

Brownfield Cleanup Program Application

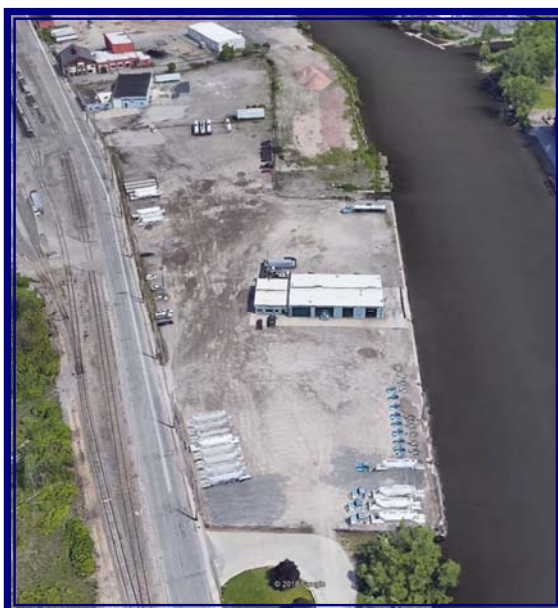
145 Ganson Street Site
Buffalo, New York

December 2019

0465-018-001

Prepared For:

SpotOn Legacy 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) ° ' "		
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
See Appendix A; Section IV				
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)			See Figures 2, 3 & 4	Yes No
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? 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)

Section V. Additional Requestor Information See Instructions for Further Guidance		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	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
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	
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: See Appendix B; Section VII

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

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

Yes No **Not Applicable**

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ Yes No
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

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:

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.
 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.
- See Figure 10**

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?

Not Applicable

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

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 Authorized Member (title) of SpotOn Legacy 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: 12/13/19

Signature: _____

Print Name: Douglas Swift

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

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

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

Project is an Affordable Housing Project - Regulatory Agreement Attached;

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

This is Not an Affordable Housing Project.

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

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

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

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

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

BCP Application Summary (for DEC use only)**Site Name:****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:

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	EN-Zone Map
Figure 8	BOA Map
Figure 9	Zoning Map
Figure 10	Adjacent Property Owners
Figure 11	USDA Soil Type Map

FIGURE 1

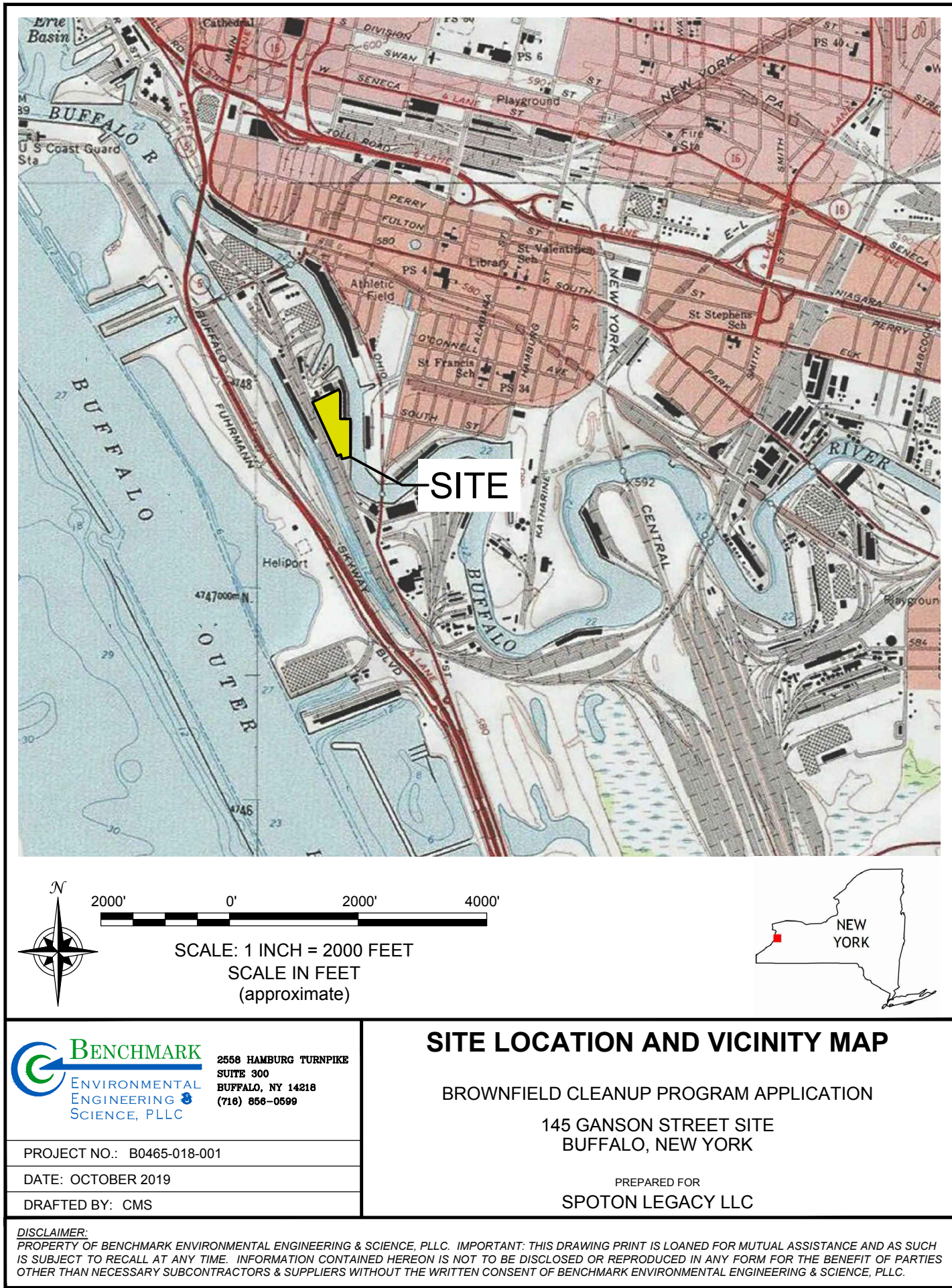
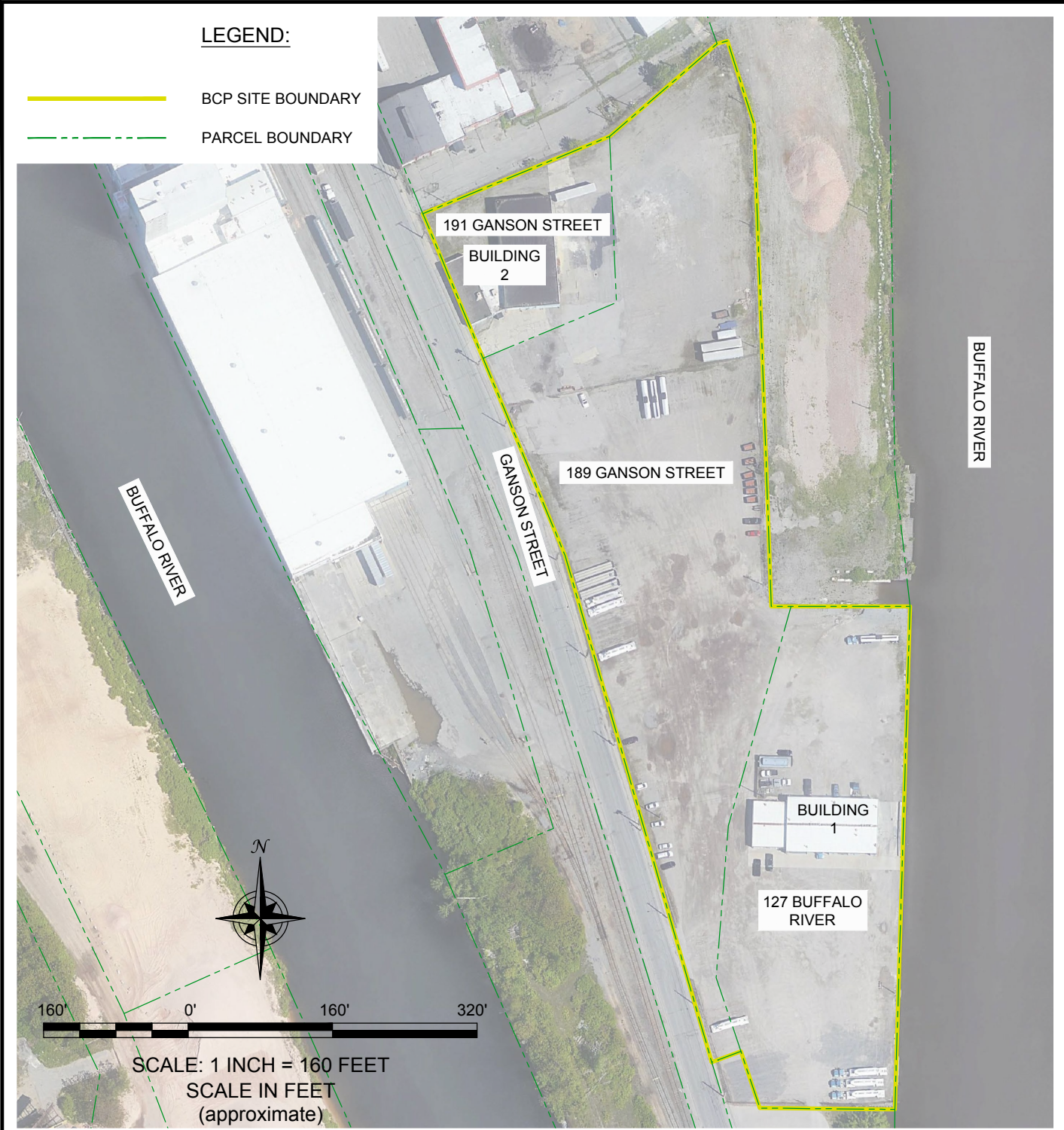


FIGURE 2



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

PROJECT NO.: B0465-018-001

DATE: OCTOBER 2019

DRAFTED BY: CMS

SITE PLAN (AERIAL)

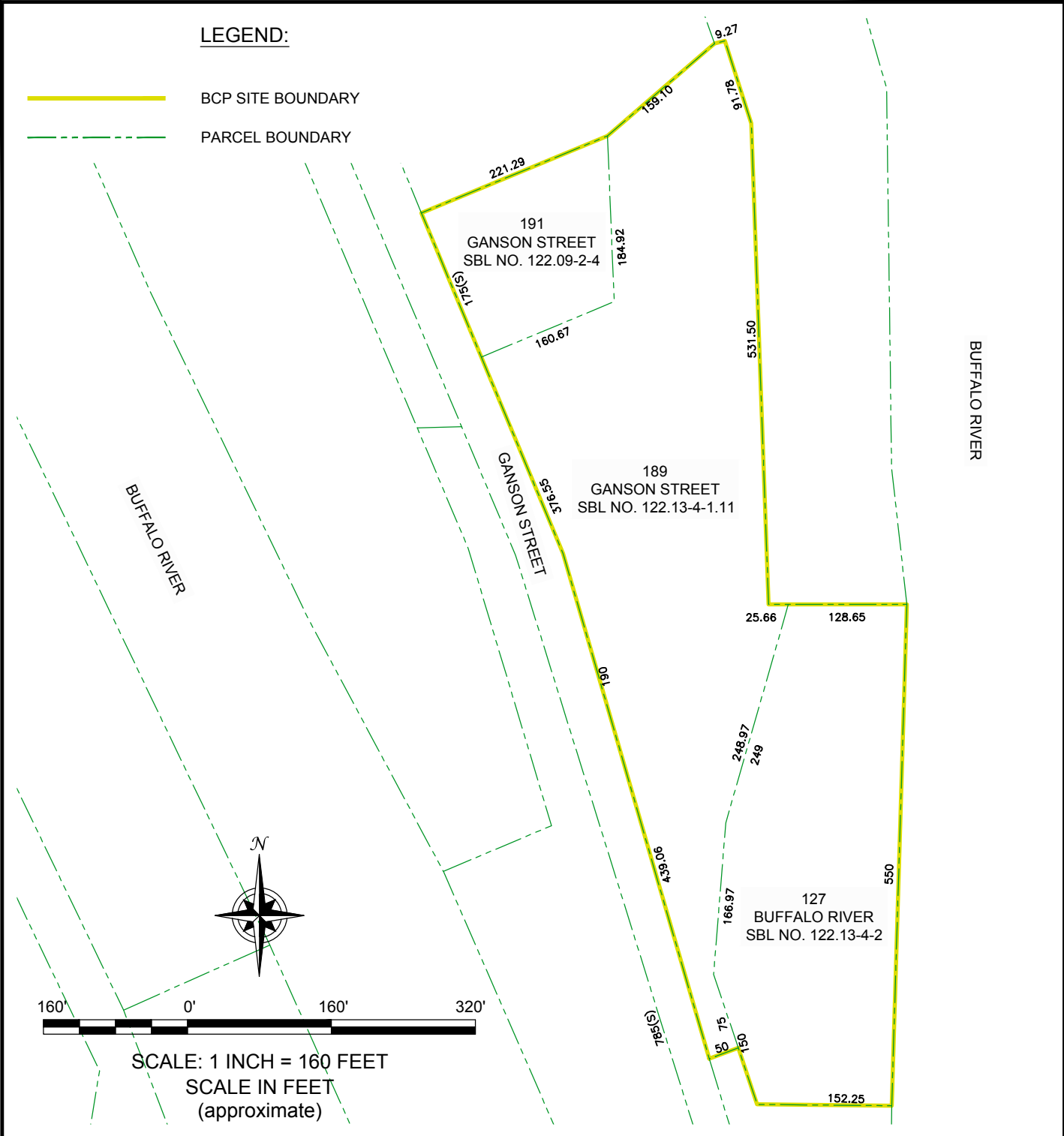
BROWNFIELD CLEANUP PROGRAM APPLICATION

145 GANSON STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SPOTON LEGACY LLC

DISCLAIMER:
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

FIGURE 3




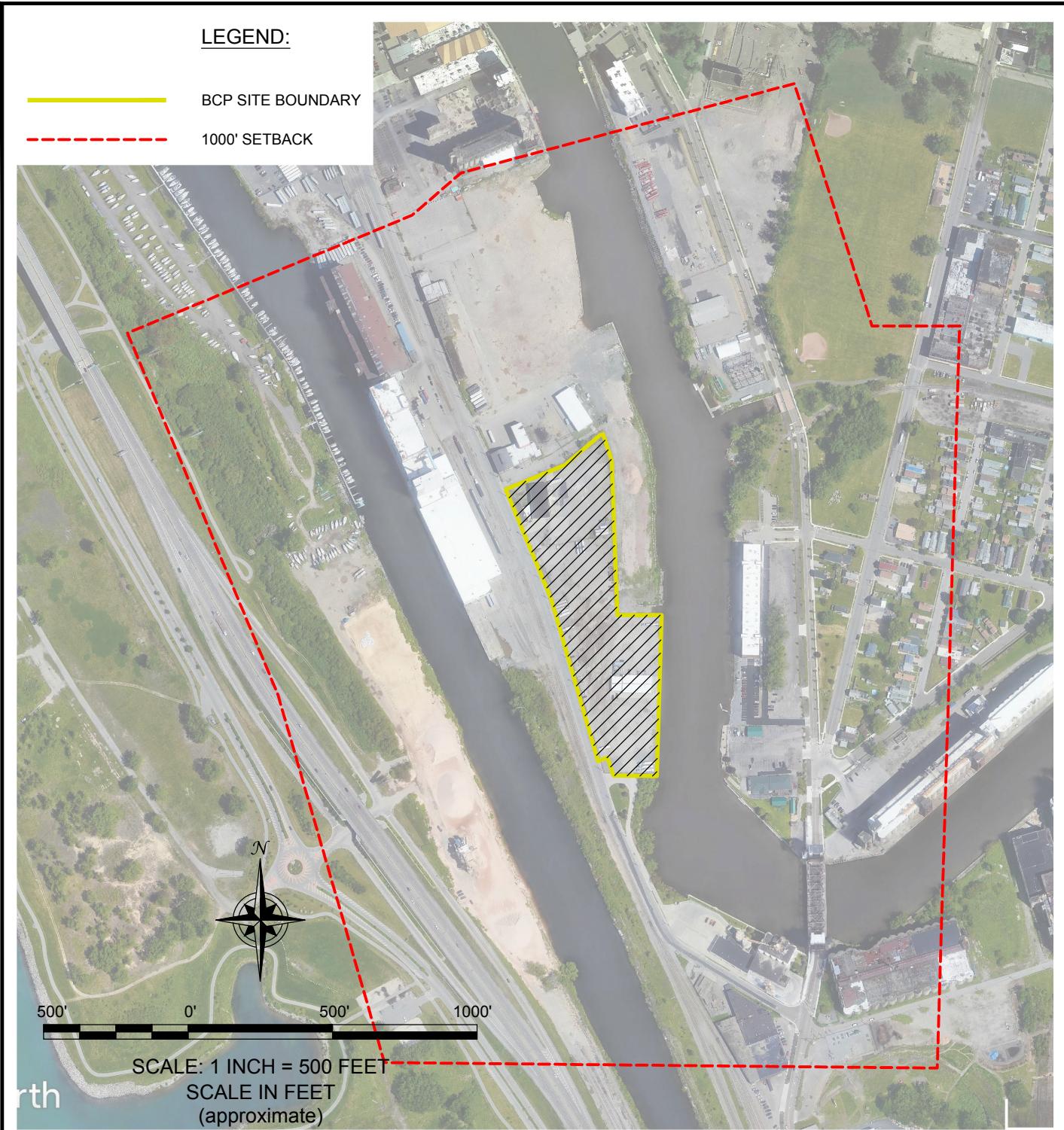
 <p>BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC</p> <p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 858-0599</p>	<h2>TAX MAP</h2>	
	BROWNFIELD CLEANUP PROGRAM APPLICATION	
	145 GANSON STREET SITE BUFFALO, NEW YORK	
	PREPARED FOR SPOTON LEGACY LLC	
PROJECT NO.: B0465-018-001		
DATE: OCTOBER 2019		
DRAFTED BY: CMS		
<p>DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.</p>		

FIGURE 4



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

PROJECT NO.: B0465-018-001

DATE: OCTOBER 2019

DRAFTED BY: CMS

PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

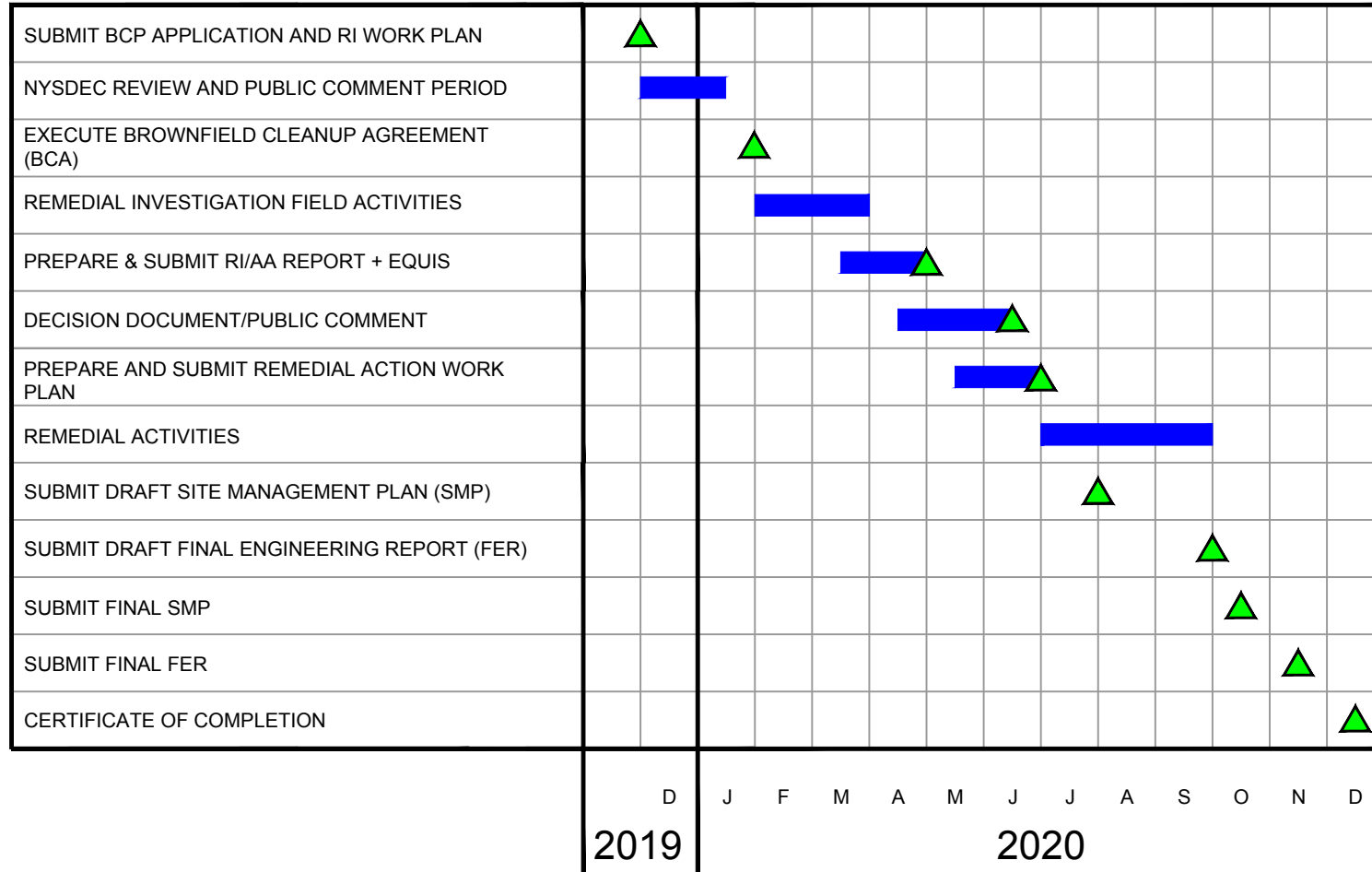
145 GANSON STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SPOTON LEGACY LLC

DISCLAIMER:

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PROJECT TASKS:



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

PROJECT NO.: 0465-018-001

DATE: OCTOBER 2019

DRAFTED BY: CMS

PRELIMINARY PROJECT SCHEDULE

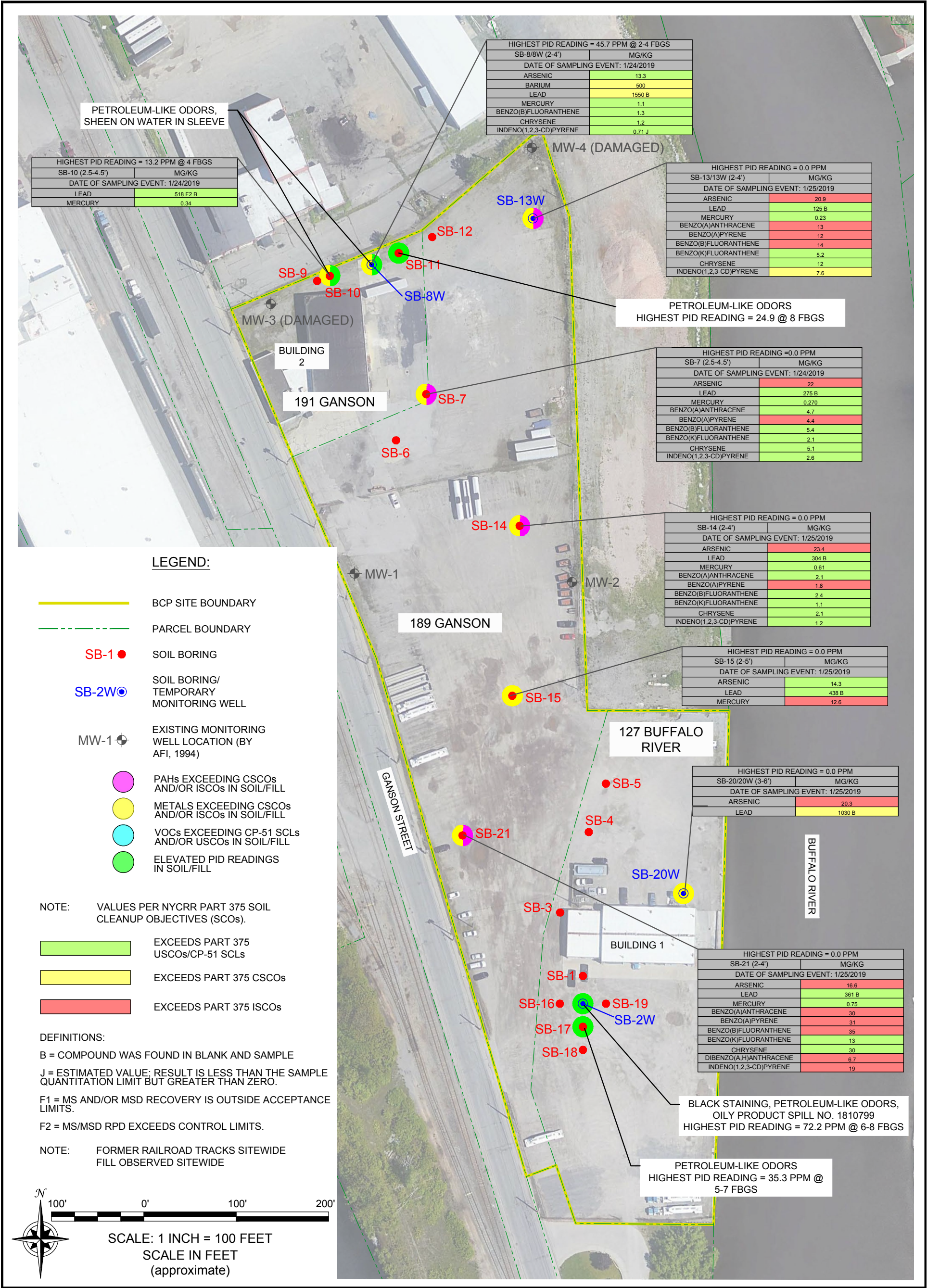
BROWNFIELD CLEANUP PROGRAM APPLICATION

145 GANSON STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SPOTON LEGACY LLC

FIGURE 5

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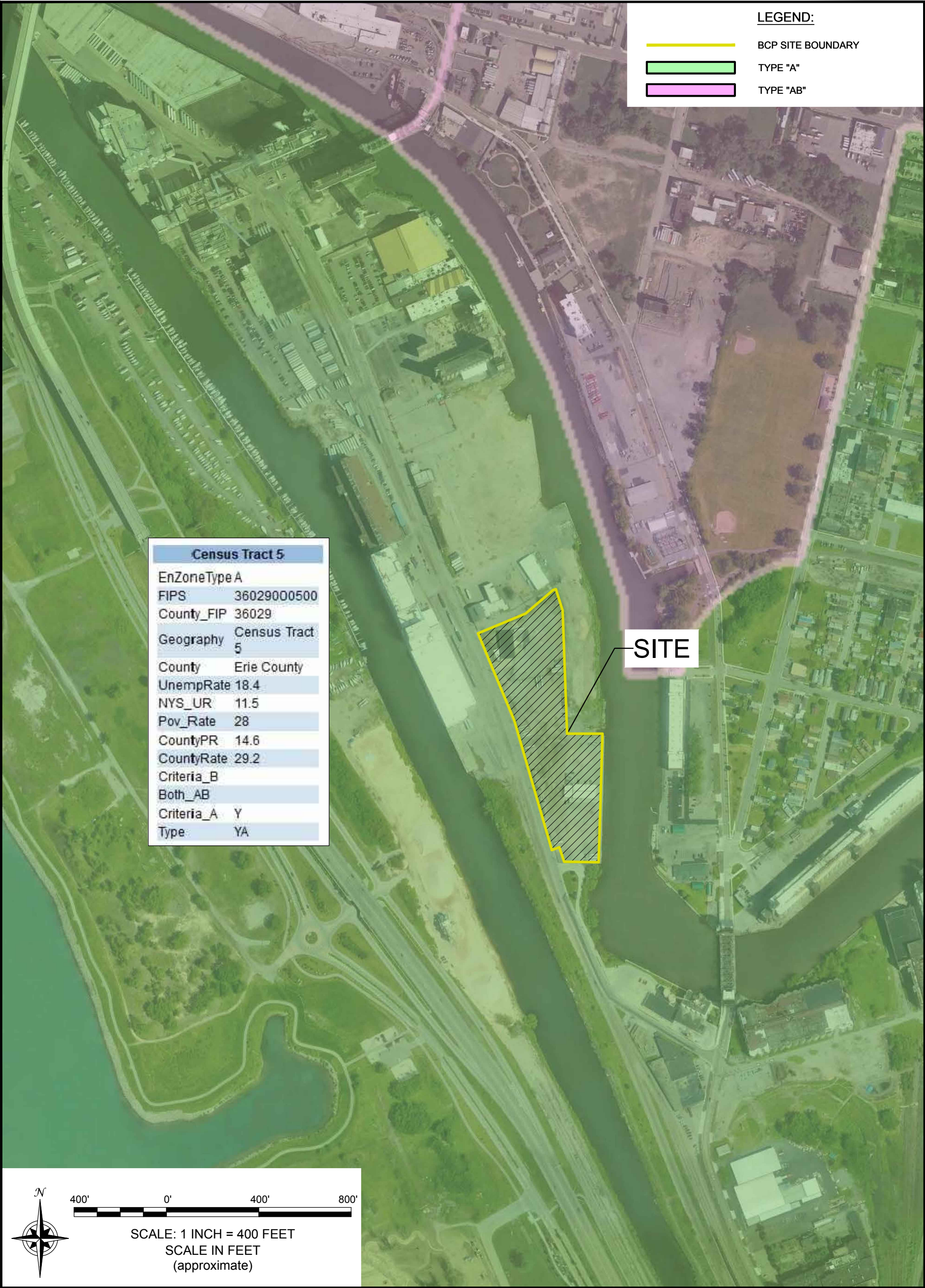
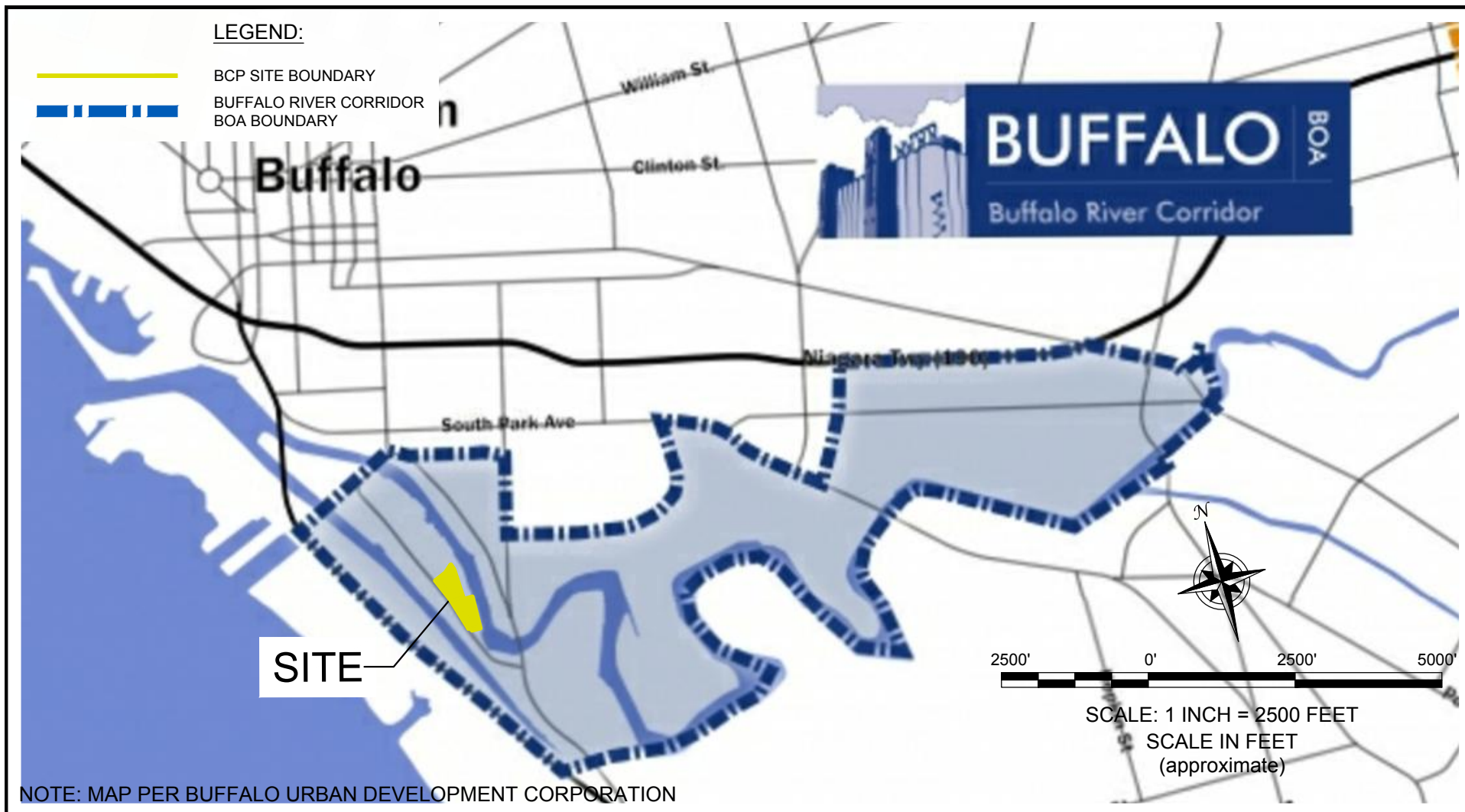


FIGURE 7	NEW YORK STATE ENZONE MAP	 2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599
	BROWNFIELD CLEANUP PROGRAM APPLICATION 145 GANSON STREET SITE BUFFALO, NEW YORK PREPARED FOR SPOTON LEGACY LLC	

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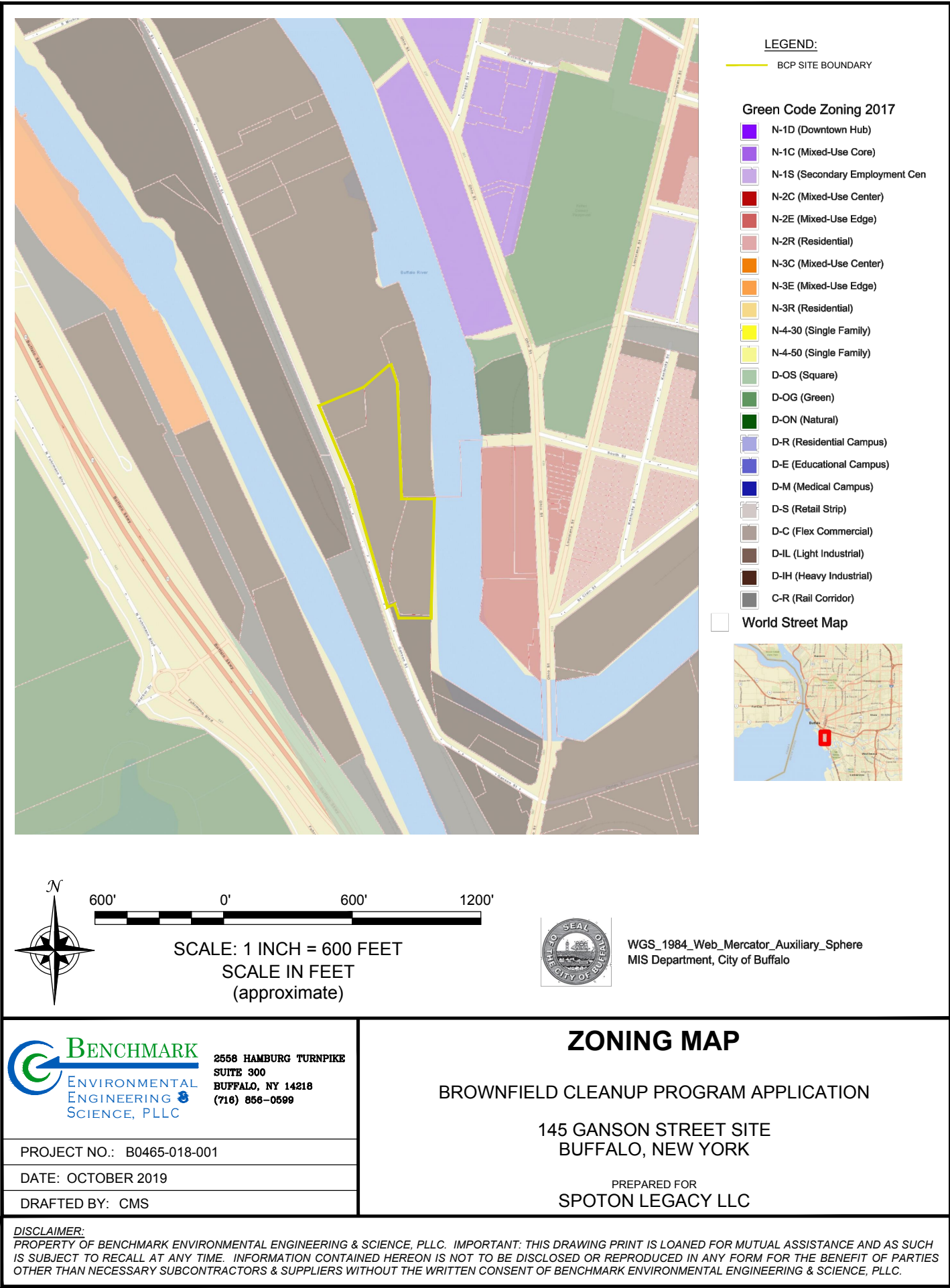
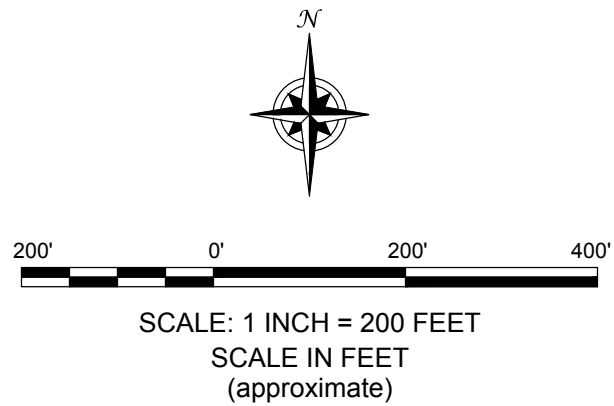
<div><div></div><div>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599</div></div>	<div><div><div>BUFFALO RIVER CORRIDOR BROWNFIELD OPPORTUNITY AREA MAP BROWNFIELD CLEANUP PROGRAM APPLICATION</div><div>145 GANSON STREET SITE BUFFALO, NEW YORK</div><div>PREPARED FOR SPOTON LEGACY LLC</div></div></div>	FIGURE 8
PROJECT NO.: B0465-018-001		
DATE: OCTOBER 2019		
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<div><div>DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.</div></div>		

FIGURE 9



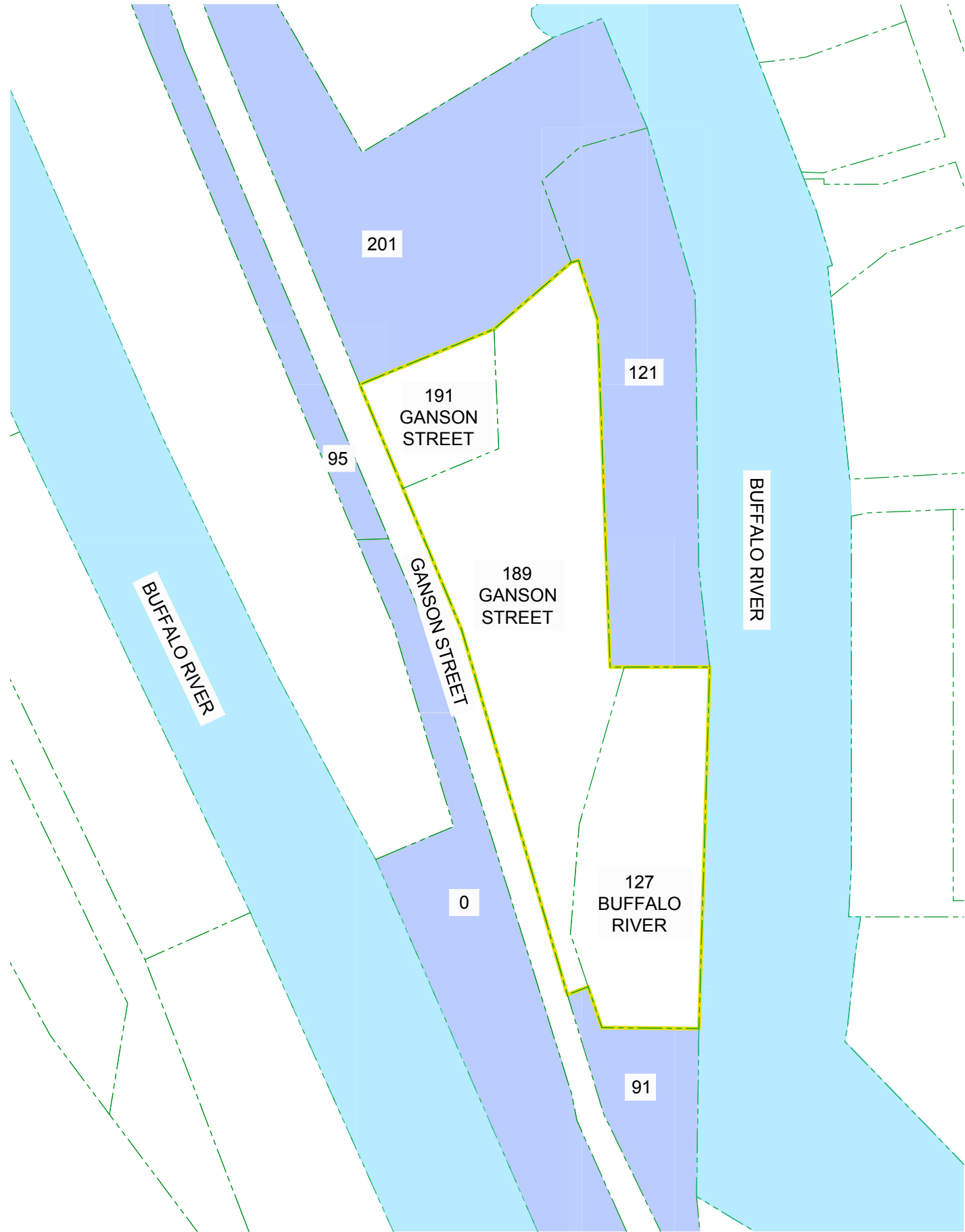
DATE: OCTOBER 2019
DRAFTED BY: CMS



Adjacent Property Address			
No	Street	S.B.L.	Property Description
121	Buffalo River	122.09-2-6	Vacant Industrial
91	Ganson Street	122.13-4-1.2	Vacant Industrial
201	Ganson Street	122.09-2-3.113	Commercial
0	Ganson Street	122.13-3-1	Railroad
95	Michigan South	122.09-1-6.1	Railroad

LEGEND:

- BCP SITE BOUNDARY
- 1000' SETBACK



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
145 GANSON STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
SPOTON LEGACY LLC

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

JOB NO.: 0465-018-001

FIGURE 10

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Soil Map—Erie County, New York



USDA Natural Resources Conservation Service

Web Soil Survey
National Cooperative Soil Survey

LEGEND:

BCP SITE BOUNDARY

MAP UNIT SYMBOL

Ud - URBAN LAND
W - WATER



SCALE: 1 INCH = 600 FEET
SCALE IN FEET
(approximate)



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

PROJECT NO.: 0465-018-001

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SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

145 GANSON STREET SITE
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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 –NYS CORPORATION & BUSINESS ENTITY DATABASE
INFORMATION**

EXHIBIT A2 - OWNER ORGANIZATIONAL CHART

EXHIBIT A3 –SIGNATURE RESOLUTION

**EXHIBIT A4 – ERIE COUNTY REAL PROPERTY INFORMATION AND TAX
PARCEL DETAIL REPORTS**

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SECTION I – REQUESTOR INFORMATION

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

SpotOn Legacy LLC 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 Members, which identifies Douglas Swift as the authorized member of SpotOn Legacy LLC 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

The 145 Ganson Street Site consists of three parcels (189 Ganson Street, 191 Ganson Street and 127 Buffalo River) totaling ± 7 -acres. SpotOn Legacy 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.

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

A preliminary project schedule is shown on Figure 5.

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The redevelopment plans have not been finalized; however, the Volunteer plans to redevelop the entire ±7-acre Site in a commercial capacity including a sports and entertainment complex.

The Project will result in the remediation, redevelopment, and reuse of an environmentally-impacted Site located on Ganson Street in the City of Buffalo, New York.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings, some of which involved minimal remedial activities at the Site, completed for the 145 Ganson Street Site (hereinafter, the “Project Site” or the “Site”) is provided below.

Phase II Environmental Site Assessment – December 1994

The Phase II was completed by AFI Environmental (AFI) for Waste Management of New York, dated December 28, 1994. This study is addressed for 191 Ganson Street; however, it appears to mainly involve the 189 Ganson Street Parcel. During the environmental investigation, the Site being evaluated was identified as 4.78-acres with one office building, one repair/maintenance garage, one detached office trailer, and gravel driveways and parking areas and was owned by Downing Container Services, Inc., which is apparently a related entity to Waste Management.

A previous Phase I Environmental Site Assessment, conducted by AFI in 1993, was referenced within the Phase II text (the Phase I study was not included in the Phase II report). AFI’s Phase I reportedly identified the following recognized environmental conditions (RECs):

- Numerous petroleum stained areas in both the garage areas and staging/parking areas;
- Soils in and around former underground storage tanks (USTs) were never sampled;

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- Fill materials utilized to fill dry docks north of the Site were shown to contain elevated volatile organic compounds (VOCs), polychlorinated biphenyls (PCBs), and metals. Groundwater in the area of the Site has also been shown to contain elevated acetone, methylene chloride, and metals;
- Potential impacts on-Site from the Buffalo River;
- Potential discharges of automotive related chemicals into the combined municipal sewer system;
- Historical uses of the property for industrial purposes;
- Potential impacts to soils and stormwater proximate to truck staging areas.

To assess the RECs detailed above, AFI installed five monitoring wells, completed ten soil borings, and collected three sediment samples. Monitoring wells were installed to approximately 17 feet below ground surface (fbgs) with 10-foot screens to allow infiltration of groundwater, which was reportedly measured at depths ranging between 2.88 and 8.02 fbgs. Soil boring samples were taken from depths ranging from 0.5 to 1 fbgs. Sediment samples were collected from material from the bottom of on-Site catch basins. In total, two soil samples from 0.5 to 1 fbgs, one sediment sample and five groundwater samples were collected for laboratory analysis. Elevated VOCs and semi-volatile organic compounds (SVOCs) were detected in sample areas proximate to former UST and fueling/waste container locations. One sludge/sediment sample taken from a surface runoff inlet indicated elevated levels of VOCs, particularly acetone (39,000 parts per billion, ppb) and toluene (62,400 ppb). PCBs were detected at all sample locations and AFI determined the likely cause to be a result of fill brought on-Site prior to the Downing Container Service's existence or on-Site activity of liquid petroleum fractions within the soil matrix allowing PCBs to become mobile. All groundwater samples were determined to be clean and contain levels of contaminants below NYSDEC drinking water standards.

Based on AFI's Phase II investigation, they recommended a more extensive soil/sediment investigation to determine concentrations, distribution (horizontal and vertical), and source

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of petroleum and PCB-1260 constituents within the soil matrix. Once the source boundaries of contamination are established, AFI recommended implementation of a corrective action plan based on effectiveness, potential impacts to human health and the environment, cost, compatibility with the current commercial nature of the Site, and NYSDEC recommendations.

Remedial Action Plan Soil Investigation Report – May 1995

“Remedial Action Plan Soil Investigation Report, Downing Container, 191 Ganson Street, Buffalo, New York,” completed by AFI, for Waste Management, dated May 8, 1995. The purpose of the work was to further investigate the areal extent and composition of impact constituents to identify the cost to mitigate existing soil/sediment contamination at the Downing Container facility (as previously indicated, Downing Container and Waste Management are apparently related entities). Additional investigation activities included five additional soil samples from three distinct areas of concern identified by AFI as a former UST Area (Area 1), a former roll off dumpster staging area (Area 2), and the gas island/storm sewer inlet area (Area 3). Five soil samples from 6” to 18” were collected and homogenized and analyzed for toxicity characteristic leaching procedure (TCLP) VOCs and TCLP SVOCs. Laboratory analytical results revealed an exceedance of naphthalene at one location at a concentration exceeding applicable regulatory criteria. AFI recommended excavation activities on-Site.

Soil and Sediment Remediation Report, Spill No. 9501488 – September 1995

“Soil and Sediment Remediation Report, Downing Container, 191 Ganson Street, Buffalo, New York,” completed by AFI for Waste Management of New York, dated September 28, 1995. This report is related to Spill No. 9501488 assigned to 191 Ganson Street on May 1, 1995. The purpose of the report is to document the petroleum-impacted soil and sediment encountered at the Downing Container facility (a storage yard and repair shop for WM/Downing Container garbage pickup and roll-off operations). The work included:

- Removal of soil (identified as a 20’ x 20’ x 2.5’ area) from a former UST area.

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- Excavation of soil (identified as a 25' x 25' by 18" area) from a roll off staging area where toluene contaminated soils were reportedly awaiting New York State Department of Environmental Conservation (NYSDEC) approval.
- Excavation of staining in parking lot areas near pump islands and vehicle parking areas.
- Sediment removal and cleaning of storm drains.
- Backfilling of excavation areas with No. 2 crusher run.
- Post excavation soil sampling.

It appears that soil/sediment samples were analyzed for polycyclic aromatic hydrocarbons (PAHs), TCLP VOCs and PCBs. AFI indicated that isolated soil and sediment impacts (apparently for SVOCs, PCBs and metals) across the Site and within the storm water drainage system. AFI further indicated that no groundwater impacts were identified, and post-excavation composite samples were below background levels or lower.

Remedial Action Plan, Spill No. 9501488 – February 1995

“Remedial Action Plan, Downing Container, 191 Ganson Street, Buffalo, New York,” completed by AFI Environmental, for Waste Management, dated February 1995. The report detailed AFI’s plan to complete additional investigation activities in Areas 1 through 3.

Reclassification of Spill No. 9501488

An October 30, 1995 letter from the NYSDEC to Waste Management indicates that the Department reviewed the analytical results from post excavation soil samples and they are not recommending further work since the results were “low levels.” Spill No. 9501488 was reclassified as “inactive” by the Department.

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Phase I Environmental Site Assessment – November 2018

Benchmark completed a Phase I Environmental Site Assessment for the 145 Ganson Street Site (aka 127 Buffalo River and 189-191 Ganson Street), Buffalo, New York prepared for SpotOne, LLC, dated November 2018. The following provides a summary of historic Site uses and RECs identified for the planned BCP Site through Benchmark's review of historic sources including Sanborn maps, city directories, regulatory documents and municipal records.

Approximate Years	Reported or Suspected Use	Owner/Occupant
At least 1889 through current	<p>Current operations include truck maintenance, a truck washing station, office space and storage for truck parts, empty drums, and old vehicles.</p> <p>Historic operations included a mix of industrial, commercial, and residential uses. Sanborn maps indicate various structures and operations throughout these years including lumber sheds, iron ore yards, machine shops, tin shops, railroads, commercial buildings, and restaurants. Various railroad tracks also appeared on-Site. In addition, trucking, container, and transportation, and construction companies were on-Site. Previous studies indicate that Site was historically used as a storage yard and repair shop for Downing Container's garbage pickup, roll off and rental operations. Multiple residential structures were formerly present along Ganson Street.</p> <p>Municipal records and regulatory records indicate installation of at least 14 USTs between 1949 and 1980, and removal of at least eight USTs between 1986 and 1988. The exact locations of several USTs were not identified in historical records. The number of tanks installed versus the number of tanks removed does not correspond which is not uncommon for a Site such as this.</p>	<p>Current owner: George W. Burnett Inc.</p> <p>Past owners/occupants include J. Lloyd, Earl Roberts, American Shipbuilding Co., Buffalo Dry Dock Co., Great Lakes Transit Corp., Earl Roberts, Downing Container Service Inc., N&K Cartage Co. Inc., Lake Erie Transportation Co. Inc., Roy Track Inc., and Carlson Truck Service.</p>

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145 Ganson Street Site

Benchmark's investigation revealed the following RECs in connection with the Site:

- The long history of commercial and industrial operations (i.e., machine shops, tin shops, iron ore yards, railroads, shipbuilding companies, trucking companies with repair, and construction companies) with numerous USTs and various regulatory listings. In addition, the Site was historically used as a storage yard and repair shop for Downing Container garbage pickup, roll off and rental operations.
- Concrete reportedly associated with former USTs/pump island areas were observed by Benchmark during the site visit as was black staining.
- The oil/water separator is considered a REC as the integrity of the oil/water separator is unknown.
- The unknown pipe identified protruding from the ground in the northeastern corner of Building 1 is considered a REC as the exact nature of the pipe is unknown and could not be verified by the Site contact.
- The numerous 55-gallon drums/barrels located in Building 2 are considered RECs as Benchmark could not verify the contents of the drums/barrels.
- It is possible that impacted fill material from unknown sources was brought to the property to use as backfill across the Site including a former boat slip area and former structure areas.

Phase II Environmental Investigation Report – February 2019

Benchmark completed a Phase II Environmental Investigation Report for the 145 Ganson Street Site and documented the findings in a report, dated February 2019. Benchmark's Phase II work consisted of 21 direct-push soil borings designated as SB-1 through SB-21. A total of 12 soil/fill samples were selected for laboratory analysis for Target Compound List (TCL) plus Commissioners Policy-51 (CP-51) VOCs, PAHs, Resource Conservation and Recovery Act (RCRA) metals, and/or PCBs. Four soil borings were converted into temporary wells designated as SB-1W, SB-8W, SB-13W, and SB-20W and sampled using a dedicated and disposable 0.5" polyethylene bailer. Additionally, two existing monitoring wells previously installed by others (designated by Benchmark as MW-1 and MW-2) were sampled using a dedicated and disposable 1.5" polyethylene bailer. Six groundwater samples

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were analyzed for TCL plus CP-51 VOCs. Investigation locations are shown on Figure 6. Findings of the Benchmark Phase II are detailed below:

- The seven-acre Site has a long commercial and industrial history with operations including machine shops, tin shops, iron ore yards, railroads, storage yard and repair shop for a disposal facility, shipbuilding companies, trucking companies with repair/washing, and construction companies. In addition, numerous USTs and a boat slip that was backfilled with fill materials from unknown origins were identified in connection with the Site.
- Field evidence of petroleum impact (i.e., oily product, staining, odors and elevated photoionization detector (PID) readings) was noted in a former UST/pump island area at SB-2 and a proximate southern boring (SB-17) on the 127 Buffalo River parcel.
- Due to the field evidence of petroleum impacts, as required by law, the NYSDEC was notified and Spill No. 1810799 was assigned to the 127 Buffalo River parcel. Ms. Francine Gallego in NYSDEC Region 9 is reportedly the NYSDEC Spill Engineer assigned to the spill incident.
- The highest PID reading identified during the work (72.2 parts per million, ppm) was noted at SB-2. Additional elevated PID readings were identified across the Site at SB-8 (45.7 ppm), SB-10 (13.2 ppm), SB-11 (24.9 ppm) and SB-17 (35.3 ppm) with odors noted. A sheen on water was noted at SB-8 and SB-10.
- Fill material mainly consisting of gravel with sand and/or black granular material mixed with cinders, brick, concrete, and/or glass was noted across the Site at depths ranging between 2 and 10 fbs.
- Analytical results indicated the presence of fill materials impacted by PAHs and metals across the Site with concentrations exceeding 6NYCRR Part 375 Unrestricted Soil Cleanup Objectives (USCOs), Commercial SCOs (CSCOs) and Industrial SCOs (ISCOs). To a lesser extent, based on laboratory results and/or field observations, weathered petroleum impacts are present in a former tank/pump island area on the southern portion of the Site at SB-2 and SB-17 on the 127 Buffalo River Parcel. Field observations also indicated a sheen on groundwater on the northern portion of the Site (191 Ganson Street) at SB-8 and SB-10.
- VOC concentrations in groundwater samples were either not detected above laboratory detection limits or were at concentrations below Groundwater Quality Standards (GWQS).

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

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 145 Ganson Street Site, subject to this BCP Application, is located in a highly developed commercial and industrial area in the City of Buffalo, Erie County, New York (see Figures 1 and 2). The Site totals approximately ± 7 -acres. The Site is currently improved with two structures; Building 1 is located on the southern portion of the Site and Building 2 is located on the northern portion of the Site. Building 1 is a truck maintenance garage, truck washing station, and office, the original western portion of Building 2 is vacant and an addition to the east is a storage area for truck parts, empty drums, and old vehicles. The ± 7 -acre Site consists of three parcels as follows:

- 127 Buffalo River, SBL No. 122.13-4-2, 2.2-acres
- 189 Ganson Street, SBL No. 122.13-4-1.11, 4.1-acres
- 191 Ganson Street, SBL No. 122.09-2-4, 0.7-acre

The Erie County Real Property Information showing current/historic ownership and the Erie County Parcel Reports showing parcel information are provided for reference in Exhibit A4.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located in the US Census Tract 5 and is a NYS designated EN-Zone Type A (see Figure 7), which is indicative of the economic conditions of the surrounding area. Type A EN-Zones include a poverty rate of at least 20% and unemployment rate of at least 125% of the State average. within an EN-Zone area.

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The Site is located within the limits of the Buffalo River Corridor Brownfield Opportunity Area (see Figure 8).

The Site was not identified in the NYSDEC Remediation database.

The Site is identified in the NYSDEC Petroleum Bulk Storage Database (PBS) as follows:

- 9-014621 – 191 Ganson Street:
 - Tank 1 – 4,000-gallon UST closed prior to 03/1991
 - Tank 2 – 10,000-gallon UST closed-removed 12/01/1996
 - Tank 3 – 500-gallon AST converted to non-regulated use/closed 12/1/1991
 - Tank 4 – 275-gallon AST closed-removed 01/01/1995
 - Tank 5 – 275-gallon AST closed-removed 01/01/1995
 - Tank 6 – 275-gallon AST closed-removed 01/01/1995
- 9-421227 – 145 Ganson Street:
 - Tank 001 – 4,000-gallon UST closed prior to 03/1991
 - Tank 002 – 4,000-gallon UST closed prior to 03/1991
 - Tank 003 – 4,000-gallon UST closed prior to 03/1991
 - Tank 004 – 4,000-gallon UST closed prior to 03/1991
 - Tank 1 – 10,000 AST in service

The Site is referenced in the NYSDEC Spills database as follows:

- 8708580 – 145 Ganson Street (closed) – contamination found during tank removal activities reported as “not significant,” no remediation completed.
- 9501905 – 145 Ganson Street (closed) – permitting issue, no indication of a release or remediation.
- 9611387 – 191 Ganson Street (closed) – minimal remediation of approximately 20 tons of diesel fuel contaminated soil found proximate to a fill port during removal of one 10,000-gallon diesel fuel UST.
- 1505539 and 1505541 – 191 Ganson Street (closed) – minimal diesel fuel release from a tractor trailer, no indication of significant remediation.

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- 9501488 – 191 Ganson Street (inactive) – impacts identified during a Phase II; limited remediation completed (removal of approximately 150 tons of surface/near surface soils)
- 1810799 – 127 Buffalo River (active). As described above; petroleum impacts identified in former UST/pump island areas. We understand that this spill will be administratively “closed” upon acceptance into the BCP.

Easements and Permits

SpotOn Legacy 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 Ganson Street located west of the Site. The Site is supplied with and has access to municipal sanitary sewer, electric, natural-gas, and public potable water. SpotOn Legacy LLC is not aware of any other easements or restrictions on the Site.

Location

The Site is located along Ganson Street and the Buffalo River in a highly developed commercial and industrial area of the City of Buffalo, Erie County, New York.

Site Features

The Site is currently improved with two structures; Building 1 is located on the southern portion of the Site and Building 2 is located on the northern portion of the Site. Building 1 is a truck maintenance garage, truck washing station, and office, the original western portion of Building 2 is vacant and an addition to the east is a storage area for truck parts, empty drums, and old vehicles. The remainder of the Site includes asphalt areas, gravel areas, and to a lesser extent, green space on the northern portion of the Site. A portion of the Buffalo River is located east adjacent to the Site. Railroad tracks are located west of the Site.

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Zoning and Land Use

As detailed above, the Site is primarily utilized for commercial purposes. According to the City of Buffalo Property Viewer Application, all parcels are zoned as Light Industrial (D-II) (Figure 9). Allowable uses under these zoning classifications, as per City of Buffalo, Chapter 496, Unified Development Ordinance (January 2017), include industrial and commercial uses such as civic, lodging, retail and service, employment, agricultural, transportation, and infrastructure. As such, the planned reuse of the Site in a commercial capacity is consistent with the City of Buffalo Green Code, Land Use Plan (January 2017) zoning for the area.

The Site is bordered by industrial and commercial properties to the north and south, Ganson Street, industrial facilities, and railroad tracks to the west, and the Buffalo River to the east (see Figure 4). Adjacent property owners are identified on Figure 10.

Past Use of the Site

The Site has a long commercial and industrial history with operations including machine shops, tin shops, iron ore yards, railroads, a storage yard and repair shop for a disposal company (Downing Container), trucking companies with repair/washing, and construction companies since at least 1889. Municipal records and regulatory records indicate installation of at least fourteen petroleum USTs at the Site between 1949 and 1980 and removal of at least eight USTs between 1986 and 1988. In addition, boat dock/slips located on-Site were previously backfilled and brought to grade with fill materials from unknown origins.

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 Buffalo 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

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Urban Land (Ud) (see Figure 11). 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 fill materials of varying thickness across the Site at depths ranging between 2 fbgs and 10 fbgs overlying native soils consisting of sandy lean clay and/or fine sand to a depth of at least 16 fbgs. Fill materials encountered during this investigation consisted of gravel with sand and/or black granular material mixed with cinders, brick, concrete, and/or glass.

Groundwater was encountered during the drilling work at all soil borings at varying depths generally ranging from near surface at 3 fbgs in the northernmost boring locations and between approximately 5 fbgs to 8 fbgs in the remainder of the Site. Bedrock was not encountered during the work. Groundwater flow is likely to the east toward the Buffalo River. Local groundwater flow, however, 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 a long commercial and industrial history with operations including machine shops, tin shops, iron ore yards, railroads, a storage yard and repair shop for a disposal company (Downing Container), trucking companies with repair/washing, and construction companies since at least 1889. Municipal records and regulatory records indicate installation of at least fourteen petroleum USTs at the Site between 1949 and 1980 and removal of at least eight USTs between 1986 and 1988. In addition, boat dock/slips located on-Site were previously backfilled and brought to grade with fill materials from unknown origins.

APPENDIX A
BCP Application – Part A
Section I – Section IV
145 Ganson Street Site

The Site is underlain by urban fill impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 USCOs, CSCOs and/or ISCOs. To a lesser extent, elevated PID readings were identified at SB-2 (72.2 ppm) and SB-17 (35.3 ppm) proximate to former USTs and pump island locations in the southern portion of the Site and at SB-8 (45.7 ppm), SB-10 (13.2 ppm), and SB-11 (24.9 ppm) proximate to former USTs and pump island locations in the northern portion of the Site. No VOC exceedances were identified in soil/fill or groundwater at these locations; however, oily product, sheen on water, and petroleum-like odors are present indicating weathered petroleum impacts. The impacts identified at the Site are reasonably attributed to historic operations, tanks and backfill materials from unknown origins. 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 February 2019. 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 and/or ISCOs at four investigation locations, SB-7, SB-13, SB-14, and SB-21. The contaminants and their respective exceedances were identified in the soil/fill material at these locations.

- Benzo(a)anthracene exceeded its ISCO at two locations (SB-13 and SB-21).
- Benzo(a)pyrene exceeded its ISCO at four locations (SB-7, SB-13, SB-14, and SB-21).
- Benzo(b)fluoranthene exceeded its ISCO at two locations (SB-13 and SB-21).
- Dibenzo(a,h)anthracene exceeded its ISCO at one location (SB-21).
- Indeno(1,2,3-cd)pyrene exceeded its CSCO at one location (SB-13) and exceeded its ISCO at one location (SB-21).

APPENDIX A
BCP Application – Part A
Section I – Section IV
145 Ganson Street Site

Metal Analytes

Metal analytes were detected above their respective Part 375 CSCOs and/or ISCOs at seven investigation locations, SB-7, SB-8, SB-13, SB-14, SB-15, SB-20, and SB-21.

- Arsenic exceeded its ISCO at five locations (SB-7, SB-13, SB-14, SB-20, and SB-21).
- Barium exceeded its CSCO at one location (SB-8).
- Lead exceeded its CSCO at two locations (SB-8 and SB-20).
- Mercury exceeded its ISCO at one location (SB-15).

VOC Analytes

Soil/Fill – No VOCs were identified in soil/fill at concentration above Unrestricted Soils Cleanup Objectives (USCOs) or CP-51 Soil Cleanup Levels (SCLs). Based on the lack of VOC concentrations and our field observations during the previous Phase II, weathered petroleum impacts are present on-Site.

Groundwater – No VOCs were identified in groundwater at concentrations above Class GA GWQS.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through December 3, 2019.

Selected Entity Name: SPOTON LEGACY LLC

Selected Entity Status Information

Current Entity Name: SPOTON LEGACY LLC

DOS ID #: 5611124

Initial DOS Filing Date: AUGUST 27, 2019

County: ERIE

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

SPOTON LEGACY LLC
200 DELAWARE AVENUE
UNIT 1409
BUFFALO, NEW YORK, 14202

Registered Agent

NONE

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

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
-------------	---------------	--------------------

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 27, 2019	Actual	SPOTON LEGACY 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.

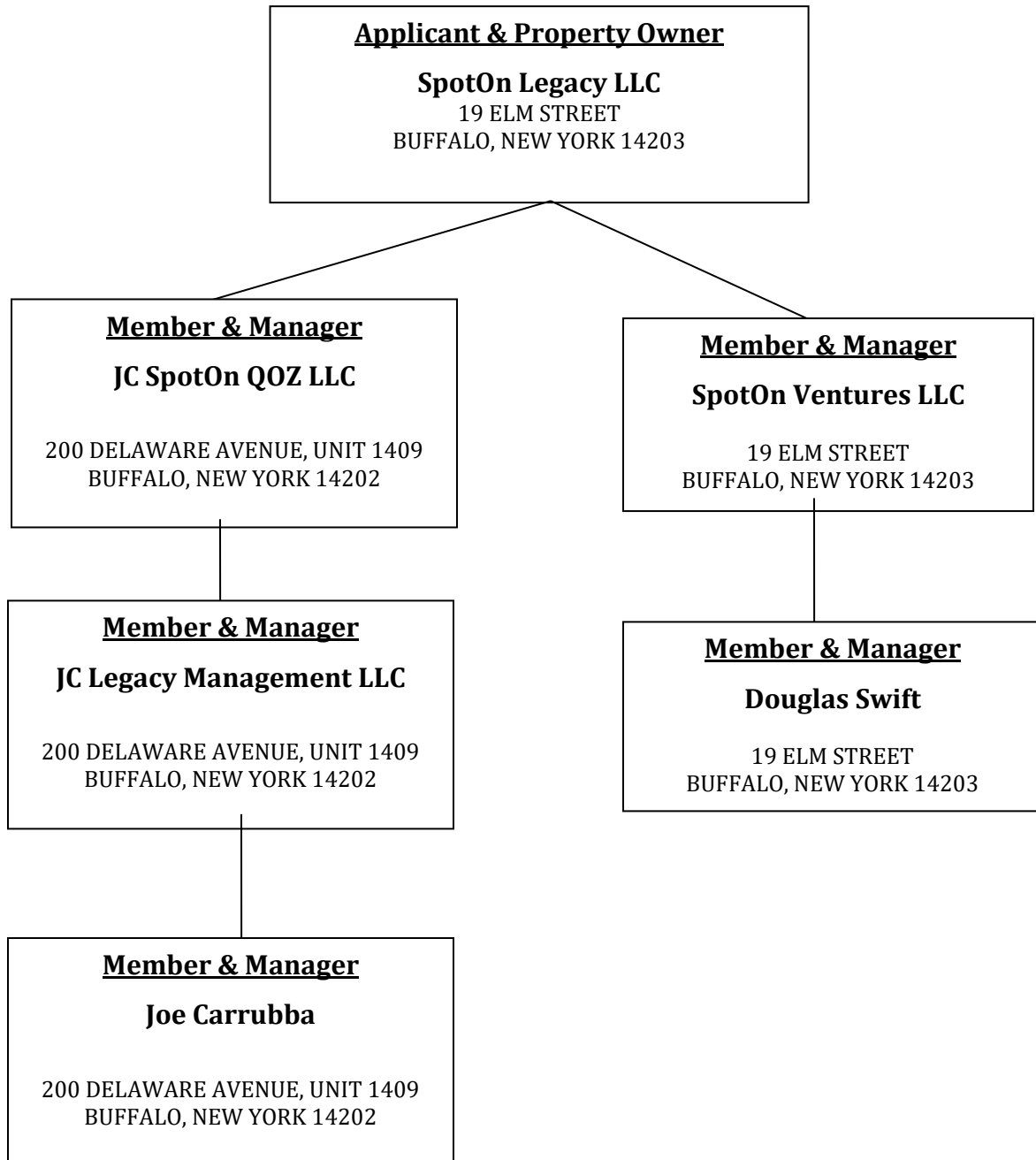
NOTE: New York State does not issue organizational identification numbers.

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145 GANSON STREET SITE

ORGANIZATIONAL CHART



SPOTON LEGACY, LLC

UNANIMOUS WRITTEN CONSENT OF MEMBERS AND MANAGER

December 13, 2019

The undersigned being the holders of all of the membership interest of **SPOTON LEGACY LLC**, a Delaware limited liability company (the “**Company**”) and the Manager of 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 Douglas Swift (an “**Authorized Person**”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program (“**BCP**”) Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 127 Buffalo River and 189 and 191 Ganson Street (SBL Nos. 122.13-4-2, 122.13-4-1.11, and 122.09-2-4, respectively), Buffalo, New York; and be it further

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

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

[The rest of the page is left intentionally blank; signature page to follow]

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

THE MANAGER:

SPOTON VENTURES LLC

By: 
Name: Douglas Swift
Title: Manager

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

On the 13th day of December in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Douglas Swift, 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.

LAURA YIN GLING
Notary Public, State of New York
No. 01Y1678822
Qualified in Erie County
My Commission Expires December 10, 2023


Notary Public


THE MEMBERS:

JC SPOTON QOZ LLC

By: JC Legacy Management, Inc., its Manager

By: _____
Name: Joseph Carubba
Title: President

SPOTON VENTURES LLC

By: 
Name: Douglas Swift
Title: Manager

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

On the _____ day of December in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Joseph Carubba, 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

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

THE MANAGER:

SPOTON VENTURES LLC

By: 
Name: Douglas Swift
Title: Manager

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

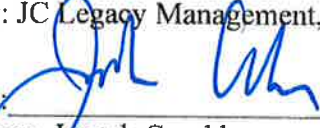
On the _____ day of December in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Douglas Swift, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument 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

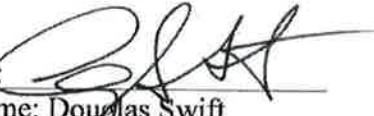
THE MEMBERS:

JC SPOTON QOZ LLC

By: JC Legacy Management, Inc., its Manager


By: 
Name: Joseph Carubba
Title: President

SPOTON VENTURES LLC

By: 
Name: Douglas Swift
Title: Manager

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

On the 13th day of December in the year 2019, before me, the undersigned, a Notary Public in and for the said state, personally appeared Joseph Carubba, 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

BARBARA D. SCHNURSTEIN
Notary Public, State of New York
Commission No. 01SC6192610
Qualified in Erie County
My Commission Expires 09/02/2020

127 Buffalo River (SBL No. 122.13-4-2)

Real Property Information

Owner NATIONAL GYPSUM CO	Book-Page/Date 7855-441 * 10/26/1971 *
Owner CITY OF BUFFALO	Book-Page/Date 9398-398 * 11/27/1984 *
Owner NATIONAL GYPSUM COMPANY	Book-Page/Date 9535-569 * 1/21/1986 *
Owner BURNETT GEORGE INC	Book-Page/Date 10902-4981 * 6/7/1996 *
Owner BAUER JOHN A	Book-Page/Date 11112-7322 * 4/25/2006 *
Owner GEORGE W BURNETT INC	Book-Page/Date 11171-9664 * 10/28/2009 *
Owner SPOTON LEGACY LLC	Book-Page/Date 11349-572 * 8/29/2019 *

Current Owner

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

Real Property Information

189 Ganson Street (SBL No. 122.13-4-1.11)

Owner	DOWNING CONTAINER SERVICE INC	Book-Page/Date	8756-474 * 2/23/1979 *
Owner	GEORGE W BURNETT INC	Book-Page/Date	10882-5401 * 1/27/1995 *
Owner	BAUER JOHN A	Book-Page/Date	11112-7316 * 4/25/2006 *
Owner	GEORGE W BURNETT INC	Book-Page/Date	11171-9667 * 10/28/2009 *
Owner	SPOTON LEGACY LLC	Book-Page/Date	11349-572 * 8/29/2019 *

Current Owner

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

Real Property Information

191 Ganson Street (SBL No. 122.09-2-4)

Owner	DOWNING FRANCIS J	Book-Page/Date	7200-69 * 1/17/1968 *
Owner	GEORGE W BURNETT INC	Book-Page/Date	10882-5401 * 1/27/1995 *
Owner	BAUER JOHN A	Book-Page/Date	11112-7613 * 4/25/2006 *
Owner	GEORGE W BURNETT INC	Book-Page/Date	11171-9667 * 10/28/2009 *
Owner	SPOTON LEGACY LLC	Book-Page/Date	11349-572 * 8/29/2019 *

Current Owner

Owner Name {Last Name First} or

Property Address No./ Street

S-B-L

Search All ▼

Submit Query

Clear Form

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
10/30/2019 4:44:26 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001221300004002000

SBL: 122.13-4-2

Address: 127 BUFFALO RIVER

Owner 1: GEORGE W. BURNETT INC.

Owner 2:

Mailing Address: 145 GANSON ST

City/Zip: BUFFALO NY 14203

Municipality: City of Buffalo

Property Class: 433

Class Description: C - Auto body

Front: 550

Depth: 0

Deed Roll: 1

Deed Book: 11171

Deed Page: 9664

Deed Date:

Acreage: 2.20082898778

Total Assessment: \$277,200

Land Assessment: \$119,800

County Taxes: \$277,200

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

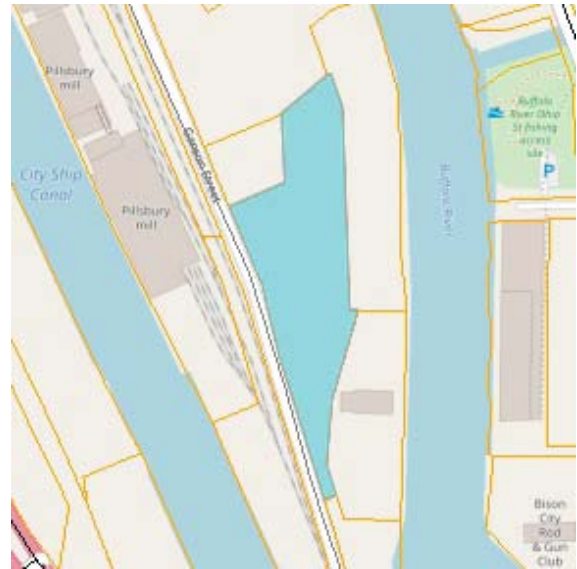
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
10/30/2019 4:43:28 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001221300004001110
SBL: 122.13-4-1.11
Address: 189 GANSON
Owner 1: GEORGE W. BURNETT INC.
Owner 2:
Mailing Address: 145 GANSON
City/Zip: BUFFALO NY 14203
Municipality: City of Buffalo
Property Class: 340
Class Description: B - Vacant indus
Front: 830
Depth: 50
Deed Roll: 1
Deed Book: 11171
Deed Page: 9667
Deed Date:

Acreage: 4.05068519256
Total Assessment: \$18,700
Land Assessment: \$18,700
County Taxes: \$18,700
Town Taxes: \$0
School Taxes: \$0
Village Taxes: \$0
School District: CITY OF BUFFALO
Year Built: 0
Sqft Living Area: 0
Condition: 0
Heating: 0
Basement: 0
Fireplace: 0
Beds: 0
Baths: 0

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
10/30/2019 4:40:50 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001220900002004000
SBL: 122.09-2-4
Address: 191 GANSON
Owner 1: GEORGE W. BURNETT INC.
Owner 2:
Mailing Address: 145 GANSON
City/Zip: BUFFALO NY 14203
Municipality: City of Buffalo
Property Class: 449
Class Description: C - Warehouse
Front: 174.7
Depth: 0
Deed Roll: 1
Deed Book: 11171
Deed Page: 9667
Deed Date:

Acreage: 0.74944573443
Total Assessment: \$140,000
Land Assessment: \$14,700
County Taxes: \$140,000
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
145 Ganson Street Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Available information for the current and previous owners/operators, obtained from historical sources such as city directories and municipal records, is provided in the table below, as available.

Property Owner/Occupant Information	Approx. Date(s)	Relationship to Applicant
145 Ganson Street Site - Current Owner/Operator		
SpotOn Legacy LLC - Owner 200 Delaware Avenue, Unit 1409 Buffalo, NY 14202	August 2019 ~ Current	Owner/Applicant
145 Ganson Street Site - Previous Owners/Operators		
George W. Burnett Inc. – Owner and occupant 145 Ganson Street Buffalo, New York 14203	October 2009 ~ August 2019	None – No relationship
John A. Bauer – Owner	April 2006 ~ October 2009	None – No relationship
127 Buffalo River - Previous Owners/Operators		
George Burnett Inc. – Owner and occupant	June 1996 ~ April 2006	None – No relationship
National Gypsum Company – Owner	January 1986 – June 1996	None – No relationship
City of Buffalo – Owner	November 1984 ~ January 1986	None – No relationship
National Gypsum Company – Owner N&K Cartage Co. Inc. - Occupant	October 1971 ~ November 1984	None – No relationship
Carlson Trucking Service – Owner	1949 ~ 1971	None- No relationship
189 Ganson Street - Previous Owners/Operators		
George W. Burnett Inc. – Owner	January 1995 ~ April 2006	None – No relationship
Downing Container Services Inc. – Owner and Occupant	February 1979 ~ January 1995	None – No relationship

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Earl Roberts – Owner and occupant	1925 ~ 1979	None – No relationship
191 Ganson Street - Previous Owners/Operators		
George W. Burnett Inc. – Owner Safeway Steel Products – Occupant	January 1995 ~ April 2006	None – No relationship
Francis J. Downing – Owner Downing Container Services Inc. – Occupant	1966 ~ January 1995	None – No relationship
American Shipbuilding Company – Owner Buffalo Dry Docks – Occupant	1940 ~ 1966	None – No relationship
Buffalo Dry Dock Company – Owner	1918 ~1940	None – No relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

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

PAH and metal impacts are present at the Site. To a lesser extent, VOC impacts are also present at the Site. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins, tanks and historic industrial/commercial operations.

Since the Applicant and its member became involved with the property after disposal or discharge of contaminants, and has no relationship with the previous owners/operators of the Site, SpotOn Legacy 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.

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BCP Application – Part B
Section V – Section X
145 Ganson Street Site

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

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

Christopher Scanlon
South District Councilmember
1504 City Hall
Buffalo, NY 14202

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

APPENDIX B
BCP Application – Part B
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145 Ganson Street Site

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 Channel 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

Nearby School:

Casey Young and Naomi Cerre
Principal
Buffalo Public School #131
425 South Park Avenue
Buffalo, NY 14204

APPENDIX B
BCP Application – Part B
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145 Ganson Street Site

Nearby Day Care Center:

Valley Child Care Center
93 Leddy Street
Buffalo, NY 14210

Other Interested Parties:

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

Document Repository:

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

APPENDIX B
BCP Application – Part B
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145 Ganson Street 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 10).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
121	Buffalo River	Industrial – Vacant	Ganson Group LLC 295 Main St., Ste 210 Buffalo, New York 14203
91	Ganson Street	Industrial – Vacant	Lafarge Corporation 8700 W Bryn Mawr Ave., Ste 300 Chicago, IL 60631
201	Ganson Street	Commercial	Ganson Group LLC 295 Main St., Ste 210 Buffalo, New York 14203
0	Ganson Street	Commercial – Railroad	Con-Rail BFLO CRK RR PO Box 8499 Philadelphia, PA 19103
95	Michigan South	Commercial - Railroad	Con-Rail BFLO CRK RR PO Box 8499 Philadelphia, PA 19103

APPENDIX B
BCP Application – Part B
Section V – Section X
145 Ganson Street Site

Document Repository

The Buffalo and Erie County Library – Central 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 D-IL - Light Industrial (see Figure 9). The planned redevelopment is consistent with the City of Buffalo Green Code assigned zoning.

2 – Current/Historic Use

The Site is improved with two structures; Building 1 is located on the southern portion of the Site and Building 2 is located on the northern portion of the Site. Building 1 is a truck maintenance garage, truck washing station, and office, the original western portion of Building 2 is vacant and an addition to the east is a storage area for truck parts, empty drums, and old vehicles. The remainder of the Site includes asphalt areas, gravel areas, and to a lesser extent, green space on the northern portion of the Site.

Based on historic records and previous studies, the Site has a long commercial and industrial history with operations including machine shops, tin shops, iron ore yards, railroads, a storage yard and repair shop for a disposal company (Downing Container), trucking companies with repair/washing, and construction companies since at least 1889. Municipal records and regulatory records indicate installation of at least 14 petroleum USTs at the Site between 1949 and 1980 and removal of at least eight USTs between 1986 and 1988. In addition, boat dock/slips located on-Site were previously backfilled and brought to grade with fill materials from unknown origins. The Site is underlain by urban fill impacted by PAHs and metals yielding concentrations above 6NYCRR Part 375 CSCOs and ISCOs. To a lesser extent, soil/fill in the location of former USTs and a former pump island on the 127 Buffalo River parcel is impacted by petroleum based on field evidence of oily product/black

APPENDIX B
BCP Application – Part B
Section V – Section X
145 Ganson Street Site

staining, petroleum odors, and elevated PID readings. In addition, petroleum-like odors and sheen on groundwater were observed at two investigation locations on the 191 Ganson Street parcel. No VOCs were identified in soil at concentrations above regulatory standards indicating weathered petroleum. The impacts identified at the Site are reasonably attributed to historic industrial operations, tanks and fill materials from unknown origins.

3, 4, 5 and 6 – Planned Future Use

The anticipated future Site use will include a sports and entertainment complex.

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



October 14, 2019

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

Re: Document Repository for Brownfield Cleanup Program
145 Ganson Street Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & Erie County Public Library – Central 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 'Chad M. Schuster'.

Chad Schuster
Environmental Scientist

File: B0465-018-001

www.benchmarkturnkey.com

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

From: [April Tompkins](#)
To: [Chad Schuster](#)
Subject: FW: Document Repository Request - 145 Ganson Street Site
Date: Monday, October 14, 2019 4:35:38 PM
Attachments: [B1-Document Repository Request Central Branch.pdf](#)

Good afternoon Chad,

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 **145 Ganson Street 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

From: Chad Schuster <CSchuster@benchmarkturnkey.com>
Sent: Monday, October 14, 2019 1:29 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - 145 Ganson Street Site

Dear Ms. Tompkins:

Please find attached a letter of transmittal request the Buffalo and Erie County Library act as the document repository for the **145 Ganson Street Site**. Please respond at your earliest convenience and feel free to contact me if you have any questions.

Sincerely,

Chad M. Schuster
Environmental Scientist
cschuster@benchmarkturnkey.com

Benchmark Environmental Engineering & Science, PLLC
www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Cell: (716) 346-2818, Facsimile: (716) 856-0583

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