

**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM**

**FORMER PILGRIM VILLAGE
PHASE 2 - SENIOR
BUFFALO, NEW YORK 14209**

Submitted For:

SAA EVI MC Senior, LLC
150 SE 2nd Avenue, Suite 300
Miami, FL 33131

Prepared By:



1270 Niagara Street
Buffalo, NY 14213
716.249.6880 be3corp.com

May 2020 - Response



| | | | |
|---|--|-------------------------|---------------------|
| Prepared By: Jason M. Brydges, PE | Signature:  | Date: 6/15/20 | Title: PM |
| Reviewed By: Pete J. Gorton, CHCM | Signature:  | Date: 6/15/20 | Title: PM |

TABLE OF CONTENTS

BCP Application Form – Completed

Pages 1-10

ATTACHMENTS

- A – Section I: Requestor Information – NYSDOS Corporation & Business Entity Printout
- B – Section I: Requestor Information – Members/Owners Names of LLC
- C – Section II: Project Description – Short Description of Development
- D – Section IV: Property Information – Tax Parcel Information
- E – Section IV: Property Information – Property Base Map, Survey, and Metes/Bounds
- F – Section IV: Property Information – Property Description and Environmental Assessment
- G – Section VI: Current Property Owner/Operator Information – Previous Property Owners
- H – Section VII: Requester Eligibility Information – Volunteer Statement
- I – Section VII: Requester Eligibility Information – Proof of Access
- J – Section IX: Contact List Information – Site Contact List and Document Repository Letter
- K – Section X: Land Use Factors – Current Use

ELECTRONIC FILES - DVD

Section III: Property's Environmental History – Investigation Report (Phase I/II ESA)



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 Attachments A&B**
- Do all individuals that will be certifying documents meet the requirements detailed below? Yes No
- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at? Investigation Remediation
- NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): Yes No **Final RIR not included - Not Applicable**
3. Please attach a short description of the overall development project, including: **See Attachment C**
- the date that the remedial program is to start; and
 - the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

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).** **See Phase I and Both Phase II ESAs on DVD**

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 | See Table 2 in 2019 Phase II, and See Tables 1&2 and Figure 2 in 2020 Phase II. | |
|----------------------|---|---|--|
| Petroleum | | | |
| Chlorinated Solvents | | | |
| Other VOCs | | | |
| SVOCs | Benz(a)anthracene, Benzo(a)pyrene, Benzo(b)fluoranthene, Benzo(k)fluoranthene, Chrysene, Dibenzo(a,h)anthracene, Indeno(1,2,3-cd)pyrene | | |
| Metals | lead, mercury, zinc, barium, arsenic, and copper | | |
| Pesticides | | | |
| PCBs | | | |
| Other* | | | |

*Please describe: _____

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

- SAMPLE LOCATION **See Figure 2 from 2020 Phase II - also Presented in Attachment C**
- 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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Commercial and Residential

| 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. |
| | | | | |
| | | | | |
| 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. See Attachment E | | | | |
| 2. Is the required property map attached to the application? Yes No (application will not be processed without map) See Attachment E | | | | |
| 3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes No If yes, identify census tract : _____ Percentage of property in En-zone (check one): 0-49% 50-99% 100% | | | | |
| 4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No If yes, identify name of properties (and site numbers if available) in related BCP applications:_____ | | | | |
| 5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No | | | | |
| 6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No If yes, attach relevant supporting documentation. | | | | |
| 7. Are there any lands under water? Yes No If yes, these lands should be clearly delineated on the site map. | | | | |

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

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 Attachment F

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.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

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

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

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

Initials of each Requestor: _____

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

| | | | |
|--|-----|---|--|
| Section V. Additional Requestor Information See Instructions for Further Guidance | | DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____ | |
| NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE David Alexander, Managing Partner | | | |
| ADDRESS 150 SE 2nd Avenue, Suite 300 | | | |
| CITY/TOWN Miami, Florida | | ZIP CODE 33131 | |
| PHONE 305-302-1670 | FAX | E-MAIL dalexander@saaevi.com | |
| NAME OF REQUESTOR'S CONSULTANT BE3corp | | | |
| ADDRESS 1270 Niagara Street | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14213 | |
| PHONE 716-249-6880 | FAX | E-MAIL jbrydges@be3corp.com | |
| NAME OF REQUESTOR'S ATTORNEYKavinoky Cook | | | |
| ADDRESS 726 Exchange Street, Suite 800 | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14210 | |
| PHONE 716-845-6000 | FAX | E-MAIL dchadsey@kavinokycook.com | |
| Section VI. Current Property Owner/Operator Information – if not a Requestor | | | |
| CURRENT OWNER'S NAME McGuire PV Holding LP | | OWNERSHIP START DATE: 2019 | |
| ADDRESS 455 Cayuga Road, Suite 100 | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14225 | |
| PHONE 716-829-1900 | FAX | E-MAIL marketing@mcguiredevelopment.com | |
| CURRENT OPERATOR'S NAME McGuire Development Company LLC | | | |
| ADDRESS 455 Cayuga Road, Suite 100 | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14225 | |
| PHONE 716-829-1900 | FAX | E-MAIL marketing@mcguiredevelopment.com | |
| PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". | | | |
| 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) | | | |
| If answering "yes" to any of the following questions, please provide an explanation as an attachment. | | | |
| 1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | | |

Section VII. Requestor Eligibility Information (continued)

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

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

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?

See Attachment I

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

Not Applicable
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

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: **See Attachment J**

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.

Section X. Land Use Factors

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)

See Attachments C and F

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.**

See Attachments C and F

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

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 requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signatory (title) of SAA EMI MC SEMORA 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: 6/12/2020

Signature: _____

Print Name: DAVID ALEXANDER



LIDICE VALENZUELA
Commission # GG 305890
Expires June 24, 2023
Bonded Thru Budget Notary Services

Lidice Valenzuela

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ LEAD OFFICE: _____

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

ATTACHMENT A

SECTION I: REQUESTOR INFORMATION

NYS DOS Corporation & Business Entity Printout

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through May 14, 2020.

Selected Entity Name: SAA EVI MC SENIOR, LLC

Selected Entity Status Information

Current Entity Name: SAA EVI MC SENIOR, LLC

DOS ID #: 5740079

Initial DOS Filing Date: APRIL 20, 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)

SAA EVI MC SENIOR, LLC
C/O CORPORATION SERVICE
COMPANY, 80 STATE STREET
ALBANY, NEW YORK, 12207

Registered Agent

NONE

| # 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 |
|--------------|-----------|------------------------|
| APR 20, 2020 | Actual | SAA EVI MC SENIOR, 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.

ATTACHMENT B

SECTION I: REQUESTOR INFORMATION

Members/Owners Names of LLC

Stuart Alexander & Associates, Inc.
150 SE 2nd Avenue
Suite 300
Miami, FL 33131

ATTACHMENT C

SECTION II: PROJECT DESCRIPTION

Short Description of Development

The proposed re-development of the site will create senior housing units and approximately 5,000 SF of commercial space. There will be commensurate parking for the residential units and commercial space.

It is anticipated that the project will start in July 2020 and corrective actions will be completed in approximately twelve months and that a certificate of completion (COC) will be obtained in 2021.



Figure – ALL VALUES ABOVE IN PPM

Key: ● June 2019 C&S Soil Sampling Results

● April 2020 BE3 Corp Soil Sampling Results

Greater Than or equal to Unrestricted/Residential/Restricted Residential SCOs

Greater Than or equal to Unrestricted SCOs

ATTACHMENT D

SECTION IV: PROPERTY INFORMATION

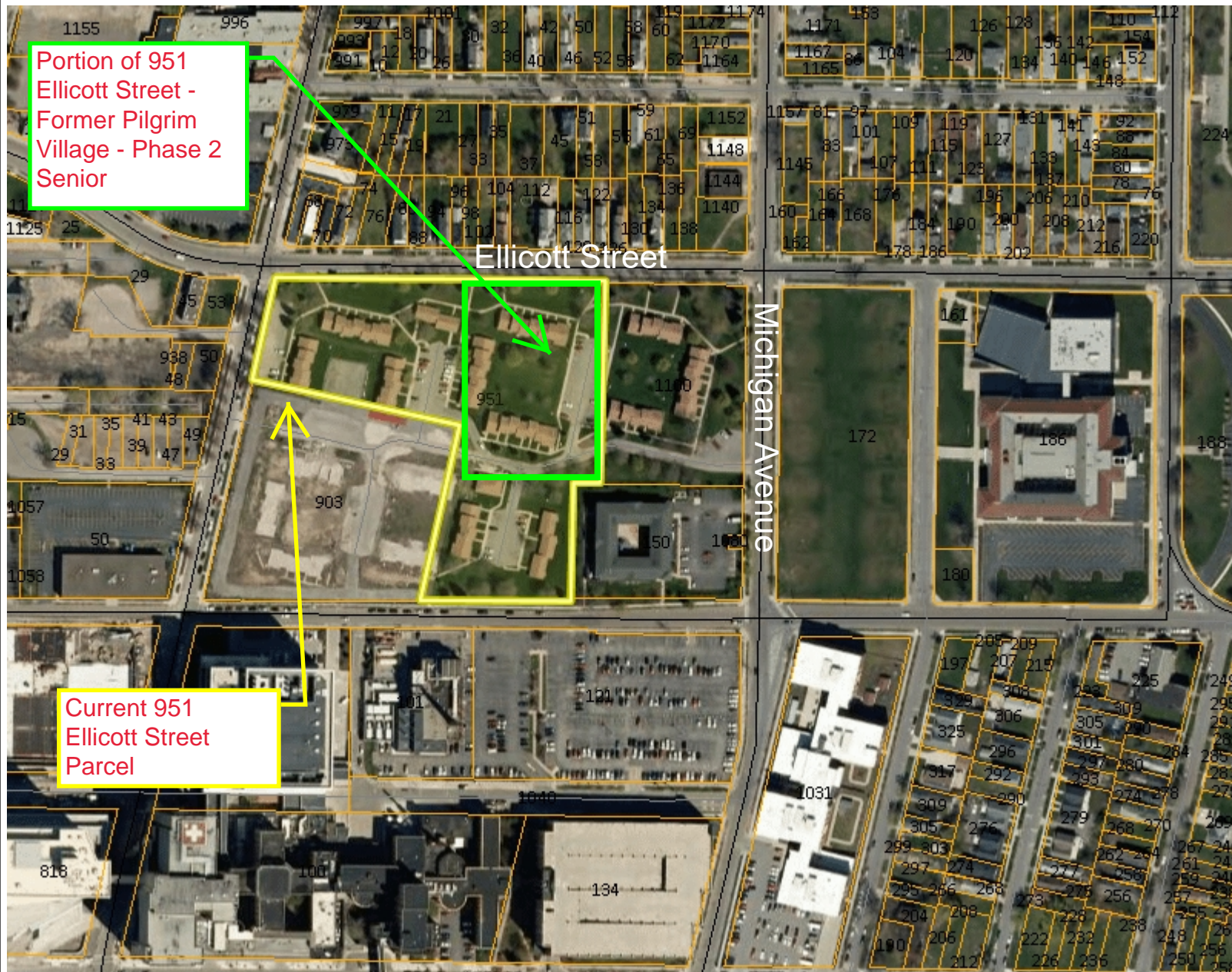
Tax Parcel Information



Erie County On-Line Mapping Application



Portion of 951
Ellicott Street -
Former Pilgrim
Village - Phase 2
Senior



Legend

- Parcels
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road

Current 951
Ellicott Street
Parcel

0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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

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

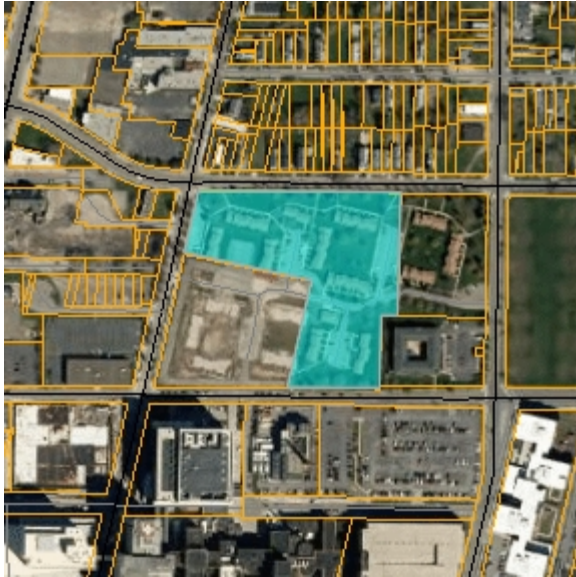
1: 4,514



Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
5/15/2020 2:31:22 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001007100003001110

SBL: 100.71-3-1.11

Address: 951 ELLICOTT

Owner 1: PILGRIM VILLAGE

Owner 2: ASSOCIATES

Mailing Address: 91 NORA LN

City/Zip: BUFFALO NY 14209

Municipality: City of Buffalo

Property Class: 411

Class Description: B - Apartment

Front: 196.07000732

Depth: 564.70001221

Deed Roll: 1

Deed Book: 8922

Deed Page: 105

Deed Date:

Acreage: 5.62592501

Total Assessment: \$1,309,700

Land Assessment: \$135,400

County Taxes: \$135,000

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

Real Property Information

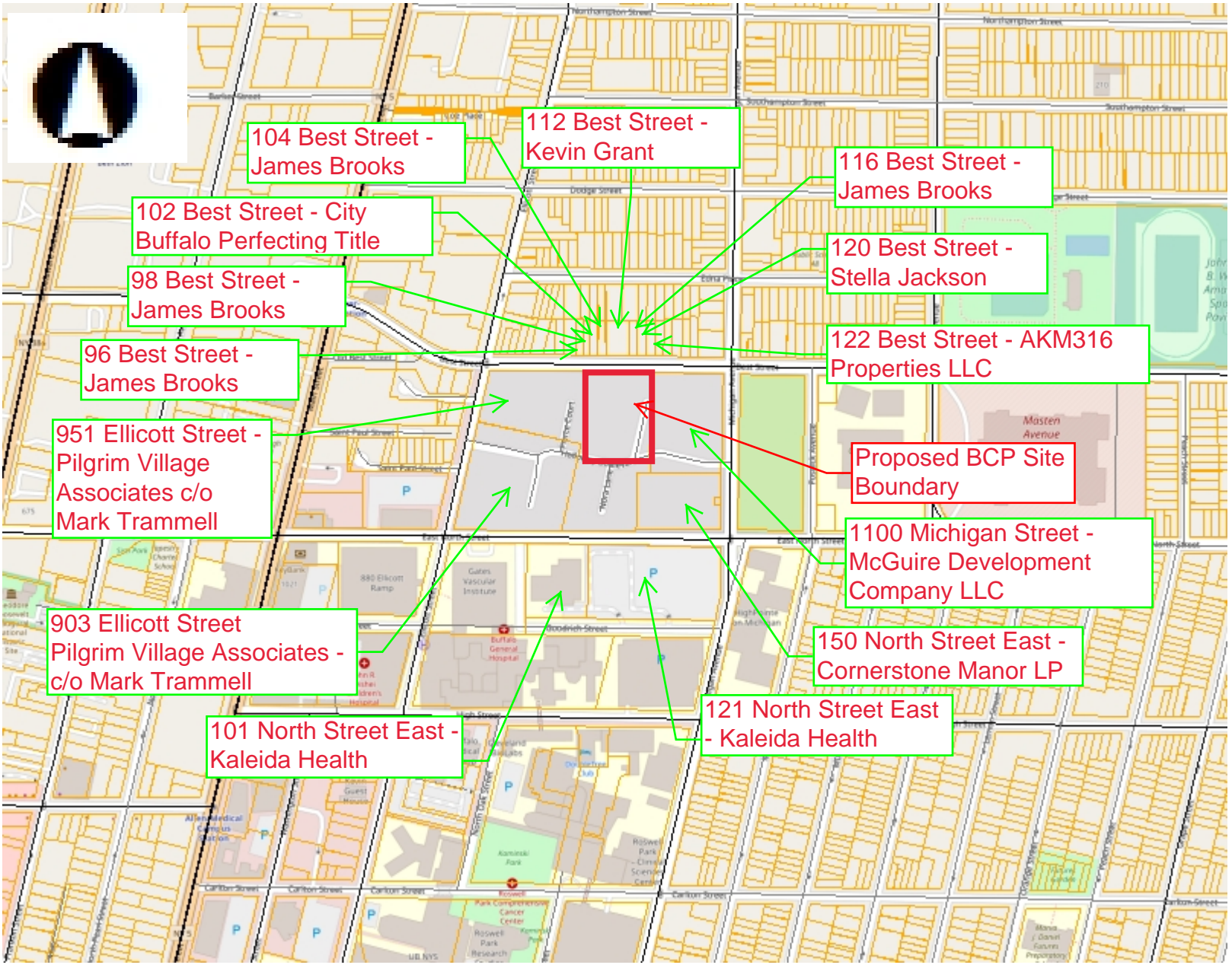
| | | | | | |
|-------------------------------|-------------------------------------|-----------------|---------------------|---------|--------|
| Parcel Status | ACTIVE | City\Town | Buffalo | Village | |
| S-B-L | 100.71-3-1.11 | Owner | PILGRIM VILLAGE | SWIS | 140200 |
| Property Location | 951 ELLICOTT | Mailing Address | ASSOCIATES | | |
| Property Class | 411 APARTMENT | Line 2 | C/O MARK TRAMMELL | | |
| Assessment | 1309700 | Line 3 | | | |
| Taxable | 135000 | Street | 91 NORA LN | | |
| Desc | SE COR BEST | City/State | BUFFALO NY | | |
| Desc | IRR SL; IRR RL | Zip | 14209 | | |
| Deed Book | 8922 | Deed Page | 105 | | |
| Frontage | 196.07 | Depth | 564.7 | Acres | 5.63 |
| Year Built | | Square Ft | | | |
| Beds | | Baths | | | |
| FirePlace | | School | BUFFALO SCHOOL DIST | | |
| Owner History | Tax Payment History | | | | |

ATTACHMENT E

SECTION IV: PROPERTY INFORMATION

Property Base Map, Survey, and Metes/Bounds

Property Base Map



0 0.14 0.3Miles

1: 9,028

Legend

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF SECTION 7209 PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.
NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE.
● SET OR EX. 5/8" REBAR OR AS NOTED

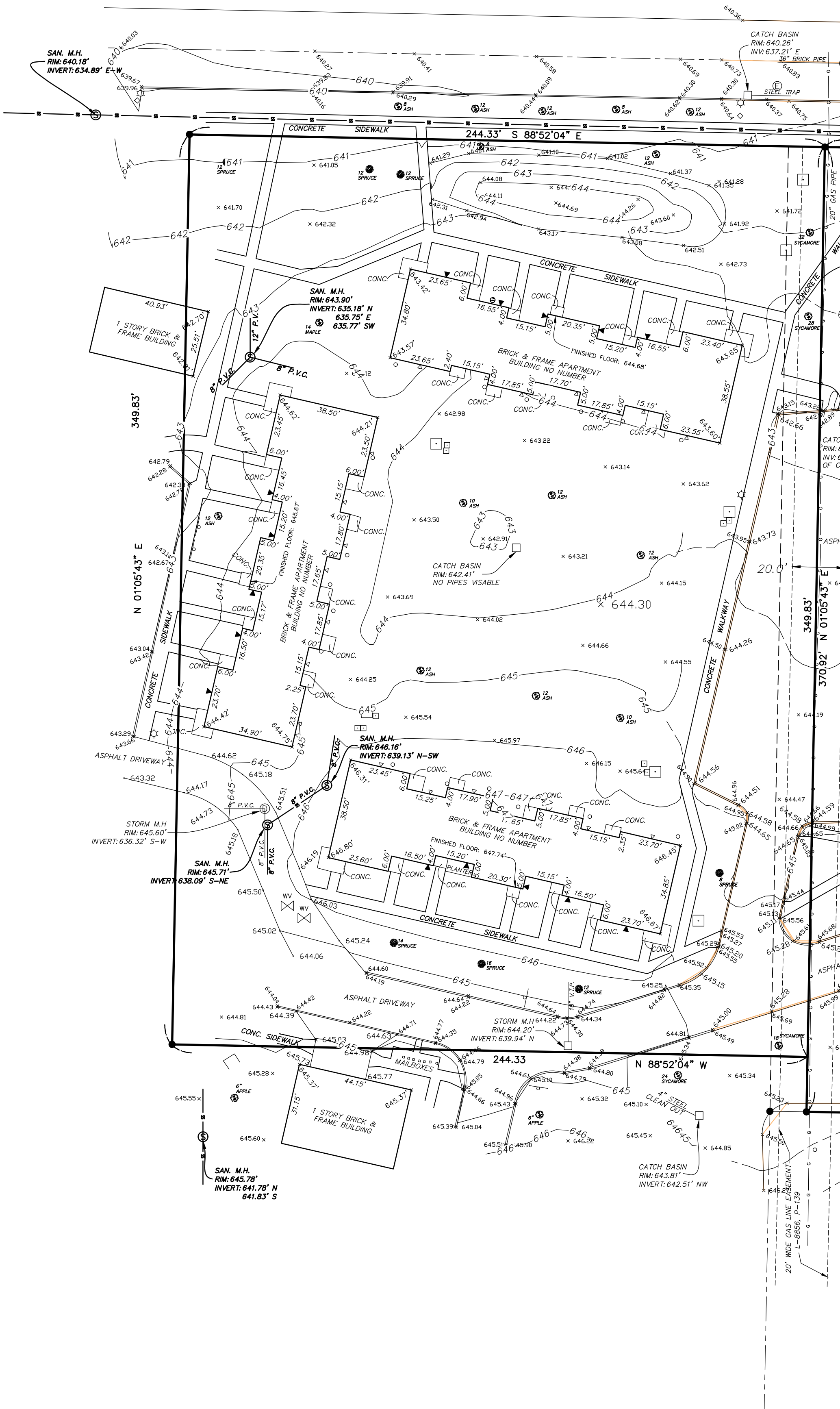


1.96 acres

LEGEND

- ⊕ WATER MANHOLE
- CATCH BASIN
- CLEAN OUT
- ⊙ SANITARY MANHOLE
- Ⓢ STORM MANHOLE
- △ ELECTRIC METER
- ▣ CABLE PEDESTAL
- ▢ TELEPHONE PEDESTAL
- ⊞ ELECTRIC TRANSFORMER
- ▲ GAS METER
- TRAFFIC HAND HOLE
- ⊕ TRAFFIC SIGNAL POLE
- SINGLE POST SIGN
- TWO POST SIGN

BEST (66.0' WIDE) STREET



BOUNDARY & TOPOGRAPHIC SURVEY
PART OF LOT 30, TOWNSHIP 11, RANGE 8
HOLLAND LAND COMPANY

CITY OF BUFFALO, ERIE COUNTY, NEW YORK



GPI ENGINEERING, LANDSCAPE
ARCHITECTURE & SURVEYING, LLP
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE
4950 GENESEE STREET, SUITE 100
BUFFALO, NEW YORK 14225
(716) 633-4844 FAX 633-4940

Job No. 8141
Scale 1" = 30'

Date: MARCH 2, 2020
Tax No. 100.72-1-1.1

| DATE | REVISION/TYPE |
|---------|------------------|
| 4/16/20 | ADDITIONAL TOPO. |
| | |
| | |
| | |
| | |

PILGRIM VILLAGE PHASE II

Job No. 8141

April 21, 2020

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie, State of New York being part of Lot 30, Township 11, Range 8 of the Holland Land Company's Survey, bounded and described as follows;

COMMENCING at the intersection of the south line of Best Street (66.0 feet wide) with the west line of Michigan Avenue (66.0 feet wide):

THENCE: Westerly, along the south line of Best Street a distance of 300.00 feet to the POINT OF BEGINNING;

THENCE: Southerly, parallel with the west line of Michigan Avenue, a distance of 349.83 feet to a point;

THENCE: Westerly, parallel with the south line of Best Street, a distance of 244.33 feet to a point;

THENCE: Northerly, parallel with the west line of Michigan Avenue, a distance of 349.83 feet to the southerly line of Best Street;

THENCE: Easterly, along the southerly line of Best Street, a distance of 244.33 feet to the POINT OR PLACE OF BEGINNING, containing 1.96 acres more or less.

ATTACHMENT F

SECTION IV: PROPERTY INFORMATION

Property Description and Environmental Assessment

Location

The property is in an urban area on the east side of the City of Buffalo. The site is currently accessed from either Michigan Street approximately 325 feet south of the intersection of Michigan and Best Streets or from Ellicott Street approximately 300 feet south of the intersection of Best and Ellicott Streets.

Site Features

The main site feature includes 3 clusters of multiple-unit apartment buildings that are rectangular in nature and together form a U-shaped complex with approximately 21 units. These 3 apartment clusters are only a portion of an approximately 7.9-acre site that houses 12 separate multiple-unit apartment buildings constructed sometime prior to 1981. The subject site is 1.96 acres, most of which is green space with some asphalt parking areas. The northern edge of the property has approximately 250 feet that borders Best Street, while the eastern and western edges of the property are landlocked with approximate distance of 350 feet.

Current Zoning and Land Use

The site is currently zoned D-R Residential Campus that is typically comprised of garden apartments or towers in a park, and organized as a large-scale, integrated development. It is bordered to the north by houses zoned N-2R Residential that typically adjoin more intensive mixed-use centers, generally defined by compact residential blocks, which occasionally include small mixed-use buildings. It is border to the east by green space zoned D-OG Green that typically houses civic greens and parks, characterized primarily by trees and landscape, framed by landscape elements, or building facades, and designed for passive or recreational use. It is bordered to the south by medical facilities zoned D-M Medical Campus that typically houses medical campuses, which are either primarily single-use or mixed-use, and whose design and layout are based on their special function. It is bordered to the west by mixed residential/commercial zoned N-1C Mixed Use Core that typically possesses mixed-use centers of high intensity, in strategic locations such as on the edges of downtown or proximate to light rail rapid transit, and often featuring mid-rise buildings. The property currently contains 3 multi-unit apartment complexes similar in size and construction with 7 units per building.

Past Use of the Site

Prior to the apartment complex the property was occupied by dense residential housing with several small shops, from the late 1800s through the mid-1970s. A gasoline filling station was located on the adjacent northeast corner parcel at Michigan and Best Streets from at least 1951 through at least the 1960s. Small shops included Curley Top Beauty Shoppe from 1942 through the early 1950s at 1080 Michigan Avenue, and Erie County Pest Control during the 1960s. However, none of these small shops are believed to cause site contamination.

Site Geology and Hydrogeology

Information provided by Natural Resources Conservation Service (NRCS) indicates soil types in the vicinity of the subject property to be Urban land-Odesa complex that are somewhat poorly drained. NRCS also indicates parent material is reddish clayey and silty glaciolacustrine deposits; depth to restrictive feature (if any) is more than 80 inches; and depth to groundwater is more than approximately 6 to 18 inches. However, depth to groundwater is greater than 22 feet based on Phase II for subject property that drilled to a depth of 22 feet with no report of groundwater encountered. There is no frequency of flooding or ponding in the immediate area. According to USGS New York State Geology Online Spatial Data, geologic rock formations in the general area of the subject property is Onondaga and Bois Blanc Limestones of Middle Devonian age. The nearest surface water to subject property is Lake Erie approximately 1.6 miles to the southwest. The gradient or direction of groundwater is northwesterly based on field observations and the USGS topographic map.

Environmental Assessment

Based upon two Phase II site assessments at the subject site (i.e., 2019 and 2020), the primary contaminants of concern include metals and SVOCs. Contaminant metals such as barium (430ppm>400ppm RRSCO), arsenic (15.7ppm>13ppm USCO), lead (1650ppm>400ppm RRSCO), copper (636ppm>50ppm USCO), zinc (489ppm>109ppm USCO), and mercury (3.62ppm>0.81ppm RRSCO) exceeded Part 375 SCOs. Several SVOCs were detected on site that also exceeded SCOs including benz(a)anthracene (2.47ppm>1.0ppm RRSCO), benzo(a)pyrene (2.30>1.0ppm RRSCO), benzo(b)fluoranthene (1.58ppm>1.0ppm RRSCO), benzo(k)fluoranthene (1.92ppm>0.8ppm USCO), chrysene (2.13ppm>1.0ppm USCO), dibenz(a,h)anthracene (0.40ppm>0.33ppm RRSCO) and indeno(1,2,3,cd)pyrene (0.91ppm>0.5ppm RRSCO). All contaminants were in the shallow subsurface not exceeding 3.5 feet below grade.

ATTACHMENT G

SECTION VI: CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Previous Property Owners

- McGuire PV Holding LP (Owner 2019); Operator unknown; No known address or telephone number; No relationship with Requestor or Requestor's Corporate Members.
- Pilgrim Village Associates (Owner 1980); Mark Trammell; 91 Nora Lane, Buffalo, NY 14209; No known telephone number; No relationship with Requestor or Requestor's Corporate Members.

ATTACHMENT H

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Statement

The answers to Section VII are “NO”.

The requestor is certifying that they are volunteers and their liability arises solely because of their eventual ownership and development of the Site. Once ownership of the property is obtained, the requestor will exercise appropriate care and perform reasonable steps to mitigate any (1) continuing discharge of, (2) threatened future release of, and (3) human or environmental exposure to hazardous materials from the Site.

The requestor should be considered as a volunteer, as it is anticipated hazardous material mitigation will be achieved at the site by utilizing the following approach:

- Knowing the potential historical site environmental impacts via previous assessments, identify extent of recognized environmental conditions performing a thorough investigation of the site including soil, water, and air.
- Utilizing results of investigation, perform remedial measures that could include soil removal, construction and demolition debris removal, soil vapor mitigation, groundwater treatment, abatement of building materials, installation of barriers, etc.
- Establish administrative controls at the site, as necessary, to protect human health and the environment during future activities and occupation at the site.

Furthermore, it should be noted that the requestor has not initiated any operations or property use that would contribute to environmental impacts; was not the owner of the site at the time of release of any contamination; and has no legal relationship with current owner beyond the real estate contract to purchase the property.

ATTACHMENT I

SECTION VII: REQUESTOR ELIGIBILITY INFORMATION

Proof of Access

951 ELLICOTT STREET, BUFFALO, NEW YORK

**CONSENT OF MCGUIRE PV HOLDING, L.P. TO SAA EVI MC SENIOR, LLC TO
PARTICIPATE IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION BROWNFIELD CLEANUP PROGRAM**

THE UNDERSIGNED, G. David Von Derau, Jr. in his capacity as President of McGuire Development Company, LLC, General Partner of McGuire PV Holding, L.P. ("PV Holding"), current owner of 951 Ellicott Street, Buffalo, New York.

DOES HEREBY CERTIFY that PV Holding **RESOLVED** as follows:


that SAA EVI MC SENIOR, LLC ("Senior") as potential developer of 951 Ellicott Street in Buffalo, New York, is hereby authorized by PV Holding to execute documentation for SENIOR's application to participate in the New York State Department of Environmental Conservation Brownfield Cleanup Program ("BCP") for the land encompassing approximately 1.96 acres in Buffalo, NY (the "Site") as described in the attached parcel descriptions; and

that Senior is hereby authorized to execute documentation, have physical access to, and permission to conduct necessary environmental testing at the Site in furtherance of SAA/EVI's application for participation in the BCP; and

that should SAA/EVI be accepted into the BCP, it shall have physical access and permission to conduct any required remedial activities in furtherance of its participation in the program.

IN WITNESS WHEREOF, the undersigned has hereto affixed the hand and seal of PV Holding this 18th day of June, 2020.

McGuire PV Holding, L.P.

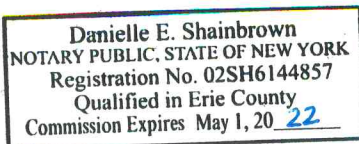


By: G. David Von Derau, Jr.
Title: President, McGuire Development

Sworn to before me this
18th day of June, 2020.



Notary Public



ATTACHMENT J

SECTION IX: CONTACT LIST INFORMATION

Site Contact List and Document Repository Letter

1. Chief executive officer and planning board chairperson for municipalities property is located

Erie County

County Executive: Mark C. Poloncarz
Edward A. Rath County Office Building
95 Franklin Street, 16th floor
Buffalo, NY 14202

County Environment and Planning Commissioner: Thomas R. Hersey, Jr.
Edward A Rath County Office Building
95 Franklin Street, 10th Floor
Buffalo, New York 14202

City of Buffalo

Mayor – Byron W. Brown
65 Niagara Square
Room 201
Buffalo, NY 14202

Director of Planning: Nadine Marrero
65 Niagara Square
Room 901
Buffalo, NY 14202

2. Residents, owners, and occupants of the property and properties adjacent to the property.

Property

McGuire Development Company LLC
951 Ellicott Street
Buffalo, NY 14209

Adjacent Properties

Cornerstone Manor LP (apartment)
150 North Street East
Buffalo, NY 14203

McGuire Development Company LLC (apartment)
1100 Michigan Avenue
Buffalo, NY 14203

AKM316 Properties, LLC (two family dwelling)
122 Best Street
Buffalo, NY 14215

Stella Jackson (one family dwelling)
120 Best Street
Buffalo, NY 14209

James Brooks (one family dwelling)
116 Best Street
Buffalo, NY 14209

Kevin Grant (one family dwelling)
112 Best Street
Buffalo, NY 14209

James Brooks (multiple residences)
104 Best Street
Buffalo, NY 14209

City Buffalo Perfecting Title (residential vacant land)
102 Best Street
Buffalo, NY 14202

James Brooks (residential vacant land)
98 Best Street
Buffalo, NY 14209

James Brooks (two family dwelling)
96 Best Street
Buffalo, NY 14209

Pilgrim Village c/o Mark Trammell
951 Ellicott Street
Buffalo, NY 14209

Pilgrim Village c/o Mark Trammell
903 Ellicott Street
Buffalo, NY 14209

Kaleida Health (electric power other)
101 North Street East
Buffalo, NY 14209

Kaleida Health (parking lot)
121 North Street East
Buffalo, NY 14209

3. Local news media from which the community typically obtains information.

The Buffalo News
One News Plaza
PO Box 100
Buffalo, NY 14240

WGRZ-TV 2NBC
259 Delaware Ave
Buffalo, NY 14202

WIVB-TV 4
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW-TV 7
Broadcast Plaza
Buffalo, NY 14202

4. The public water supplier which services the area in which the property is located.

Buffalo Water Department
120 Delaware Avenue
Buffalo, NY 14202

Erie County Water Department
295 Main Street
Buffalo, NY 14202

5. Any person requested to be placed on the list

None.

6. The administrator of any school or day care facility located on or near the property.

City Honors School
186 East North Street
Buffalo, NY 14204

7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of a letter sent to the repository acknowledging that it agrees to act as the document repository for the property.

Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203
See confirming letter attached.



1270 Niagara Street
Buffalo, NY 14213
716.249.6880 be3corp.com

5/14/2020

Buffalo & Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203

Re: BCP Project Pilgrim Village Phase 2 Senior – Best and Michigan Streets, Buffalo, NY

To Whom it may concern,

SAA EVI MC Senior LLC is in the process of applying to the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) for a project at Michigan and Best Streets. On behalf of the project applicant, I am requesting that a Branch of the Buffalo Library function as the document repository for the public documents associated with this project. The project documentation may include the application, work plans, investigation reports and management plans etc. associated with the project. Currently the project is anticipating initiating activities in late 2020.

The process requires that we receive formal acknowledgment that your library agrees to function as a document repository for this project. Your acceptance of the use of a Branch of the Buffalo Library as a document repository for the project may be indicated by signing in the space provided below or by providing a letter indicating acceptance.

Thank you for agreeing to function in this capacity. If you have any question, please call me at 716-830-8636.

Sincerely,

Jason M. Brydges, PE
President

Accepted by:

Name Jeannine Doyle

Buffalo & Erie County Public Library
Library Name

Chief Operating Officer
Title

May 20, 2020
Date

ATTACHMENT K

SECTION X: LAND USE FACTORS

Current Use

Current use of the property (as described in Attachments C and F) is affordable housing, and the property is currently being used as affordable housing.

Possible sources of contamination at the site (as described in Attachments C and F) are historical backfill that was used during site construction that occurred at the property in the past.

Proposed use of the new development (as described in Attachments C and F) is affordable housing for senior residences.