

UPDATED BCP APPLICATION FORM

(PREVIOUSLY SUBMITTED APRIL 14, 2021)

INCLUDES:

- Letter Dated April 14, 2021
- Original Supplemental Information
- Additional Exhibits Submitted with Updated BCP Application Form on April 14, 2021



**RUPP
BAASE
PFALZGRAF
CUNNINGHAM** LLC
ATTORNEYS

1600 Liberty Building, 424 Main Street, Buffalo, NY 14202
716.854.3400 ◀ ruppbaase.com

MARC A. ROMANOWSKI
romanowski@ruppbaase.com

April 14, 2021

VIA ELECTRONIC MAIL

NYSDEC
Alexandra Servis for
Kelly A. Lewandowski, P.E.Chief

Ladies and Gentlemen:

Re: Brownfield Cleanup Application
156 Chandler Street, LLC
BCP No.: C915370
Our File No.: 5189.28536

As you are aware, we represent the Applicant with respect to this Site. Further, this Site was part of a previous site which was divided so that the other half could receive a Certificate of Completion. As such, the application materials were largely the same as those for 140 Chandler, hence the duplication. Nevertheless, we are providing responses to the questions to provide greater clarity.

EXHIBITS

Exhibit "A" – Revised Brownfield Cleanup Application Form
Exhibit "B" – Environmental Testing Data
Exhibit "C" - Tax Map
Exhibit "D" - Deed

Below are the Department's comments in *italics* followed by our responses.

Section I: Requestor Information

- *Please provide a list of the members/owners of 156 Chandler Street, LLC.*

Response: 156 Chandler Street, LLC is a single-member entity and the sole member is Rocco Termini as sole owner/managing member and the business address is 391 Washington Street, Buffalo, New York 14203.

Section II: Project Description

- *Item 1: Please select either Investigation or Remediation. If additional investigation will be performed, please select*

Investigation.

Response: We have revised the form and selected Investigation. The intent is to prepare an Interim Remedial Measure within an RI/IRM/AAR Work Plan. The revised Brownfield Cleanup Application Form is attached hereto as **Exhibit "A"**.

Section III: Property's Environmental History

- *Please provide the required previous environmental report(s). Each report (including the provided work plan) should be provided as separate PDF files.*

Response: This Site was not subject to a formal report, but rather preliminary soil and groundwater sampling which we have attached as **Exhibit "B"** to this letter.

- *Please provide a brief narrative summarizing the site's environmental history. This narrative should include a list of reports provided with the application.*

Response: The subject site, 156 Chandler Street was formerly occupied by a large industrial building, addressed as 160 to 164 Chandler, constructed in 1914, and occupied by Enterprise Oil Co. (manufacturers of soap & compounds of lubricating oils), Quaker State Oil Refining Corp., Quality Petroleum Products, Inc. and Niagara Lubricants. Numerous aboveground tanks were depicted along the northern and western limits of 156 Chandler Street Site, associated with the historic refining operations. The site building was destroyed by fire in the summer of 2011, which included in Spill #1104059, due to volume of petroleum products that were stored in the building at that time. Contaminated soil, concrete, and plastics were staged for off-site disposal. Several 55-gallon drums containing liquids were observed on the second floor, which ultimately fell into the basement area during the building demolition. Minimal spillage was observed and was mostly contained in the basement. After demolition and removal of site debris, liquids, and asbestos containing materials, the basement floors and walls were pressure washed, then broken and folded into the basement area. Recycled construction materials were used as final backfill. A collection point, used to collect site water, was constructed in the northern portion of the site, and no sheen was observed on recent rainfall. The following materials were ultimately removed and were either recycled or disposed off-site:

- 14,560 gallons of oil products;
- 49,612 gallons of non-oil liquids;
- 120 tons of scrap metal;
- 3,784 tons of site debris; and
- 79 tons of friable asbestos containing materials.

The USEPA inspected the two on-site buildings for any remaining petroleum products and did not observe any stored products. The spill was considered as "inactive" by NYSDEC on May 30, 2012.

Wittman GeoSciences, PLLC completed a limited Phase II investigation in May 2018, however a report was not generated at that time. Additionally, a remedial investigation was completed as part of the 140 Chandler Street Site BCP C915354 in August and October 2020, but again, a formal report was not completed. The work completed at the site included completion of eight test pits, 11 soil borings, installation of three monitoring wells, and collection of soil and groundwater samples. Subsurface investigation identified historical industrial fill, including sand, gravel with varying amounts of brick, concrete, cinders, wood, and miscellaneous materials within the former building footprint, confirming the building was backfilled with miscellaneous fill material, extending up to 7 feet below

grade. Additionally, staining and/or odors were noted within several soil samples within the fill material. Analytical samples were collected from soil and groundwater samples from the various soil borings, test pits, and monitoring wells. Analytical testing results identified several SVOCs at concentrations exceeding commercial and/or industrial soil cleanup objectives in eight of the nine fill samples selected for laboratory analysis. Several metals and PCBs were also detected in the soil samples selected; however the concentrations were generally below restricted residential use soil cleanup objectives. Groundwater results also identified several VOCs, SVOCs and metals at concentrations exceeding NYSDEC criteria.

- *Please provide the required environmental data figures following the instructions in the application form. These figures should be provided separate from any included reports.*

Response: Please see **Exhibit "B"**.

Section IV: Property Information

- *Please provide the complete street address in the property information table (i.e. "156 Chandler Street" rather than "156 Chandler").*

Response: Acknowledged and revised, please see **Exhibit "A"**.

- *Please select which portion of the site lies within an En-Zone.*

Response: Acknowledged and revised, please see **Exhibit "A"**.

- *Please provide the required Property Description Narrative*

Response: The site is addressed as 156 Chandler Street in the City of Buffalo, Erie County, New York and consists of one parcel totaling approximately 0.432 acres of land. The site is bound to the north by railroad tracks, to the south by Chandler Street, to the west by Chandler Street Pool (140 Chandler Street) and to the east by a commercial structure, with occupants including Tappo Restaurant, Thin Man Brewery, ODL Ortho Lab, and a salon and fitness center. The property is located within an urban area, utilized for industrial, commercial, and residential purposes.

Site Features – The site is vacant, undeveloped land. However, about 10 feet of the eastern limits of the site, includes a concrete driveway associated with the eastern adjoining property. Additionally, a silo and cooling machinery associated with the brewery are located near the eastern property limit, but appear to be on the eastern adjoining property. The parcel extends northerly from Chandler Street to the railroad track right-of-way.

Current Zoning and Land Use – 156 Chandler Street is currently zoned D-C for Flex Commercial

Past Uses of the Site – The subject site, 156 Chandler Street was formerly occupied by a large industrial building, addressed as 160 to 164 Chandler, constructed in 1914, and occupied by Enterprise Oil Co. (manufacturers of soap & compounds of lubricating oils), Quaker State Oil Refining Corp., Quality Petroleum Products, Inc. and Niagara Lubricants. Numerous aboveground tanks were depicted along the northern and western limits of 156 Chandler Street Site, associated with the historic refining operations. The building was most recently occupied by Niagara Lubricants and was

destroyed by a fire in the summer of 2011. Following building demolition associated with the fire, the former building area was backfilled, and has been vacant since that time.

Prior remedial measures have been completed at the site associated with numerous historical spills. Wittman GeoSciences, PLLC completed a limited Phase II investigation in May 2018. Additionally, a remedial investigation was completed as part of the 140 Chandler Street Site BCP C915354 in August and October 2020. The work completed at the site included completion of eight test pits, 11 soil borings, installation of three monitoring wells, and collection of soil and groundwater samples, which is included in Section III.

Site Geology and Hydrogeology – Based on the soil borings completed, approximately 4 to 7 feet of granular and cohesive fill material is present throughout the site. A former basement floor, associated with the building demolished in 2011, was encountered between 5 and 7 feet below grade in investigation locations completed within former building. Clay and silt was encountered below the fill material and extended the full depth drilled, ranging from 8 to 20 feet below grade. Groundwater was encountered approximately 3.5 to 17 feet below grade.

Based on a review of the site topographic conditions as depicted on the USGS 7.5 minute Topographic Quadrangle Map of Buffalo NW, New York, shallow regional groundwater flows is expected to flow in a southwesterly direction toward Scajaquada Creek located approximately 0.40 miles south and toward the Niagara River located approximately one mile west of the Site.

Environmental Assessment – Based on the investigation completed in May 2018, the primary contaminants of concern in the soil include semi-volatile organic compounds (SVOCs) including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene; and metals barium and lead

Soil – The contamination at the site is primarily due to fill which varies from 4 to 7 feet below ground surface. SVOCs (PAHs) were encountered in the soil samples collected from fill areas at concentrations exceeding restricted residential soil cleanup objectives (RRSCO). The concentrations of the PAHs were up to 6.6 ppm benzo(a)anthracene (RRSCO – 1 ppm); 4.6 ppm benzo(a)pyrene (RRSCO – 1 ppm); 6 ppm benzo(b)fluoranthene (RRSCO – 1 ppm); 2.1 ppm benzo(k)fluoranthene (RRSCO – 1 ppm); 4 ppm chrysene (RRSCO – 3.9 ppm); 0.79 ppm dibenzo(a,h)anthracene (RRSCO – 0.330 ppm); and 2.8 ppm indeno(1,2,3-cd)pyrene (RRSCO – 0.5 ppm).

Groundwater – Concentrations of various VOCs were encountered above groundwater standards (GWS) including 1,1-dichloroethane at 20 ppb (GWS - 5 ppb); chloroethane at 13 ppb (GWS – 5 ppb); 1,2-dichlorobenzene at 5.8 ppb (GWS – 3 ppb); acetone at 170 ppb (GWS – 50 ppb). Additionally, concentrations of various SVOCs were encountered including phenol at 35 ppb (GWS – 1 ppb); naphthalene at 35 ppb (GWS – 10 ppb); benzo(a)anthracene at 4.8 ppb (GWS - 0.002 ppb); benzo(a)pyrene at 3.2 ppb (GWS – ND); benzo(b)fluoranthene at 4.6 ppb (GWS - 0.002 ppb); benzo(k)fluoranthene at 1.7 ppb (GWS – 0.002 ppb); chrysene at 4.8 ppb (GWS – 0.002 ppb); and indeno(1,2,3-cd)pyrene at 1.6 ppb (GWS – 0.002 ppb).

- *Please provide a county tax map with the site and surrounding property tax information visible.*

Response: Tax maps are provided in **Exhibit “C”**.

Section VI: Current Property Owner/Operator Information

- *The narrative for this section appears to pertain to 140 Chandler Street, not the subject site. Please provide the required information for the subject site. This should include the date which the current owner acquired title to the site, and lastknown contact information for all previous owners and operators.*

Response: The reason the narrative is the same is because the Site started as part of 140 Chandler. Mr. Termini acquired this parcel in 2018. The only additional history is the conveyance of title from 140 Chandler Street, LLC to 156 Chandler Street, LLC on April 14, 2021 to facilitate the separate development of the now subdivided parcel. A copy of the deed from 140 Chandler Street, LLC to 156 Chandler Street LLC is attached hereto as **Exhibit "D"**.

Section VII: Requestor Eligibility Information

- *Please provide a statement describing why the requestor should be considered a volunteer.*

Response: 156 Chandler Street, LLC received property ownership in April 2021 for future redevelopment. No activities or operations have occurred since purchase. The impacts are associated with historical industrial fill. 156 Chandler Street, LLC has not operated the subject site, and therefore does not have responsibility for the contamination present at the Site. Equally, the related entity of 140 Chandler Street, LLC acquired the Site on December 4, 2018 and had no other involvement at the Site.

Section VIII: Property Eligibility Information

- *Please provide a response to Item 2. If the response is affirmative, please provide the requested information and a response to Item 4.*

Response: Acknowledged and revised, please see **Exhibit "A"**.

Section IX: Contact List Information

- *Please clarify the ownership of the adjacent railroad tracks property. The included maps indicate that Conrail Railroad is the owner, whereas the Site Contact List indicates that the City of Buffalo is the property owner. Please provide a valid mailing address for the owner.*

Response: Adjoining property to the north is Con-Rail (Erie) c/o attn: W J Jackson, 6 Penn Center Plaza – Rm 1, Philadelphia, PA 19103.

- *Please provide confirmation from the North Park Library that it agrees to act as a repository for this project. The acknowledgement provided was from a different library than that listed on the Site Contact List, and does not confirm that the library agrees to perform repository duties for this site specifically.*

Response: Buffalo and Erie County Public Library system requires that we submit any reports to the main library in Buffalo, NY, and they then distribute to the specific branch, which is North Park Library, in this case. Therefore, confirmation is from the Main Library Branch.

Section X: Land Use Factors

- *The narrative for this section appears to pertain to 140 Chandler Street. Please provide all requested information for the subject site.*

Response: Again, the reason it is the same is because 156 Chandler Street originally was part of 140 Chandler. Acknowledged and revised, please see **Exhibit "A"**.

- *Item 4: please complete the sentence.*

Response: Acknowledged and revised, please see **Exhibit "A"**.

Section XI: Statement of Certification and Signatures

- *Please provide a new signature page with the name of the requestor appearing exactly as it does in the NYS Department of State database ("Street" cannot be abbreviated).*

Response: Acknowledged and revised, please see **Exhibit "A"**.

Additional Comments

- *Please indicate on page 1 whether this submission is an application to amend the BCA for an existing site.*

Response: Because the BCA for 140 Chandler Street was previously amended to cut this portion out and 140 Chandler Street received a Certificate of Completion, we were told that it should be processed as a "new" application.

- *The BCP Application Summary Page (page 12) states a different proposed site name than on page 4. Please reconcile and correct any other instances of the site name throughout the application package.*

Response: Acknowledged and revised, please see **Exhibit "A"**.

- *BCP Application Summary Page: please select the percentage of the site that lies within an En-zone.*

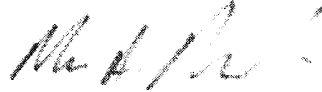
Response: Acknowledged and revised, please see **Exhibit "A"**.

CONCLUSION

We believe that the foregoing fully addresses the questions from the Department. However, should the Department have any further questions, please do not hesitate to contact us.

Very truly yours,

Rupp Baase Pfalzgraf Cunningham LLC

A handwritten signature in black ink, appearing to read "Marc A. Romanowski".

Marc A. Romanowski, Esq.

cc: Michele Wittman, Wittman Geosciences
Rocco Termini, 156 Chandler, LLC



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 11*

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|----------------------------------------------------------------------------------------|
| Section I. Requestor Information - See Instructions for Further Guidance | | DEC USE ONLY BCP SITE #: |
| NAME 156 Chandler Street, LLC | | |
| ADDRESS 391 Washington Street, Suite 800 | | |
| CITY/TOWN Buffalo | | ZIP CODE 14203 |
| PHONE 716-861-5385 | FAX 716-768-1829 | E-MAIL rtermini@wnylofts.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. <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. | | |
| Section II. Project Description | | |
| 1. What stage is the project starting at? | | <input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation |
| NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required. | | |
| 2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): | | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Please attach a short description of the overall development project, including: | | |
| <ul style="list-style-type: none"> the date that the remedial program is to start; and Remedial Program to Begin May 1, 2021 the date the Certificate of Completion is anticipated. Certificate of Completion Expected December 2021 | | |

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 that the site requires remediation and 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). Please do not submit paper copies of supporting documents.**

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 | | Benzene, Toluene | |
| Chlorinated Solvents | | | |
| Other VOCs | | | |
| SVOCs | PAH's | PAH's | |
| Metals | Barium, Lead | | |
| Pesticides | | | |
| PCBs | | | |
| Other* | | | |

*Please describe: _____

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

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

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 checked="" type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input checked="" 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: _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 156 Chandler Street

ADDRESS/LOCATION 156 Chandler Street

CITY/TOWN Buffalo ZIP CODE 14207

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

COUNTY Erie SITE SIZE (ACRES) .436

LATITUDE (degrees/minutes/seconds) 42 ° 56 ' 36.283 " LONGITUDE (degrees/minutes/seconds) 78 ° 53 ' 5.636 "

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 |
|---------------------|-------------|-----------|---------|---------|
| 156 Chandler Street | 77.84 | 4 | 4.2 | .436 |
| | | | | |

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? Yes No
(application will not be processed without map)

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
If yes, identify census tract : 55, Erie County, NY
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.**

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 Rocco Termini | | | |
| ADDRESS 391 Washington Street | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14203 | |
| PHONE 716-861-5385 | FAX 716-768-1829 | E-MAIL rtermini@wnylofts.com | |
| NAME OF REQUESTOR'S CONSULTANT Michele Wittman - Wittman GeoSciences, PLLC | | | |
| ADDRESS 3636 N. Buffalo Road | | | |
| CITY/TOWN Orchard Park | | ZIP CODE _____ | |
| PHONE 716-574-1513 | FAX _____ | E-MAIL michelewittmangeo@gmail.com | |
| NAME OF REQUESTOR'S ATTORNEY Marc A. Romanowski, Esq. | | | |
| ADDRESS 1600 Liberty Building, 424 Main Street | | | |
| CITY/TOWN Buffalo | | ZIP CODE 14202 | |
| PHONE 716-854-3400 | FAX _____ | E-MAIL romanowski@ruppbaase.com | |
| Section VI. Current Property Owner/Operator Information – if not a Requestor | | | |
| CURRENT OWNER'S NAME _____ | | OWNERSHIP START DATE: _____ | |
| ADDRESS _____ | | | |
| CITY/TOWN _____ | | ZIP CODE _____ | |
| PHONE _____ | FAX _____ | E-MAIL _____ | |
| CURRENT OPERATOR'S NAME _____ | | | |
| ADDRESS _____ | | | |
| CITY/TOWN _____ | | ZIP CODE _____ | |
| PHONE _____ | FAX _____ | E-MAIL _____ | |
| <p>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".</p> <p>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.</p> | | | |
| Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) | | | |
| <p>If answering "yes" to any of the following questions, please provide an explanation as an attachment.</p> <p>1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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</p> <p>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</p> | | | |

Section VII. Requestor Eligibility Information (continued)

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

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

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

- Previous Owner Current Owner Potential /Future Purchaser Other _____

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

- Yes No

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

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

- Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
- Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ Yes No
- 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
- 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
- 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
- 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:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and properties adjacent to the property.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? D-C(Flex Commercial)

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)

156 Chandler Street has been vacant since 2011. Specific historical areas of usage and possible containment source areas are not known.

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

The Requestor and subsidiary companies have invested over \$30,000,000 into the Black Rock neighborhood over the past 4 years. The proposed use as a brewery is consistent with recent development in the area.

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

Yes No

Yes. Commercial and mixed uses are permitted under the D-C Zoning.

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

Yes, the proposed uses are consistent with existing zoning and the underlying community planning.

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: 4-10-21

Signature: [Handwritten Signature]

Print Name: Rocco Termini

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 156 Chandler Street, 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: 4-10-21

Signature: [Handwritten Signature]

Print Name: Rocco Termini

SUBMITTAL INFORMATION:

- **Two (2) copies**, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

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

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

BCP App Rev 11

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| 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(l) 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>(l) "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: 156 Chandler Street
City: Buffalo

Site Address: 156 Chandler Street
County: Erie **Zip:** 14207

Tax Block & Lot

Section (if applicable): 77.84 **Block:** 4 **Lot:** 4.2

Requestor Name: 156 Chandler Street, LLC
City: Buffalo

Requestor Address: 391 Washington Street, Suite 800
Zip: 14203 **Email:** rtermini@wnylofts.com

Requestor's Representative (for billing purposes)

Name: Rocco Termini **Address:** 391 Washington Street
City: Buffalo **Zip:** 14203

Email: rtermini@wnylofts.com

Requestor's Attorney

Name: Marc A. Romanowski, Esq. **Address:** 1600 Liberty Building, 424 Main Street
City: Buffalo **Zip:** 14202

Email: romanowski@ruppbaase.com

Requestor's Consultant

Name: Michele Wittman - Wittman GeoSciences, PLLC **Address:** 3636 N. Buffalo Road
City: Orchard Park **Zip:**

Email: michelewittmangeo@gmail.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:

Section I – Supplemental Information



NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 4, 2021.

Selected Entity Name: 156 CHANDLER STREET, LLC
 Selected Entity Status Information
Current Entity Name: 156 CHANDLER STREET, LLC
DOS ID #: 5138498
Initial DOS Filing Date: MAY 17, 2017
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)
 156 CHANDLER STREET, LLC
 391 WASHINGTON ST., STE. 800
 BUFFALO, NEW YORK, 14203-2108

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 | S Value per Share |
|--------------------------|---------------|-------------------|
| No Information Available | | |

*Stock information is applicable to domestic business corporations.

Name History

| Filing Date | Name Type | Entity Name |
|--------------|-----------|----------------------------------|
| JAN 26, 2021 | Actual | 156 CHANDLER STREET, LLC |
| MAY 17, 2017 | Actual | SYCAMORE STREET DEVELOPMENT, 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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Section II – Supplemental Information

Section III – Supplemental Information

Section III: Property's Environmental History

- *Please provide the required previous environmental report(s). Each report (including the provided work plan) should be provided as separate PDF files.*

Response: This Site was not subject to a formal, but rather preliminary soil and groundwater sampling which we have attached as **Exhibit "B"** to this letter

- *Please provide a brief narrative summarizing the site's environmental history. This narrative should include a list of reports provided with the application.*

Response: The subject site, 156 Chandler Street was formerly occupied by a large industrial building, addressed as 160 to 164 Chandler, constructed in 1914, and occupied by Enterprise Oil Co. (manufacturers of soap & compounds of lubricating oils), Quaker State Oil Refining Corp., Quality Petroleum Products, Inc. and Niagara Lubricants. Numerous aboveground tanks were depicted along the northern and western limits of 156 Chandler Street Site, associated with the historic refining operations. The site building was destroyed by fire in the summer of 2011, which included in Spill #1104059, due to volume of petroleum products that were stored in the building at that time. Contaminated soil, concrete, and plastics were staged for off-site disposal. Several 55-gallon drums containing liquids were observed on the second floor, which ultimately fell into the basement area during the building demolition. Minimal spillage was observed and was mostly contained in the basement. After demolition and removal of site debris, liquids, and asbestos containing materials, the basement floors and walls were pressure washed, then broken and folded into the basement area. Recycled construction materials were used as final backfill. A collection point, used to collect site water, was constructed in the northern portion of the site, and no sheen was observed on recent rainfall. The following materials were ultimately removed and were either recycled or disposed off-site:

- 14,560 gallons of oil products;
- 49,612 gallons of non-oil liquids;
- 120 tons of scrap metal;
- 3,784 tons of site debris; and
- 79 tons of friable asbestos containing materials.

The USEPA inspected the two on-site buildings for any remaining petroleum products and did not observe any stored products. The spill was considered as "inactive" by NYSDEC on May 30, 2012.

Wittman GeoSciences, PLLC completed a limited Phase II investigation in May 2018, however a report was not generated at that time. Additionally, a remedial investigation was completed as part of the 140 Chandler Street Site BCP C915354 in August and October 2020, but again, a formal report was not completed. The work completed at the site included completion of eight test pits, 11 soil borings, installation of three monitoring wells, and collection of soil and groundwater samples. Subsurface investigation identified historical industrial fill, including sand, gravel with varying amounts of brick, concrete, cinders, wood, and miscellaneous materials within the former building footprint, confirming the building was backfilled with miscellaneous fill material, extending up to 7 feet below grade. Additionally, staining and/or odors were noted within several soil samples within the fill material.

Analytical samples were collected from soil and groundwater samples from the various soil borings, test pits, and monitoring wells. Analytical testing results identified several SVOCs at concentrations exceeding commercial and/or industrial soil cleanup objectives in eight of the nine fill samples selected for laboratory analysis. Several metals and PCBs were also detected in the soil samples selected; however the concentrations were generally below restricted residential use soil cleanup objectives. Groundwater results also identified several VOCs, SVOCs and metals at concentrations exceeding NYSDEC criteria.

- *Please provide the required environmental data figures following the instructions in the application form. These figures should be provided separate from any included reports.*

Response: Please see **Exhibit "B"**

Section III

Property's Environmental History

Figure III-A – Soil Boring Sampling Locations

Figure III-B – Soil Sample Results

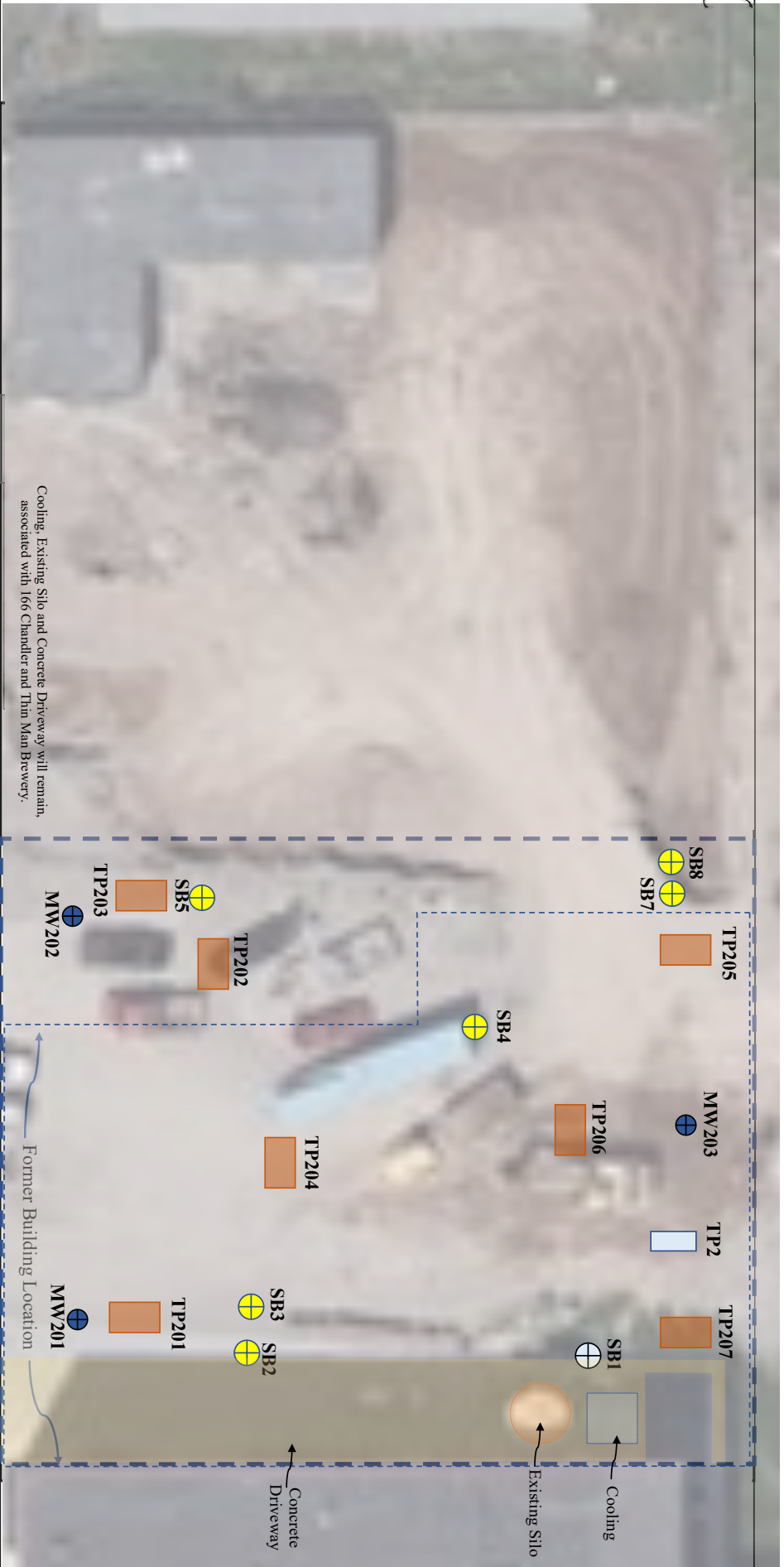
Figure III-C – Groundwater Sample Results

Table III-A – Soil Analytical Testing Results

Table III-B – Groundwater Analytical Testing Results

Soil Boring Logs

Analytical Testing Results



Cooling, Existing Silo and Concrete Driveway will remain, associated with 166 Chandler and Thin Man Brewery.

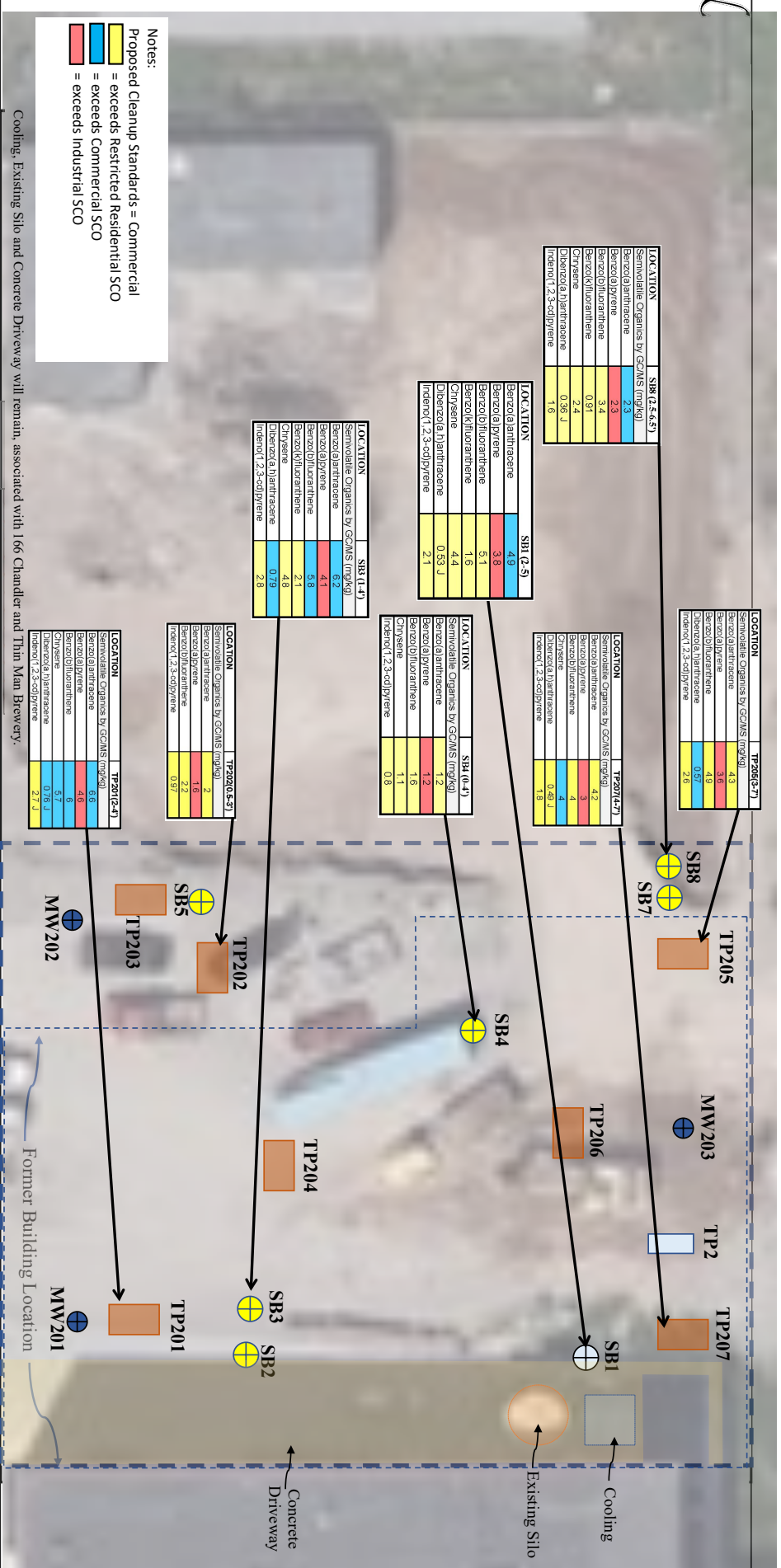
- = Soil Boring Location (5/19)
- = Test Pit Location (5/19)
- = Monitoring Well Location (5/19)
- = Monitoring Well Location (10/20)
- = Remedial Investigation Test Pit Location (10/20)

SCALE IN FEET: 1" = 20'



| | | | | | |
|-----------------------------------|--|-----------------------------------------------------------------------------------------------|--|-----------------------|-----------------|
| TITLE: Investigation Locations | | PROJECT NAME / LOCATION: 156 Chandler Street Site Buffalo, New York Site No: C915354 | | DATE: 01/2021 | FIGURE: II-A |
| | | | | PROJECT NO.: 21404 | DRAWN BY: CMC |
| | | | | | CHECKED BY: MMW |

1
N



Notes:
 Proposed Cleanup Standards = Commercial
 = exceeds Restricted Residential SCO
 = exceeds Commercial SCO
 = exceeds Industrial SCO

- ⊕ = Soil Boring Location (S/19)
- = Test Pit Location (S/19)
- ⊕ = Monitoring Well Location (S/19)
- ⊕ = Monitoring Well Location (10/20)
- = Remedial Investigation Test Pit Location (10/20)

Cooling, Existing Silo and Concrete Driveway will remain, associated with 166 Chandler and Thin Man Brewery.



| | | | | | |
|-----------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------|--|----------------------------------|------------------|
| TITLE: Soil Sample Results exceeding Restricted Residential SCO | | PROJECT NAME / LOCATION: 156 Chandler Street Site Buffalo, New York Site No: C915354 | | DATE: 01/2021 | FIGURE: III-B |
| SCALE IN FEET: 1" = 20' | | PROJECT NO.: 21404 | | DRAWN BY: CMC CHECKED BY: MMW | |

12

| LOCATION | MMW201(109820) |
|-----------------------------------|----------------|
| Volatile Organics by GC/MS (ug/l) | |
| 1,1-Dichloroethane | 16 |
| 1,2-Dichloroethane | 5.8 |
| Semi-volatile Organics (ug/l) | |
| Benzo(a)anthracene | 35 |
| Benzo(b)fluoranthene | 1.7 |
| Benzo(k)fluoranthene | 1.5 |
| Benzo(a)pyrene | 1.2 |
| Benzo(e)pyrene | 0.72 |
| Chrysene | 1.4 |
| Indeno(1,2,3-cd)pyrene | 1.1 |
| Total Metals | |
| Arsenic, Total | 46 |
| Barium, Total | 2800 |
| Beryllium, Total | 9 |
| Cadmium, Total | 148 |
| Chromium, Total | 48 |
| Copper, Total | 9860 |
| Lead, Total | 100 |
| Magnesium, Total | 251000 |
| Manganese, Total | 9030 |
| Nickel, Total | 132 |
| Selenium, Total | 207 |
| Sodium, Total | 17 |
| Thallium, Total | 46700 |
| | 5. J |

| LOCATION | SBI |
|-------------------------------|------|
| Volatile Organics (ug/l) | |
| 1,2-Dichloroethane | 3.8 |
| Acetone | 17.0 |
| Naphthalene | 27 |
| 1,3,5-Trimethylbenzene | 9.8 |
| 1,2,4-Trimethylbenzene | 22 |
| Semi-volatile Organics (ug/l) | |
| Phenol | 5 |
| Naphthalene | 35 |
| Benzo(a)anthracene | 4.8 |
| Benzo(a)pyrene | 3.2 |
| Benzo(b)fluoranthene | 4.6 |
| Benzo(k)fluoranthene | 1.7 |
| Chrysene | 4.8 |
| Indeno(1,2,3-cd)pyrene | 1.6 |

| LOCATION | MMW201(109820) |
|-----------------------------------|----------------|
| Volatile Organics by GC/MS (ug/l) | |
| 1,1-Dichloroethane | 20. J |
| Chloroethane | 13. J |
| Semi-volatile Organics (ug/l) | |
| Phenol | 5.2 |
| Naphthalene | 18 |
| Total Metals | 877 |
| Iron, Total | 67600 |
| Magnesium, Total | 147000 |
| Sodium, Total | |

| LOCATION | MMW202(101220) |
|-------------------------------|----------------|
| Semi-volatile Organics (ug/l) | |
| Benzo(a)anthracene | 0.02. J |
| Total Metals | 29200 |
| Magnesium, Total | 18900 |
| Sodium, Total | |

Notes:
 = exceeds Class GA criteria in TOGS 1.1.1.

Cooling, Existing Silo and Concrete Driveway will remain, associated with 166 Chandler and Thin Man Brewery;



- ⊕ = Soil Boring Location (S/19)
- = Test Pit Location (S/19)
- ⊕ = Monitoring Well Location (S/19)
- ⊕ = Monitoring Well Location (10/20)
- = Remedial Investigation Test Pit Location (10/20)



SCALE IN FEET: 1" = 20'
 0 20 40

TITLE:
 Groundwater Sample Results
 exceeding Class GA Criteria

PROJECT NAME / LOCATION:
 156 Chandler Street Site
 Buffalo, New York
 Site No: C915354

DATE:
 01/2021

PROJECT NO.:
 21404

FIGURE:
 III-C

DRAWN BY: CMC

CHECKED BY: MMW

Section VI – Supplemental Information

Section VI

Additional Requestor Information

Requestor's Relationships

The Requestor is the current owner of the property located at 140 Chandler Street.

Past owners and relationship with owner:

140 Chandler Street

| Grantee | Grantor | Date | Last known address/phone | Relationship to Requestor |
|---------------------------------------|---------------------------------------|-------------|---------------------------------|----------------------------------|
| Chandler Solid, LLC | 140 Chandler Street LLC | 12/4/2018 | Unknown | None |
| 140 Chandler Street LLC | Chandler Solid, LLC | 12/3/2018 | Unknown | None |
| Chandler Solid, LLC | LASCO, Inc. | 10/30/2014 | Unknown | None |
| Leon Smith, III | Quality Petroleum Products, Inc. | 10/6/1989 | Unknown | None |
| LASCO, Inc. | Leon Smith, III | 10/3/1989 | Unknown | None |
| Quality Petroleum Products, Inc. | Quaker State Oil Refining Corporation | 1/13/1977 | Unknown | None |
| Quaker State Oil Refining Corporation | E.J. Woodison Co. | 11/19/1964 | Unknown | None |
| Quaker State Oil Refining Corporation | Enterprise Oil Company Inc. | 11/30/1955 | Unknown | None |
| E.J. Woodison Co. | Metropolitan Commercial Corporation | 3/5/1931 | Unknown | None |
| Metropolitan Commercial Corporation | Granite Bond & Mortgage Corporation | 12/31/1926 | Unknown | None |
| Granite Bond & Mortgage Corporation | Frontier Mortgage Company | 4/23/1924 | Unknown | None |
| Enterprise Oil Company Inc. | Frank & Cora Hower | 6/3/1922 | Unknown | None |
| Frontier Mortgage | R. Foster Piper, | 4/27/1922 | Unknown | None |

| Grantee | Grantor | Date | Last known address/phone | Relationship to Requestor |
|------------------------------------------|------------------------------------------|-------------|---------------------------------|----------------------------------|
| Company | Referee | | | |
| Frontier Mortgage Corporation | Faramel Manufacturing Company of Buffalo | 12/14/1920 | Unknown | None |
| Faramel Manufacturing Company of Buffalo | Cream of Peas Company Inc. | 12/10/1920 | Unknown | None |
| Cream of Peas Company Inc. | Faramel Manufacturing Company of Buffalo | 12/10/1920 | Unknown | None |
| Faramel Manufacturing Company of Buffalo | Citizens Bank of Buffalo | 12/1/1915 | Unknown | None |
| Frank Hower | Adell Perrine | 12/30/1911 | Unknown | None |
| Frank Hower | Charles & Jeanette Johnson | 12/28/1911 | Unknown | None |

HOLLAND LAND TITLE & ABSTRACT COMPANY, INC.

110 Pearl Street, Suite 900

Buffalo NY 14202

CITY: **Buffalo**
SEARCH NO.: **2010-60179**

COUNTY: **Erie**
SBL NO.: **77.84-4-4**
SWIS CODE: **140200**

| TAX DISTRICT | FRONT | DEPTH | NAME OF STREET (NO & STREET) | SIDE OF STREET | FEET | COURSE | STREET MEASURED FROM |
|--------------|-------|-------|---------------------------------|-------------------|------|--------|-------------------------|
| - | - | - | 140 Chandler | - | - | - | - |

HOLLAND LAND TITLE & ABSTRACT COMPANY, INC., a corporation duly incorporated under the laws of the State of New York, for a valuable consideration to it paid, hereby Certifies to the record owners of an interest in or specific lien upon the premises above described, that there are no CITY or COUNTY TAXES or TAX SALES, LOCAL ASSESSMENTS, WATER RENTS or METER CHARGES, or charges for SIDEWALK CLEANING or REPAIRS now a lien against the real estate described on the tax rolls as above, now payable, except as follows:

| |
|----------------------------------------|
| ASSESSED TO: Chandler Solid LLC |
| CERTIFY TO: Chandler Solid LLC |


NO SEARCH INCLUDED FOR PURE WATERS DISTRICTS. PURSUANT TO NEW YORK REAL PROPERTY TAX LAW SECTIONS 302 AND 520, THE REAL ESTATE TAX LIABILITY MAY BE AFFECTED UPON TRANSFER ON TITLE, IF PREMISES HAVE A PARTIAL OR FULL EXEMPTION. NO SEARCH INCLUDED FOR OCCUPANCY TAX.

| TAX OR TAX SALE | YEAR | AMOUNT OF TAX OR SALE | REMARKS |
|--------------------|-----------|--------------------------|---------|
| CITY- 1st Half | 2018-2019 | \$705.48 + int. | Open |
| CITY- 2nd Half | 2018-2019 | \$705.48 | Open |
| SEWER | 2018-2019 | \$80.90 + int. | Open |
| CITY | 2017-2018 | \$1,578.68 + int. | Open |
| SEWER | 2017-2018 | \$96.24 + int. | Open |
| COUNTY | 2018 | \$356.71 | Paid |

Plus interest, if any.

Dated: **October 24, 2018**

HOLLAND LAND TITLE & ABSTRACT
COMPANY, INC.

By: 
Authorized Signature

For your convenience, please call **Holland Land Title & Abstract Company, Inc.** at **716-853-6529**, 24 hours prior to closing so that we may continue this search in advance. Please give the following information: Search Number, Property Address, Closing Attorney and Time of Closing.

**FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK,
by its Agent, HOLLAND LAND TITLE & ABSTRACT COMPANY, INC.,
a New York Corporation**

for valuable consideration paid, GUARANTEE to the record owners of an interest in or a specific lien upon the premises particularly described **Below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **1-32** inclusive, are all of the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents, (including the Inactive Hazardous Waste Disposal Site Registry Index as provided for in Section 316-b of New York Real Property Law since July 1, 1993) in the offices of the CLERK of the COUNTY OF ERIE, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of ERIE COUNTY
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **December 28, 1911** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Chandler Solid LLC - Owner(s)

WITNESS the Corporate Seal of said Corporations and the signature of their respective duly authorized officers this **24th** day of **October 2018** at **8:59 AM**.

**HOLLAND LAND TITLE & ABSTRACT
COMPANY, INC.**

By: _____

Authorized Signature

Search No.: **2010-60179**

Abstractor: **JB**

**FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK,
by its Agent, HOLLAND LAND TITLE & ABSTRACT COMPANY, INC.,
a New York Corporation**

for valuable consideration paid, GUARANTEE to the record owners of an interest in or a specific lien upon the premises particularly described **Below** on the date hereof and their successors in interest of record, that the SET-OUTS designated herein by marginal number(s) **33-34** inclusive, are all of the references affecting title to said premises, which appear upon

- (a) INDICES to records, papers, files and documents, (including the Inactive Hazardous Waste Disposal Site Registry Index as provided for in Section 316-b of New York Real Property Law since July 1, 1993) in the offices of the CLERK of the COUNTY OF ERIE, AND
- (b) INDICES to wills and administration of decedents' estates in the office of the SURROGATE of ERIE COUNTY
- (c) INDICES to bankrupts in the Buffalo, New York office of the CLERK of the UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF NEW YORK

against the names of the parties appearing in the within abstract during the periods in which it appears there was a record interest in said premises under the names from **October 24, 2018** to the date hereof, and upon

- (d) JUDGMENT DOCKETS for ten last years past, and
- (e) DOCKETS of FEDERAL TAX LIENS for 10 years one month last past,

against the names of parties in such ownership in both of said offices of the aforesaid clerks, and GUARANTEE FURTHER that the SET-OUTS herein are correct statements as to such records and indices. The GUARANTEE under this Certificate shall not be limited by time.

Chandler Solid LLC - Owner(s)

WITNESS the Corporate Seal of said Corporations and the signature of their respective duly authorized officers this **5th** day of **December, 2018** at **9:46 A.M.**

**HOLLAND LAND TITLE & ABSTRACT
COMPANY, INC.**

By: _____

Authorized Signature

Search No.: **2010-60179**

Abstractor: **JBS**

PREMISES

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot No. 88, Township 11, Range 8 of the Holland Land Company's Survey, as shown on a map filed in the Erie County Clerk's Office under Cover No. 196 is known as Subdivision Lot Nos. 46 to 54 inclusive and the westerly 4.24 feet of Subdivision Lot No. 55 in Block "A", situate on the north side of Chandler Street.



1. Charles T. Johnston and Jeannette W. Johnston, his wife
-TO-
Frank B. Hower
(No search against grantors)
- Warranty Deed
Dated: December 28, 1911
Ack.: December 28, 1911
Rec.: January 5, 1912
Liber 1241 of Deeds, page 16
Consideration: \$1.00 and more

Conveys Subdivision Lot Nos. 49, 50, 51 and 52, Block "A", Map Cover 196.

2. Adell C. Perrine
-TO-
Frank B. Hower
(No search against grantor)
- Warranty Deed
Dated: December 30, 1911
Ack.: December 30, 1911
Rec.: January 5, 1912
Liber 1213 of Deeds, page 40
Consideration: \$1.00

Conveys Subdivision Lot Nos. 53 and 54 and the westerly 4.24 feet of Subdivision Lot No. 55 in Block "A", Map Cover 196.

3. NOTE: We find no Deed into Cora A. Hower on record in the Erie County Clerk's office.
-

4. Frank B. Hower and Cora A. Hower, his wife
-TO-
Enterprise Oil Company Inc.
- Warranty Deed
Dated: June 3, 1922
Ack.: June 3, 1922
Rec.: June 5, 1922
Liber 1601 of Deeds, page 631
Consideration: \$1.00

Conveys Subdivision Lot Nos. 49 - 54, inclusive, and the west 4.24 feet of Subdivision Lot No. 55, Block "A", Map Cover 196.

5. In the Matter
-OF-
Enterprise Oil Company Inc.
File No. 5502
- Certificate of Incorporation
Dated: June 1, 1922
Filed in the Secretary of State's Office
June 1, 1922
Filed in the Erie County Clerk's Office
June 2, 1922
-

6. Enterprise Oil Company Inc. Agreement
-WITH- Dated: December 4, 1952
Barcalo Manufacturing Company Ack.: December 4, 1952
(No search against second party) Rec.: December 30, 1952
Liber 5246 of Deeds, page 457

Whereas, Enterprise is the owner of certain premises situate on the northerly side of Chandler Street, more particularly described in a certain warranty deed recorded in Liber 1601 of Deeds, page 631; and

Whereas, Barcalo is the owner of certain adjoining premises particularly identified in a warranty deed recorded in Liber 4104 of Deeds, page 402; and

Provides for erection of cinder block enclosure which, when completed, will encroach onto Barcalo property upto .50 of a foot. Agreement as to mutual location and maintenance of said center block building.

(See terms and conditions contained herein.)

-
7. Enterprise Oil Company Agreement
-WITH- Dated: March 31, 1955
Barcalo Manufacturing Company Ack.: April 4, 1955
(No search against second party) Rec.: April 6, 1955
Liber 5724 of Deeds, page 566

Recites, the party of the first part is the owner of lands shown on Liber 1601 of Deeds, page 631 and the party of the second part is the owner of property described in Liber 4104 of Deeds, page 402, adjoining the party of the first part's property shown on certain survey No. 52-2464 attached hereto.

Pursuant to Agreement recorded in Liber 5246 of Deeds, page 547, the party of the second party has requested that the party of the first part grant additional easement permitting the extension of said concrete block building twelve feet wide for a distance of approximately 36 feet to the rear of the four-story brick building erected upon the lands of the party of the second part and the party of the first part has agreed to grant such easement.

8. Enterprise Oil Company, Inc. Warranty Deed
 -TO- Dated: November 30, 1955
 Quaker State Oil Refining Corporation Ack.: November 30, 1955
 Rec.: February 8, 1956
 Liber 5931 of Deeds, page 118
 Consideration: None

Conveys Subdivision Lot Nos. 49 to 54 inclusive and the west 4.24 feet of Subdivision Lot No. 55 in Block "A" as shown on a map filed under cover No. 196 of Maps, described as follows: Beginning at a point in the northerly line of Chandler Street 503.62 feet east of the New York State Reservation Line, running thence easterly on said line of Chandler Street 184.24 feet; thence northerly at right angles to said line of Chandler Street 150 feet to lands of the New York Central & Hudson River R.R. Company, thence westerly parallel with said line of Chandler Street and along said railroad company's land 184.24 feet, thence southerly at right angles with said line of Chandler Street 150 feet to the point of beginning.

-
9. In the Matter Certificate of Change
 -OF- Application for Authority
 Quaker State Oil Refining Corporation Dated: August 23, 1976
 Case No. 60082 Filed in the Secretary of State's Office
 September 3, 1976
 Filed in the Erie County Clerk's Office
 October 27, 1976

Authorized to do business in New York on August 27, 1935.

-
10. Quaker State Oil Refining Corporation Agreement
 -WITH- Dated: September 24, 1958
 Barcalo Manufacturing Company Ack.: September 24, 1958
 (No search against second party) Rec.: October 8, 1958
 Liber 6347 of Deeds, page 251

Grants the right, privilege and easement to locate, construct, maintain, operate, relocate, repair, change size and remove at Barcalo's own cost, expense and risk an underground gas pipe line, together with its valves, fittings, connection, shut-off valves and boxes, accessories and appurtenances over, under and through Quaker State's said lands within the area marked "A" on the attached map of survey, which said gas pipe line will be more particularly located and installed at every point within 2-1/2 feet of the westerly line of the lands of Barcalo.

(See terms, conditions and survey attached thereto.)

- | | |
|------------------------------------------|-------------------------------|
| 11. Citizens Bank of Buffalo | Warranty Deed |
| -TO- | Dated: December 1, 1915 |
| Faramel Manufacturing Company of Buffalo | Ack.: December 22, 1915 |
| (No search against grantor) | Rec.: December 29, 1915 |
| | Liber 1341 of Deeds, page 286 |
| | Consideration: \$1.00 |

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.
Subject to mortgage recorded in Liber 1138 of Mortgages, page 446, Liber 1221 of Mortgages, page 108 and Liber 1191 of Mortgages, page 470, all since discharged.

- | | |
|------------------------------------------|--------------------------------------------------------------|
| 12. In the Matter | Certificate of Incorporation |
| -OF- | Dated: February 1, 1907 |
| Faramel Manufacturing Company of Buffalo | Filed in the Secretary of State's Office February 2, 1907 |
| File No. 6024 | Filed in the Erie County Clerk's Office February 2, 1907 |

- | | |
|----------------------------------------------|-----------------------------|
| 13. Faramel Manufacturing Company of Buffalo | Warranty Deed |
| -TO- | Dated: December 10, 1920 |
| Cream of Peas Company Inc. | Ack.: December 10, 1920 |
| | Rec.: December 14, 1920 |
| | Liber 1557 of Deeds, page 8 |
| | Consideration: \$1.00 |

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.

- | | |
|----------------------------|---------------------------------------------------------------|
| 14. In the Matter | Certificate of Incorporation |
| -OF- | Dated: November 11, 1919 |
| Cream of Peas Company Inc. | Filed in the Secretary of State's Office November 11, 1919 |
| File No. 4063 | Filed in the Erie County Clerk's Office November 14, 1919 |

- | | |
|------------------------------------------|-----------------------------------|
| 15. Cream of Peas Company Inc. | Mortgage \$15,000.00 |
| -TO- | Dated: December 10, 1920 |
| Faramel Manufacturing Company of Buffalo | Ack.: December 10, 1920 |
| | Rec.: December 14, 1920 |
| | Liber 1573 of Mortgages, page 172 |

Covers Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.

16. Faramel Manufacturing Company of Assignment
Buffalo Dated: December 14, 1920
 -TO- Ack.: December 14, 1920
Frontier Mortgage Corporation Rec.: December 14, 1920
 Liber 1580 of Mortgages, page 11

Assigns mortgage recorded in Liber 1573 of Mortgages, page 172 above.

17. Frontier Mortgage Corporation Lis Pendens
 -VS- Supreme Court Erie County
The Cream of Peas Company Inc. Filed: August 29, 1921
 Dirmberger & Moore, Attys.

Action to foreclose mortgage recorded in Liber 1573 of Mortgages, page 172 above.

18. R. Foster Piper, Referee Referee's Deed
 -TO- Dated: April 27, 1922
Frontier Mortgage Corporation Ack.: April 27, 1922
 Rec.: November 21, 1922
 Liber 1501 of Deeds, page 452
 Consideration: \$1,922.00

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196, pursuant to the foreclosure of mortgage recorded in Liber 1573 of Mortgages, page 172 above.

19. In the Matter Certificate of Incorporation
 -OF- Dated: September 17, 1923
Frontier Mortgage Corporation Filed in the Secretary of State's Office
 September 17, 1923
File No. 13839 Filed in the Erie County Clerk's Office
 September 19, 1923

20. Frontier Mortgage Corporation Warranty Deed
 -TO- Dated: April 23, 1924
Granite Bond & Mortgage Corporation Ack.: April 23, 1924
 Rec.: October 9, 1924
 Liber 1696 of Deeds, page 512
 Consideration: \$1.00 and more

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.

21. In the Matter Certificate of Incorporation
-OF- Dated: August 18, 1923
Granite Bond & Mortgage Corporation Filed in the Secretary of State's Office
August 18, 1923
File No. 13895 Filed in the Erie County Clerk's Office
August 20, 1923

22. Granite Bond and Mortgage Corporation Warranty Deed
-TO- Dated: December 31, 1926
Metropolitan Commercial Corporation Ack.: March 16, 1927
Rec.: March 16, 1927
Liber 1876 of Deeds, page 446
Consideration: \$1.00

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.

23. In the Matter Certificate of Incorporation
-OF- Dated: February 2, 1920
Metropolitan Commercial Corporation Filed in the Secretary of State's Office
February 2, 1920
File No. 10431 Filed in the Erie County Clerk's Office
February 3, 1920

24. Metropolitan Commercial Corporation Warranty Deed
-TO- Dated: March 5, 1931
E.J. Woodison Co. Ack.: March 20, 1931
Rec.: March 20, 1931
Liber 2152 of Deeds, page 30
Consideration: \$1.00 and more

Conveys Subdivision Lot Nos. 46, 47 and 48, Block "A", Map Cover 196.

25. In the Matter Certificate of Authority
-OF- Dated: December 2, 1964
E.J. Woodison Co. Filed in the Secretary of State's Office
December 2, 1964
File No. 4-1598 Filed in the Erie County Clerk's Office
December 4, 1964

26. E.J. Woodison Co. Warranty Deed
-TO- Dated: November 19, 1964
Quaker State Oil Refining Corporation Ack.: November 19, 1964
Rec.: December 4, 1964
Liber 7066 of Deeds, page 227
Consideration: \$15,000.00

Conveys Subdivision Lot Nos. 46, 47 and 48 in Block "A" as shown on a map filed under Cover No. 196, described as follows: Beginning at a point in the northerly line of Chandler Street 413.62 feet easterly from the stone monument at the intersection of the Reservation line with said northerly line of Chandler Street; thence easterly along said northerly line of Chandler Street 90 feet to the southeasterly corner of Subdivision Lot No. 48 on said map; thence northerly at right angles to Chandler Street and along the easterly line of said Subdivision Lot No. 48, 150 feet; thence westerly parallel with said northerly line of Chandler Street 90 feet to the northwesterly corner of said Subdivision Lot No. 46; thence southerly at right angles and along the westerly line of said Subdivision Lot No. 46, 150 feet to the place of beginning.

27. Quaker State Oil Refining Corporation Warranty Deed
-TO- Dated: January 13, 1977
Quality Petroleum Products, Inc. Ack.: January 13, 1977
Rec.: January 14, 1977
Liber 8474 of Deeds, page 499
Consideration: \$1.00 and more

Conveys premises.

28. In the Matter Certificate of Incorporation
-OF- Dated: July __, 1976
Quality Petroleum Products, Inc. Filed in the Secretary of State's Office
Case No. 59756 July 14, 1976
Filed in the Erie County Clerk's Office
August 12, 1976

29. Quality Petroleum Products, Inc. Warranty Deed
-TO- Dated: October 6, 1989
Leon Smith, III Ack.: October 6, 1989
Rec.: October 6, 1989
Liber 10086 of Deeds, page 642
Consideration: \$1.00 and more

Conveys premises.

30. Leon Smith, III Warranty Deed
-TO- Dated: October 3, 1989
LASCO, Inc. Ack.: October 3, 1989
Rec.: March 28, 1990
Liber 10153 of Deeds, page 610
Consideration: \$1.00 and no more

Conveys premises.

Subject to mortgage recorded in Liber 10495 of Mortgages, page 562,
since discharged.

31. In the Matter Certificate of Incorporation
-OF- Dated: December 28, 1982
LASCO, Inc. Filed in the Secretary of State's Office
December 31, 1982
Case No. 71315 Filed in the Erie County Clerk's Office
February 2, 1983

32. Lasco, Inc., a corporation organized under Warranty Deed
the laws of the State of New York Dated: October 30, 2014
-TO- Ack.: October 30, 2014
Chandler Solid, LLC Rec.: November 7, 2014
Liber 11271 of Deeds, page 8040
Consideration: \$1.00

Conveys premises et al.

October 24, 2018
@ 8:59 A.M.
JB/kmb

33. Chandler Solid, LLC

Bargain and Sale Deed

Dated: December 3, 2018

Ack.: December 3, 2018

Rec.: December 5, 2018

Liber 11338 of Deeds, page 1731

Consideration: \$10.00 and more

-TO-

140 Chandler Street LLC

(NO SEARCH VS GRANTEE)

Conveys premises

34. 140 Chandler Street, LLC

Mortgage \$100,000.100

Dated: December 4, 2018

Ack.: December 4, 2018

Rec.: December 5, 2018

Liber 13880 of Mortgages, page 219

-TO-

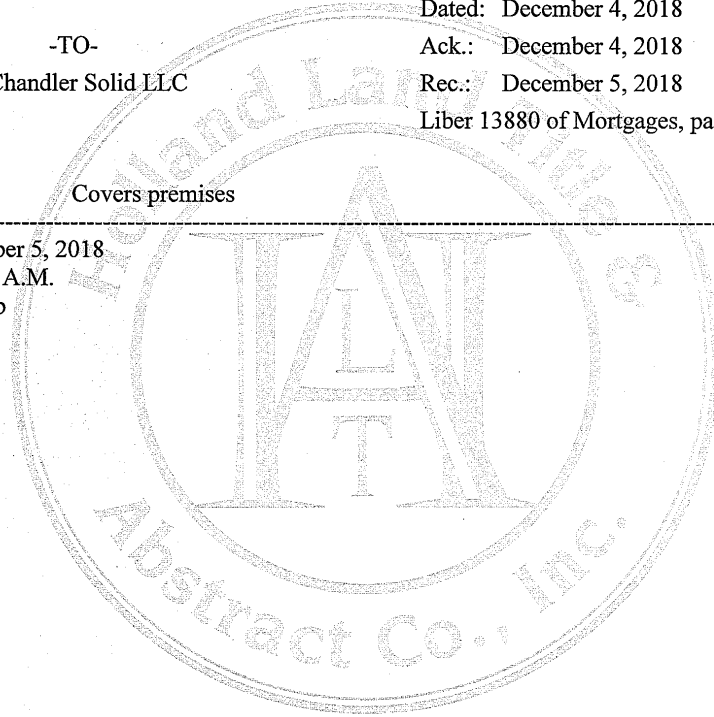
Chandler Solid LLC

Covers premises

December 5, 2018

@ 9:46 A.M.

JBS/hab



140 Chandler Street Operators

In addition to the various record owners of the parcels identified in the abstract of title, the Site has been occupied by a wide range of entities for a variety of uses for nearly a century. The following historical information is to the best of the Volunteer's information and belief.

Based on city directory review, building department records, and fire insurance maps, the Site was originally developed with two buildings. The first building was located in the western portion, addressed as 140-146 Chandler Street, originally constructed in 1911, and was occupied by Farnel Manufacturing Company, a feed mill manufacturing company, until approximately 1920. The second building was located in the eastern portion, addressed as 160-164 Chandler Street, originally constructed in 1914, and was occupied by Enterprise Oil Company, a soap and compounds of lubricating oils manufacturing company, until approximately 1955. Since that time, various companies occupied the buildings including Cream of Peas Company, Inc., Quaker State Oil Refining Corporation, EJ Woodison Co., Quality Petroleum Products, Inc., LASCO, Inc., and Niagara Lubricants. Over fifty eight (58) known storage tanks, both located underground and aboveground, have been identified at the site since at 1933, with the most recent tank closure in 2005. The building addressed as 160-164 Chandler Street was most recently occupied by Niagara Lubricants and was destroyed by a fire in the summer of 2011. That portion of the property has since been backfilled, and has not been redeveloped.

The site buildings have been vacant since December 2018. The Requestor, as a Volunteer, is not aware of last known address for the previous operators. Additionally, the Requestor has no relationship with any of the past building operators. Below is a summary of know past operators.

140 Chandler Street

| Year | Last Known Address | Operator |
|------------------|---------------------------|-------------------------------------------------------------------------------|
| 2019, 2018, 2017 | 140-164 Chandler Street | - Chris Hollander - Leader Manufacturing Company Inc. (manufacturer) |
| 2016 | 164 Chandler Street | - Martin Castelli |
| 2015, 2014 | 140 Chandler Street | - Chris Hollander |
| 2013, 2012 | 140-164 Chandler Street | - Chris Hollander - Niagara Lubricants |
| 2010 | 164 Chandler Street | - Niagara Lubricants |
| 2005 | 140-164 Chandler Street | - Jon Matusek - Niagara Lubricants |
| 2000 | 140-164 Chandler Street | - Niagara Lubricants |
| 1993 | 140-164 Chandler Street | - James & Betty Oppenheimer - Niagara Lubricants |
| 1990 | 140-164 Chandler Street | - Niagara Lubricants Company Inc. (oil & lubricant dealers and manufacturers) |
| 1989, 1986, 1985 | 140-164 Chandler Street | - Quality Petroleum Products |
| 1984, 1980, 1978 | 140-164 Chandler Street | - Quality Petroleum Products (lubricating oil) - Vacant |
| 1977 | 150-164 Chandler Street | - Quaker State Auto - Quality Petroleum Products |
| 1976, 1975 | 150-164 Chandler Street | - Quaker State Auto - Refining Corp. Lubricating Oils |

| Year | Last Known Address | Operator |
|---------------------------|---------------------------|-----------------------------------------------------------------------------------|
| 2019, 2018, 2017 | 140-164 Chandler Street | - Chris Hollander - Leader Manufacturing Company Inc. (manufacturer) |
| 2016 | 164 Chandler Street | - Martin Castelli |
| 2015, 2014 | 140 Chandler Street | - Chris Hollander |
| 1970 | 150 Chandler Street | - Quaker State Oil Refining Corporation |
| 1965 | 146-164 Chandler Street | - Quaker State Oil Refining Corporation |
| 1956, 1960, 1964 | 140-164 Chandler Street | - Ej. Woodison Company (manufacturers) - Quaker State Oil Refining Corporation |
| 1955, 1950, 1946, 1940 | 140-164 Chandler Street | - Ej. Woodison Company (manufacturers) - Enterprise Oil Company Inc. |
| 1916 | 140-164 Chandler Street | - Faramel Manufacturing Company (feed mill) - Enterprise Oil Company Inc. |

Section IX – Supplemental Information

Section IX

Contact List

Contact List

Letter from Repository

| Contact List | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Federal Representative | | |
| U.S. Representative Brian Higgins Buffalo District Office 726 Exchange Street Buffalo, NY 14210 Phone: 716-852-3501 | US Senator Hon. Charles E. Schumer 130 South Elmwood Ave., #660 Buffalo, NY 14202 Phone: 716-846-4111 | US Senator Hon. Kristen Gillibrand 726 Exchange St., Suite 511 Buffalo, NY 14201 Phone: 716-854-9725 |
| New York Representative | | |
| New York State Senator Chris Jacobs Mahoney State Office Building 65 Court Street, Room 213 Buffalo, NY 14202 Phone: 716-854-8705 | New York State Assemblyman Sean Ryan District Office 65 Grant Street Buffalo, NY 14213 Phone: 716-885-9630 Fax: 716-885-9636 | |
| Erie County Representative | | |
| Erie County Executive Mark Poloncarz 95 Franklin Street Buffalo, NY 14202 Phone: (716) 858-8500 | Erie County Clerk Michael P. Kearns 92 Franklin Street Buffalo, NY 14202 Phone: (716) 858-8866 | Commissioner of Environment and Planning Thomas R. Hersey, Jr. Edward A. Rath County Office Building 95 Franklin Street 10th Floor Buffalo, NY 14202 Phone: (716) 858-8390 |
| City of Buffalo Representative | | |
| Office of the Mayor Mayor Byron W. Brown 201 City Hall Buffalo, NY 14202 Phone: (716) 851-4841 | North District Councilman Joseph Golombek, Jr. 1502 City Hall Buffalo, NY 14202 Phone: (716) 851-5116 | Division of Environment Jason Paananen 901 City Hall Buffalo, NY 14202 Phone: (716) 851-5406 |
| Office of Strategic Planning, Executive Director Brendan Mehaffy 901 City Hall Buffalo, NY 14202 Phone: (716) 851-4769 | Planning Board, Director Nadine Marrero 901 City Hall Buffalo, NY 14202 Phone: (716) 851-5029 | |

| Adjacent Property Owners | | |
|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| 138 Chandler Street 138 Chandler Street LLC 134 Joseph Drive Tonawanda, NY 14150 | 166 Chandler Street 166 Chandler Street Holdings, LLC 489 Ellicott Street, unit #3 Buffalo, NY 14203 | 155 Chandler Street R&M Leasing, LLC 391 Washington Ave., suite 800 Buffalo, NY 14203 |
| 145 Chandler Street 145 Chandler Street LLC 391 Washington Ave., suite 800 Buffalo, NY 14203 | Railroad Tracks (directly north) City of Buffalo Address N/A | 527 Hertel Avenue Buffalo Townhomes LLC 298 Main Street Buffalo, NY 14202 |
| Local News Media | | |
| Buffalo News One News Plaza PO Box 100 Buffalo, NY 14240 Phone: (716) 842-1111 | WGRZ-TV Channel 2 259 Delaware Avenue Buffalo, NY 14202 Phone: (716) 849-2222 (main) Phone: (716) 849-2200 (news) | WIVB-TV Channel 4 2077 Elmwood Avenue Buffalo, NY 14207 Phone: (716) 874-4410 |
| WKBW-ABC Channel 7 7 Broadcast Plaza Buffalo, NY 14202 Phone: (716) 845-6100 | WUTV-FOX Channel 29 699 Hertel Avenue, suite 100 Buffalo, NY 14207 Phone: (716) 447-3200 | |
| Public Water Supplier | | |
| Buffalo Water Authority 281 Exchange Street Buffalo, NY 14202 Phone: (716) 847-1065 | | |
| Persons who have requested to be on the list | | |
| None requested | | |
| Administrator of School and Daycare Facilities near the Property | | |
| Elmwood Village Charter School Hertel Ms. Kathy Jamil – Principal 655 Hertel Avenue Buffalo, NY 14207 Phone: (716) 424-0555 | West Hertel Academy Cecelie Owens – Principal 489 Hertel Avenue Buffalo, NY 14207 Phone: (716) 816-4150 | Our Lady of Black Rock School Ms. Martha Eadie - Principal 16 Peter Street Buffalo, NY 14207 Phone: (716) 873-7497 |
| Local Document Repositories | | |
| North Park Library Paul Guminski, Branch Manager 975 Hertel Avenue Buffalo, NY 14216 Phone: (716) 875-3748 | NYSDEC Region 9 Office 270 Michigan Avenue Buffalo, NY 14203 Phone: (716) 851-7220 | |

Adjoining Property to the North is
Conrail (Erie) c/o Attn: W J Jackson
6 Penn Center Plaza - Room 1
Philadelphia, PA 19103

From: April Tompkins [<mailto:tompkinsa@buffalolib.org>]
To: gbittner@hazardevaluations.com
Subject: FW: Repository Request

Good afternoon Greg,

This is to inform you and confirm that the Buffalo and Erie County Public Library will be the repository for the Brownfield Clean Program document(s) and will be made available for public review. ***Also, this serves as permission to submit future document and updates.***

Please keep the following in mind:

- Documents (including updates) for public review should be sent or brought in person to the Central Library to the attention of Carol Batt, of whom I assist. Documents sent via e-mail will not be accepted. The mailing address is:

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

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.
- If you would like the document(s) distributed at libraries other than Central, you will need to send the appropriate quantity of copies with labels regarding their destinations. We will distribute accordingly. We do not make copies for distribution.
- It's your choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print.

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 Tompkins, Sr. Library Clerk
Office of Chief Operating Officer & Information Technology
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

Section X – Supplemental Information

Section X

Land Use Factors

2. Current Use – 140 Chandler Street has been vacant since 2018. Specific historical areas of usage and possible contaminant source areas are not known.

3. Reasonably Anticipated Use Post Remediation – The Site will be developed as a pool club which will be associated with other nearby business development including 27, 37, 155 and 166 Chandler Streets. Portion of the existing buildings will be demolished, while other areas of the buildings will be gut-renovated. Due to the proposed future usage, commercial usage will be cleanup goal/criteria.

4. Recent Development – The Requestor and subsidiary companies have invested over \$30,000,000 into the Black Rock neighborhood over the past 4 years. The proposed use is consistent with recent development in the area.