

Brownfield Cleanup Program Application

*Hertel and Foundry Site
Buffalo, New York*

Revised March 2020

0508-019-001

Prepared For:

Kam Cleanup LLC



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*

Section I. Requestor Information - See Instructions for Further Guidance		DEC USE ONLY BCP SITE #:
NAME Kam Cleanup LLC		
ADDRESS 5555 Main Street		
CITY/TOWN Williamsville		ZIP CODE 14221
PHONE 716-870-4878	FAX 716-932-7894	E-MAIL lofasofred@yahoo.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"> 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 <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"> 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
<p>1. What stage is the project starting at? <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation</p> <p>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.</p> <p>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 Not Applicable</p> <p>3. Please attach a short description of the overall development project, including:</p> <ul style="list-style-type: none"> 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	X		
Metals	X		
Pesticides			
PCBs			
Other*			

*Please describe: _____

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

- **SAMPLE LOCATION** **See Appendix A; Section III**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE** **See Figure 6**
- **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**

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?* Yes No
 (*answering No will result in an incomplete application)

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: Malt house, kiln house, water tempering, grain elevators/tanks, warehousing, insulation & glass product distribution, railroad

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME Hertel and Foundry

ADDRESS/LOCATION 356 Hertel Avenue and 42 Foundry Street

CITY/TOWN Buffalo

ZIP CODE 14207

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

COUNTY Erie

SITE SIZE (ACRES) 2.99

LATITUDE (degrees/minutes/seconds)

42 ° 56 ' 46.15 "

LONGITUDE (degrees/minutes/seconds)

78 ° 53 ' 41.85 "

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
356 Hertel Avenue	77.74	4	22	1.94
42 Foundry Street	77.74	4	21	1.05

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

See Figure 7 If yes, identify census tract : 56

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?

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 #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Fred LoFaso

ADDRESS 5555 Main Street

CITY/TOWN Williamsville ZIP CODE 14221

PHONE 716-870-4878	FAX 716-932-7894	E-MAIL lofasofred@yahoo.com
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NAME OF REQUESTOR'S CONSULTANT Michael A. Lesakowski

ADDRESS 2558 Hamburg Turnpike, Suite 300

CITY/TOWN Buffalo ZIP CODE 14218

PHONE 716-856-0599	FAX 716-856-0583	E-MAIL mlesakowski@turnkeyllc.com
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NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq.

ADDRESS 500 Seneca Street, Suite 504

CITY/TOWN Buffalo ZIP CODE 14204

PHONE (716)-845-6760	FAX (716)-845-6764	E-MAIL cslater@cslaterlaw.com
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Section VI. Current Property Owner/Operator Information – if not a Requestor See Appendix B; Section VII

CURRENT OWNER'S NAME Shylo Group, Inc. OWNERSHIP START DATE: ^{7/14/2000 (356 Hertel Ave.)}
_{4/15/2002 (42 Foundry St.)}

ADDRESS 356 Hertel Avenue

CITY/TOWN Buffalo ZIP CODE 14207

PHONE 716-870-4878	FAX 716-932-7894	E-MAIL lofasofred@yahoo.com
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CURRENT OPERATOR'S NAME Same as Owner

ADDRESS Same as Owner

CITY/TOWN Same as Owner ZIP CODE Same as Owner

PHONE Same as Owner	FAX Same as Owner	E-MAIL Same as Owner
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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 Remediation entity

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

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

Section IX. Contact List Information

See Appendix B; Section 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. **See Figure 9**
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository**. In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

See Appendix B; Section X

1. What is the current municipal zoning designation for the site? D-IL (Light Industrial)

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

Residential Commercial Industrial **See Appendix B, Section X**

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

I hereby affirm that I am Managing Member (title) of Kam Cleanup 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: 2-6-2020

Signature: 

Print Name: Fred LoFaso

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.

Not Applicable

BCP App Rev 10

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
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.	<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
From ECL 27-1405(31):	
<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>	
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)	
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: Hertel and Foundry
City: Buffalo

Site Address: 356 Hertel Avenue and 42 Foundry Street
County: Erie **Zip:** 14207

Tax Block & Lot
Section (if applicable): 77.74 **Block:** 4 **Lot:** 22

Requestor Name: Kam Cleanup LLC
City: Williamsville

Requestor Address: 5555 Main Street
Zip: 14221 **Email:** lofasofred@yahoo.com

Requestor's Representative (for billing purposes)

Name: Fred LoFaso **Address:** 5555 Main Street
City: Williamsville **Zip:** 14221

Email: lofasofred@yahoo.com

Requestor's Attorney

Name: Mr. Craig Slater, Esq. **Address:** 500 Seneca Street, Suite 504
City: Buffalo **Zip:** 14204

Email: cslater@cslaterlaw.com

Requestor's Consultant

Name: Michael A. Lesakowski **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo **Zip:** 14218

Email: mlesakowski@turnkeyllc.com

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

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

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

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

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

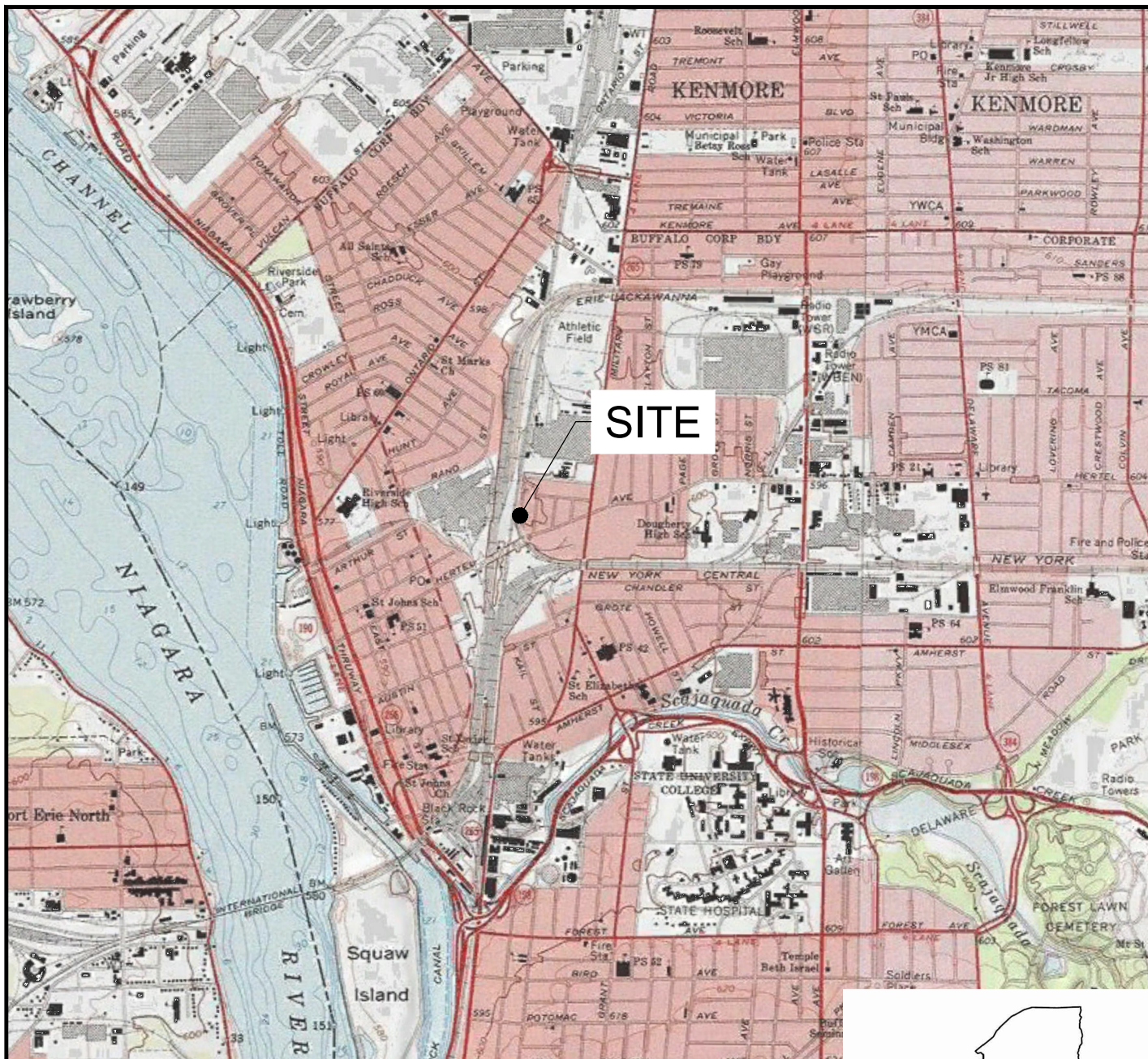
DER/OGC Determination: Agree Disagree Undetermined

Notes:

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Investigation Locations & Areas of Concern
Figure 7	En-Zone Map
Figure 8	Brownfield Opportunity Area Map
Figure 9	Adjacent Property Owners
Figure 10	Zoning Map
Figure 11	USDA Soil Type Map

FIGURE 1



SCALE: 1 INCH = 2500 FEET
SCALE IN FEET
(approximate)



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

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK

PREPARED FOR

KAM CLEANUP LLC

PROJECT NO.: 0508-019-001

DATE: FEBRUARY 2020

DRAFTED BY: CEH

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC **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 & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

FIGURE 2

F:\CAD\TurnKey\LoFaso\356 Hertel and 42 Foundry\BCP Application\Figure 2- Site Plan (Aerial).dwg, 2/6/2020 12:46:17 PM



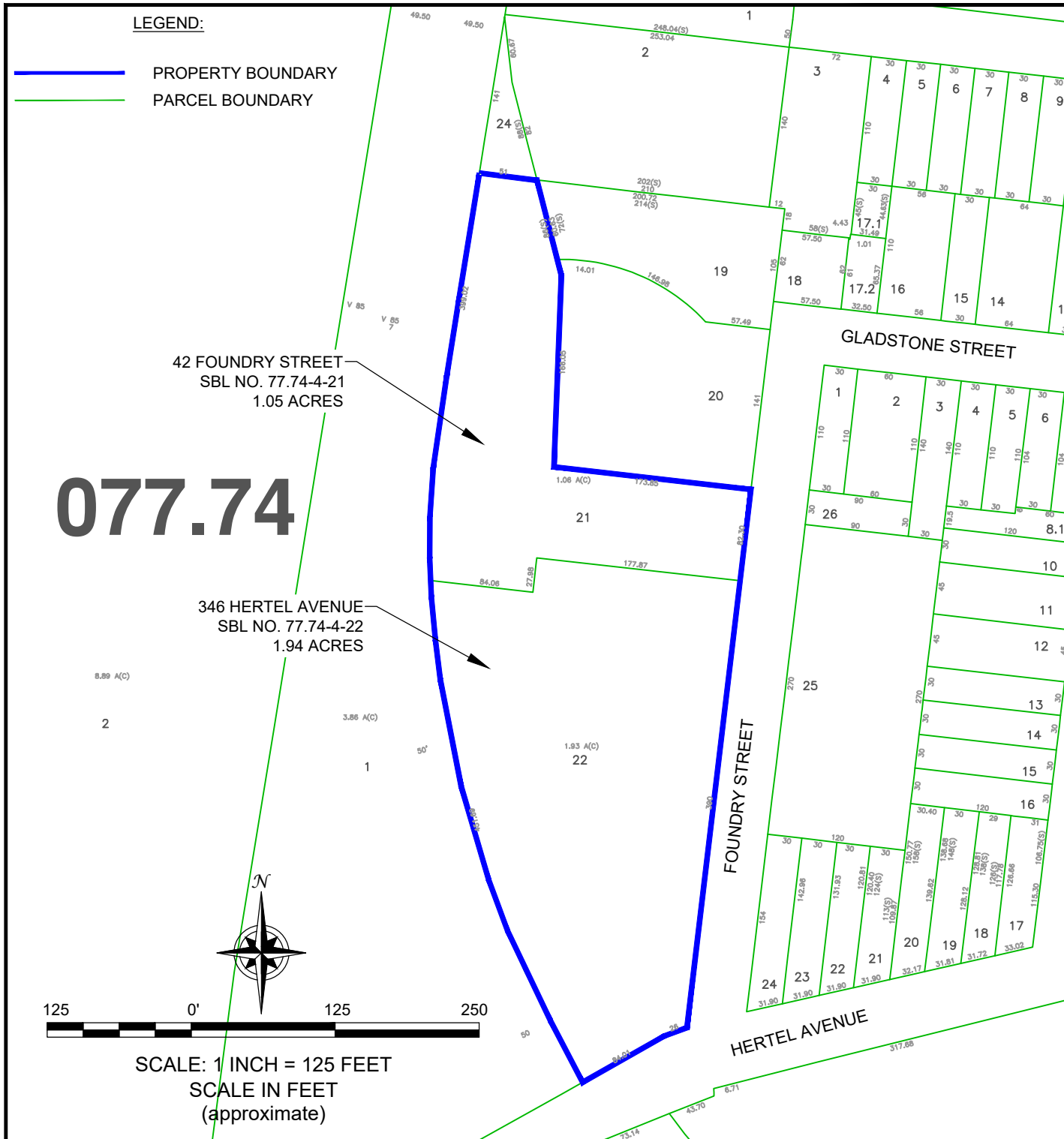
PROJECT NO.: 0508-019-001
 DATE: FEBRUARY 2020
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SITE PLAN (AERIAL)
 BROWNFIELD CLEANUP PROGRAM APPLICATION
 HERTEL AND FOUNDRY SITE
 BUFFALO, NEW YORK
 PREPARED FOR
 KAM CLEANUP LLC

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FIGURE 3

F:\CAD\TurnKey\LoFaso\356 Hertel and 42 Foundry\BCP Application\Figure 3: Tax Map 2.dwg, 2/6/2020 12:47:11 PM





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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK

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FIGURE 4

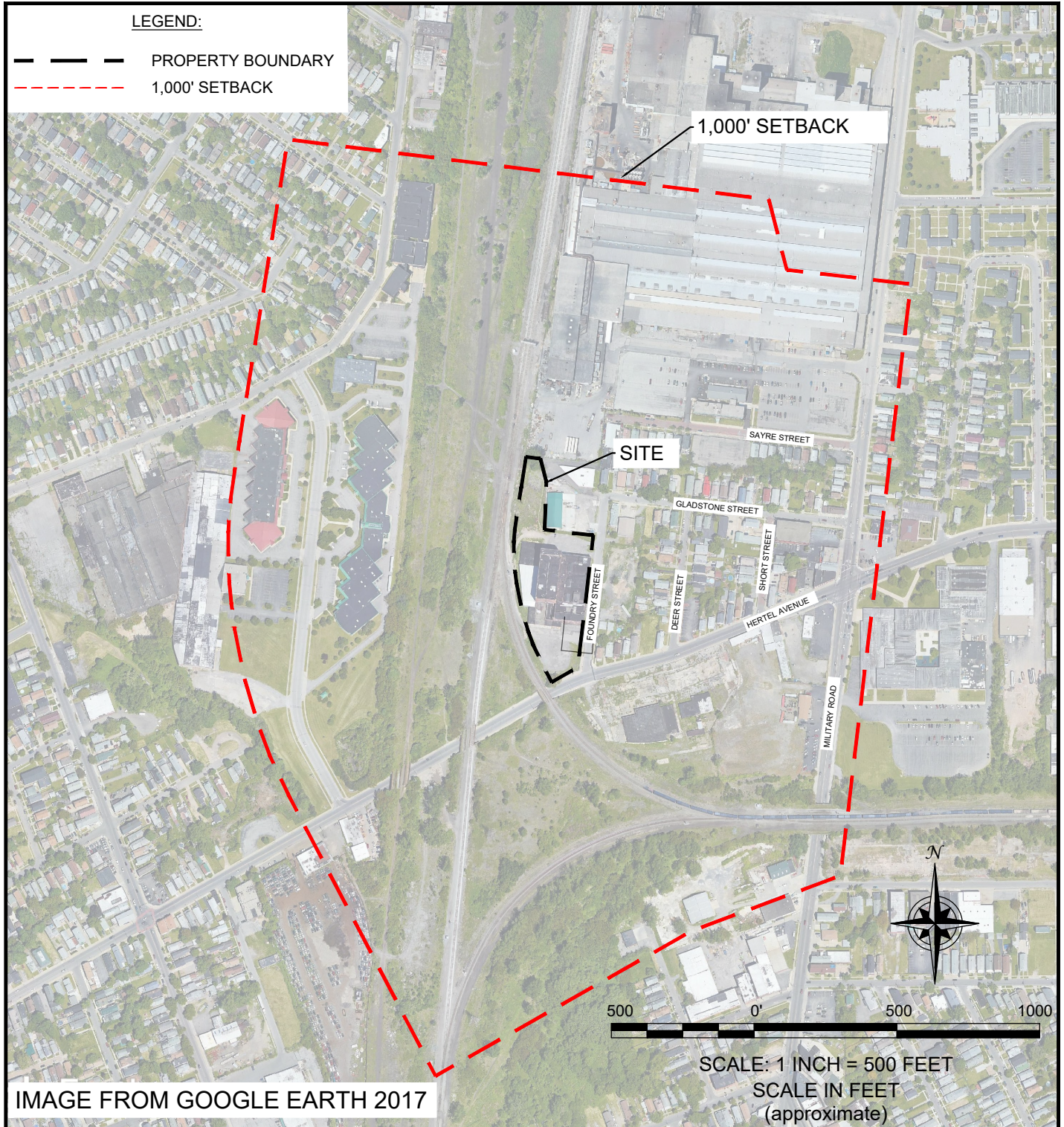


IMAGE FROM GOOGLE EARTH 2017



PROPERTY BASE MAP (1,000' SETBACK)

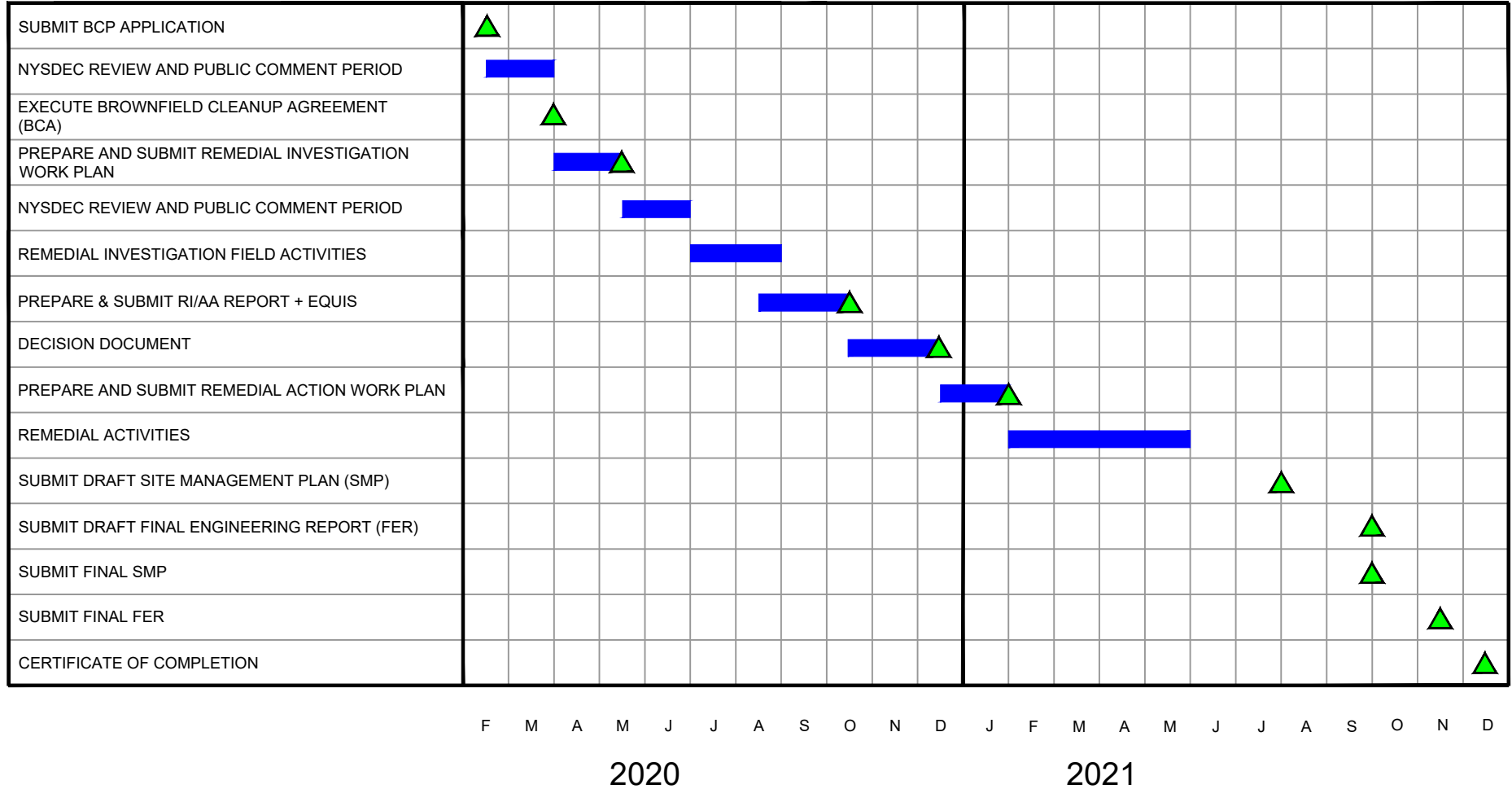
BROWNFIELD CLEANUP PROGRAM APPLICATION
HERTEL AND FOUNDRY SITE


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PROJECT TASKS:





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DATE: FEBRUARY 2020

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK

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FIGURE 5

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LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- TP-1 TEST PIT
- S-1 SURFACE SOIL SAMPLE


NOTE:


1. VALUES PER 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs)

	EXCEEDS PART 375 USCOs
	EXCEEDS PART 375 RRSCOs
	EXCEEDS PART 375 CSCOs
	EXCEEDS PART 375 ISCOs

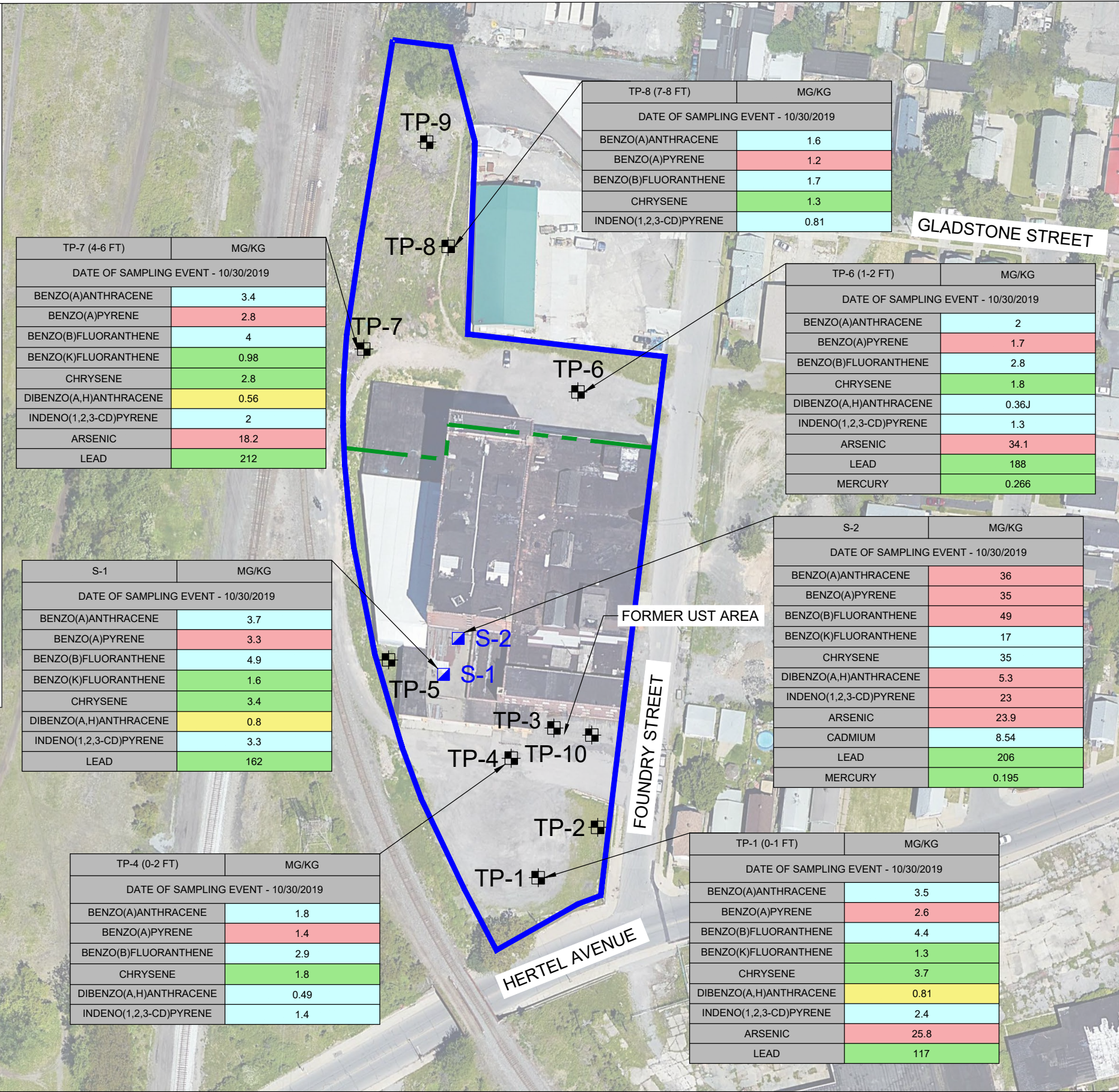
DEFINITION:

J = ESTIMATED VALUE; RESULT IS LESS THAN THE SAMPLE QUANTITATION LIMIT BUT GREATER THAN ZERO.





SCALE: 1 INCH = 100 FEET
SCALE IN FEET (approximate)





TURNKEY
ENVIRONMENTAL
RESTORATION, LLC



BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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INVESTIGATION LOCATIONS AND AREAS OF CONCERN

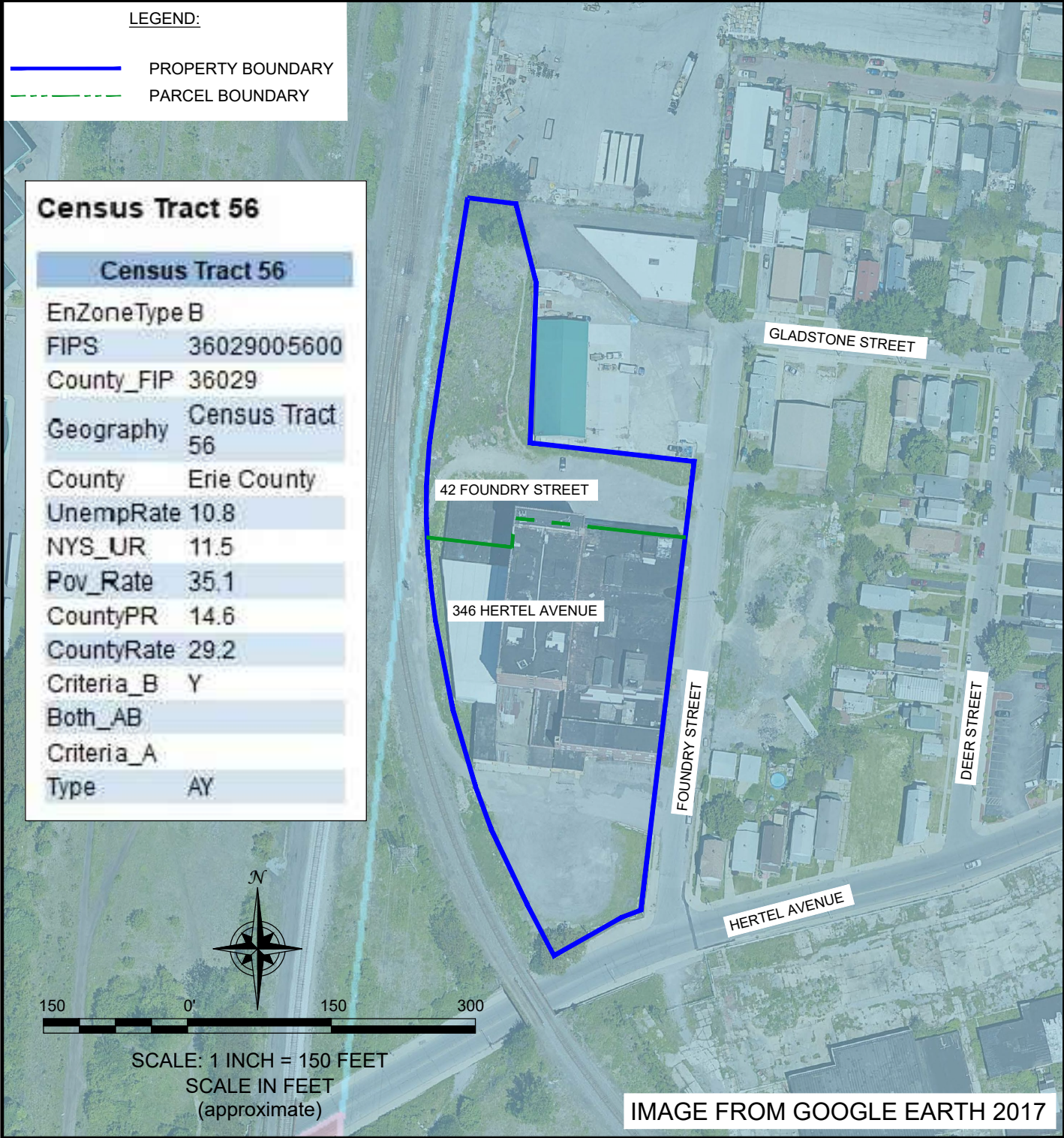
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HERTEL AND FOUNDRY SITE
BUFFALO, NEW YORK
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FIGURE 6

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FIGURE 7

F:\CAD\TurnKey\LoFaso\356 HerTel and 42 Foundry\BCP Application\Figure 7: EN_Zone Map.dwg, 2/6/2020 3:40:28 PM



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EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

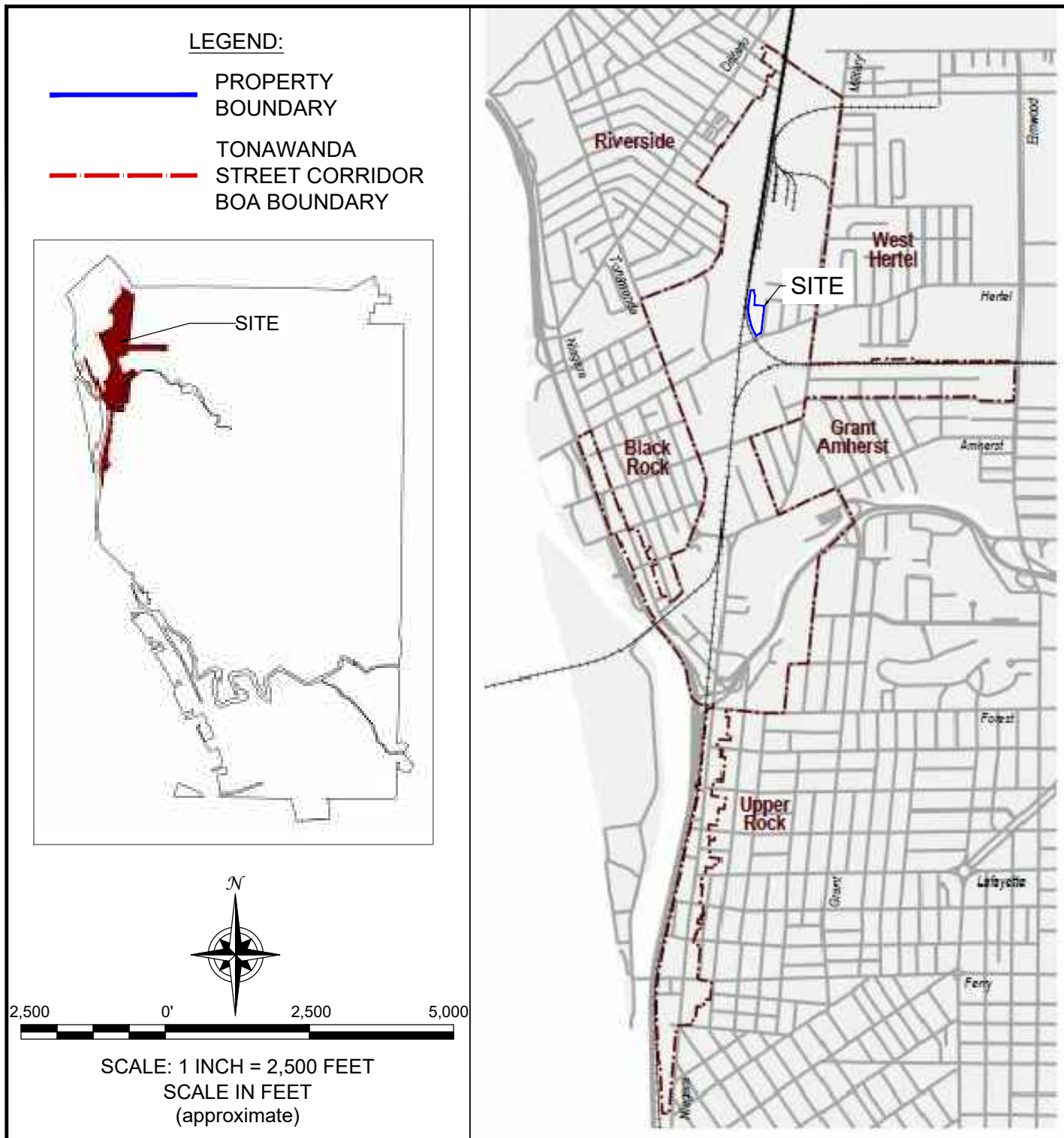
BUFFALO, NEW YORK

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FIGURE 8



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BROWNFIELD OPPORTUNITY AREA MAP

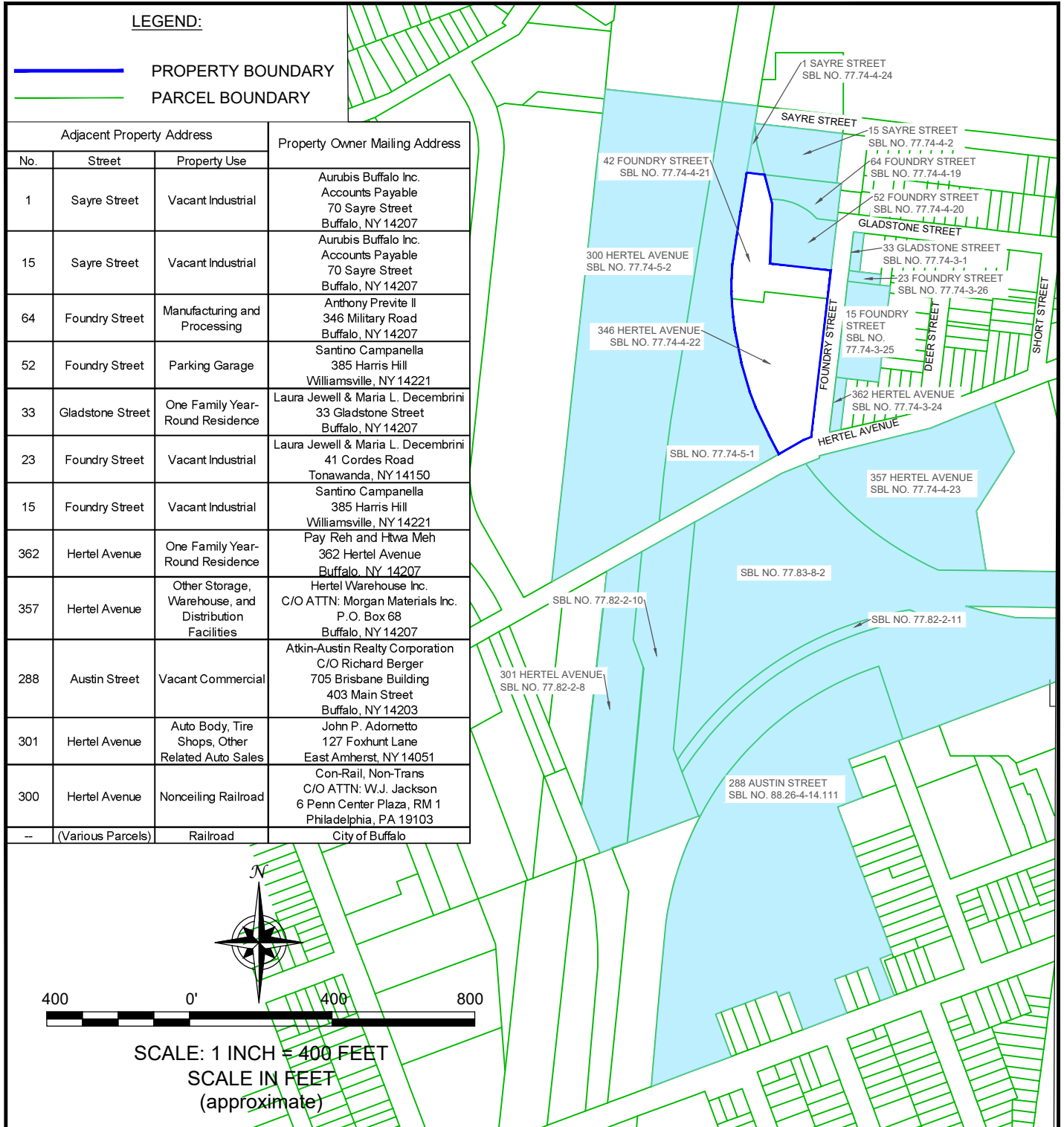
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HERTEL AND FOUNDRY SITE

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FIGURE 9


F:\CAD\TurnKey\LoFaso\356 Hertel and 42 Foundry\BCP Application\Figure 9; Adjacent Property Owners.dwg, 2/16/2020 12:40:43 PM



Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1	Sayre Street	Vacant Industrial	Aurubis Buffalo Inc. Accounts Payable 70 Sayre Street Buffalo, NY 14207
15	Sayre Street	Vacant Industrial	Aurubis Buffalo Inc. Accounts Payable 70 Sayre Street Buffalo, NY 14207
64	Foundry Street	Manufacturing and Processing	Anthony Previte II 346 Military Road Buffalo, NY 14207
52	Foundry Street	Parking Garage	Santino Campanella 385 Harris Hill Williamsville, NY 14221
33	Gladstone Street	One Family Year-Round Residence	Laura Jewell & Maria L. Decembrini 33 Gladstone Street Buffalo, NY 14207
23	Foundry Street	Vacant Industrial	Laura Jewell & Maria L. Decembrini 41 Cordes Road Tonawanda, NY 14150
15	Foundry Street	Vacant Industrial	Santino Campanella 385 Harris Hill Williamsville, NY 14221
362	Hertel Avenue	One Family Year-Round Residence	Pay Reh and Htwa Meh 362 Hertel Avenue Buffalo, NY 14207
357	Hertel Avenue	Other Storage, Warehouse, and Distribution Facilities	Hertel Warehouse Inc. C/O ATTN: Morgan Materials Inc. P.O. Box 68 Buffalo, NY 14207
288	Austin Street	Vacant Commercial	Atkin-Austin Realty Corporation C/O Richard Berger 705 Brisbane Building 403 Main Street Buffalo, NY 14203
301	Hertel Avenue	Auto Body, Tire Shops, Other Related Auto Sales	John P. Adornetto 127 Foxhunt Lane East Amherst, NY 14051
300	Hertel Avenue	Nonceiling Railroad	Con-Rail, Non-Trans C/O ATTN: W.J. Jackson 6 Penn Center Plaza, RM 1 Philadelphia, PA 19103
--	(Various Parcels)	Railroad	City of Buffalo



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ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK

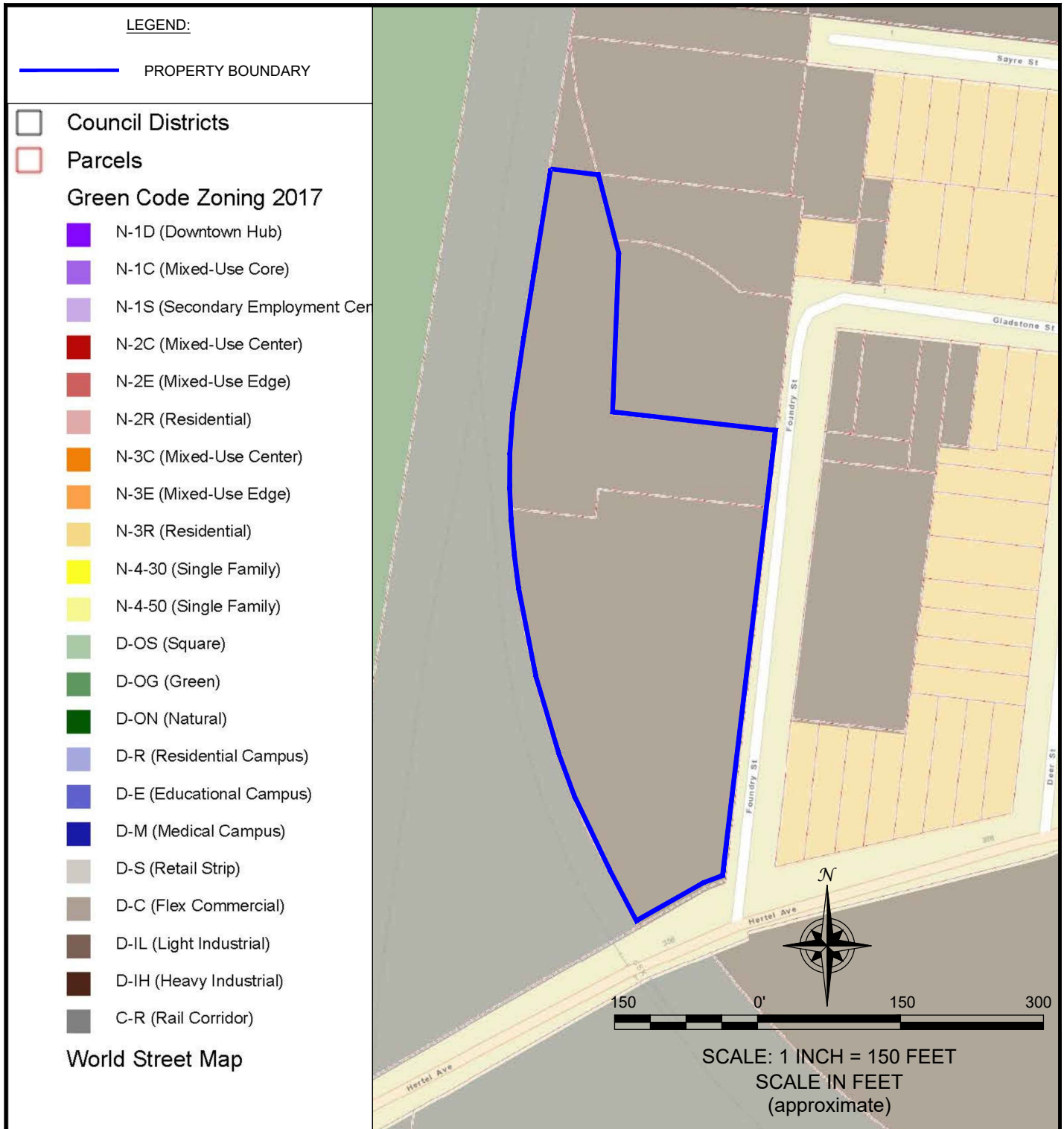
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FIGURE 10


F:\CAD\TurnKey\LoFaso\356 Hertel and 42 Foundry\BCP Application\Figure 10: Zoning Map.dwg, 2/6/2020 12:03:29 PM





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ENGINEERING &
SCIENCE, PLLC

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ENVIRONMENTAL
RESTORATION, LLC

PROJECT NO.: 0508-019-001
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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK

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FIGURE 11



IMAGE FROM USDA NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY



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

LEGEND:

PROPERTY BOUNDARY

MAP UNIT SYMBOL	MAP UNIT NAME
Ud	URBAN LAND
Ug	URBAN LAND - CAYUGA COMPLEX
Ut	URBAN LAND - ODESSA COMPLEX
Uu	URBAN LAND - SCHOHARIE COMPLEX



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PROJECT NO.: 0508-019-001

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USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
HERTEL AND FOUNDRY SITE

BUFFALO, NEW YORK
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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

A1 – NYS DOS CORPORATION & BUSINESS ENTITY DATABASE INFORMATION

A2 – HERTEL AND FOUNDRY SITE ACCESS LETTER

A3 - APPLICANT ORGANIZATIONAL CHART

A4 - RESOLUTION OF MEMBERS

ERIE COUNTY PARCEL DETAIL REPORT

APPENDIX A
BCP Application – Part A
Section I – Section IV
Hertel and Foundry Site

SECTION I – REQUESTOR INFORMATION

Applicant, Kam Cleanup LLC is authorized to conduct business in New York State. Fred LoFaso is the Authorized Managing Member of Kam Cleanup LLC. A copy of the New York State Corporation and Business Entity Database printout for Kam Cleanup LLC is attached as Exhibit A1.

An access letter from the current property owner, Shylo Group Inc. (current non-party owner, not an applicant), providing Kam Cleanup LLC with full property access is attached as Exhibit A2.

The Applicant organizational chart is attached as Exhibit A3.

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

Benchmark Environmental Engineering and Science, PLLC (Benchmark), a registered New York State (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

Kam Cleanup 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.

A preliminary project schedule is shown on Figure 5.

Redevelopment plans have not been finalized; however, the Volunteer plans to redevelop the entire 2.99-acre Site for mixed residential and commercial uses. If possible, the existing

APPENDIX A
BCP Application – Part A
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Hertel and Foundry Site

industrial structure will be restored and reused, and updated to incorporate sustainable green designs. Additional features include parking areas and a green roof patio consisting of a rooftop deck and garden.

The Project will result in the remediation and redevelopment of an environmentally impacted Site located at the northwest corner of Hertel Avenue and Foundry Street in the City of Buffalo, Erie County, New York.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the Hertel and Foundry Site (hereinafter, the “Site”) are provided below.

October 2002 Phase I Environmental Site Assessment

Based on information referenced in a previous Phase II completed by Lender Consulting Services, Inc. (LCS) in 2002 (see below), LCS reportedly completed a Phase I Environmental Site Assessment, dated October 18, 2002 and they identified the following as a recognized environmental condition (REC):

- A fill port was observed by LCS south of the existing building in the parking lot area. According to municipal records and a site contact, one 1,000-gallon gasoline underground storage tank (UST) was installed at the Site in 1962 and such was replaced by a 4,000-gallon gasoline UST in 1969. The 4,000-gallon UST was reportedly filled with water or concrete (slushed) in 1986 and left in place.

LCS completed a limited Phase II to assess the UST area (see below).

November 2002 Limited and Focused Subsurface Investigation

LCS completed a Limited and Focused Subsurface Investigation at 356 Hertel Avenue, dated November 13, 2002. The investigation consisted of seven boreholes (BH1 through BH7) in the area of the aforementioned UST to a target depth of approximately 12 feet below ground surface (fbgs) or equipment refusal at 4.5 fbgs to 5 fbgs, which was identified by LCS as

APPENDIX A
BCP Application – Part A
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Hertel and Foundry Site

being the top of the UST. Subsurface lithology was described by LCS as fill material up to approximately five fbgs underlain by gravelly clay or clay. Photoionization detector (PID) readings reportedly ranged between 0.1 parts per million (ppm) to over 2,000 ppm. The highest PID readings of over 2,000 ppm were identified at BH1 (6-8 fbgs) and BH7 (4-8 fbgs), where LCS also identified petroleum odors. Laboratory analytical results associated with soil samples collected from BH1 (6-8 fbgs) and BH7 6-8 fbgs) indicate volatile organic compounds (VOCs) at concentrations above New York State Department of Environmental Conservation (NYSDEC) Commissioner Policy 51 (CP-51) Soil Cleanup Levels (SCLs).

Due to the Phase II findings, the NYSDEC was notified and Spill No. 0208304 was assigned to 356 Hertel Avenue.

January 2003 UST/Petroleum Contaminated Soils Removal Report – Spill No. 0208304

Nature's Way Environmental Consultants and Contractors, Inc. (Nature's Way) prepared a report summarizing UST and contaminated soil removal at 356 Hertel Avenue, dated January 10, 2003. Nature's Way removed one 4,000-gallon UST on December 2002 and excavated approximately 460 tons of petroleum-impacted soil surrounding the UST. The excavated soil was reportedly disposed of at Modern Landfill in Model City, New York. This remediation work was limited to a small portion of the Site within the parking lot area south of the existing building.

Spill No. 0208304 was reclassified as “closed” by the NYSDEC January 29, 2003.

November 2019 Phase II Environmental Investigation

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase II Environmental Investigation across the Site and documented the findings in a report dated November 22, 2019. The investigation consisted of ten test pits (TP-1 through TP-10) completed using an excavator to a target depth of approximately 10 fbgs. However, shallow equipment refusal

APPENDIX A
BCP Application – Part A
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Hertel and Foundry Site

due to concrete was encountered at TP-3 at approximately 1 fbg. Findings of TurnKey's Phase II Environmental Investigation are detailed below:

- Urban fill consisting of black fines mixed with cinders, ash, brick, and concrete was observed from the ground surface to depths ranging between approximately 2 to 9 fbg. Intermingled slag was noted at TP-4, TP-6, and TP-7.
- Eight subsurface soil/fill samples and two surface soil samples from within the existing building footprint were submitted to the laboratory for analysis of polycyclic aromatic hydrocarbons (PAHs) and Resource Conservation and Recovery Act (RCRA) Metals. Due to the presence of recycled building materials noted within the building at the surface soil sample locations, both surface soil/fill samples were also analyzed for polychlorinated biphenyls (PCBs). Laboratory analytical results revealed the following:
 - PAHs were identified exceeding Unrestricted Soil Cleanup Objectives (USCOs), Restricted Residential SCOs, (RRSCOs), Commercial SCOs (CSCOs), and Industrial SCOs (ISCOs) at 5 of the 8 exterior subsurface locations (TP-1, TP-4, TP-6, TP-7, and TP-8) and both surface soil locations (SS-1 and SS-2) from within the building.
 - Arsenic was detected exceeding its ISCO (16 milligrams per kilogram, mg/kg) at TP-1 (25.8 mg/kg), TP-6 (34.1 mg/kg), TP-7 (18.2 mg/kg), and S-2 (23.9 mg/kg). Cadmium was detected exceeding its RRSCO (4.3 mg/kg) at S-2 (8.54 mg/kg). Lead was detected exceeding its USCO (63 mg/kg) at TP-1 (117 mg/kg), TP-6 (188 mg/kg), TP-7 (212 mg/kg), S-1 (162 mg/kg), and S-2 (206 mg/kg). Mercury was detected exceeding its USCO (0.18 mg/kg) at TP-6 (0.266 mg/kg) and S-2 (0.195 mg/kg).
 - Polychlorinated biphenyls (PCBs) were detected above method detection limits (MDLs) at S-1 and S-2; however, the concentrations did not exceed USCOS.

Investigation locations and findings are shown on Figure 6.

APPENDIX A
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Hertel and Foundry Site

SECTION IV – PROPERTY INFORMATION

Legal Parcel Description

The Hertel and Foundry Site, subject to this BCP application, is located in a highly developed residential, commercial and industrial area in the City of Buffalo, Erie County, New York (see Figures 1 - 3). The ±2.99-acre Site consists of two contiguous tax parcels as follows:

- 356 Hertel Avenue: SBL No. 77.74-4-22, 1.94 acres
- 42 Foundry Street: SBL No. 77.74-4-21, 1.05 acres

The Erie County tax parcel detail reports for the Site are provided for reference in Appendix A.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located within the limits of EN-Zone Type B, designated census tract 56 (see Figure 7).

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

Easements and “Closed” Spills

The Site has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Utilities are located in the right-of-way along Hertel Avenue and Foundry Street. Kam Cleanup LLC is unaware of any other easements on the Site.

There are three NYSDEC spill incidents recorded for 356 Hertel Avenue. None of the spill incidents resulted in significant cleanup or remediation activities at the Site. Additional information relative to each spill incident is provided below:

APPENDIX A
BCP Application – Part A
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Hertel and Foundry Site

- Spill No. 0208304 (356 Hertel Avenue) – petroleum-impacted soil identified proximate to a slushed 4,000-gallon UST during the Limited and Focused Subsurface Investigation completed by LCS. The UST and surrounding impacted soil (approximately 460 tons) were removed by Nature’s Way and the spill was reclassified as “closed” by the NYSDEC on January 29, 2003.
- Spill No. 0107011 (356 Hertel Avenue) – involved approximately 50 five-gallon containers of concrete curing agent and cleaners that were dumped proximate to railroad tracks and a loading dock area. The drums were observed to be leaking. The spill was “closed” by the NYSDEC December 19, 2001.
- Spill No. 0175394 (356 Hertel Avenue) – this spill, related to 0107011, involved dumped materials within the dock area of 356 Hertel. The spill was “closed” by the NYSDEC April 25, 2002.

Location

The Site is located at the northwest corner of Hertel Avenue and Foundry Street in a highly developed residential, commercial, and industrial area in the City of Buffalo, Erie County, New York. The Site is bordered by commercial and vacant industrial property to the north, Hertel Avenue, railroad tracks and a vacant industrial property to the south, railroad tracks (Niagara Subdivision) to the west, and Foundry Street, commercial, vacant lots and residential properties to the east. Adjacent property owners are identified on Figure 9.

Site Features

The Site is currently developed with an approximate 115,000 square foot structure that is mostly vacant except for a small portion that includes an office and a warehouse used for storage of boats and antiques. Undeveloped portions of the Site are covered by asphalt, gravel, or vegetation.

Zoning and Land Use

According to The Buffalo Green Code’s Land Use Plan (2016), the current zoning for the Site is D-IL (Light Industrial, See Figure 10). The current use of the Site is commercial and vacant land.

APPENDIX A
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The surrounding parcels are as follows:

- north – commercial/vacant industrial;
- south – commercial/vacant commercial/railroad;
- east – residential/commercial/vacant industrial; and,
- west – railroad.

The anticipated future use of the Site is adaptive re-use, including a designated historic re-use and historic re-use tax credits. Therefore, the City of Buffalo will not require rezoning as the anticipated future use (mixed residential and commercial) is consistent with allowable site uses under the historic re-use. As such, the planned development is consistent with the Buffalo Green Code's Land Use Plan.

Past Use of the Site

The Site was used industrially from at least 1916 through at least 1950. Specifically, John Kam Malting Company, a malting operation with a malt house, a kiln house, water tempering, grain elevators/tanks, and a warehouse occupied the Site from 1901 until 1916. In 1916, John Kam Malting Company changed operations to animal feed production under the name Black Rock Milling Corporation/Park & Pollard Company. Animal feed production continued until at least 1950. An additional historic occupant was identified as Buffalo Insulation Distributors/Multi-glass Products, apparently an insulation contractor, from at least 1965 through at least 1986. The Site included railroad tracks throughout the western portion of the Site from at least 1916 to at least 1961. Additional tracks were present on the eastern portion of the Site during this time as well. The Site has a history of USTs; one 1,000-gallon gasoline UST was installed in 1962 and replaced by a 4,000-gallon gasoline UST in 1969. The 4,000-gallon tank was slushed in place in 1986 and removed in 2002.

A previous Phase II Environmental Investigation identified PAHs and metals in soil/fill across the Site at concentrations exceeding USCOs, RRSCO, CSCOs, and ISCOs. Prior investigations also identified elevated VOCs proximate to a UST that has since been

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removed. VOCs are not currently considered to be contaminants of concern as the UST and surrounding petroleum-impacted soils were reportedly excavated and removed from the Site; however, subsurface conditions will be further assessed as part of a Remedial Investigation (RI).

Previous investigation reports are provided electronically on the enclosed CD.

Site Geology and Hydrogeology

The Site is located within the Erie-Ontario Lowlands, which is typified by little topographic relief, and gently slopes westward towards Lake Erie, except in the immediate vicinity of major drainage ways. The surficial geology of the Erie-Ontario Lowlands has developed from lacustrine deposits or till that may contain both limestone and shale. The overburden geology is generally described as urban fill consisting of black fines mixed with cinders, ash, brick, concrete, and some intermingled slag from the ground surface to depths ranging from 2 to 9 fbs. Native sandy lean clay was observed underlying the fill materials across the Site. The Site overlies the Vernon shale member of the Akron Dolostone and Salina Group, which is identified as Upper Silurian red and green shales, gray gypsiferous shales, and thin dolomites. Bedrock was not encountered during the previous investigations.

According to the United States Department of Agriculture (USDA) Web soil survey, the majority of Site soils are characterized as Urban land (Ud) with a small eastern portion of the Site characterized as Urban land – Cayuga Complex (Ug). Urban land is characterized where 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment. The Urban land Cayuga complex is defined as 60% urban land, 30% Cayuga complex soils (and similar soils), and 10% minor components. The Cayuga complex soils are characterized as moderately well drained with a slope of 0 to 3 percent (Figure 11).

APPENDIX A
BCP Application – Part A
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Hertel and Foundry Site

Regional groundwater likely flows west towards the Niagara River. Local groundwater flow however may be influenced by subsurface features such as excavations, utilities, and localized fill conditions.

Groundwater was not encountered during TurnKey's Phase II Environmental Investigation. However, monitoring wells to assess and characterize groundwater flow patterns and quality are planned to be installed during the Remedial Investigation.

The Site is not located within or proximate to any state or federally regulated wetlands or floodplains.

Environmental Assessment Narrative

The Site has a long commercial and industrial history with operations including malting with railroad tracks, a malt house, a kiln, water tempering, grain elevators/tanks and warehousing.

PAHs and metals were identified as the primary contaminants of concern reasonably attributed to historic operations and fill materials from unknown origins. Figure 6 summarizes the environmental impacts identified in the previous investigations. Additional information relative to environmental impacts at the Site is provided below:

Soil – Laboratory analytical results indicate PAHs and/or metals exceeding USCOs, RRSCOs, CSCOs, and ISCOs at 5 of 8 subsurface soil locations (TP-1, TP-4, TP-6, TP-7, and TP-8) and at two surface soil locations (SS-1 and SS-2), as follows:

PAHs

- Benzo(a)anthracene exceeded its RRSCO at six samples TP-1, TP-4, TP-6, TP-7, TP-8 and S-1 and exceeded its ISCO at one sample at S-2.
- Benzo(a)pyrene exceeded its ISCO at seven samples at TP-1, TP-4, TP-6, TP-7, TP-8, S-1 and S-2.

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- Benzo(b)fluoranthene exceeded its RRSCO at six samples at TP-1, TP-4, TP-6, TP-7, TP-8 and S-1 and exceeded its ISCO at one sample at S-2.
- Benzo(k)fluoranthene exceeded its USCO at three samples at TP-1, TP-7 and S-1 and exceeded its RRSCO at one sample S-2.
- Chrysene exceeded its USCO at six samples at TP-1, TP-4, TP-6, TP-7, TP-8 and S-1 and exceeded its RRSCO at S-2.
- Dibenzo(a,h)anthracene exceeded its RRSCO at two samples at TP-4 and TP-6, its CSCO at three samples at TP-1, TP-7 and S-1 and its ISCO at one sample at S-2.
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO at six samples at TP-1, TP-4, TP-6, TP-7, TP-8 and S-1 and exceeded its ISCO at one sample at S-2.

Metals

- Arsenic exceeded its ISCO at four samples at TP-1, TP-6, TP-7 and S-2.
- Cadmium exceeded its RRSCO at one sample at S-2.
- Lead exceeded its USCO at five samples at TP-1, TP-6, TP-7, S-1 and S-2.
- Mercury exceeded its USCO at two samples at TP-6 and S-2.

Historic documents and previous investigation reports are provided electronically on the enclosed CD.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 6, 2020.

Selected Entity Name: KAM CLEANUP LLC

Selected Entity Status Information

Current Entity Name: KAM CLEANUP LLC

DOS ID #: 5703241

Initial DOS Filing Date: FEBRUARY 06, 2020

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

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

HOPKINS SORGI & MCCARTHY PLLC

5500 MAIN STREET

SUITE 203

WILLIAMSVILLE, NEW YORK, 14221

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
FEB 06, 2020	Actual	KAM CLEANUP 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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February 6, 2020

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

Re: BCP Site Access Authorization
Hertel and Foundry Site
356 Hertel Avenue and 42 Foundry Street, Buffalo, NY

Dear Ms. Lewandowski:

Please be advised that I am the owner of the above-referenced property (the "Site"). As owner of the Site, I am aware of and acknowledge that Kam Cleanup LLC will be filing an application to enter the NYS Brownfield Cleanup Program ("BCP") and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

As owner of the Site, I authorize Kam Cleanup LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with a NYSDEC requirements and the provisions of the BCP and the BCA.

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

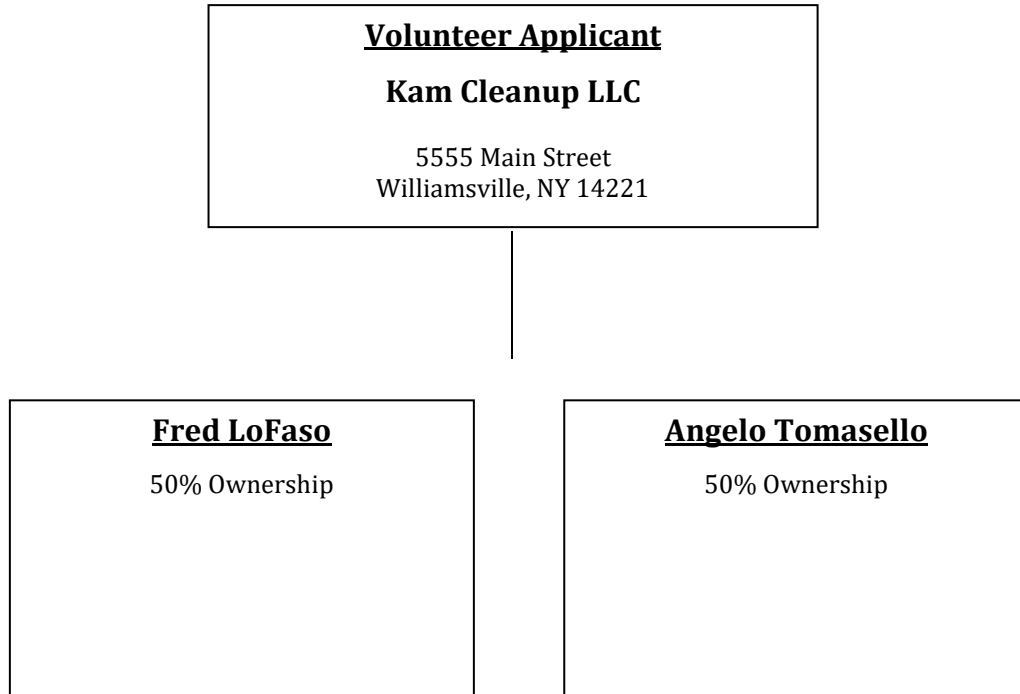
Sincerely,

A handwritten signature in black ink, appearing to read 'Fred LoFaso', with a stylized flourish extending to the right.

Fred LoFaso
Shylo Group Inc.

HERTEL AND FOUNDRY SITE

ORGANIZATIONAL CHART



KAM CLEANUP LLC

UNANIMOUS WRITTEN CONSENT OF MEMBERS

February 6, 2020

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

RESOLVED, that Fred LoFaso (an "*Authorized Person*") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("*BCP*") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property Hertel and Foundry Site located at 356 Hertel Avenue and 42 Foundry Street, Buffalo, New York; and be it further

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

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

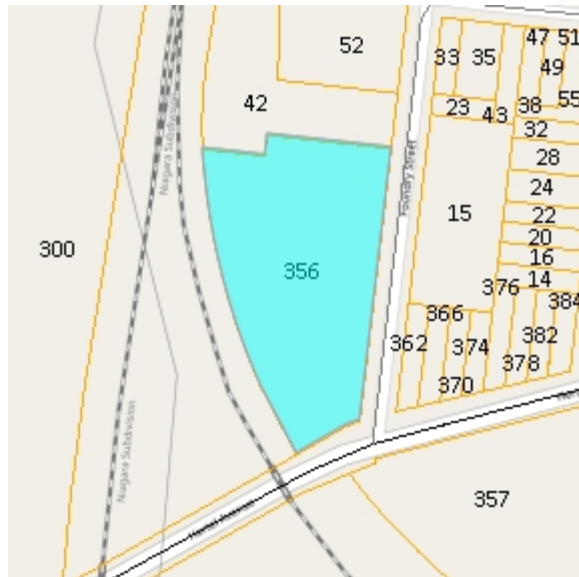
IN WITNESS WHEREOF, the undersigned have executed this Unanimous Written Consent as of the date first set forth above.


Fred LoFaso, Member


Angelo Tomasello, Member



Parcel Overview Map



Parcel Detail Map

PIN: 1402000777400004022000

SBL: 77.74-4-22

Address: 356 HERTEL

Owner 1: SHYLO GROUP INC

Owner 2:

Mailing Address: 356 HERTEL AVE

City/Zip: BUFFALO NY 14207

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 103

Depth: 390

Deed Roll: 1

Deed Book: 10968

Deed Page: 09563

Deed Date:

Acreage: 1.93936029

Total Assessment: \$255,000

Land Assessment: \$42,000

County Taxes: \$255,000

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



Parcel Overview Map



Parcel Detail Map

PIN: 1402000777400004021000

SBL: 77.74-4-21

Address: 42 FOUNDRY

Owner 1: SHYLO GROUP INC.

Owner 2:

Mailing Address: 356 HERTEL AVE

City/Zip: BUFFALO NY 14207

Municipality: City of Buffalo

Property Class: 340

Class Description: B - Vacant indus

Front: 82

Depth: 0

Deed Roll: 1

Deed Book: 11004

Deed Page: 04025

Deed Date:

Acreage: 1.05064744

Total Assessment: \$15,500

Land Assessment: \$15,500

County Taxes: \$15,500

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

DOCUMENT REPOSITORY CONFIRMATION

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BCP Application – Part B
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SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Property Information	Use	Approx. Date(s)	Relationship to Applicant
356 Hertel Avenue			
Current Owner/Operator (non-party owner, not an Applicant)			
Shylo Group, Inc. 356 Hertel Avenue Buffalo, NY 14207	Commercial/Vacant Commercial	July 2000 to Present	None No Relationship
Past Owners/Operators			
William Shylo (past owner)	Unknown	1999 to 2000	None No Relationship
Multiglass Products Company Division of Buffalo Insulation Distributers, Inc. (past operator)	Industrial	At least 1969 to at least 1984	None No Relationship
Buffalo Insulation Distributers, Inc. (past owner)	Industrial	At least 1965 to 1999	None No Relationship
Black Rock Milling Corporation Park & Pollard Company (past owner and operator)	Industrial	1916 to prior to 1965	None No Relationship
John Kam Malting Company (past owner and operator)	Industrial	1901 to 1916	None No Relationship

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
42 Foundry Street			
Current Owner/Operator (non-party owner, not an Applicant)			
Shylo Group, Inc. 356 Hertel Avenue Buffalo, NY 14207	Commercial/Vacant Commercial	April 2002 to Present	None No relationship
Past Owners/Operators			
Robert T. Clark (past owner)	Unknown	2001 to 2002	None No relationship
Multiglass Products Company Division of Buffalo Insulation Distributers, Inc. (past operator)	Industrial	At least 1969 to at least 1984	None No Relationship
Buffalo Insulation Distributers, Inc. (past owner)	Industrial	At least 1965 to 2001	None No Relationship
Black Rock Milling Corporation Park & Pollard Company (past owner and operator)	Industrial	1916 to prior to 1965	None No Relationship
John Kam Malting Company (past owner and operator)	Industrial	At least 1901 to 1916	None No Relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, Kam Cleanup 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. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins and historic industrial operations (i.e., malting, railroad tracks, etc.) completed by previous owners/occupants from at least 1916 through at least 1950.

Fred LoFaso, a member of the applicant entity, Kam Cleanup LLC, purchased 100% of the Shylo Group, Inc. stock in 2015. Shylo Group, Inc., with no relationship to Fred LoFaso or Kam Cleanup LLC, owned the 356 Hertel Avenue parcel since July 14, 2000 and the 42 Foundry Street parcel since April 15, 2002. Shylo Group, Inc. is unrelated to Kam Cleanup LLC as the remediation entity and/or the BCP Applicant.

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

Note that the current property owner, Shylo Group, Inc., is aware of a potential or former environmental lien (Book 157/Page 924, Control #2006069344) related to 356 Hertel Avenue, dated March 24, 2006. The current property owner is currently working to resolve this lien and the Department will be notified as soon as the lien is removed from the Site. Kam Cleanup LLC is not aware of any other liens on the Site. Further, Kam Cleanup LLC is not aware of any other 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.

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

Honorable Lisa Chimera
Erie County Legislator, District 3
1701 Hertel Avenue
Buffalo, NY 14216

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

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

APPENDIX B
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Mr. Robert M. Graber
Erie County Legislature Clerk
92 Franklin Street, 4th Floor
Buffalo, NY 14202

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

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

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

City of Buffalo Contacts:

Byron W. Brown, Major
City of Buffalo
65 Niagara Square, Room 201
Buffalo, NY 14202

Joseph Golombek, Jr., Councilman
City of Buffalo, North District
65 Niagara Square, Room 1502
Buffalo, NY 14202

James A. Morrell, Chairman
City of Buffalo Planning Board
65 Niagara Square, Room 901
Buffalo, NY 14202

Supplier of Potable Water:

Buffalo Water Department
281 Exchange Street
Buffalo, NY 14204

Local News Media:

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

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

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

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

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

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

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

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

Nearby Schools:

Ms. Cecelie Owens, Principal
Public School 94 West Hertel Academy
489 Hertel Avenue
Buffalo, NY 14207

Mr. Marlon Lee, Principal
Public School 79 Grabiarsz School of Excellence
225 Lawn Avenue
Buffalo, NY 14207

Ms. Kathy Jamil, Director/Principal
Elmwood Village Charter School Hertel
665 Hertel Avenue
Buffalo, NY 14207

Mr. David Hills, Principal
Public School 208 Riverside Academy
51 Ontario Street
Buffalo, NY 14207

Mrs. Martha Eadie
Our Lady of Black Rock School
16 Peter Street
Buffalo, NY 14207

APPENDIX B
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Other Interested Parties:

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

Document Repository:

April Tompkins
Deputy Director
Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Jennifer Northup, Branch Manager
North Park Branch Library
Buffalo & Erie County Public Library
975 Hertel Avenue
Buffalo, NY 14216

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Adjacent Property Owners

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

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1	Sayre Street	Vacant Industrial	Aurubis Buffalo Inc. Accounts Payable 70 Sayre Street Buffalo, NY 14207
15	Sayre Street	Vacant Industrial	Aurubis Buffalo Inc. Accounts Payable 70 Sayre Street Buffalo, NY 14207
64	Foundry Street	Manufacturing and Processing	Anthony Previte II 346 Military Road Buffalo, NY 14207
52	Foundry Street	Parking Garage	Santino Campanella 385 Harris Hill Williamsville, NY 14221
33	Gladstone Street	One Family Year-Round Residence	Laura Jewell & Maria L. Decembrini 33 Gladstone Street Buffalo, NY 14207
23	Foundry Street	Vacant Industrial	Laura Jewell & Maria L. Decembrini 41 Cordes Road Tonawanda, NY 14150
15	Foundry Street	Vacant Industrial	Santino Campanella 385 Harris Hill Williamsville, NY 14221

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Hertel and Foundry Site

362	Hertel Avenue	One Family Year-Round Residence	Pay Reh and Htwa Meh 362 Hertel Avenue Buffalo, NY 14207
357	Hertel Avenue	Other Storage, Warehouse, and Distribution Facilities	Hertel Warehouse Inc. C/O ATTN: Morgan Materials Inc. P.O. Box 68 Buffalo, NY 14207
288	Austin Street	Vacant Commercial	Atkin-Austin Realty Corporation C/O Richard Berger 705 Brisbane Building 403 Main Street Buffalo, NY 14203
301	Hertel Avenue	Auto Body, Tire Shops, Other Related Auto Sales	John P. Adornetto 127 Foxhunt Lane East Amherst, NY 14051
300	Hertel Avenue	Nonceiling Railroad	Con-Rail, Non-Trans C/O ATTN: W.J. Jackson 6 Penn Center Plaza, RM 1 Philadelphia, PA 19103
--	(Various Parcels)	Railroad	City of Buffalo

Document Repository

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

SECTION X – LAND USE FACTORS

1 – Current Zoning

As shown on Figure 10, the current zoning for the Site is D-IL (Light Industrial). The anticipated future use of the Site is adaptive re-use, including a designated historic re-use and historic re-use tax credits. Therefore, the City of Buffalo will not require rezoning as the

APPENDIX B
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anticipated future use (mixed residential and commercial) is consistent with allowable site uses under the historic re-use. As such, the planned development is consistent with the Buffalo Green Code's Land Use Plan.

2 – Current Use

The Site is currently developed with an approximate 115,000 square foot structure that is mostly vacant except for a small portion that includes an office and a warehouse used for storage of boats and antiques. Undeveloped portions of the Site are covered by asphalt, gravel, or vegetation.

The Site was used industrially from at least 1916 through at least 1950. Specifically, John Kam Malting Company, a malting operation with a malt house, a kiln house, water tempering, grain elevators/tanks, and a warehouse occupied the Site from 1901 until 1916. In 1916, John Kam Malting Company changed operations to animal feed production under the name Black Rock Milling Corporation/Park & Pollard Company. Animal feed production continued until at least 1950. An additional historic occupant was identified as Buffalo Insulation Distributors/Multi-glass Products, apparently an insulation contractor, from at least 1965 through at least 1986. The Site historically included railroad tracks throughout the western portion of the Site from at least 1916 to at least 1961. Additional tracks were identified on the eastern portion of the Site during this time as well. The Site has a history of USTs; one 1,000-gallon gasoline UST was installed in 1962 and was replaced by a 4,000-gallon gasoline UST in 1969. This 4,000-gallon tank was slushed in place in 1986 and removed in 2002.

A previous Phase II Environmental Investigation identified PAHs and metals in soil/fill across the Site at concentrations exceeding USCOs, RRSCO, CSCOs, and ISCOs.

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3, 4, 5 and 6 – Planned Future Use

Redevelopment plans have not been finalized; however, the site is anticipated to be redeveloped for mixed residential and commercial uses. If possible, the existing industrial structure will be restored and reused, and updated to incorporate sustainable green designs. Additional features include parking areas and a green roof patio consisting of a rooftop deck and garden.

Any redevelopment plans will be consistent with the zoning as presented in the Buffalo Green Code's Land Use Plan.

From: [April Tompkins](#)
To: [Chelsea N. Kanaley](#)
Subject: FW: Document Repository Request - Hertel and Foundry Site
Date: Tuesday, February 4, 2020 3:25:54 PM
Attachments: [Document Repository Request - Hertel and Foundry Site.pdf](#)

Good afternoon Chelsea,

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 **Hertel and Foundry Site**. These documents will be made available for public review at the **North Park Branch 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), and cover letter, to the Central Library and we will process according to our procedure and distribute to the location of your choice. **If you would like a confirmation that your document was received, you will need to include the request in your cover letter and provide an email address.**

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 are made available within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- 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: Chelsea N. Kanaley <ckanaley@bm-tk.com>
Sent: Tuesday, February 4, 2020 2:22 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - Hertel and Foundry Site

Dear Ms. Tompkins,

Please see the attached document repository request for the Brownfield Cleanup Program.

Thank you,
Chelsea Kanaley

Chelsea N. Kanaley
Geologist
ckanaley@bm-tk.com

TurnKey Environmental Restoration, LLC
www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Mobile: (716) 220-1093, Facsimile: (716) 856-0583

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Virus Warning: While reasonable precautions have been taken to protect against viruses in this message, we accept no responsibility for any damages arising from the potential presence of such viruses.

Contracts: Nothing in this message shall be construed as legally binding upon Benchmark or TurnKey.

Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship 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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Contracts: Nothing in this message shall be construed as legally binding upon Benchmark or TurnKey.

Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship and when directly pertaining to a binding contract scope of work.

February 4, 2020

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

Re: Document Repository for Brownfield Cleanup Program
Hertel and Foundry Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC in association with TurnKey Environmental Restoration, LLC would like to request the Buffalo & Erie County Public Library – North Park 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
TurnKey Environmental Restoration, LLC



Chelsea Kanaley
Geologist

File: 0508-019-001

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

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