

# Brownfield Cleanup Program Application

8 St. Louis Place Site  
Buffalo, New York

November 2019

0395-018-001

Prepared For:

Main St. Louis, L.P.



Prepared By:



In Association With:





# 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*

<b>Section I. Requestor Information - See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE #:
NAME Main St. Louis, L.P.		
ADDRESS 250 Ramsdell Avenue		
CITY/TOWN Buffalo		ZIP CODE 14216
PHONE 716-689-3300	FAX	E-MAIL FAC@LegacyDev.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a>. 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. <b>Please note:</b> If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. <b>See Appendix A; Section I</b></li> </ul> <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <li>Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. <b>Documents that are not properly certified will be not approved under the BCP.</b> <b>See Appendix A; Section I</b></li> </ul>		

<b>Section II. Project Description</b>	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> 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):	<input type="checkbox"/> Yes <input type="checkbox"/> No <b>Not Applicable</b>
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> <li>the date that the remedial program is to start; and <b>See Appendix A; Section II</b></li> <li>the date the Certificate of Completion is anticipated. <b>See Figure 5</b></li> </ul>	

**Section III. Property's Environmental History**

**See Appendix A; Section III**

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

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

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

**2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

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

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

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

**See Appendix A; Section III**

**See Figure 7**

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

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

Yes  No

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

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Coal Gas Manufacturing | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner     |
| <input type="checkbox"/> Salvage Yard           | <input type="checkbox"/> Bulk Plant    | <input type="checkbox"/> Pipeline           | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery       | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown         |

Other: Site was used residentially with fill materials from unknown origins being brought to the Site to bring former building areas to grade.

**Section IV. Property Information - See Instructions for Further Guidance**

PROPOSED SITE NAME 8 St. Louis Place

ADDRESS/LOCATION 8 St. Louis Place

CITY/TOWN Buffalo

ZIP CODE 14216

MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo

COUNTY Erie

SITE SIZE (ACRES) 0.23

LATITUDE (degrees/minutes/seconds)

42 ° 53 ' 46.44 "

LONGITUDE (degrees/minutes/seconds)

78 ° 52 ' 20.69 "

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section No.	Block No.	Lot No.	Acreage
8 St. Louis Place	111.22	8	7.1	0.23

1. Do the proposed site boundaries correspond to tax map metes and bounds?  Yes  No  
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? See Figures 2, 3 & 4  Yes  No  
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?  
(See [DEC's website](#) for more information) Yes  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?  Yes  No

If yes, attach relevant supporting documentation.

7. Are there any lands under water?  Yes  No  
If yes, these lands should be clearly delineated on the site map.

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

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

Easement/Right-of-way Holder

Description

None/unknown

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

Type

Issuing Agency

Description

None/unknown

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Appendix A; Section IV

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?  Yes  No

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

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

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?  Yes  No

Not Applicable

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

Not Applicable

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

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

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

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Frank Chinnici		
ADDRESS 250 Ramsdell Avenue		
CITY/TOWN Buffalo	ZIP CODE 14216	
PHONE 716-689-3300 x203	FAX	E-MAIL FAC@LegacyDev.com
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski		
ADDRESS 2558 Hamburg Turnpike, Suite 300		
CITY/TOWN Buffalo	ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL mlesakowski@benchmarkturnkey.com
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq		
ADDRESS 500 Seneca Street, Suite 504		
CITY/TOWN Buffalo, New York	ZIP CODE 14204	
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL cslater@cslaterlaw.com

**Section VI. Current Property Owner/Operator Information – if not a Requestor**

CURRENT OWNER'S NAME Main St. Louis, L.P.	OWNERSHIP START DATE: 11/2/15	
ADDRESS 250 Ramsdell Avenue		
CITY/TOWN Buffalo	ZIP CODE 14216	
PHONE 716-689-3300 x203	FAX	E-MAIL FAC@LegacyDev.com
CURRENT OPERATOR'S NAME Main St. Louis, L.P.		
ADDRESS 250 Ramsdell Avenue		
CITY/TOWN Buffalo	ZIP CODE 14216	
PHONE 716-689-3300 x203	FAX	E-MAIL FAC@LegacyDev.com

**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".**

**See Appendix B: Section VI**

**IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.**

**Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII**

If answering "yes" to any of the following questions, please provide an explanation as an attachment.

1. Are any enforcement actions pending against the requestor regarding this site?  Yes  No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?  Yes  No
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.  Yes  No

**Section VII. Requestor Eligibility Information (continued)**

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

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

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

**Section VII. Requestor Eligibility Information (continued)**

Requestor Relationship to Property (check one):

- Previous Owner  Current Owner  Potential /Future Purchaser  Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

- Yes  No

**Note: a purchase contract does not suffice as proof of access.**

**Section VIII. Property Eligibility Information - See Instructions for Further Guidance**

- Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment.  Yes  No
- Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?  Yes  No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
- Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?  Yes  No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
- If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation.  Yes  No  
**Not Applicable**
- Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?  Yes  No  
If yes, please provide: Order # \_\_\_\_\_
- Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?  Yes  No  
If yes, please provide explanation as an attachment.

**Section IX. Contact List Information** See Appendix B; Section IX

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and properties adjacent to the property. See Figure 9
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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**

1. What is the current municipal zoning designation for the site? Residential

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

Residential    Commercial    Industrial

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

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

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

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

If residential, does it qualify as single family housing?  Yes    No

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

Yes    No

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

Yes    No

See Appendix B; Section X

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

See Appendix B; Section X

**XI. Statement of Certification and Signatures**

I hereby affirm that I am Managing Member (title) of Main St. Louis, L.P. (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: 1/3/2020 Signature:   
Print Name: Frank Chinnici

**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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<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.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the property upside down or underutilized as defined below?	Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>From ECL 27-1405(31):</b>	
<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>	
<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)	
375-3.2:	
<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:** 8 St. Louis Place  
**City:** Buffalo

**Site Address:** 8 St. Louis Place  
**County:** Erie **Zip:** 14216

**Tax Block & Lot**  
**Section (if applicable):** 111.22 **Block:** 8 **Lot:** 7.1

**Requestor Name:** Main St. Louis, L.P.  
**City:** Buffalo

**Requestor Address:** 250 Ramsdell Avenue  
**Zip:** 14216 **Email:** FAC@LegacyDev.com

**Requestor's Representative (for billing purposes)**  
**Name:** Frank Chinnici **Address:** 250 Ramsdell Avenue  
**City:** Buffalo **Zip:** 14216 **Email:** FAC@LegacyDev.com

**Requestor's Attorney**  
**Name:** Mr. Craig Slater, Esq **Address:** 500 Seneca Street, Suite 504  
**City:** Buffalo, New York **Zip:** 14204 **Email:** cslater@cslaterlaw.com

**Requestor's Consultant**  
**Name:** Mr. Michael Lesakowski **Address:** 2558 Hamburg Turnpike, Suite 300  
**City:** Buffalo **Zip:** 14218 **Email:** mlesakowski@benchmarkturnkey.com

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

**DER Determination:**  Agree  Disagree

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

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

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

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

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

Notes:

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

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

Notes:

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

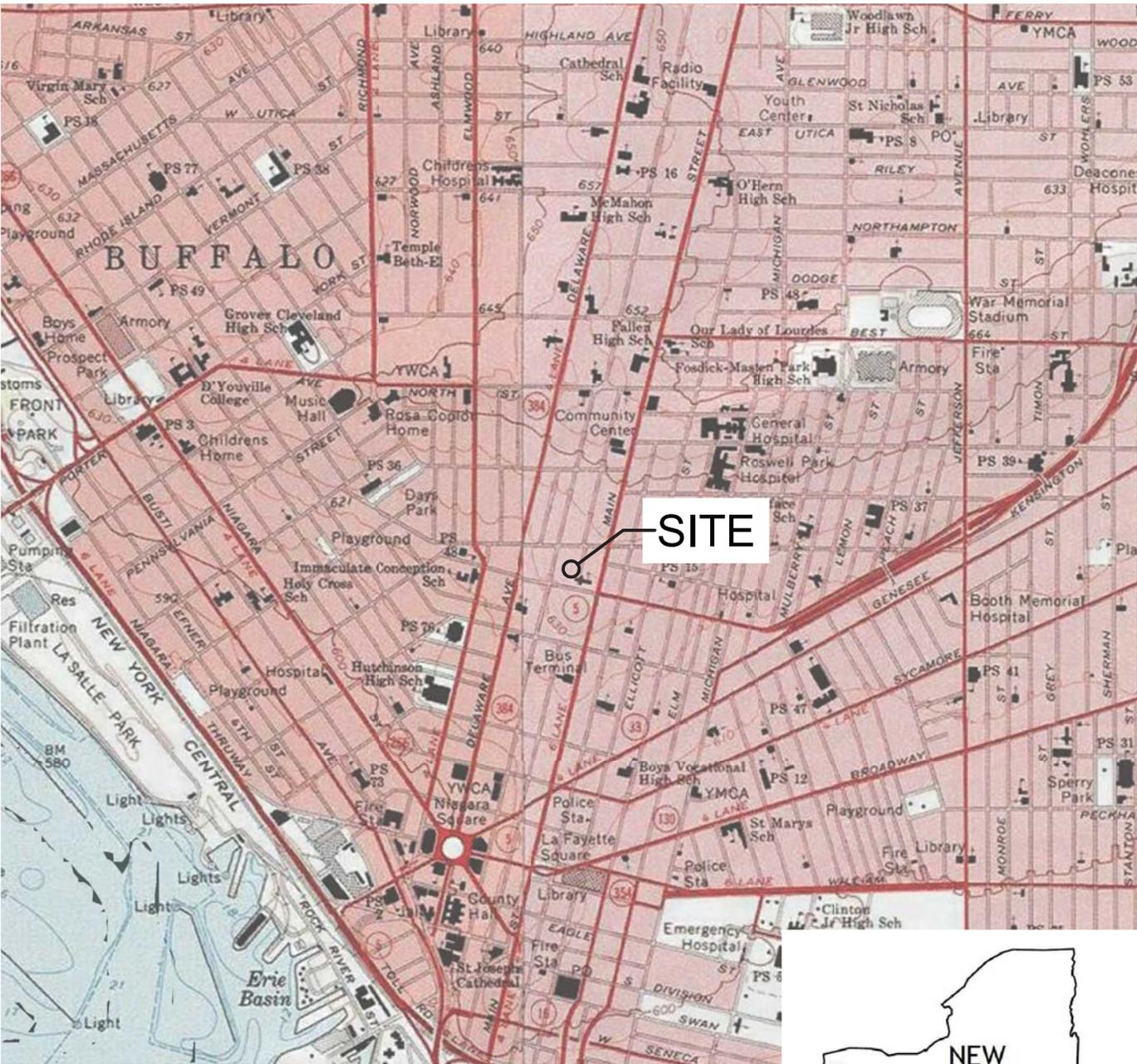
**DER/OGC Determination:**  Agree  Disagree  Undetermined

Notes:

## FIGURES

- Figure 1 Site Location & 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**



**SITE LOCATION AND VICINITY MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
BUFFALO, NEW YORK

PREPARED FOR  
MAIN ST LOUIS LP



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

PROJECT NO.: 0395-018-001

DATE: OCTOBER 2019

DRAFTED BY: CEH

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**FIGURE 2**

**LEGEND:**

-  PROPERTY BOUNDARY
-  PARCEL BOUNDARY




**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING  
SCIENCE, PLLC

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



**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

PROJECT NO.: 0395-018-001

DATE: OCTOBER 2019

DRAFTED BY: CEH

**SITE PLAN (AERIAL)**

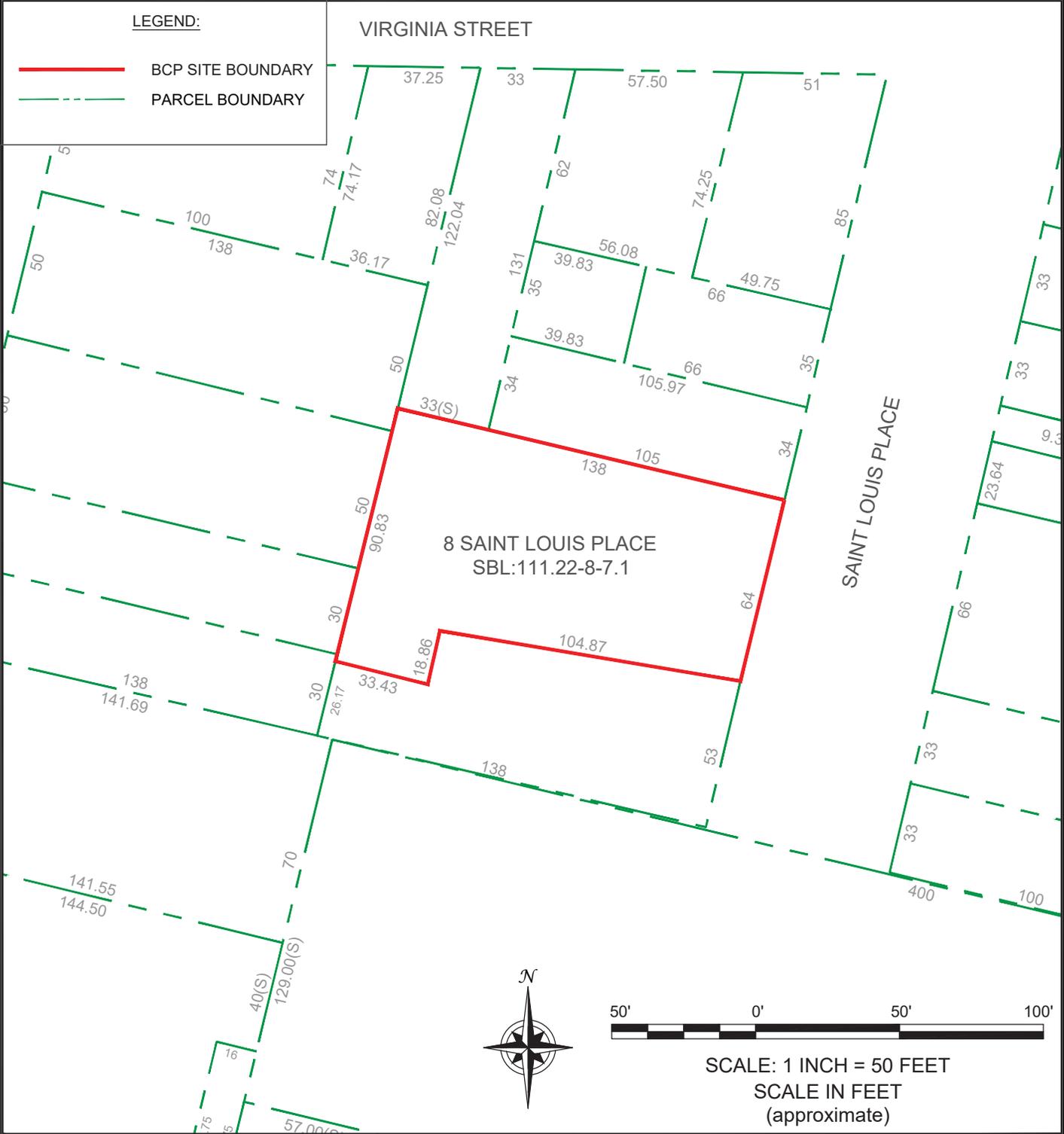
BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
BUFFALO, NEW YORK

PREPARED FOR  
MAIN ST LOUIS LP

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**FIGURE 3**





**BENCHMARK**  
 ENVIRONMENTAL  
 ENGINEERING  
 & SCIENCE, PLLC

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**TURNKEY**  
 ENVIRONMENTAL  
 RESTORATION, LLC

PROJECT NO.: 0395-018-001
DATE: OCTOBER 2019
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**TAX MAP**

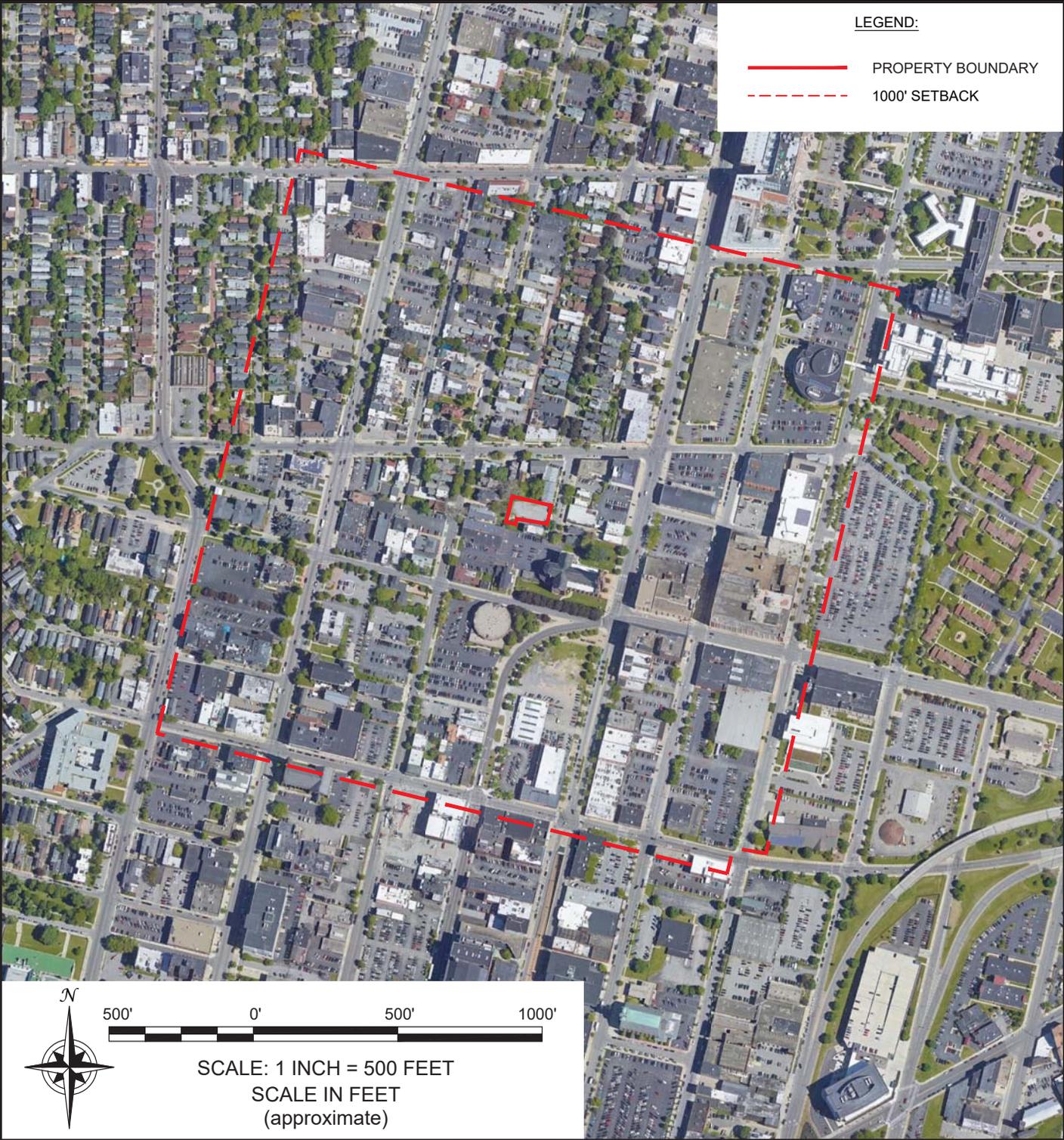
BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
 BUFFALO, NEW YORK

PREPARED FOR  
 MAIN ST LOUIS LP

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**FIGURE 4**



**LEGEND:**

- PROPERTY BOUNDARY
- - - 1000' SETBACK



500'                      0'                      500'                      1000'

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



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**PROPERTY BASE MAP (1000' SETBACK)**

BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
BUFFALO, NEW YORK

PREPARED FOR  
MAIN ST LOUIS LP

PROJECT NO.: 0395-018-001

DATE: OCTOBER 2019

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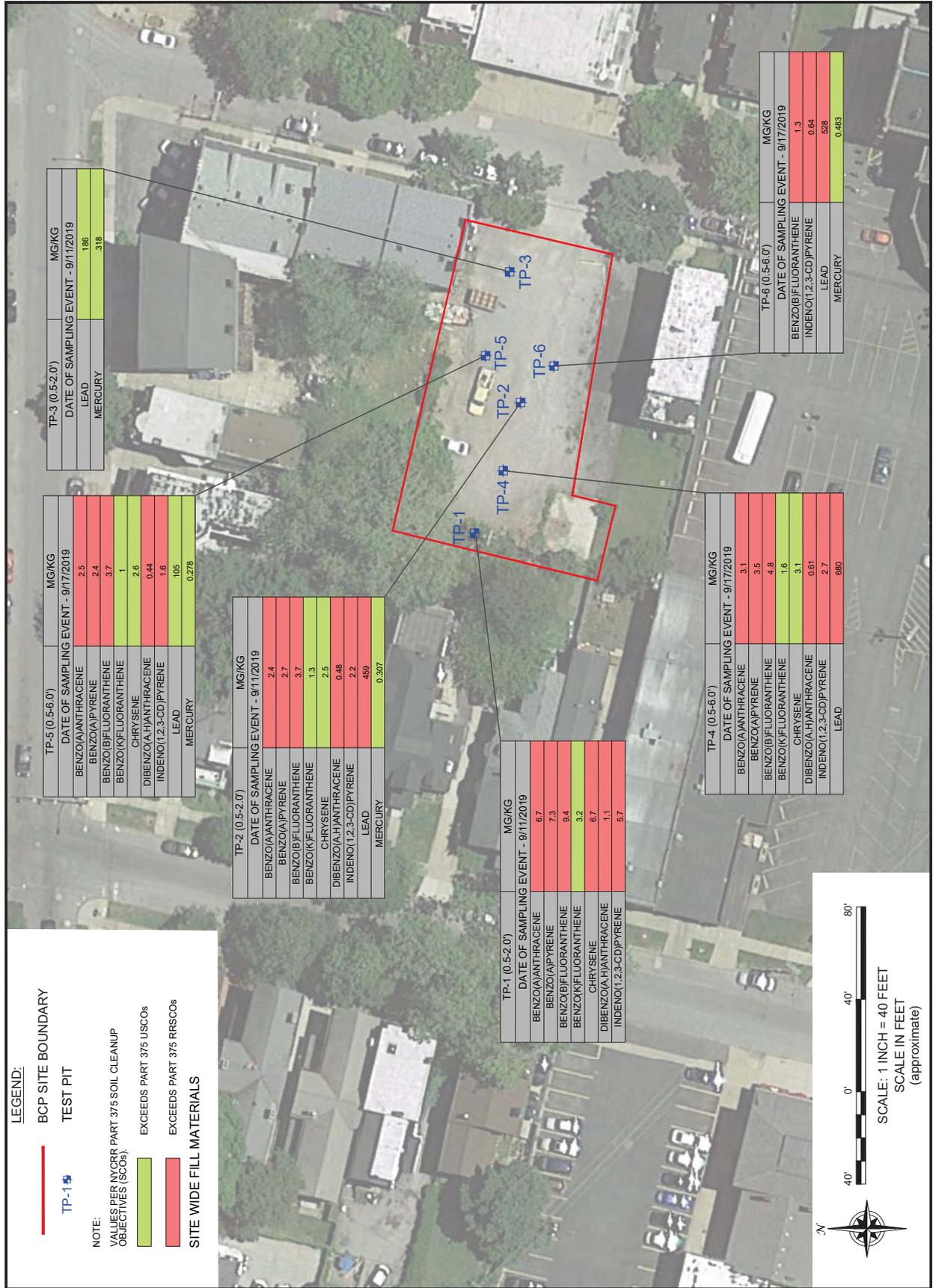


**LEGEND:**

- BCP SITE BOUNDARY
- TP-1# TEST PIT

NOTE:  
VALUES PER NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs).

- EXCEEDS PART 375 USCOS
- EXCEEDS PART 375 RRSCOs
- SITE WIDE FILL MATERIALS



TP-3 (0.5-2.0')		MG/KG
DATE OF SAMPLING EVENT - 9/11/2019		
LEAD		186
MERCURY		.318

TP-5 (0.5-6.0')		MG/KG
DATE OF SAMPLING EVENT - 9/17/2019		
BENZO(A)ANTHRACENE		2.5
BENZO(A)PYRENE		2.4
BENZO(B)FLUORANTHENE		3.7
BENZO(K)FLUORANTHENE		1
CHRYSENE		2.6
DIBENZO(A,H)ANTHRACENE		0.44
INDENO(1,2,3-CD)PYRENE		1.6
LEAD		105
MERCURY		0.278

TP-2 (0.5-2.0')		MG/KG
DATE OF SAMPLING EVENT - 9/11/2019		
BENZO(A)ANTHRACENE		2.4
BENZO(A)PYRENE		2.7
BENZO(B)FLUORANTHENE		3.7
BENZO(K)FLUORANTHENE		1.3
CHRYSENE		2.5
DIBENZO(A,H)ANTHRACENE		0.46
INDENO(1,2,3-CD)PYRENE		2.2
LEAD		469
MERCURY		0.307

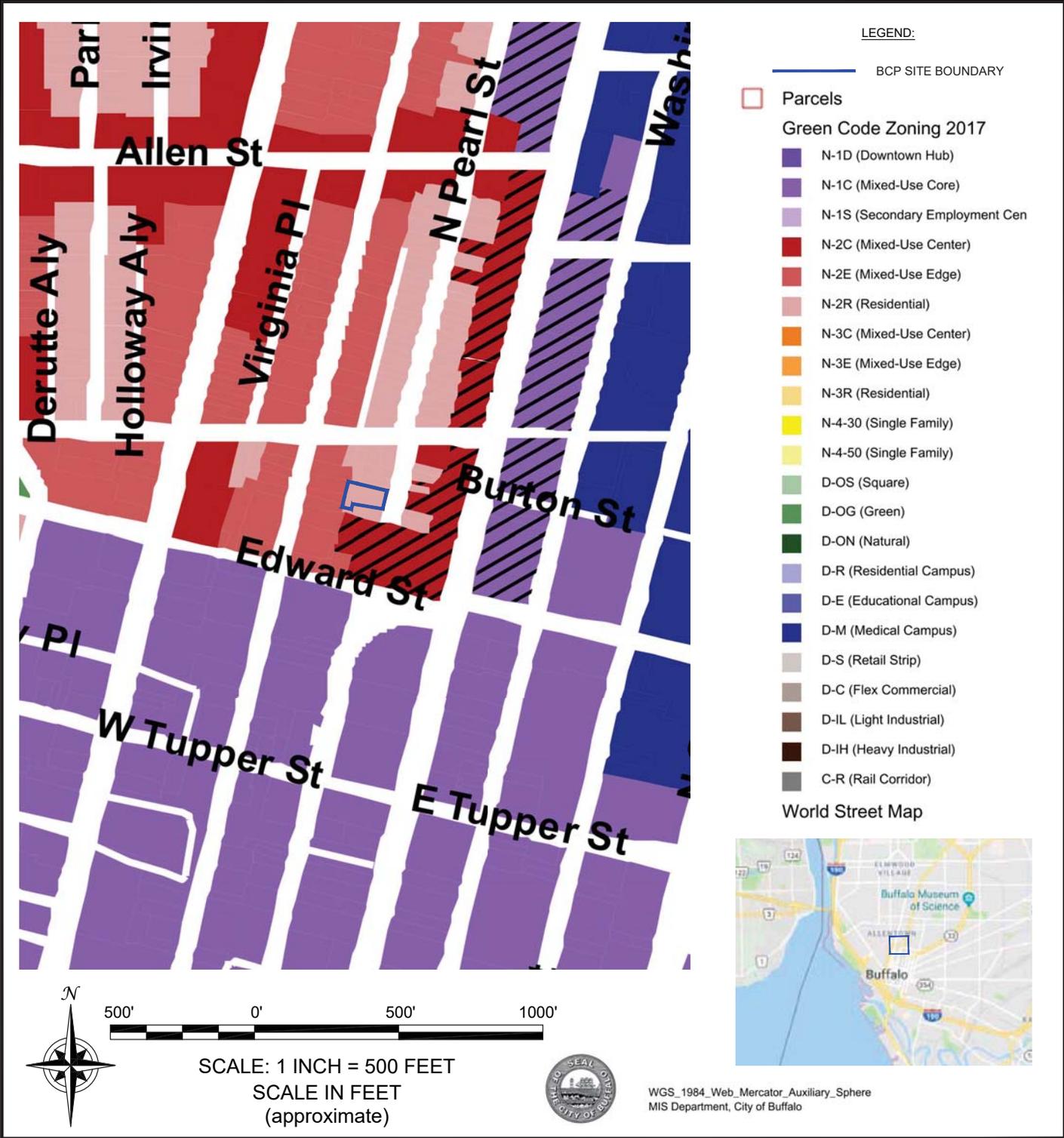
TP-1 (0.5-2.0')		MG/KG
DATE OF SAMPLING EVENT - 9/11/2019		
BENZO(A)ANTHRACENE		6.7
BENZO(A)PYRENE		7.3
BENZO(B)FLUORANTHENE		9.4
BENZO(K)FLUORANTHENE		3.2
CHRYSENE		6.7
DIBENZO(A,H)ANTHRACENE		1.1
INDENO(1,2,3-CD)PYRENE		5.7

TP-4 (0.5-6.0')		MG/KG
DATE OF SAMPLING EVENT - 9/17/2019		
BENZO(A)ANTHRACENE		3.1
BENZO(A)PYRENE		3.5
BENZO(B)FLUORANTHENE		4.8
BENZO(K)FLUORANTHENE		1.6
CHRYSENE		3.1
DIBENZO(A,H)ANTHRACENE		0.61
INDENO(1,2,3-CD)PYRENE		2.7
LEAD		680

TP-6 (0.5-6.0')		MG/KG
DATE OF SAMPLING EVENT - 9/17/2019		
BENZO(B)FLUORANTHENE		1.3
INDENO(1,2,3-CD)PYRENE		0.64
LEAD		528
MERCURY		0.463



**FIGURE 8**



**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING  
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**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

PROJECT NO.: 0395-018-001
DATE: OCTOBER 2019
DRAFTED BY: CEH

## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
BUFFALO, NEW YORK

PREPARED FOR  
MAIN ST LOUIS LP

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**FIGURE 10**



**LEGEND:**

— PROPERTY BOUNDARY

MAP UNIT SYMBOL:

Ud - URBAN LAND

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

**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING  
SCIENCE, PLLC

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**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

PROJECT NO.: 0395-018-001
DATE: OCTOBER 2019
DRAFTED BY: CEH

**SOIL MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

8 SAINT LOUIS PLACE  
BUFFALO, NEW YORK

PREPARED FOR  
LEGACY DEVELOPMENT

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# **APPENDIX A**

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

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

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

**SECTION IV – PROPERTY INFORMATION**

**EXHIBIT A1 – MAIN ST. LOUIS, L.P. NYS CORPORATION & BUSINESS  
ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – OWNER ORGANIZATIONAL CHART**

**EXHIBIT A3 – RESOLUTION/UNANIMOUS WRITTEN CONSENT OF  
GENERAL PARTNER**

**EXHIBIT A4 – ERIE COUNTY PARCEL DETAIL REPORT**

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

**SECTION I – REQUESTOR INFORMATION**

Applicant, Main St. Louis, L.P., is authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for Main St. Louis, L.P. is attached as Exhibit A1.

Main St. Louis, L.P. is the current owner of the Site. The organizational chart is attached as Exhibit A2. Exhibit A3 is the Signature Resolution/Unanimous Written Consent of General Partner, which identifies Mr. Frank Chinnici as the authorized partner of Main St. Louis, L.P. and the 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**

Main St. Louis, L.P., 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.

Main St. Louis, L.P. has prepared a Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan for concurrent submittal with the BCP Application and is prepared to complete the investigation and remedial work upon acceptance into the BCP; a preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the entire 0.23-acre Site with the intended use being residential townhouses; a preliminary project rendering is provided as Figure 6.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

The Project will result in the remediation, redevelopment, and reuse of an environmentally-impacted Site located off St. Louis Place in the City of Buffalo, New York.

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

A summary of the previous environmental investigation findings completed for the 8 St. Louis Place Site (hereinafter, the “Project Site” or the “Site”) is provided below. The address of the Site is 8 St. Louis Place Buffalo, NY 14202.

Phase I Environmental Site Assessment (ESA)

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase I ESA of the Site in April 2018. Prior to being vacant land, the Site was developed with several former buildings including outbuildings, private automobile garages and residences/apartments beginning in at least 1889. The former outbuildings were demolished in the late 1800s, the former residences/apartments were demolished in approximately 1960, and a private automobile garage was demolished after 1986. During TurnKey’s site reconnaissance, several depressions were noted on-Site indicating the possible settling of fill materials in former building areas. In addition, TurnKey also noted the presence of surface building debris such as brick, concrete, and clay tile during the site visit.

2019 Site Work

During initial subsurface site work completed by the current property owner in 2019, urban fill materials were identified across the Site. Further site work ceased at the Site and TurnKey was contracted to further assess the nature of the fill material, as further detailed below:

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

Phase II Environmental Investigation

TurnKey oversaw six test pits (TP-1 through TP-6) completed across the Site using an excavator and documented the findings in a report dated September 23, 2019. Test pit locations are shown on Figure 7. Findings of TurnKey’s Phase II are detailed below:

- Black granular fill material with ash and fragments of brick, asphalt, stone and metal was noted across the Site from the ground surface or below asphalt to approximately six fbg.
- Analytical results indicate that fill materials are impacted by polycyclic aromatic hydrocarbons (PAHs) and metals (lead and mercury) across the Site with concentrations exceeding 6NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (USCOs) and Restricted Residential Use Soil Cleanup Objectives (RRSCOs). [Based on the redevelopment plan, the least restrictive applicable SCOs to attain would be RRSCOs.]
- Fill materials are present up to approximately six fbg.
- No groundwater was encountered during the work. [Groundwater will be further assessed during RI activities.]

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

**SECTION IV – PROPERTY INFORMATION**

Parcel Description

The 8 St. Louis Place Site, subject to this BCP application, is located in a highly developed residential and commercial area in the City of Buffalo, Erie County, New York (see Figures 1 and 2). The Site is currently used as a parking lot. The ±0.23-acre Site consists of one parcel as follows:

- 8 St. Louis Place: SBL 111.22-8-7.1

The Erie County tax parcel detail report for the Site is provided for reference in Exhibit A4.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

According to New York State Department of Environmental Conservation (NYSDEC) Environmental Zone (EN-Zone) mapping, the Site is not located within an EN-Zone area. Further, the Site is not located within the limits of a Brownfield Opportunity Area (BOA).

Easements and Permits

Main St. Louis, L.P. 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. The Site has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Main St. Louis, L.P. is not aware of any other easements or restrictions on the Site.

Based on previous studies, 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 St. Louis Place in a highly developed residential and commercial area of the City of Buffalo, Erie County, New York.

Site Features

The Site is improved with an asphalt lot used for parking.

Zoning and Land Use

According to the City of Buffalo Public GIS Web Map Application, Site is zoned for residential use (see Figure 8); therefore, the planned residential use of the Site is consistent with the zoning assigned to the Site. The current zoning of adjacent properties is residential and mixed-use. The Site is bordered by residential buildings to the north, south and west, and a commercial operation to the east (see Figure 4). Adjacent property owners are identified on Figure 9.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

As detailed above, the Site is currently used as a parking lot. Planned reuse of the Site in a residential capacity is consistent with the City of Buffalo zoning for the area.

Past Use of the Site

Based on historic records and previous studies, the Site was historically developed with former buildings including residences/apartments, private garages and/or out-buildings beginning in at least 1889. The Site has been used as a parking lot since approximately 1986.

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 10). 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 black granular fill with ash and fragments of brick, asphalt, stone and metal from the ground surface or below asphalt to approximately six fbg. Fill materials are underlain by native brown, dry, medium to coarse sand up to six fbg. Neither groundwater nor bedrock were encountered during the previous investigations.

Regional groundwater is anticipated to flow in a westerly direction towards Lake Erie. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

Additional work is required to investigate groundwater flow direction and quality at the Site. Installation of monitoring wells to assess and characterize groundwater flow patterns and quality is planned during the RI.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

Environmental Assessment Narrative

The Site was historically developed with several former buildings including outbuildings, private automobile garages and residences/apartments beginning in at least 1889. Based on historical sources (Sanborns and municipal records), the former outbuildings were demolished in the late 1800s, the former residences/apartments were demolished in approximately 1960, and a private automobile garage was demolished after 1986.

The Site is underlain by black granular fill material with ash and fragments of brick, asphalt, stone and metal across the Site from the ground surface or below asphalt to approximately six fbg. TurnKey suspects that fill materials from unknown origins were brought to the Site to bring former building areas to grade. As further detailed below, laboratory analytical results indicate that the urban fill is impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 USCOs and RRSCOs. Figure 7 summarizes environmental impacts at the Site. Additional information relative to environmental impacts at the Site is provided below:

Soil – TurnKey completed a Phase II investigation in September 2019 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of PAHs and/or metals exceeding the USCOs and/or RRSCOs (i.e., the applicable SCOs for the intended Site reuse) at all six investigation locations, as follows:

PAHs

Laboratory analytical results detected PAHs at or above their respective Part 375 USCOs and/or RRSCOs at investigation locations, TP-1, TP-2, TP-4, TP-5 and TP-6. The contaminants and their respective exceedances were identified in the soil/fill material at these locations.

- Benzo(a)anthracene and Benzo(a)pyrene exceeded its RRSCO at four locations (TP-1, TP-2, TP-4, and TP-5).

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**8 St. Louis Place**

- Benzo(b)fluoranthene exceeded its RRSCO at five locations (TP-1, TP-2, TP-4, TP-5, and TP-6).
- Benzo(k)fluoranthene exceeded its USCO at four locations (TP-1, TP-2, TP-4, and TP-5).
- Chrysene exceeded its RRSCO at one location (TP-1) and its USCO at three locations (TP-2, TP-4, and TP-5).
- Dibenzo(a,h)anthracene exceeded its RRSCO at four locations (TP-1, TP-2, TP-4, and TP-5).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO at five locations (TP-1, TP-2, TP-4, TP-5, and TP-6).

*Metal Analytes*

Metal analytes were detected above their respective USCOs and/or RRSCOs at five investigation locations, TP-2, TP-3, TP-4, TP-5, and TP-6.

- Lead exceeded its USCO at two locations (TP-3 and TP-5) and RRSCO at three locations (TP-2, TP-4, and TP-6).
- Mercury exceeded its USCO at four locations (TP-2, TP-3, TP-5, and TP-6).

Groundwater – As indicated above, installation of monitoring wells to assess and characterize groundwater flow patterns and quality is planned during the RI.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through October 22, 2019.

---

Selected Entity Name: MAIN ST. LOUIS, L.P.

Selected Entity Status Information

**Current Entity Name:** MAIN ST. LOUIS, L.P.

**DOS ID #:** 4813042

**Initial DOS Filing Date:** AUGUST 31, 2015

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED PARTNERSHIP

**Current Entity Status:** ACTIVE

Selected Entity Address Information

**DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)**

MAIN ST. LOUIS, L.P.  
250 RAMSDELL AVE.  
BUFFALO, NEW YORK, 14216

**Registered Agent**

NONE

**\*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
AUG 31, 2015	Actual	MAIN ST. LOUIS, L.P.

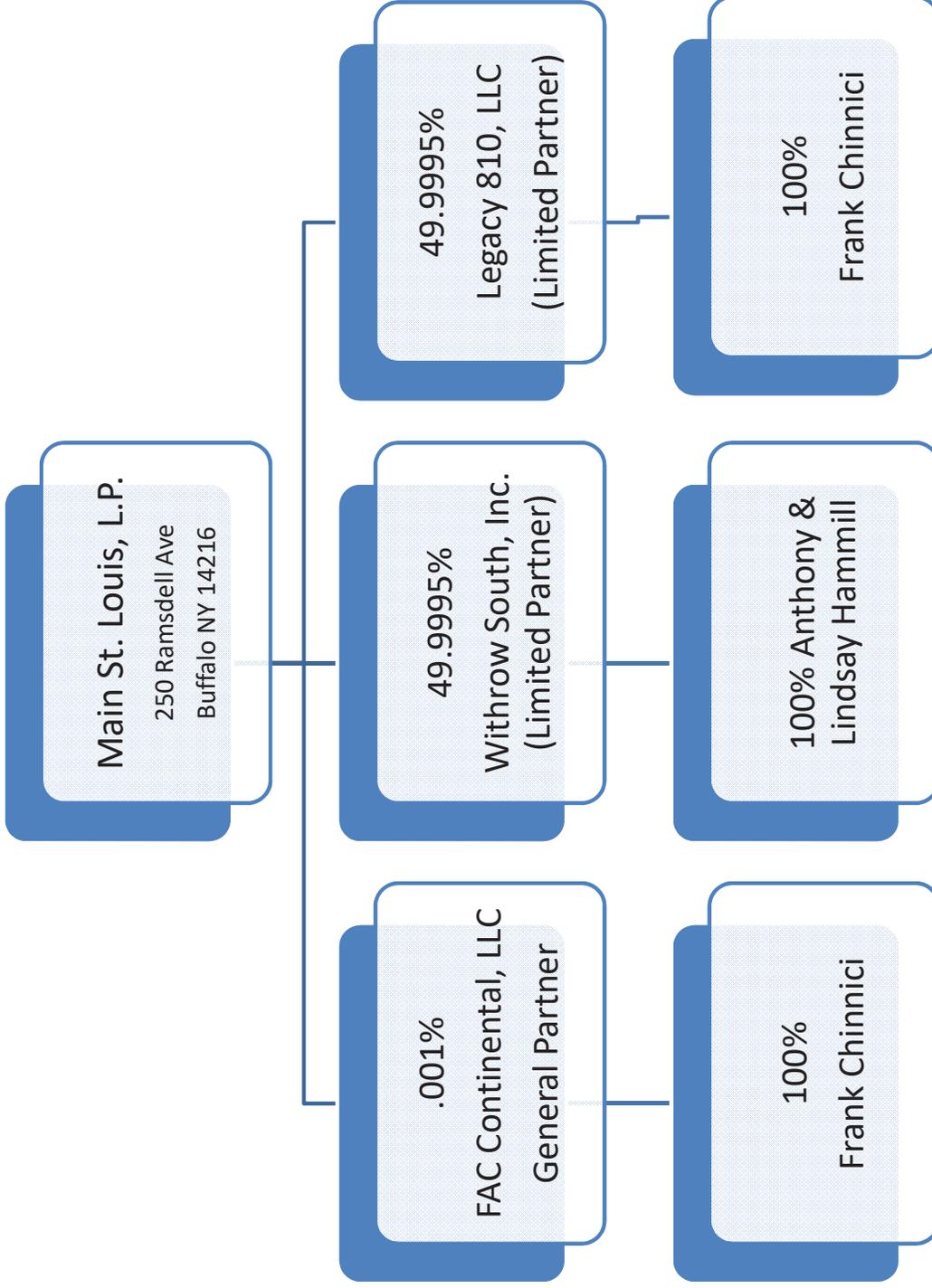
A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

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

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A2 - OWNER ORGANIZATIONAL CHART



**Main St. Louis, L.P.**  
Written Consent of General Partner

---

November 1, 2019

The undersigned being the General Partner of Main St. Louis, L.P., a New York limited partnership (the "**Company**"), hereby 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 Frank Chinnici ("**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 8 St. Louis Place (SBL No. 111.22-8-7.1), Buffalo, New York; and be it further

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

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

*IN WITNESS WHEREOF*, the undersigned have executed this Consent of General Partner as of the date first written above.

**Main St. Louis, L.P.**

By: FAC Continental, LLC, General Partner

By:

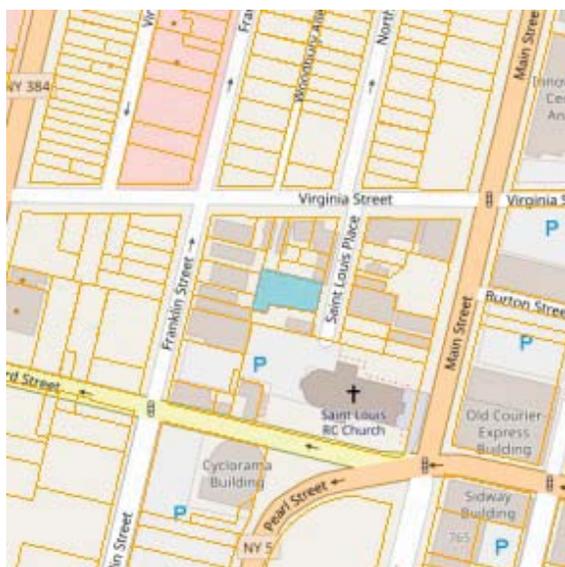
  
\_\_\_\_\_  
Frank Chinnici, Managing Member

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

On this 1<sup>st</sup> day of November in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Frank Chinnici, 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

CYNTHIA ANN GOLDE  
NOTARY PUBLIC STATE OF NEW YORK  
QUALIFIED IN ERIE COUNTY  
MY COMMISSION EXPIRES NOV 30, 2023



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001112200008007100

**SBL:** 111.22-8-7.1

**Address:** 8 ST LOUIS PL

**Owner 1:** MAIN ST LOUIS LP

**Owner 2:**

**Mailing Address:** 250 RAMSDELL AVE

**City/Zip:** BUFFALO NY 14216

**Municipality:** City of Buffalo

**Property Class:** 331

**Class Description:** B - Com vac w/imp

**Front:** 64

**Depth:** 0

**Deed Roll:** 1

**Deed Book:** 11287

**Deed Page:** 5149

**Deed Date:**

**Acres:** 0.2359396081

**Total Assessment:** \$48,000

**Land Assessment:** \$44,200

**County Taxes:** \$48,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# **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**  
**8 St. Louis Place 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, obtained from historical sources such as city directories and municipal records, is provided in the table below, as available.

Property Information	Use	Approx. Date(s)	Relationship to Applicant
<b>Current Owner/Operator</b>			
Main St. Louis, L.P. - Owner 250 Ramsdell Avenue Buffalo, NY 14216	Parking Lot	2015 ~ Current	Applicant/Owner
<b>Previous Owners/Operators</b>			
Jason Roberts and Cheryl DiMatteo – Previous Owners	Parking Lot	2007-2015	None – No Relationship
Linda Priebe – Previous Owner	Parking Lot	At least 2007	None – No Relationship
Fern Dapwin, Robert Diehl, Renee Federle, Harry Fox, Joseph Giancontiepi, Anthony Rozmus, Sadie Betros, Lawrence Dave, Florence Hapvey, Martin Pilot, James Stevens – Previous Occupants, Unsure If Also Previous Owners	Residential Until Approximately 1986, Parking Lot After 1986	1970 to 2007	None – No Relationship
Renee Federle, Henry Fox, Martin Pilot, Anna Rozmus, Sadie Betros, Paul Herger, Martin Pilot – Previous Occupants, Unsure If Also Previous Owners	Residential	1964 to 1970	None – No Relationship
Karl Schwartz, Renee Federle, Henry Fox, Mildred Hall, Jos Kiesel, Walter Lind, Anthony Rozmus, Clara Williams, Florence Harvey, Paul Herger, Albert Reeb, Harold Tovey – Previous Occupants, Unsure If Also Previous Owners	Residential	1960 to 1964	None – No Relationship
Michael Dubay, Renee Federle, Henry Fox, Jos Kiesel, Anthony	Residential	1955 to 1960	None – No Relationship

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Rozmus, Elma Slate, Clara Williams, Stephen LaVelle, Albert Reeb – Previous Occupants, Unsure If Also Previous Owners			
Elizabeth Schwartz – Previous Occupants, Unsure If Also Previous Owners	Residential	1930 to 1955	None – No Relationship
Byron Barker, Karl, John and Elizabeth Schwartz – Previous Occupants, Unsure If Also Previous Owners	Residential	At least 1925 to 1930	None – No Relationship

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

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

SVOC and metal impacts are present at the Site. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins likely brought to the Site to backfill former building areas in the late 1800s and the 1960s.

Main St. Louis, L.P. did not conduct any operations at the Site that caused the contamination and they did not own the property when the contamination was deposited. The contamination was, indeed, placed by an unknown unrelated third-party, decades prior to Main St. Louis, L.P. taking ownership of the Site. Main St. Louis, L.P. has taken due diligent care of the property (exercised due care with respect to the contamination/take steps to contain, cap, fence, secure, etc. to avoid exposure and took precautions to bar exposure, etc.), all per the CERCLA Third Party defense under 42 USC §9607(b)(3).

Based on the information above, since the Applicant and their associated partners became involved with the property after disposal or discharge of contaminants, and has no relationship with the previous owners/operators of the Site, Main St. Louis, L.P. is entitled to Volunteer status under NY ECL27-1405(1)(b).

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**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 Hon. Howard Johnson  
District 1  
92 Franklin Street  
Buffalo, NY 14202

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

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

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

*City of Buffalo Contacts:*

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

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

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

*Supplier of Potable Water:*

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

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

*Local News Media:*

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

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

WIVB - Ch. 4  
2077 Elmwood Avenue  
Buffalo, NY 14207

WKBW News Ch. 7  
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  
P.O. Box 1263, Horizons Plaza  
Buffalo, NY 14240

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*Nearby Schools:*

Kathryn L. Foy, Principal  
PS 76 Herman Badillo Community  
School  
315 Carolina Street  
Buffalo, NY 14201

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

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

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

Janet Barnes, Head of School  
Oracle Charter School  
888 Delaware Avenue  
Buffalo, NY 14209

Laura Collins, Principal  
Stanley G Falk School  
848 Delaware Avenue  
Buffalo, NY 14209

Dr. Hank Stopinski, Principal  
Health Sciences Charter School  
1140 Ellicott Street  
Buffalo, NY 14209

Jennifer Koch, PhD, Executive Director  
Community Music School  
415 Elmwood Avenue  
Buffalo, NY 14222

Ms. Ella Dunne, Principal  
International Preparatory School/Grover  
Cleveland High School  
110 14<sup>th</sup> Street  
Buffalo, NY 14213

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

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

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

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*Other Interested Parties:*

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

*Document Repository:*

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

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Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 9).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
2	St. Louis Place	Residential	Charles J. Dobucki 40 Cottage Street Buffalo, NY 14201
5	St. Louis Place	Residential	Eric A. Hauser 300 Depew Avenue Buffalo, NY 14214
14	St. Louis Place	Residential	Buffalo Real Estate Ventures, LLC P.O. Box 578 Buffalo, NY 14205
513	Virginia Street	Residential	Christopher F. Guerra 513 Virginia Street Buffalo, NY 14202
403	Franklin Street	Residential	Michael P. Carlin 403 Franklin Street Buffalo, NY 14202
405	Franklin Street	Residential	Ernest E. Springer 405 Franklin Street Buffalo, NY 14202

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409	Franklin Street	Residential	Patrick F. McDevitt & Sarah L Spouse Antos 409 Franklin Street Buffalo, NY 14202
415	Franklin Street	Residential	Marc Shatkin 415 Franklin Street Buffalo, NY 14202
810	Main Street	Commercial	Main St Louis LP 250 Ramsdell Avenue Buffalo, NY 14216

Document Repository

The Buffalo and Erie County Library – Buffalo 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 residential (see Figure 8). The planned redevelopment is consistent with the City of Buffalo GIS Web Map Application assigned zoning.

2 – Current/Historic Use

The Site is currently used as a parking lot.

Based on historic records and previous studies, the Site was developed with former buildings including residences/apartments, private garages and/or outbuildings. The entirety of the Site is underlain by urban fill impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 USCOs and RRSCOs. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins. TurnKey suspects that fill materials from

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unknown origins were brought to the Site to bring former building areas to grade in approximately the late 1800s, 1960 and after 1986.

3, 4, 5 and 6 – Planned Future Use

The future intended Site use is for residential purposes. Townhouses are planned to be built on-Site. Exterior areas will include hardscape suitable for traffic.

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



October 24, 2019

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

Re: Document Repository for Brownfield Cleanup Program  
8 St. Louis Place Site  
Buffalo, New York

Dear Ms. Tompkins,

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & Erie County Public Library – Buffalo 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 blue ink that reads 'Chester Hochreiter'.

Chester E. Hochreiter  
Environmental Engineer

File: 0395-018-001

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

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

**From:** [April Tompkins](#)  
**To:** [Chester E. Hochreiter](#)  
**Cc:** [Bryan W. Mayback](#)  
**Subject:** RE: Documentary Repository Request - 8 St. Louis Place Site  
**Date:** Thursday, October 24, 2019 3:49:32 PM  
**Attachments:** [B1-Documents Repository Request Buffalo Branch Signed.pdf](#)

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Good afternoon Chester,

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 **8 St. Louis Place Site, Buffalo, New York**. These documents will be made available for public review at the Central Library and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

- Documents (including updates) for public review should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: April Tompkins**  
**Re: Repository Documents**  
**Buffalo and Erie County Public Library**  
**1 Lafayette Square**  
**Buffalo, NY 14203**

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or two after receipt. If received by Friday morning, they are usually made available the following Monday.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribute 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)

---

**From:** Chester E. Hochreiter <CHochreiter@benchmarkturnkey.com>  
**Sent:** Thursday, October 24, 2019 1:40 PM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Cc:** Bryan W. Mayback <bmayback@Turnkeyllc.com>  
**Subject:** Documentary Repository Request - 8 St. Louis Place Site

Dear April,

Attached is a letter of transmittal request that the Buffalo and Erie County Library act as the document repository for the **8 St. Louis Place Site**. Please respond at your earliest convenience. Let me know if you have any questions.

Thank You,  
Chester Hochreiter

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*and when directly pertaining to a binding contract scope of work.*

Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.

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