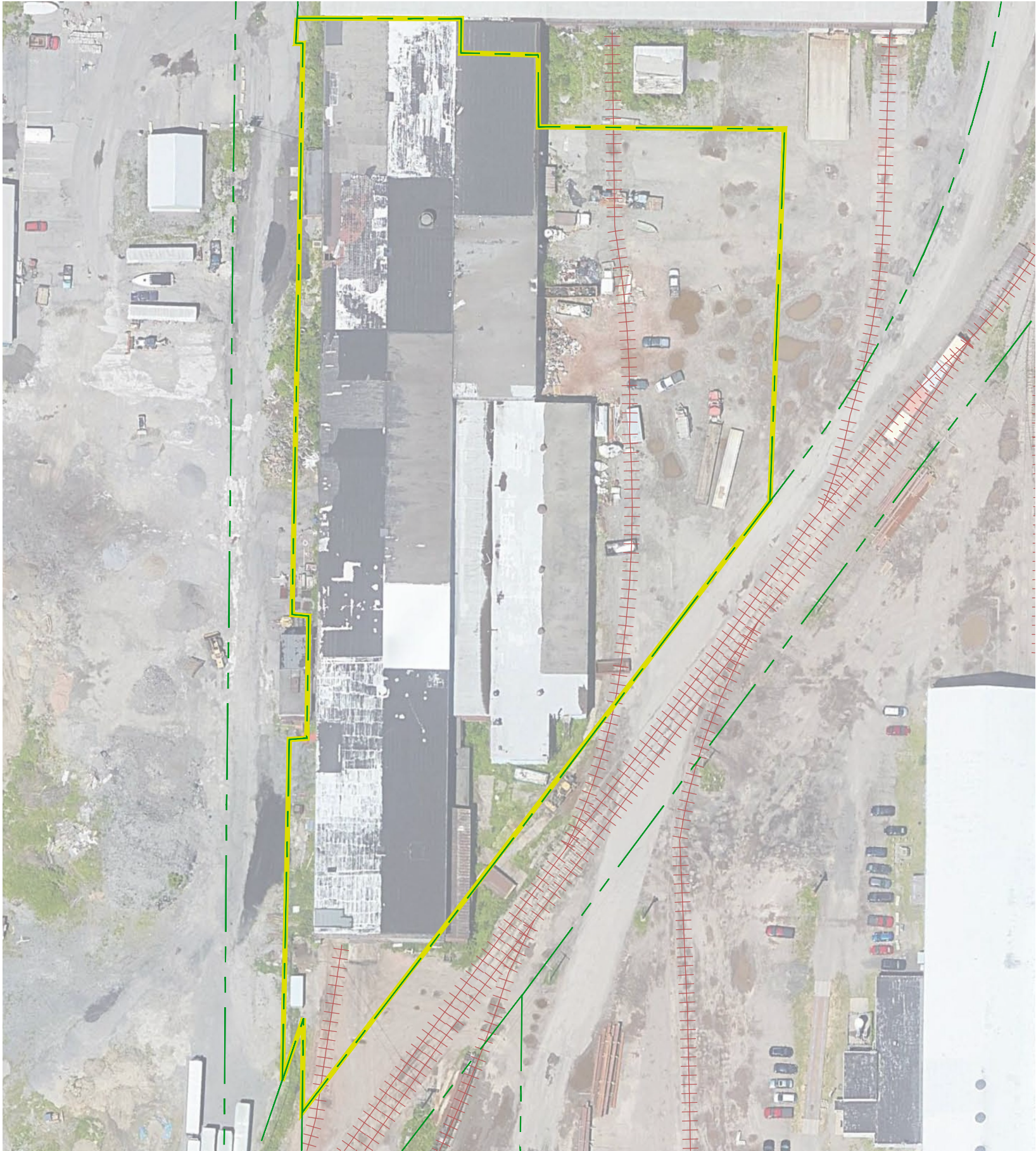


FIGURE 2

**SITE PLAN (AERIAL)**  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR  
BETLEM ASSOCIATES LLC

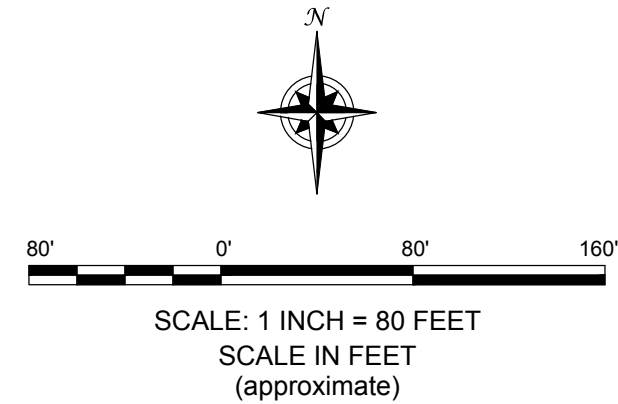
**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC  
2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0599

JOB NO.: B0480-019-001

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DATE: MAY 2019  
DRAFTED BY: CCB



LEGEND:

- BCP SITE BOUNDARY
- PARCEL

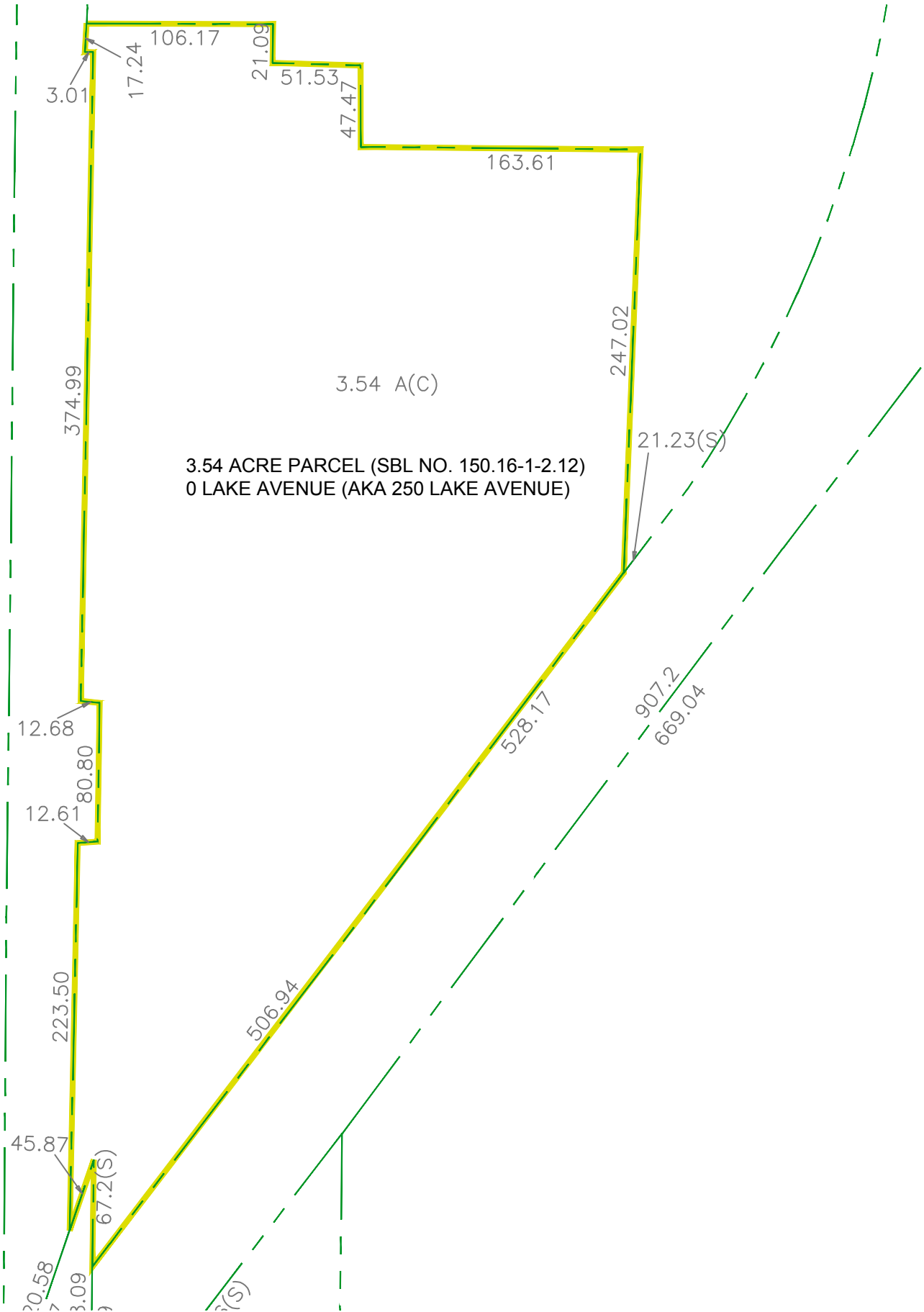


FIGURE 3

**TAX MAP**  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR  
BETLEM ASSOCIATES LLC

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

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SCALE: 1 INCH = 400 FEET  
SCALE IN FEET  
(approximate)



LEGEND:

- BCP SITE BOUNDARY
- 1,000' SETBACK

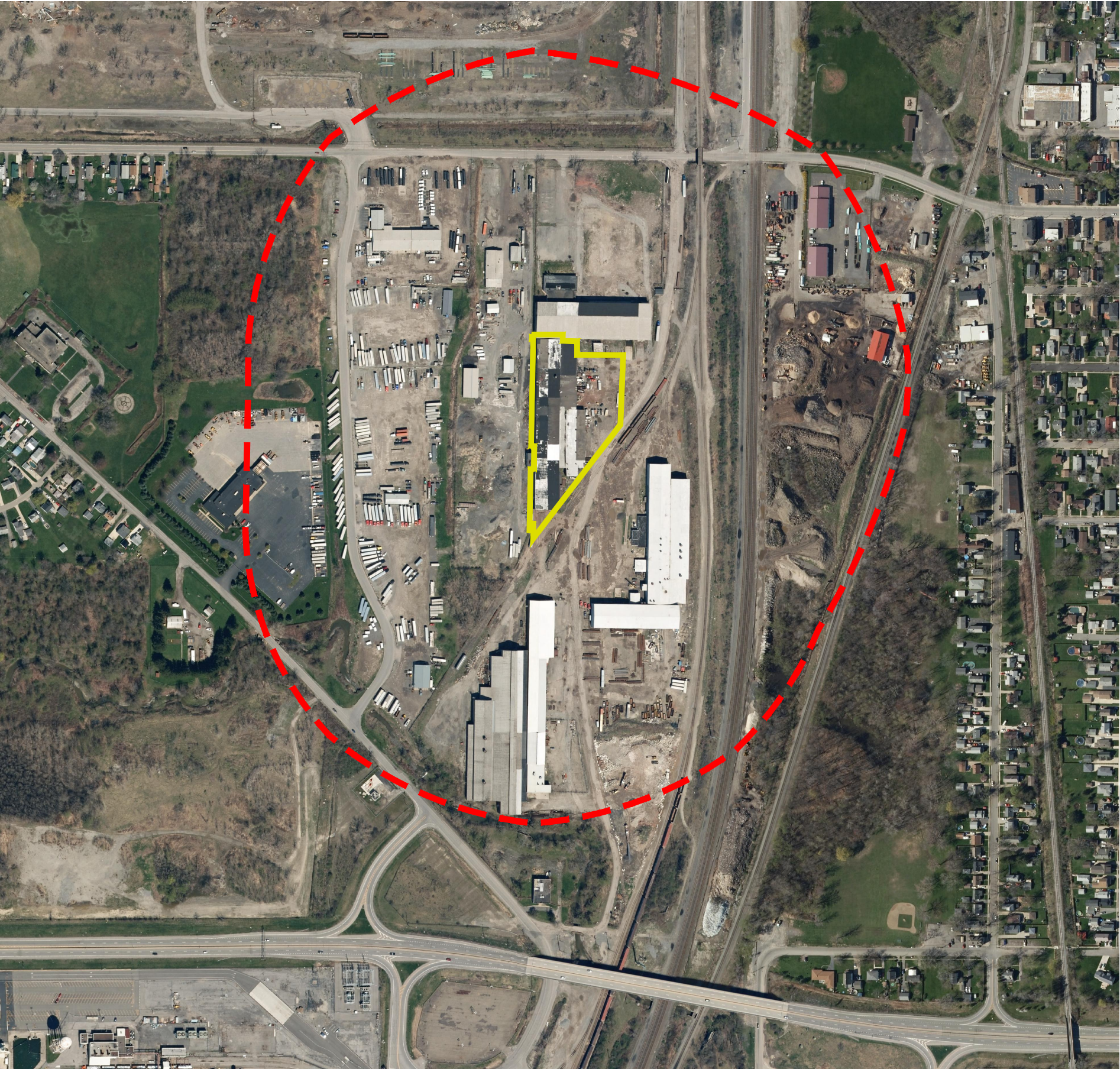


FIGURE 4

**PROPERTY BASE MAP (1,000' SETBACK)**  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
  
BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR  
BETLEM ASSOCIATES LLC

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

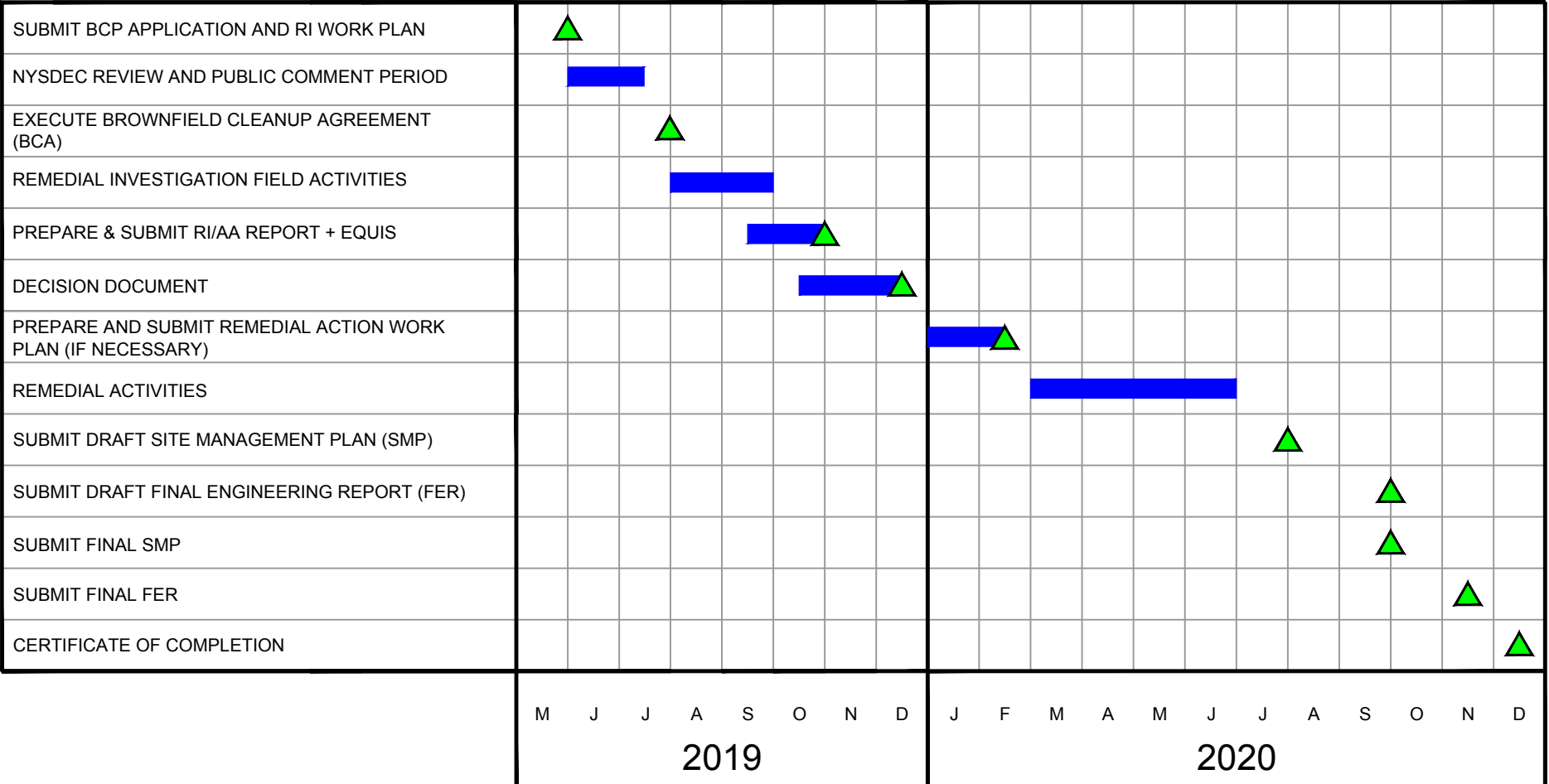
JOB NO.: B0472-018-001

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F:\CAD\Benchmark\250 Lake Avenue Associates\BCP Application\Figure 5: Preliminary Project Schedule.dwg

**PROJECT TASKS:**



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

PROJECT NO.: B0472-018-001  
DATE: MAY 2019  
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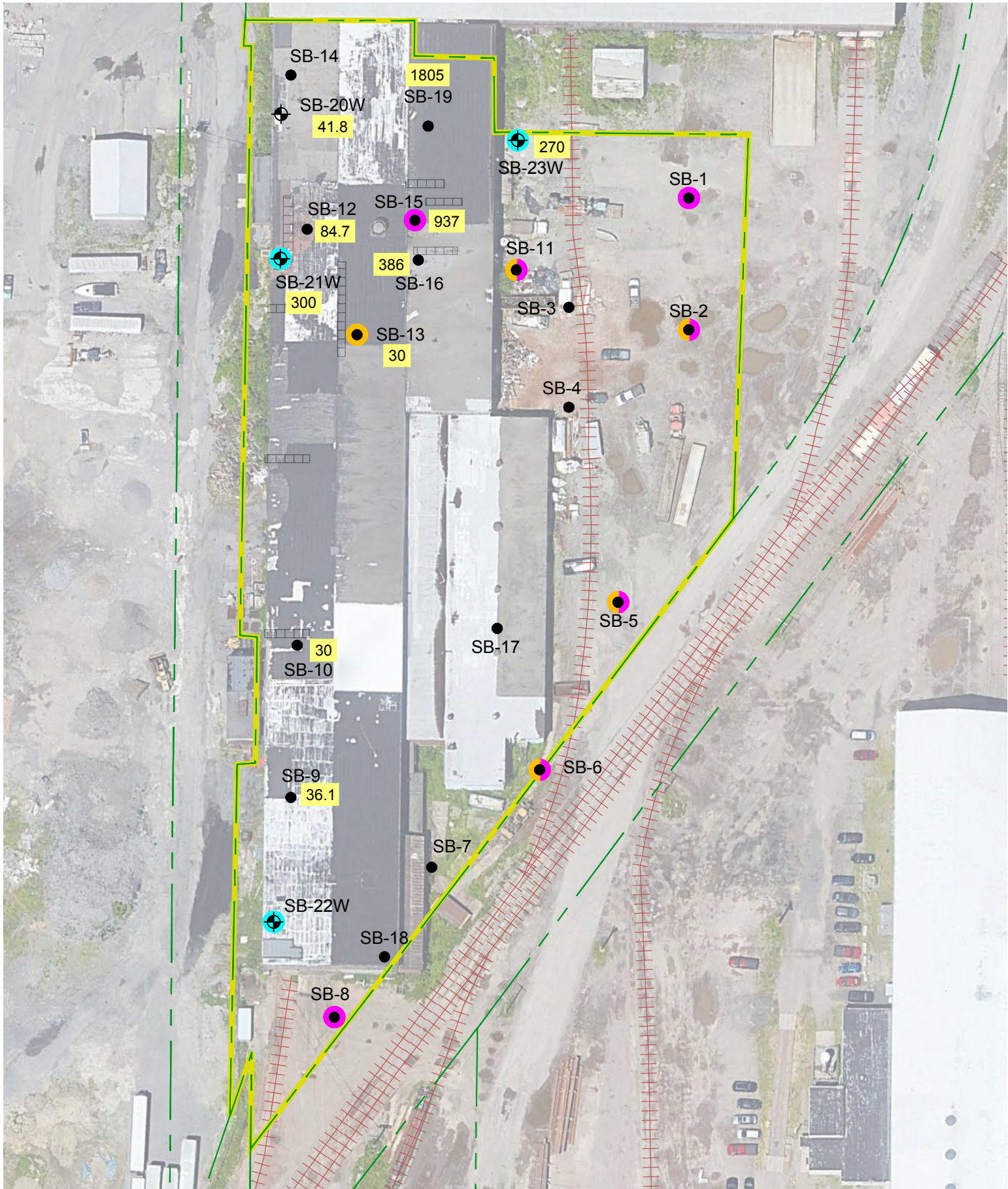
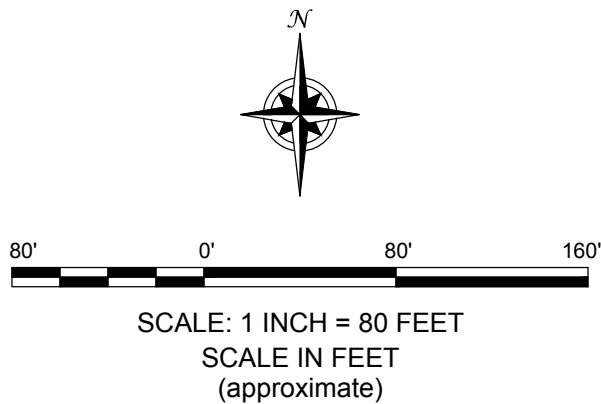
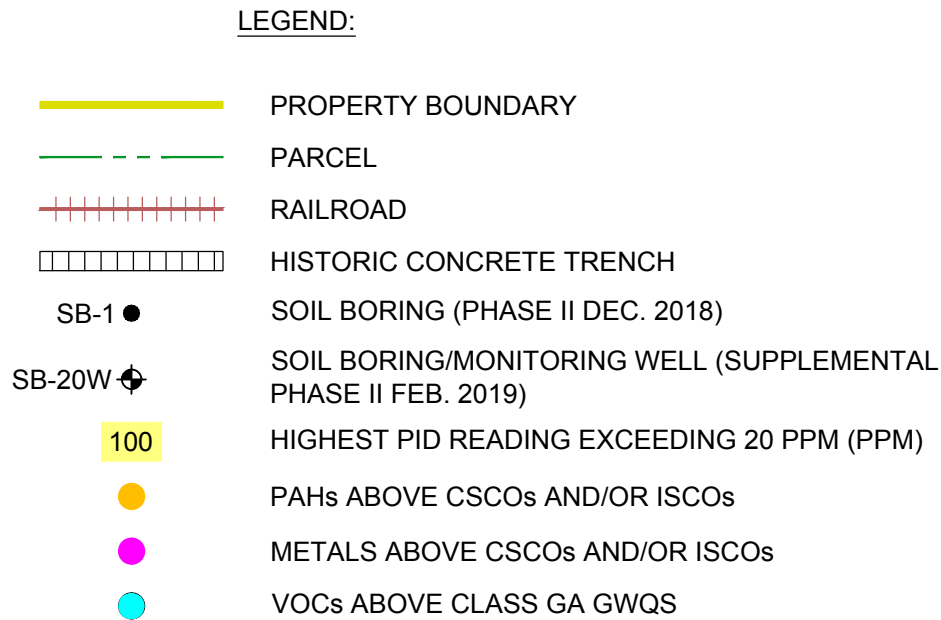
**PRELIMINARY PROJECT SCHEDULE**  
BROWNFIELD CLEANUP PROGRAM APPLICATION

BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR  
BETLEM ASSOCIATES LLC

**FIGURE 5**

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## INVESTIGATION LOCATIONS & AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION

BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR

BETLEM ASSOCIATES LLC

**BENCHMARK**  
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2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
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JOB NO.: B0472-018-001

**FIGURE 6**



DATE: MAY 2019  
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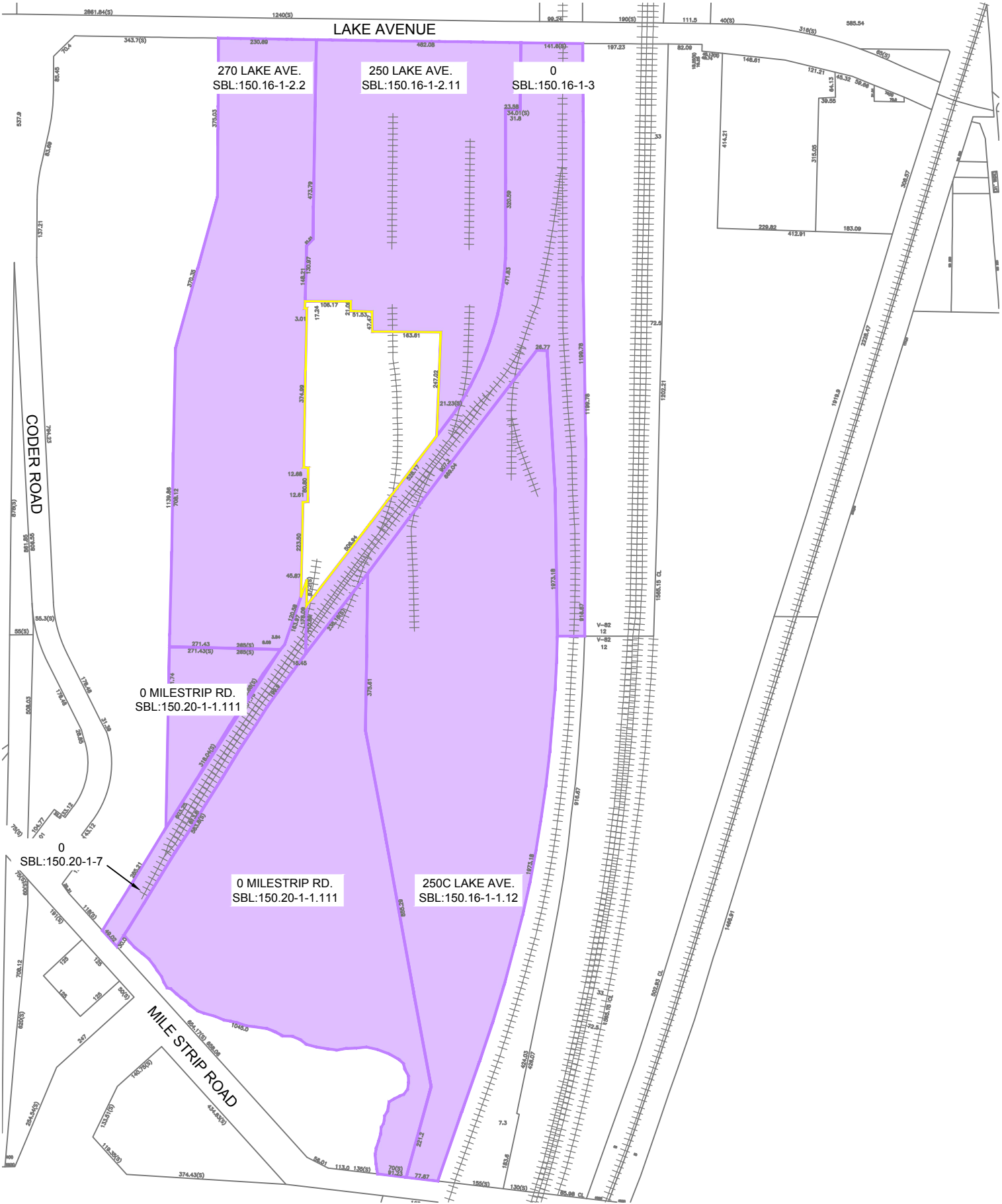
LEGEND:

- BCP SITE BOUNDARY
- RAIL ROAD

Adjacent Property Address		
Address	S.B.L.	Property Description
270 Lake Avenue	150.16-1-2.2	Industrial
250 Lake Avenue	150.16-1-2.11	Industrial
0	150.16-1-3	Railroad Tracks Right-of-Way owned by Village of Blasdell
0 Milestrip Road	150.20-1-1.111	Industrial
0	150.20-1-7	Railroad Tracks Right-of-Way owned by Village of Blasdell
250C Lake Avenue	150.20-1-1.12	Industrial



SCALE: 1 INCH = 300 FEET  
SCALE IN FEET  
(approximate)



**ADJACENT PROPERTY OWNERS**  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
  
BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK  
PREPARED FOR  
BETLEM ASSOCIATES LLC

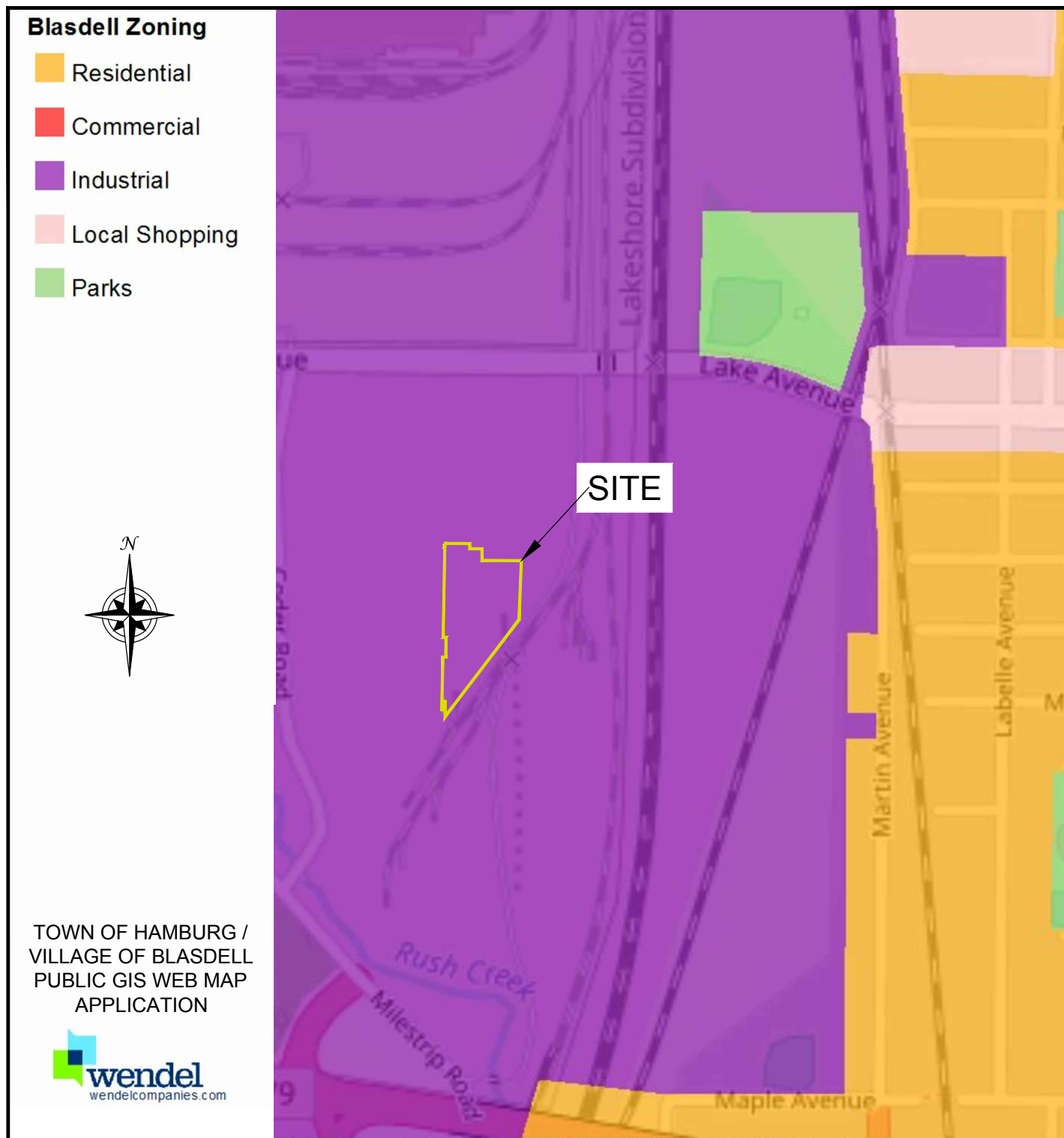


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FIGURE 7

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**FIGURE 8**



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

PROJECT NO.: B0472-018-001

DATE: MAY 2019

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## ZONING MAP

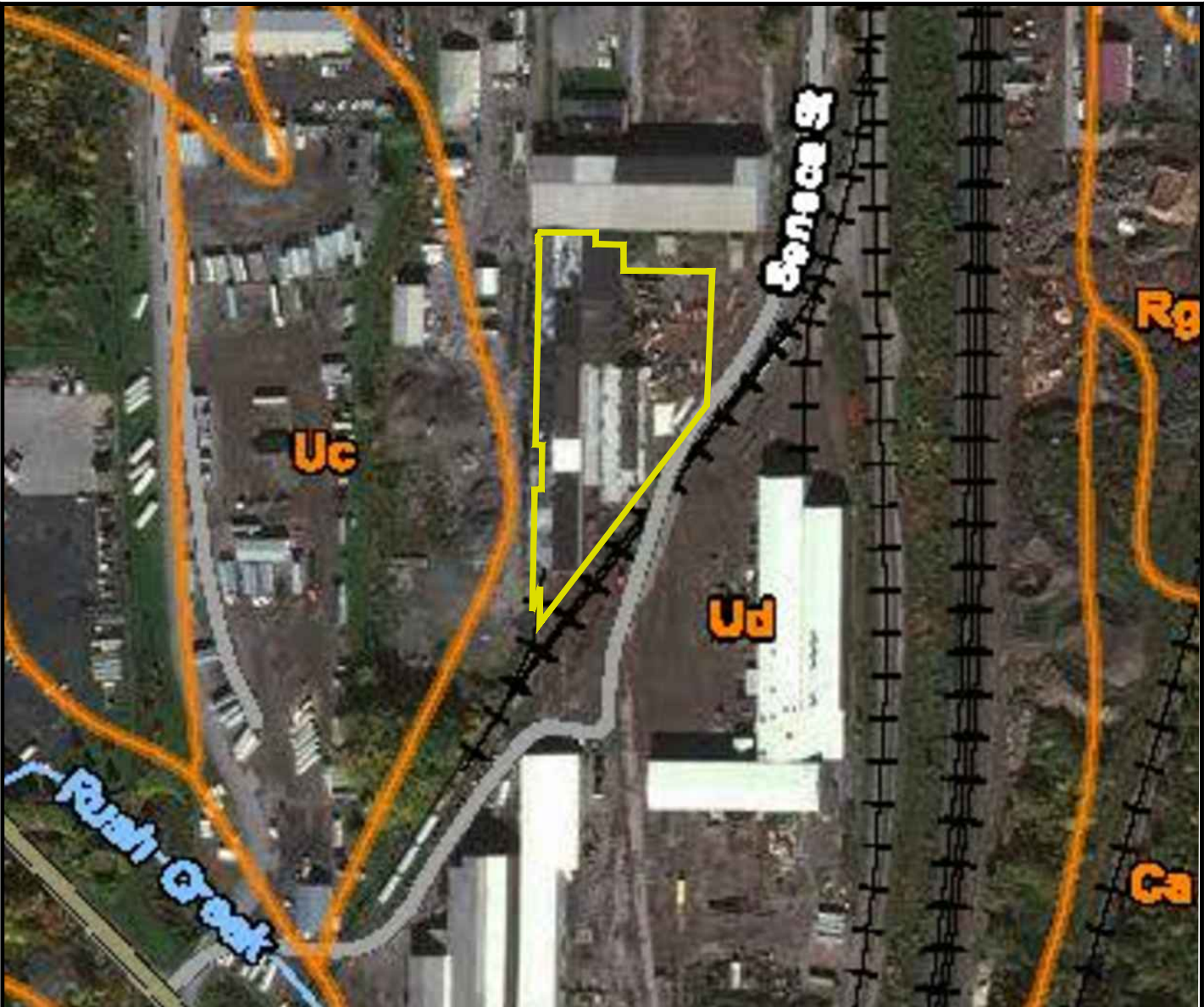
BROWNFIELD CLEANUP PROGRAM APPLICATION

BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK

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BETLEM ASSOCIATES LLC

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FIGURE 9



LEGEND:

BCP SITE BOUNDARY

Map Unit Symbol	Map Unit Name
Ud	Urban land



Natural Resources  
Conservation Service



Web Soil Survey  
National Cooperative Soil Survey



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0599

PROJECT NO.: B0472-018-001

DATE: MAY 2019

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**USDA SOIL TYPE MAP**  
BROWNFIELD CLEANUP PROGRAM APPLICATION

BETLEM SITE  
0 LAKE AVENUE (AKA 250 LAKE AVENUE)  
HAMBURG, NEW YORK

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BETLEM ASSOCIATES LLC

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# **APPENDIX A**

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

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

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

**SECTION IV – PROPERTY INFORMATION**

**EXHIBIT A1 – BETLEM ASSOCIATES LLC NYS CORPORATION & BUSINESS  
ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – ACCESS LETTER**

**EXHIBIT A3 - OWNER ORGANIZATIONAL CHART**

**EXHIBIT A4 –SIGNATURE RESOLUTION**

**EXHIBIT A5 - ERIE COUNTY PARCEL DETAIL REPORT**



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Betlem Site**

**SECTION I – REQUESTOR INFORMATION**

Applicant, Betlem Associates LLC, is authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for Betlem Associates LLC is attached as Exhibit A1.

Betlem Associates LLC is a contract vendee/purchaser (the property is under sale contract to Betlem) with authority for full property access; an access letter from Zero-252 Lake, LLC (current non-party owner, not an applicant) is attached as Exhibit A2. The organizational chart is attached as Exhibit A3.

Exhibit A4 is the Signature Resolution which identifies Jonathan Chmielowiec, as the authorized member of Betlem Associates LLC and as authorized person to execute documents or agreements necessary under the Brownfield Cleanup Program (BCP).

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

**SECTION II – PROJECT DESCRIPTION**

Betlem Associates LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program. Additional information relative to the Volunteer Status is provided in Appendix B, Section VII.

Betlem Associates LLC has prepared a Remedial Investigation Work Plan (RIWP) for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI) upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 5.

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The Volunteer plans to redevelop the entire ±3.54-acre Site for the intended use as a metal fabrication facility and distribution of metal products. The existing building will be renovated to meet the needs of the operation with installation of crane systems and metal fabrication/manufacturing equipment. Exterior areas will include hardscape suitable for truck traffic.

The Project will result in the remediation, redevelopment, and reuse of an environmentally-impacted Site located off Lake Avenue in the Town of Hamburg, New York.

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

A summary of the previous environmental investigation findings completed for the Betlem Site (hereinafter, the “Project Site” or the “Site”) is provided below. The address of the Site is 0 Lake Avenue (AKA 250 Lake Avenue), Hamburg, NY 14219.

**Phase I Environmental Site Assessment**

A 2015 Phase I Environmental Site Assessment (ESA) prepared by LaBella Associates D.P.C (LaBella) identified recognized environmental conditions (RECs) associated with the past industrial use of the Site; the presence of rail tracks on the Site; storage of miscellaneous petroleum and chemical products (generally in small quantities); and a 2003 Phase 2 investigation performed by another firm which reportedly identified impacts in soils on the property and/or beneath the building floor. Groundwater samples were reportedly collected as well, with no impacts identified. However, no data summaries or analytical reports were provided with the ESA to confirm the accuracy of these findings or allow for comparison of the data to current New York State Department of Environmental Conservation (NYSDEC) regulatory cleanup guidance for soil per 6NYCRR Part 375.

In consideration of the RECs identified by LaBella and the lack of subsurface data, Benchmark completed a Phase II Environmental Investigation at the Site to further assess

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**Betlem Site**

subsurface soil/fill conditions. Supplemental Phase II activities were completed to assess groundwater conditions.

Phase II Environmental Investigation Report

Benchmark completed a Phase II Environmental Investigation at the Site and documented the findings in a report, dated December 2018. Benchmark's Phase II consisted of 19 direct-push soil borings (SBs) designated SB-1 through SB-19. The locations are shown on Figure 6. Findings of the Benchmark Phase II are detailed below.

- The 3.54 acre Site, currently developed with one building measuring over 154,000 square feet (SF), has an industrial history with former operations related to steel product manufacturing and other fabricating related to steel production.
- Fill material mainly consisting of slag, gravel and silt was noted across the Site in interior and exterior areas at depths ranging between 3 feet below ground surface (fbgs) and 8 fbgs. Brick and ash were noted at certain boring locations. In addition, blue staining was identified at 3 exterior boring locations. As further described below, the analytical scheme was expanded to include cyanide based on this field observation, as blue staining can be an indicator of complexed cyanide compounds.
- Non-descript odors and elevated photoionization detector (PID) readings above background (0.0 parts per million, ppm) were identified at 11 of the 19 total soil boring locations. The highest PID reading of 1,805 ppm was noted within the northern portion of the building (to the north of concrete filled trenches) at SB-19. The second highest PID reading of 937 ppm was also noted within the northern portion of the building at SB-15 completed south of SB-19 (adjacent to the concrete-filled trenches). Black liquid with a non-descript odor was observed at SB-15.
- Analytical results indicate the presence of fill materials impacted by polycyclic aromatic hydrocarbons (PAHs) and metals across the Site with concentrations exceeding 6NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (USCOs), Commercial Use Soil Cleanup Objectives (CSCOs) and Industrial Use Soil Cleanup Objectives (ISCOs). To a lesser extent, based on laboratory results and/or field observations, impacted soil/fill is present in the northern portion of the building proximate to the concrete-filled trenches at SB-15 and SB-19.
- The blue stained fill at SB-8 yielded a cyanide concentration of 26.4 milligrams per kilogram (mg/kg), which is below its respective USCO of 27 mg/kg.

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Supplemental Phase II Activities

Benchmark completed supplemental Phase II activities at the Site consisting of installation of four one-inch diameter monitoring wells. Three monitoring wells (SB-20W through SB-22W) were installed along the western (suspected down-gradient direction) interior wall of the building and the fourth well (SB-23W) was installed east of the building. Elevated PID readings were noted at each boring; the highest PID readings noted during the supplemental Phase II activities at each boring were 41.8 ppm (SB-20W), 300 ppm (SB-21W), 8.4 ppm (SB-22W), and 270 ppm (SB-23W).

Groundwater levels measure in monitoring wells prior to groundwater sampling ranged between 2.40 fbg and 8.65 fbg.

One groundwater sample collected from each well was analyzed by the laboratory for Commissioner Policy-51 (CP-51) plus Target Compound List (TCL) volatile organic compounds (VOCs). Laboratory analytical results indicate one VOC, isopropylbenzene, at a concentration of 6.9 micrograms per liter (ug/L) at SB-23W, which slightly exceeds its Class GA Groundwater Quality Standards (GWQS) of 5 ug/L. Multiple VOCs exceeded Class GA GWQS at SB-21W and SB-22W. Specifically, the VOC exceedances at SB-21W are petroleum-related with exception to chloroethane, a chlorinated VOC, with a concentration of 12 ug/L, which slightly exceeds its Class GA GWQS of 5 ug/L. Seven chlorinated VOCs (1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, chloroethane and vinyl chloride) exceed their respective Class GA GWQS at SB-22W. VOCs at SB-20W were either not detected at concentrations above laboratory detection limits or concentrations were below Class GA GWQS.

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

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**SECTION IV – PROPERTY INFORMATION**

**Parcel Description**

The Betlem Site, subject to this BCP application, is located in a highly developed industrial use area in the Town of Hamburg, Erie County, New York (see Figures 1 and 2). One industrial building is currently present on-Site. The ±3.54-acre Site consists of one parcel as follows:

- 0 Lake Avenue (AKA 250 Lake Avenue): SBL 150.16-1-2.12

The Erie County tax parcel detail report for the Site is provided for reference in Exhibit A5.

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

**Easements and Permits**

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

Based on previous studies completed by others, the Site was not identified in the NYSDEC Petroleum Bulk Storage (PBS) database or on the NYSDEC Spill database.

**Location**

The Site is located off Lake Avenue in a highly developed industrial area of the Town of Hamburg, Erie County, New York.

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Site Features

The Site is improved with one large industrial building currently occupied by P&H Warehouse and includes animal feed and soy bean storage and distribution. The east interior of the existing building is utilized by Samuel Plate Buffalo for general storage. The remainder of the Site includes gravel areas, and to a lesser extent, green space on the western and southern portions of the Site.

Zoning and Land Use

According to the Town of Hamburg and Village of Blasdell Public GIS Web Map Application, the project area is planned for industrial use consistent with the zoning assigned to the Site (see Figure 8). The current zoning for the Site and the adjacent properties is industrial.

As detailed above, the Site is currently used for warehousing and distribution. Planned reuse of the Site as an industrial metal fabrication and distribution facility is consistent with the Town of Hamburg and Village of Blasdell zoning for the area.

The Site is bordered by an industrial facility to the north, an access road, industrial facilities, and railroad tracks to the south and east, and an industrial facility to the west (see Figure 4).

Past Use of the Site

Based on historic records and previous studies, the Site was historically used for steel manufacturing/fabrication with storage of bar steel and bar mill, a wire shop, railroad tracks, machine/construction equipment warehousing and general warehousing from at least 1909 until approximately 1986. Historic owners/operators included Bethlehem Steel (from at least 1944 through at least 1950) and Kalman Steel (in at least 1928). The Site has been used as a storage and distribution facility since approximately 1986.

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Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud) (see Figure 9). Soils characterized as urban land (Ud) are covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

Previous investigations have identified the Site geology as non-native fill consisting of mixtures of silt, slag and gravel to depths ranging between 3 fbgs and 8 fbgs overlying native sandy clay or lean clay to a depth of at least 16 fbgs. Brick and ash were noted at certain boring locations. Groundwater was encountered at certain borings at depths ranging between 2 fbgs and 5 fbgs. Groundwater levels measured in monitoring wells with a water level indicator ranged between 2.40 fbgs and 8.56 fbgs. Bedrock was not encountered during the previous investigations.

Regional groundwater is anticipated to flow west or northwest towards Lake Erie or consistent with topography in the area of the Site. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

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

Environmental Assessment Narrative

The Site has an industrial history related to steel manufacturing/fabrication.



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**Betlem Site**

Interior and exterior portions of the Site are underlain by urban fill impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 USCOs, CSCOs and/or ISCOs. To a lesser extent, soil/fill proximate to concrete-filled trenches within the northern portion of the building are impacted by VOCs. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins and historic industrial operations. Figure 6 summarizes environmental impacts at the Site. Additional information relative to environmental impacts at the Site is provided below:

Soil – Benchmark completed a Phase II investigation in December 2018 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of PAHs and metals exceeding the CSCOs and ISCOs (i.e., the applicable SCOs for the intended Site reuse), as follows:

PAHs

Laboratory analytical results detected PAHs at or above their respective Part 375 CSCOs at five investigation locations, SB-2, SB-5, SB-6, SB-11, and SB-13. The contaminants and their respective exceedances were identified in the soil/fill material at these locations.

- Benzo(a)anthracene exceeded its CSCO at one location (SB-6).
- Benzo(a)pyrene exceeded its ISCO at five locations (SB-2, SB-5, SB-6, SB-11, and SB-13).
- Benzo(b)fluoranthene exceeded its CSCO at two locations (SB-5 and SB-6).

Metal Analytes

Metal analytes were detected above their respective CSCOs at seven investigation locations, SB-1, SB-2, SB-5, SB-6, SB-8, SB-11, SB-15.

- Arsenic exceeded its ISCO at six locations (SB-2, SB-5, SB-6, SB-8, SB-11, and SB-15).
- Barium exceeded its CSCO at one location (SB-2).
- Lead exceeded its CSCO at two locations (SB-1 and SB-2).
- Mercury exceeded its ISCO at one location (SB-2).

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VOC Analytes

Petroleum VOCs including 1,2,4-Trimethylbenzene, ethylbenzene, and xylenes were detected above their respective USCOs at SB-15. VOCs were not detected above their respective CSCOs.

Groundwater – Benchmark completed a Supplemental Phase II investigation in February 2019 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of VOCs exceeding Class GA GWQS, as follows:

VOC Analytes

One VOC, isopropylbenzene, was identified at SB-23W at a concentration of 6.9 ug/L, which slightly exceeds its Class GA GWQS of 5 ug/L. VOC exceedances at SB-21W are petroleum-related with exception to chloroethane, a chlorinated VOC, with a concentration of 12 ug/L, which slightly exceeds its Class GA GWQS of 5 ug/L. Seven chlorinated VOCs (1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1-dichloroethane, 1,1-dichloroethene, 1,2-dichloroethane, chloroethane and vinyl chloride) exceed their respective Class GA GWQS at SB-22W.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through February 15, 2019.

---

Selected Entity Name: BETLEM ASSOCIATES LLC

Selected Entity Status Information

**Current Entity Name:** BETLEM ASSOCIATES LLC

**DOS ID #:** 5423192

**Initial DOS Filing Date:** OCTOBER 10, 2018

**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)**

BETLEM ASSOCIATES LLC  
1800 DALE ROAD  
BUFFALO, NEW YORK, 14225

**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
OCT 10, 2018	Actual	BETLEM ASSOCIATES LLC

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

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

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May 10, 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  
0 Lake Avenue, Blasdell, NY; SBL No. 150.16-2.12

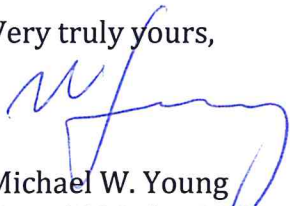
Dear Ms. Lewandowski:

Please be advised that I am the owner of the above-referenced properties (the "Site"). As owner of the Site, I am aware of and acknowledge that Betlem Associates, 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, I authorize Betlem Associates, LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform the any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with an DEC requirements and the provisions of the BCP and the BCA.

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

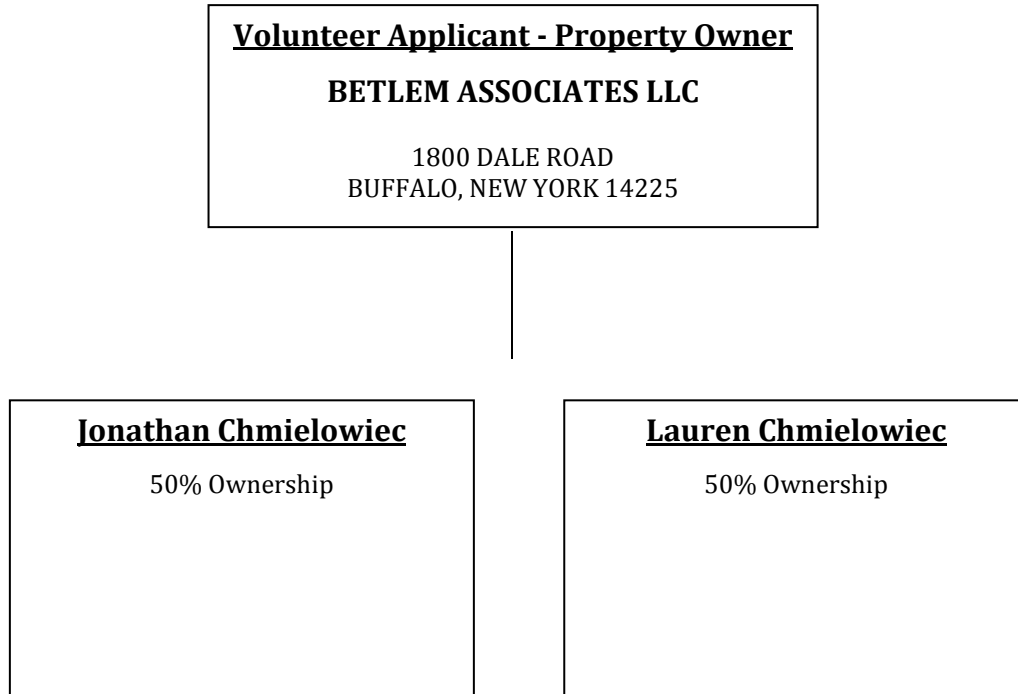
Very truly yours,



Michael W. Young  
Zero-252 Lake, LLC

**BETLEM SITE**

**ORGANIZATIONAL CHART**



**BETLEM ASSOCIATES, LLC**

**UNANIMOUS WRITTEN CONSENT OF MEMBERS**

May 15, 2019


The undersigned being holders of all of the membership interest of **BETLEM ASSOCIATES, 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 Jonathan Chmielowiec (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 located at 0 Lake Avenue (AKA 250 Lake Avenue), SBL No. 150.16-1-2.12, Blasdell, 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.


  
Jonathan Chmielowiec, Managing Member

  
Lauren Chmielowiec, Managing Member



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

On the 15th day of May in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Jonathan Chmielowiec, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

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

DONNA M. KROLL  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires Mar. 12, 2022  
01KR4963343

On the 15th day of May in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Lauren Chmielowiec, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
Notary Public

DONNA M. KROLL  
Notary Public, State of New York  
Qualified in Niagara County  
My Commission Expires Mar. 12, 2022  
01KR4963343

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
11/28/2018 4:14:08 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1448011501600001002120

**SBL:** 150.16-1-2.12

**Address:** 0 LAKE AVE

**Owner 1:** 250 LAKE AVE ASSOCIATES LLC

**Owner 2:**

**Mailing Address:** 2 MAIN ST / P O BOX 412

**City/Zip:** DEPEW NY 14043

**Municipality:** Hamburg

**Property Class:** 710

**Class Description:** C - Manufacture

**Front:** 0

**Depth:** 0

**Deed Roll:** 1

**Deed Book:** 11161

**Deed Page:** 3817

**Deed Date:**

**Acreage:** 3.48578109993

**Total Assessment:** \$279,000

**Land Assessment:** \$46,800

**County Taxes:** \$279,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** FRONTIER CENTRAL SCHOOL  
DISTRICT #4

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# **APPENDIX B**

## **BCP APPLICATION PART B – SECTION V - XI**

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

**SECTION VII – REQUESTOR ELIGIBILITY**

**SECTION IX – CONTACT LIST**

**SECTION X – LAND USE FACTORS**

**EXHIBIT B1 - DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Betlem Site**

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

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

Property Information	Use	Approx. Date(s)	Relationship to Applicant
<b>Current Owner/Operator (non-party owner, not an Applicant)</b>			
Zero-252 Lake, LLC 2 Main Street, P.O. Box 412 Depew, NY 14043	Industrial Storage and Distribution	February 2019 ~ Current	None – No relationship
<b>Previous Owners/Operators</b>			
250 Lake Avenue Associates LLC 2 Main Street, P.O. Box 412 Depew, NY 14043	Industrial Storage and Distribution	2009 ~ February 2019	None – No relationship
James A. and Albert E. Smith Additional information unavailable	Industrial Storage and Distribution	2009	None – No relationship
CSW Warehousing & Distribution Inc. P.O. Box 2054 Blasdell, NY 14219 Phone # unavailable	Industrial Storage and Distribution	1992 ~ 2009	None – No relationship
Queen City South Industrial Park Inc Additional information unavailable	Industrial Storage and Distribution	1986 ~ 1992	None – No relationship
Bethlehem Steel Corporation Additional information unavailable	Steel Fabrication/Manufacturing	Prior to 1944 ~ 1986	None – No relationship
Kalman Steel Corporation Additional information unavailable	Steel Fabrication/Manufacturing	After 1909 (in at least 1928) ~ prior to 1944	None – No relationship
Seneca Iron and Steel Co. Additional information unavailable	Steel Fabrication/Manufacturing	At least 1909 ~ prior to 1928	None – No relationship

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**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

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

VOC, SVOC and metal impacts are present at the Site. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins and historic industrial operations (i.e., steel fabrication/manufacturing).

Since the Applicant and their associated members became involved with the property after disposal or discharge of contaminants, and has no relationship with the previous owners/operators of the Site, Betlem Associates LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

**SECTION IX – CONTACT LIST INFORMATION**

Site Contact List

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

*Erie County Contacts:*

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

Erie County Legislator Lynne Dixon  
District 9  
92 Franklin Street  
Buffalo, NY 14202

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

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

**APPENDIX B**  
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Mr. Robert M. Graber  
Erie County Legislature Clerk  
25 Delaware Avenue  
Buffalo, NY 14202

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

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

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

*Town of Hamburg Contacts*

James M. Shaw  
Supervisor  
6100 South Park Avenue  
Hamburg, NY 14075

Tom Best Jr.  
Councilman, Deputy Supervisor  
6100 South Park Avenue  
Hamburg, NY 14075

William Clark  
Planning Board Chairman  
6100 South Park Avenue  
Hamburg, NY 14075

Cathy Rybcynski  
Clerk  
6100 South Park Avenue  
Hamburg, NY 14075

*Village of Blasdell Contacts*

Rob Hefner  
Mayor  
121 Miriam Avenue  
Blasdell, NY 14219

Bobby Pirowski  
Trustee  
121 Miriam Avenue  
Blasdell, NY 14219

*Supplier of Potable Water:*

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



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**Betlem Site**

*Local News Media:*

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

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

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

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

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

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

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

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

*Nearby Schools:*

Linda Dansa, Principal  
Blasdell Elementary School  
3780 South Park Avenue  
Blasdell, NY 14219

*Other Interested Parties:*

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

**APPENDIX B**  
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**Betlem Site**

*Document Repository:*

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

Ms. Jennifer Johnson  
Director  
Lackawanna Public Library  
560 Ridge Road  
Lackawanna, NY 14218

**APPENDIX B**  
**BCP Application – Part B**  
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**Betlem Site**

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 7).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
270	Lake Avenue	Industrial	Ronald & Carol Ann Dombrowski 3971 Tudor Place Hamburg, NY 14075
250	Lake Avenue	Industrial	Queen City Encore LLC P.O. Box 171 North Boston, NY 14110
0	Right-of-Way owned by the Village of Blasdell	Railroad	New York Central Lines LLC 500 Water Street Jacksonville, FL 32202
0	Milestrip Road	Industrial	Queen City Encore LLC P.O. Box 171 North Boston, NY 14110
0	Right-of-Way owned by the Village of Blasdell	Railroad	New York Central Lines LLC 500 Water Street Jacksonville, FL 32202
250C	Lake Avenue	Industrial	250 Lake Ave Associates, Inc. 2 Main Street, P.O. Box 412 Depew, NY 14043

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**BCP Application – Part B**  
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**Betlem Site**

Document Repository

The Buffalo and Erie County Library – Lackawanna Public Library Branch has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in Exhibit B1.

**SECTION X – LAND USE FACTORS**

1 – Current Zoning

The current zoning for the Site is industrial (see Figure 8). The planned redevelopment is consistent with the Town of Hamburg and the Village of Blasdell Public GIS Web Map Application assigned zoning.

2 – Current/Historic Use

The Site is improved with one large industrial building. The existing building is currently occupied by P&H Warehouse and includes animal feed and soy bean storage and distribution. The east interior of the building is utilized by Samuel Plate Buffalo for general storage. The remainder of the Site includes gravel areas, and to a lesser extent green space on the western and southern portions of the Site. The Site also includes railroad tracks with a spur that runs north-south on the eastern portion of the Site and an additional spur that runs north-south on the western portion of the Site and enters the building.

Based on historic records and previous studies, the Site was historically used for steel manufacturing/fabrication with storage of bar steel and bar mill, a wire shop, railroad tracks, machine/construction equipment warehousing and general warehousing. Interior and exterior portions of the Site are underlain by urban fill impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 USCOs, CSCOs and/or ISCOs. To a lesser extent, soil/fill proximate to concrete-filled trenches within the northern portion of the building are impacted by VOCs. In addition, VOC impacts were identified in groundwater at the Site. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins and historic industrial operations.

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Betlem Site**

3, 4, 5 and 6 – Planned Future Use

The future intended Site use is metal fabrication and distribution facility. The existing building will be renovated to meet the needs of the operation with installation of crane systems and metal fabrication/manufacturing equipment. Exterior areas will include hardscape suitable for truck traffic.

The intended future Site use of the Site in an industrial capacity is consistent with current and anticipated future zoning. The Site and surrounding properties have an industrial history. The proposed project supports recent development patterns and current land use requirements.



May 14, 2019

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

Re: Document Repository for Brownfield Cleanup Program  
Betlem Site  
Hamburg, New York

Dear Ms. Batt:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & Erie County Public Library – Lackawanna Public Library Branch to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,  
Benchmark Environmental Engineering & Science, PLLC

A handwritten signature in black ink, appearing to read 'Caroline Bukowski'.

Caroline Bukowski  
Environmental Engineer

File: B0472-018-001

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

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



## Caroline C. Bukowski

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**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Tuesday, May 14, 2019 4:27 PM  
**To:** Caroline C. Bukowski  
**Subject:** FW: Document Repository Request - Betlem Site  
**Attachments:** B1-Document Repository Request Lackawanna Public Library Branch.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Good afternoon Caroline,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program at the Betlem Site, Hamburg, New York. These documents will be made available for public review at the Lackawanna Public 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**

**Note: Please remove (and inform your colleagues) Carol Batt's name and title from future correspondence (attachments, etc.) and replace with my mailing address information above. Carol retired and is no longer with the Library.**

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or two after receipt. If received by Friday morning, they are usually made available the following Monday.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If CD's are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc in-house. If

optional, an alternative is the availability to go online using a provided link for patrons to read/review/print. Patrons are not allowed to take original repository documents out of the Library.

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

Regards,  
April

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

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**From:** Caroline C. Bukowski <CBukowski@benchmarkturnkey.com>  
**Sent:** Tuesday, May 14, 2019 12:16 PM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Subject:** Document Repository Request - Betlem Site

April,

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

Thank you,  
Caroline

**Caroline C. Bukowski**  
*Engineer*

**Benchmark Environmental Engineering & Science, PLLC**  
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Strong Advocates | Effective Solutions | Integrated Implementation

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