

# Brownfield Cleanup Program Application

*2800 Hamburg Turnpike Site  
Lackawanna, New York*

February 2021

T0557-020-001

Prepared For: Bethlehem Solar Park, LLC



Prepared By:



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**BROWNFIELD CLEANUP PROGRAM APPLICATION**  
**2800 Hamburg Turnpike Site**  
**Lackawanna, New York**

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Phase I Environmental Site Assessment (ESA), A Portion of 2800 Hamburg Turnpike, Lackawanna, New York – TurnKey Environmental Restoration, LLC, November 2020

Phase II Environmental Investigation, 2800 Hamburg Turnpike Site, Lackawanna, New York – TurnKey Environmental Restoration, LLC, January 13, 2021



## 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 Bethlehem Solar Park, LLC

ADDRESS 500 Seneca Street, Suite 504

CITY/TOWN Buffalo

ZIP CODE 14204

PHONE 716-447-7587

FAX 716-447-7593

E-MAIL dpfranjoine@fic-services.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.** **See Appendix A; Section I**

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated. **See Figure 5**



**Section III. Property's Environmental History****See Appendix A; Section III**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish 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			
Chlorinated Solvents			
Other VOCs			
SVOCs	PAHs		
Metals	X		
Pesticides			
PCBs			
Other*	Weathered Petroleum		

\*Please describe: Nuisance characteristics were identified in soil/fill at the Site.

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 type="checkbox"/> Bulk Plant               | <input type="checkbox"/> Pipeline           | <input checked="" type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill               | <input type="checkbox"/> Tannery                  | <input type="checkbox"/> Electroplating     | <input type="checkbox"/> Unknown                    |

Other: Portion of Bethlehem Steel facility (coil annealing, cold mill, lumber storage, tractor repair), Railroad tracks

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 2800 Hamburg Turnpike Site				
ADDRESS/LOCATION 2800 Hamburg Turnpike				
CITY/TOWN Lackawanna		ZIP CODE 14218		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Lackawanna				
COUNTY Erie County		SITE SIZE (ACRES) 9.7		
LATITUDE (degrees/minutes/seconds) 42 ° 48 ' 31.81 "		LONGITUDE (degrees/minutes/seconds) -78 ° 50 ' 38.52 "		
<b>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.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
P/O 2800 Hamburg Turnpike	150.08	2	7	9.7
1. Do the proposed site boundaries correspond to tax map metes and bounds? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span> (application will not be processed without map) <span style="float: right; border: 1px solid red; padding: 2px;">See Figures 2, 3 &amp; 4</span>				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) <span style="float: right;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></span>  <div style="text-align: right; margin-right: 50px;"> <span style="border: 1px solid red; padding: 2px;">See Figure 8</span> If yes, identify census tract : <u>174</u> </div> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 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)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>				
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? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span> If yes, these lands should be clearly delineated on the site map.				

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

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

Easement/Right-of-way Holder

Description

None

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

Type

Issuing Agency

Description

None

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

**See Appendix A; Section IV**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

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

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

If yes, requestor must answer questions on the supplement at the end of this form.

**Not Applicable**

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

**Not Applicable**

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

**Not Applicable**

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

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

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

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE David P. Franjoine			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-447-7587	FAX 716-447-7593	E-MAIL dpfranjoine@fic-services.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark in association with TurnKey - Michael A. Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL mlesakowski@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Craig A. Slater, Esq.			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-845-6760	FAX 716-845-6764	E-MAIL cslater@cslaterlaw.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b> See Appendix B; Section VII			
CURRENT OWNER'S NAME Great Lakes Industrial Development, LLC OWNERSHIP START DATE: 12/22/2010			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE 716-447-7587	FAX 716-447-7593	E-MAIL rzuchlewski@fic-services.com	
CURRENT OPERATOR'S NAME Same as Owner			
ADDRESS Same as Owner			
CITY/TOWN Same as Owner		ZIP CODE Same as Owner	
PHONE Same as Owner	FAX Same as Owner	E-MAIL Same as Owner	
<b>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".</b> See Appendix B; Section VI			
<b>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.</b>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b> See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other \_\_\_\_\_

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

☒ Yes ☐ No

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

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

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

## Section IX. Contact List Information

**See Appendix B; Section IX**

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. **See Figure 10**
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

**Section X. Land Use Factors****See Appendix B; Section X**

1. What is the current municipal zoning designation for the site? Mixed Commercial/Industrial

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

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

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

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

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

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

If residential, does it qualify as single family housing?

**Not Applicable**

☐ Yes ☐ No

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

☒ Yes ☐ No

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

See Appendix B, Section X

☒ Yes ☐ No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

See Appendix B, Section X

☒ Yes ☐ No



## XI. Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of Bethlehem Solar Park, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: 2/19/2021 Signature: DPF  
Print Name: David P. Franjoine

### 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**

**Not Applicable**

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

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

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

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

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

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

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

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

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

## BCP Application Summary (for DEC use only)

**Site Name:** 2800 Hamburg Turnpike Site  
**City:** Lackawanna

**Site Address:** 2800 Hamburg Turnpike  
**County:** Erie County **Zip:** 14218

### Tax Block & Lot

**Section (if applicable):** 150.08 **Block:** 2 **Lot:** 7

**Requestor Name:** Bethlehem Solar Park, LLC  
**City:** Buffalo

**Requestor Address:** 500 Seneca Street, Suite 504  
**Zip:** 14204 **Email:** dpfranjone@fic-services.com

### Requestor's Representative (for billing purposes)

**Name:** David P. Franjone  
**City:** Buffalo

**Address:** 500 Seneca Street, Suite 504  
**Zip:** 14204

**Email:** dpfranjone@fic-services.com

### Requestor's Attorney

**Name:** Craig A. Slater, Esq.  
**City:** Buffalo

**Address:** 500 Seneca Street, Suite 504  
**Zip:** 14204

**Email:** cslater@cslaterlaw.com

### Requestor's Consultant

**Name:** Benchmark in association with TurnKey - Michael A. Lesakowski  
**City:** Buffalo

**Address:** 2558 Hamburg Turnpike, Suite 300  
**Zip:** 14218

**Email:** mlesakowski@bm-tk.com

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

**DER Determination:** ☐ Agree ☐ Disagree

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

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

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

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

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

Notes:

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

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

Notes:

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

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

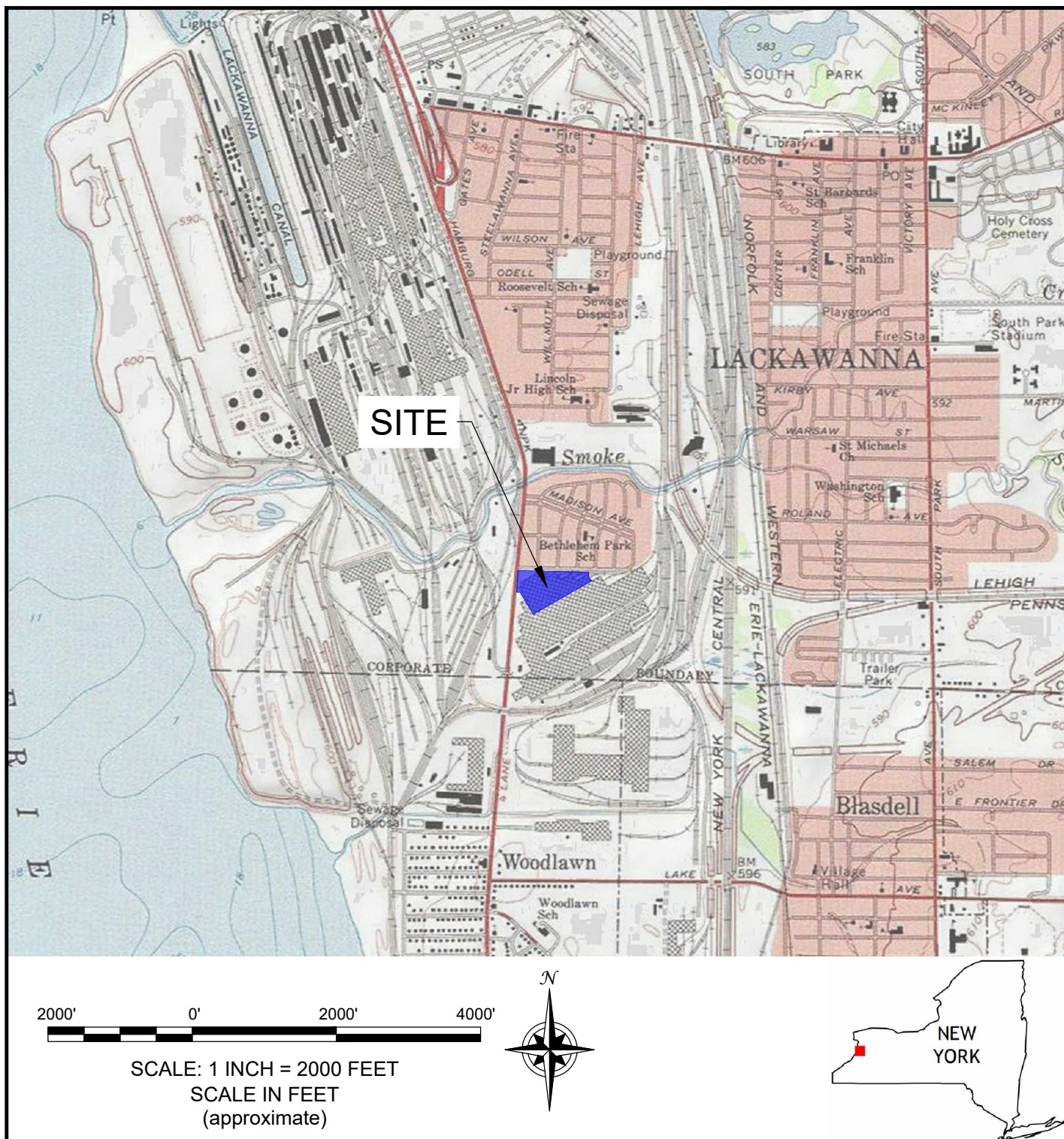
Notes:


## FIGURES

Figure 1	Site Location & Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Site Rendering
Figure 7	Investigation Locations & Areas of Concern
Figure 8	New York State EnZone Map
Figure 9	Brownfield Opportunity Area (BOA) Map
Figure 10	Adjacent Property Owners
Figure 11	Zoning Map
Figure 12	USDA Soil Type Map
Figure 13	Wetlands Map



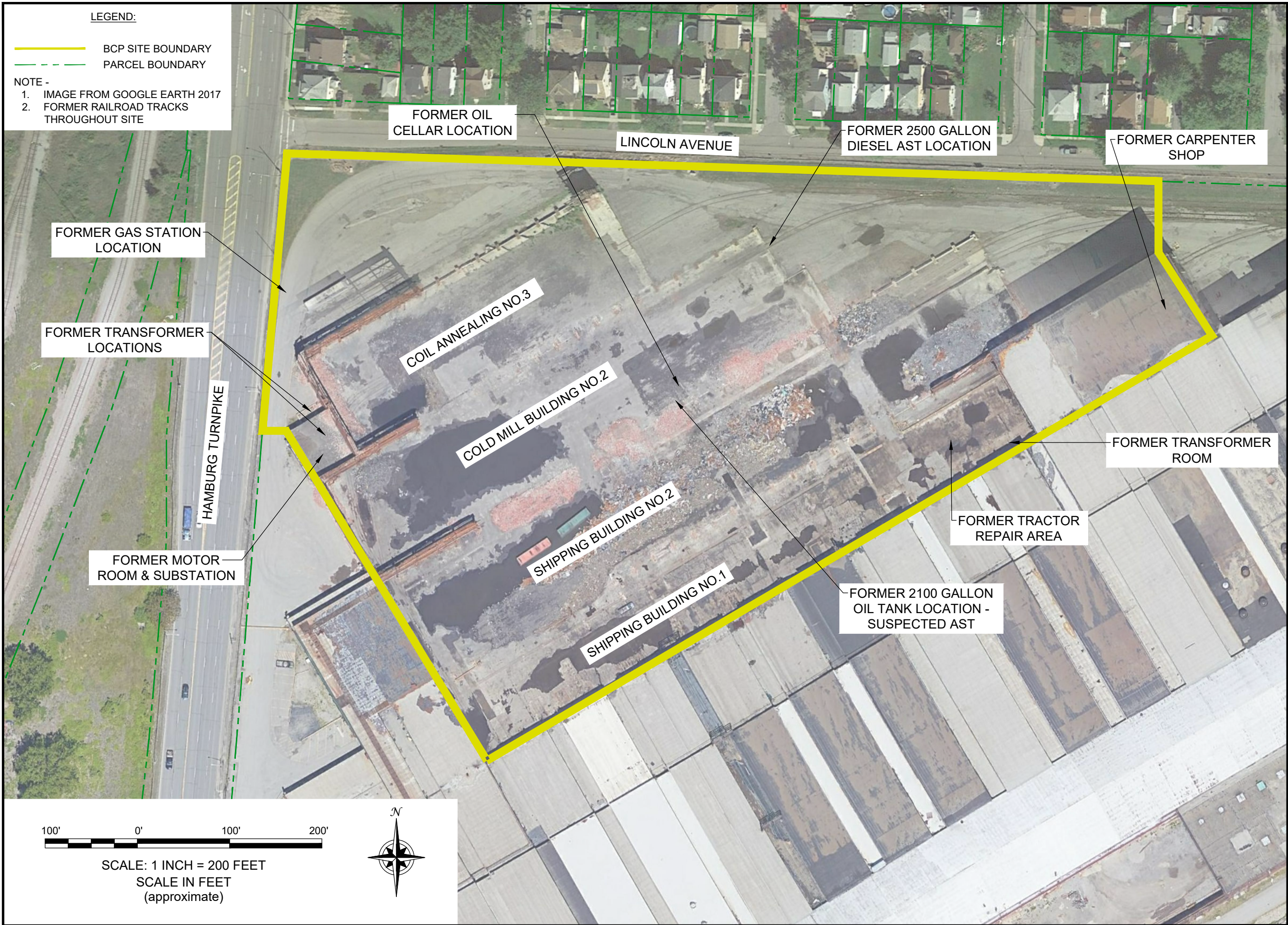
**FIGURE 1**




 <p><b>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 858-0635</b></p>	<p align="center"><b>SITE LOCATION AND VICINITY MAP</b></p> <p align="center">BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p align="center">2800 HAMBURG TURNPIKE SITE</p> <p align="center">LACKAWANNA, NEW YORK</p> <p align="center">PREPARED FOR</p> <p align="center"><b>BETHLEHEM SOLAR PARK, LLC</b></p>
<p>PROJECT NO.: 0557-020-001</p>	
<p>DATE: NOVEMBER 2020</p>	
<p>DRAFTED BY: CEH</p>	

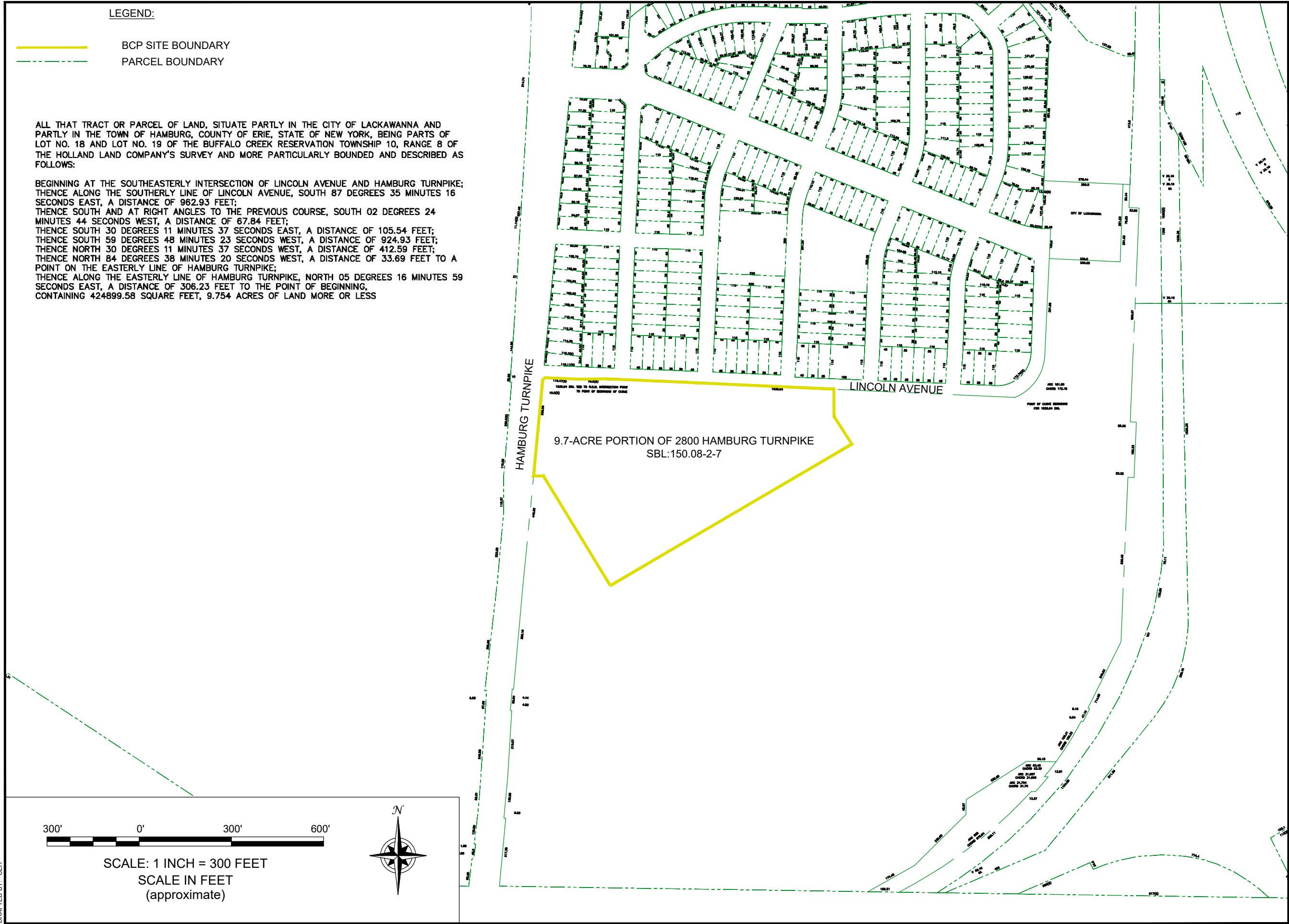
**DISCLAIMER:**  
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<p><b>2558 HAMBURG TURNPIKE</b> SUITE 300 BUFFALO, NY 14218 (716) 856-0635</p> 	<p><b>FIGURE 2</b></p>
<p><b>SITE PLAN (AERIAL)</b></p> <p>BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p>2800 HAMBURG TURNPIKE SITE LACKAWANNA, NEW YORK</p> <p>PREPARED FOR <b>BETHLEHEM SOLAR PARK, LLC</b></p>	
<p>JOB NO.: 0557-020-001</p>	
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## TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION  
2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC



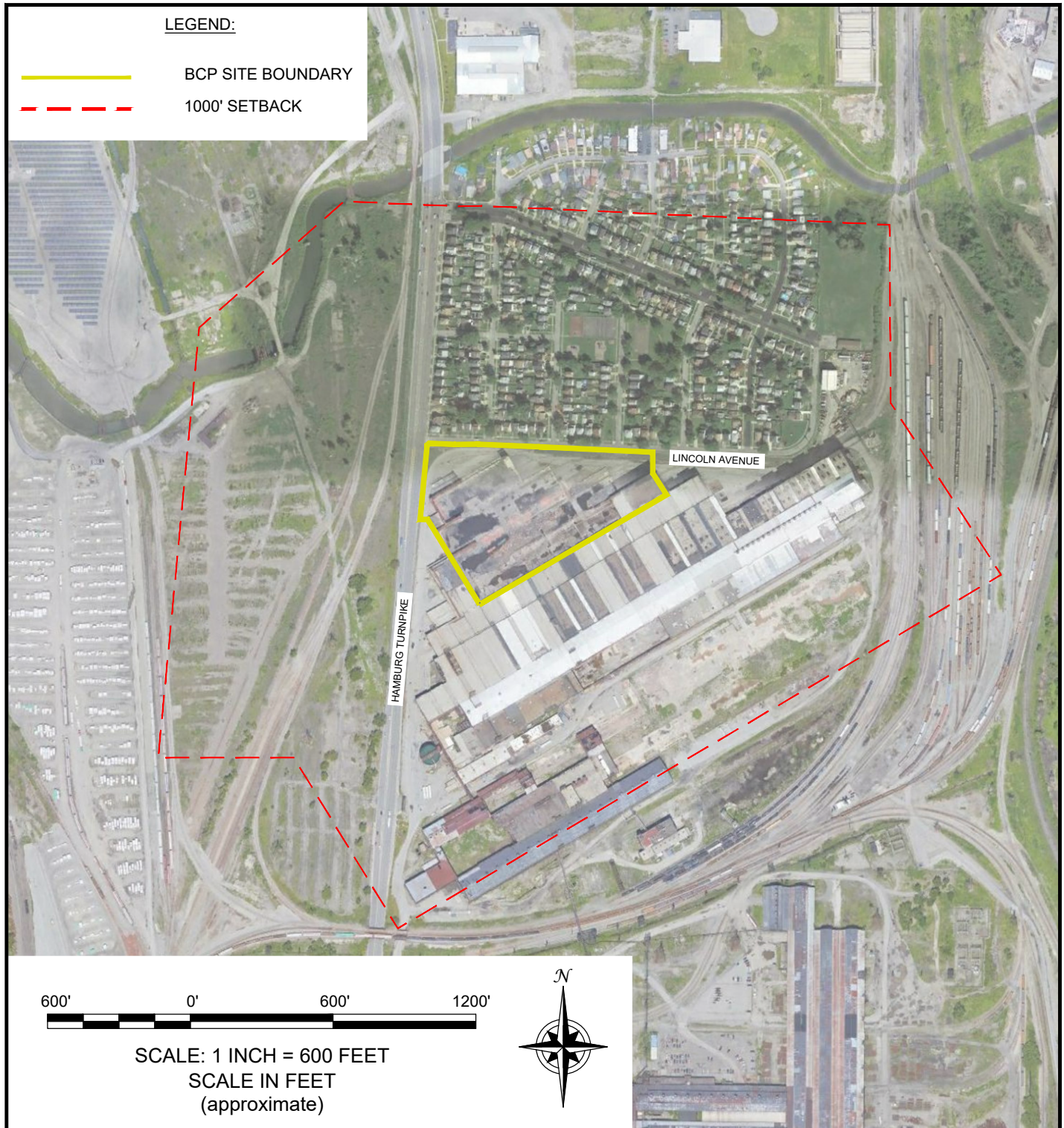
2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

JOB NO.: 0557-020-001

FIGURE 3



**FIGURE 4**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: 0557-020-001

DATE: NOVEMBER 2020

DRAFTED BY: CEH

## PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

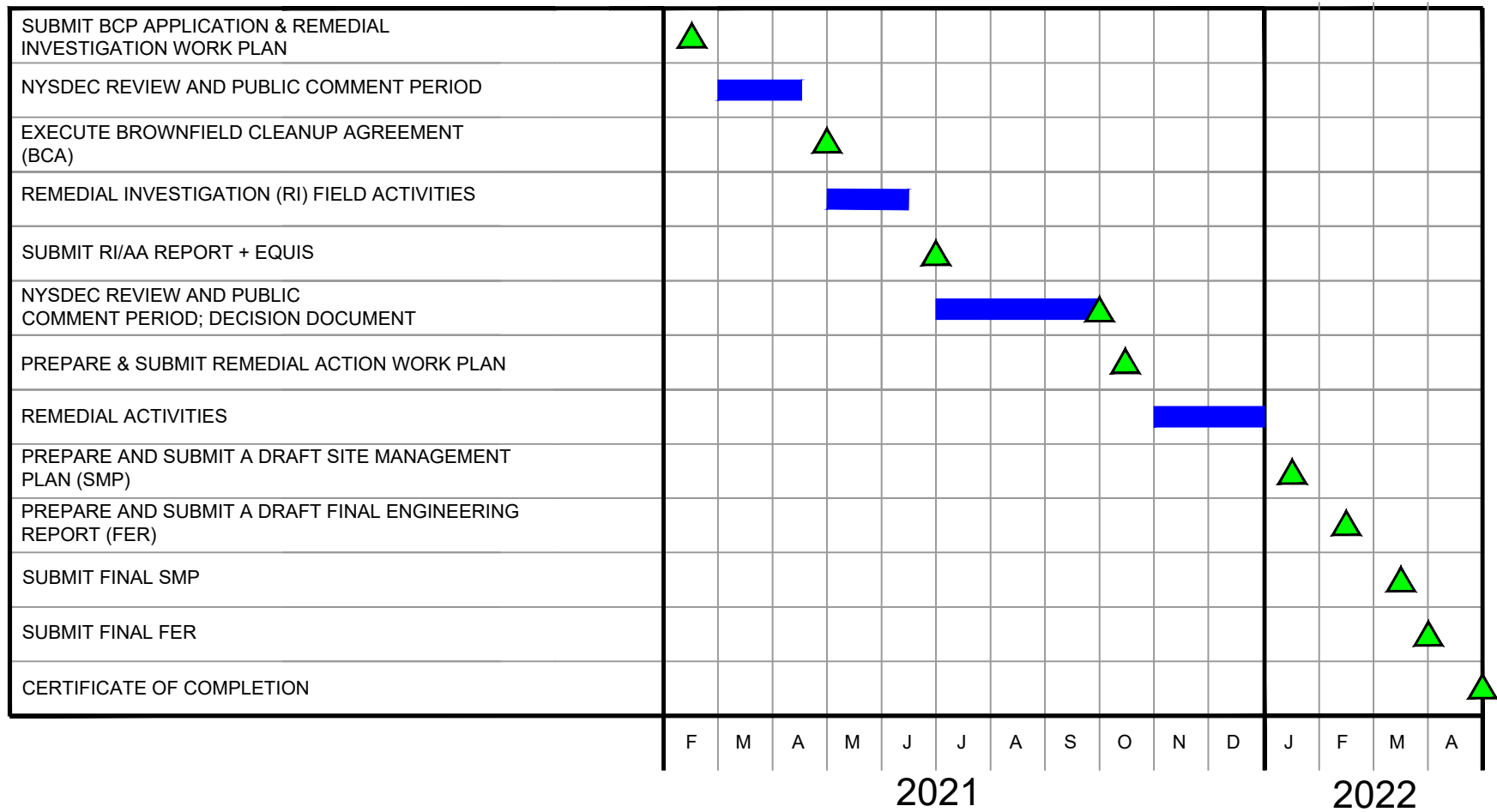
2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC

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**PROJECT TASKS:**

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

PROJECT NO.: 0557-020-001

DATE: JANUARY 2021

DRAFTED BY: CNK

## PRELIMINARY PROJECT SCHEDULE

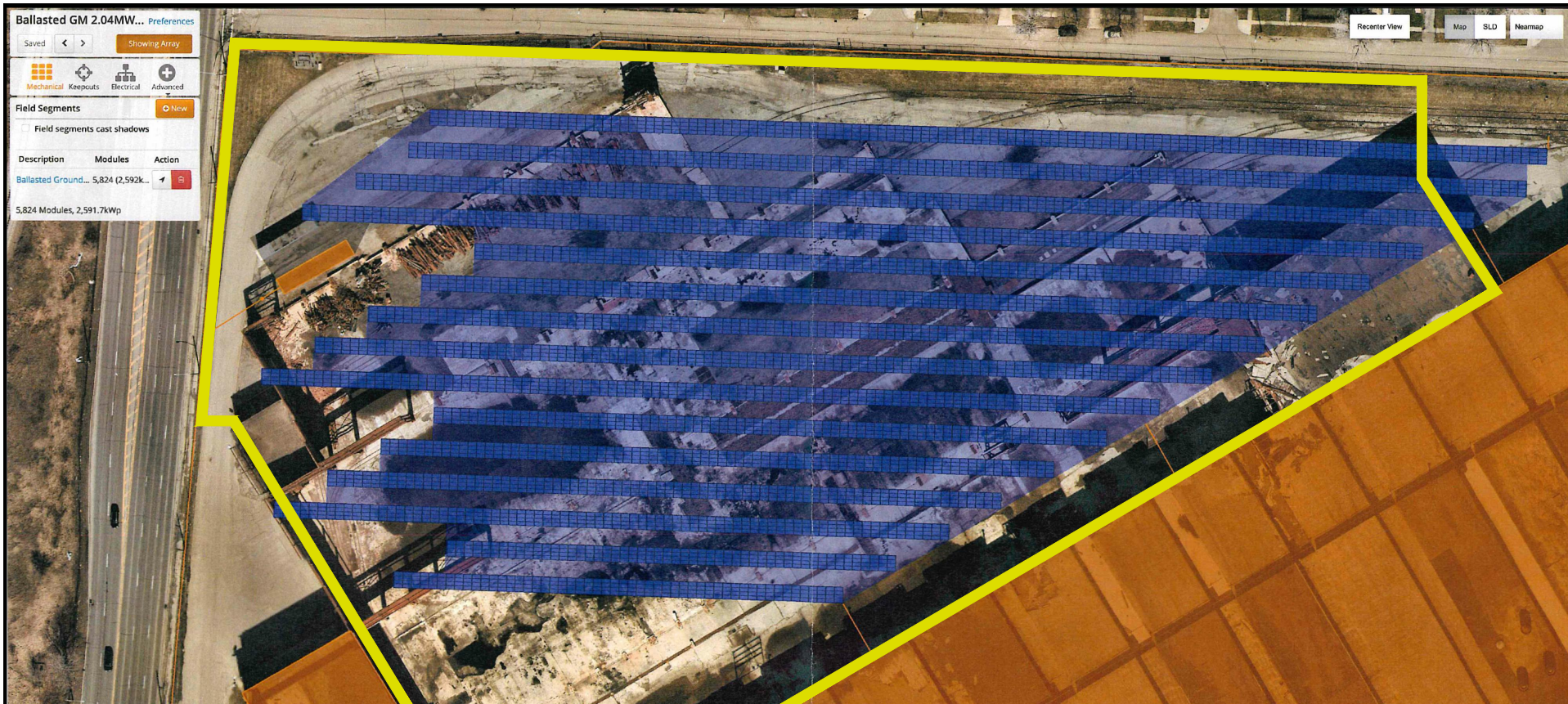
BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC

**FIGURE 5**

**DISCLAIMER:**  
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**LEGEND:**

— BCP SITE BOUNDARY

125' 0' 125' 250'

SCALE: 1 INCH = 125 FEET  
SCALE IN FEET  
(approximate)



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

PROJECT NO.: 0557-020-001

DATE: FEBRUARY 2021

DRAFTED BY: CNK

# **PRELIMINARY PROJECT RENDERING**

BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE

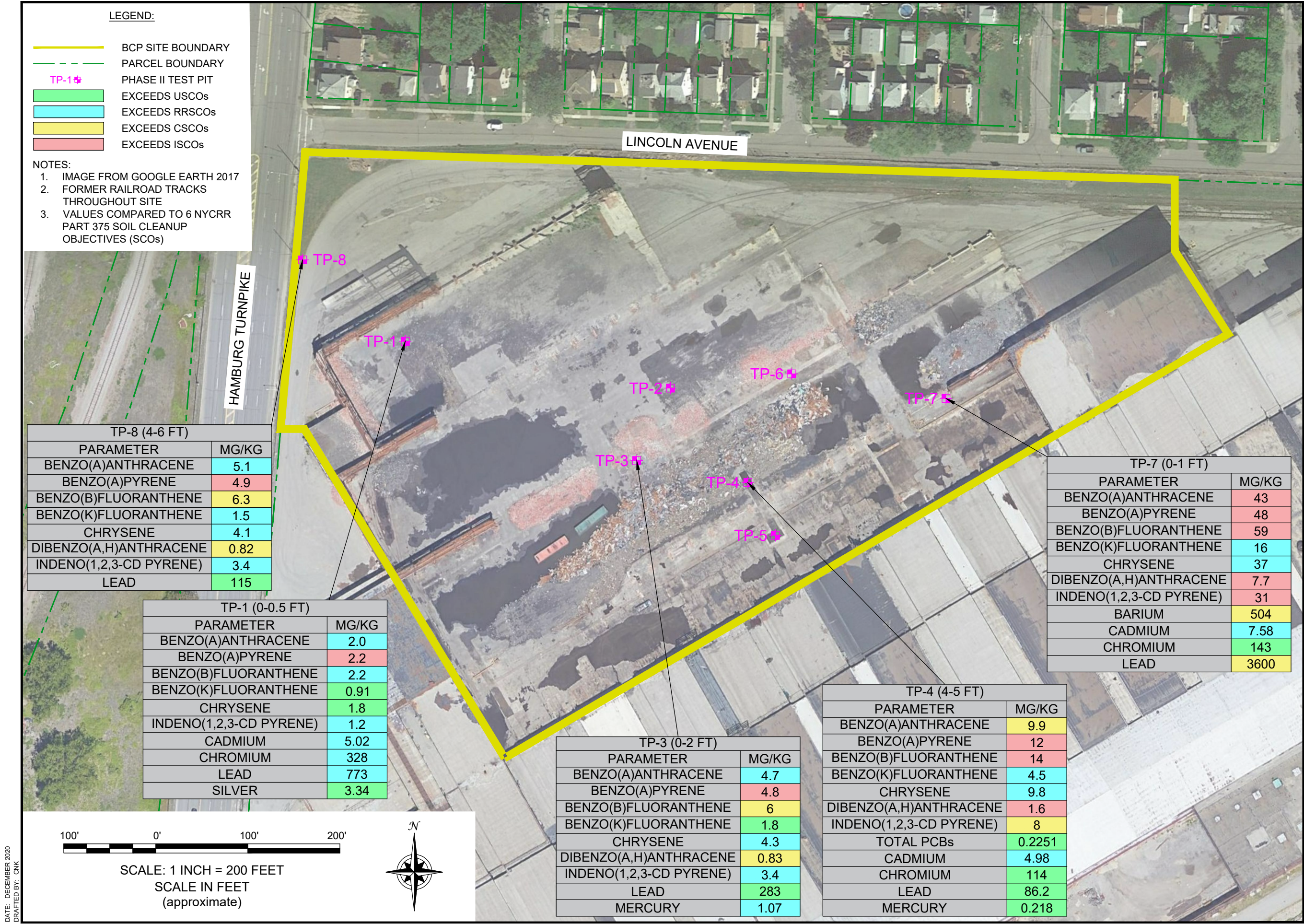
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC

**FIGURE 6**

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INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION  
2080 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC




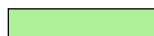
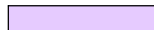
JOB NO.: 0557-020-001

FIGURE 7



**FIGURE 8**

**LEGEND:**

-  BCP SITE BOUNDARY
-  ENZONE TYPE A
-  ENZONE TYPE AB

**Census Tract 174**

Census Tract 174	
EnZoneType AB	
FIPS	36029017400
County_FIP	36029
Geography	Census Tract 174
County	Erie County
UnempRate	15.2
NYS_UR	11.5
Pov_Rate	46.8
CountyPR	14.6
CountyRate	29.2
Criteria_B	Y
Both_AB	Y
Criteria_A	Y
Type	YAY

600' 0' 600' 1200'

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



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: 0557-020-001

DATE: DECEMBER 2020

DRAFTED BY: CNK

## NEW YORK STATE ENZONE MAP

### BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

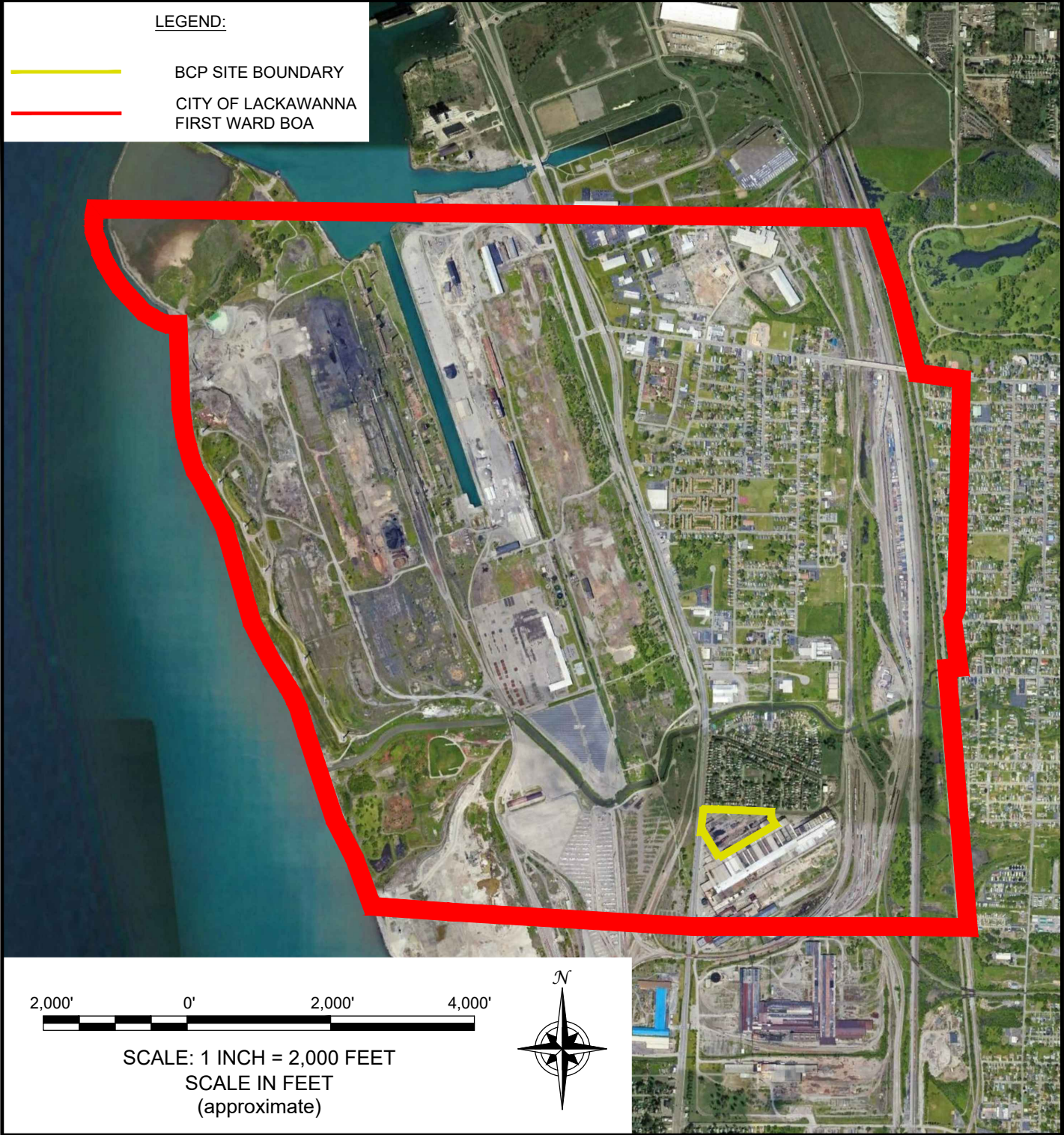
PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC

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FIGURE 9



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

## BROWNFIELD OPPORTUNITY AREA MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR

BETHLEHEM SOLAR PARK, LLC

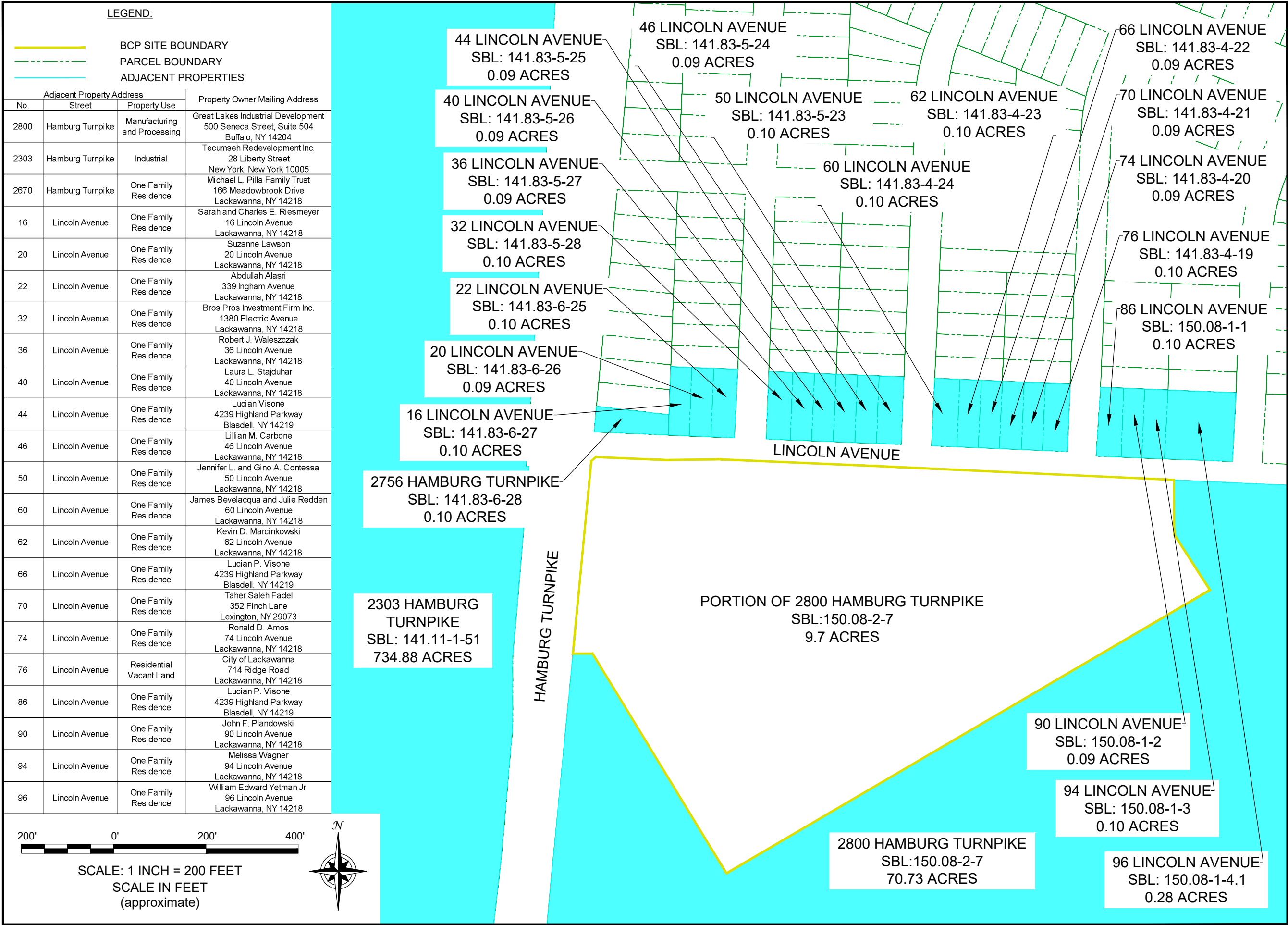
PROJECT NO.: 0557-020-001

DATE: DECEMBER 2020

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2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0835

TURNKEY

ENVIRONMENTAL  
RESTORATION, LLC

JOB NO.: 0557-020-001

ADJACENT PROPERTY OWNERS

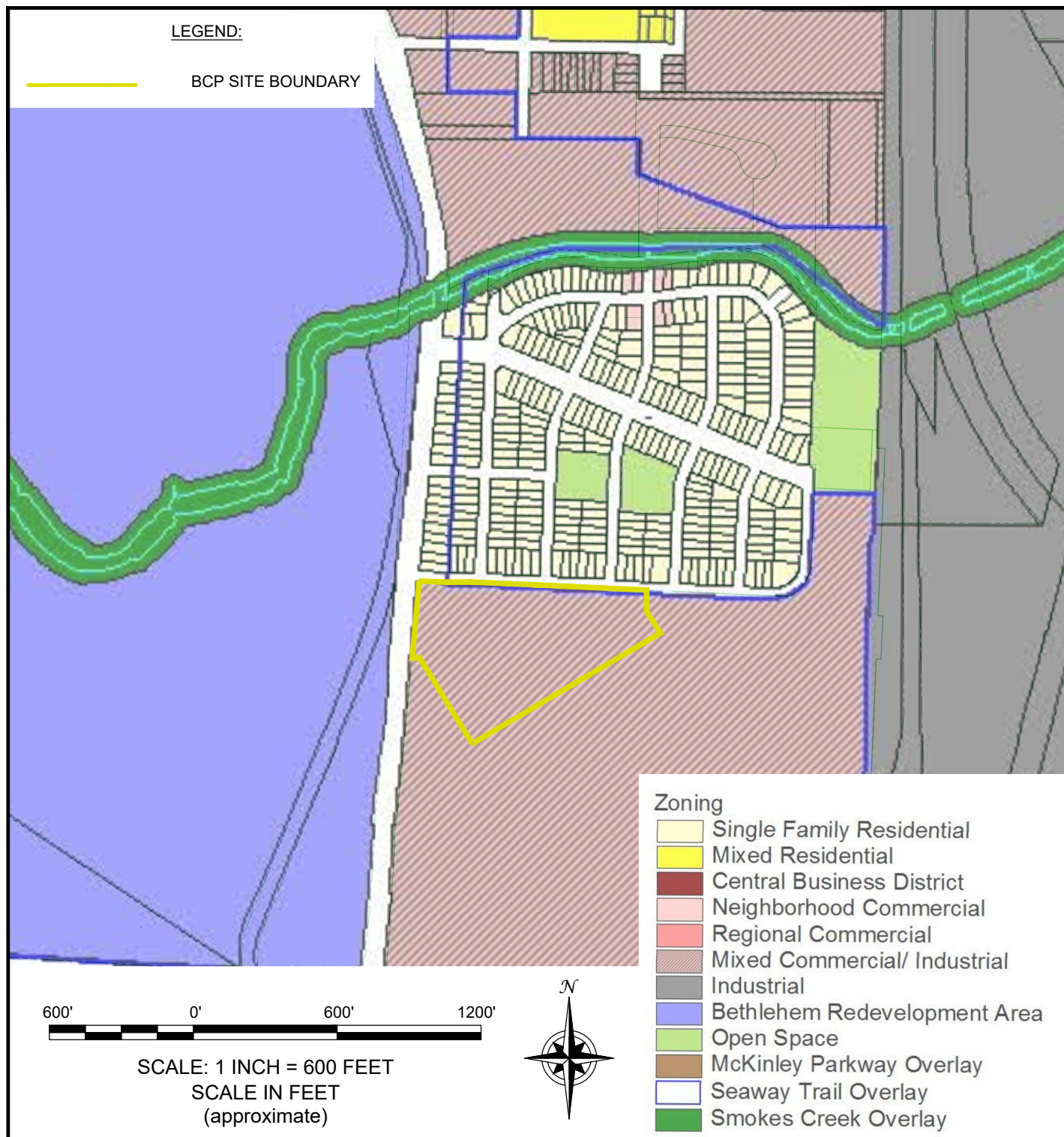
BROWNFIELD CLEANUP PROGRAM APPLICATION  
2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
BETHLEHEM SOLAR PARK, LLC

FIGURE 10

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**FIGURE 11**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: 0557-020-001

DATE: DECEMBER 2020

DRAFTED BY: CNK

## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR

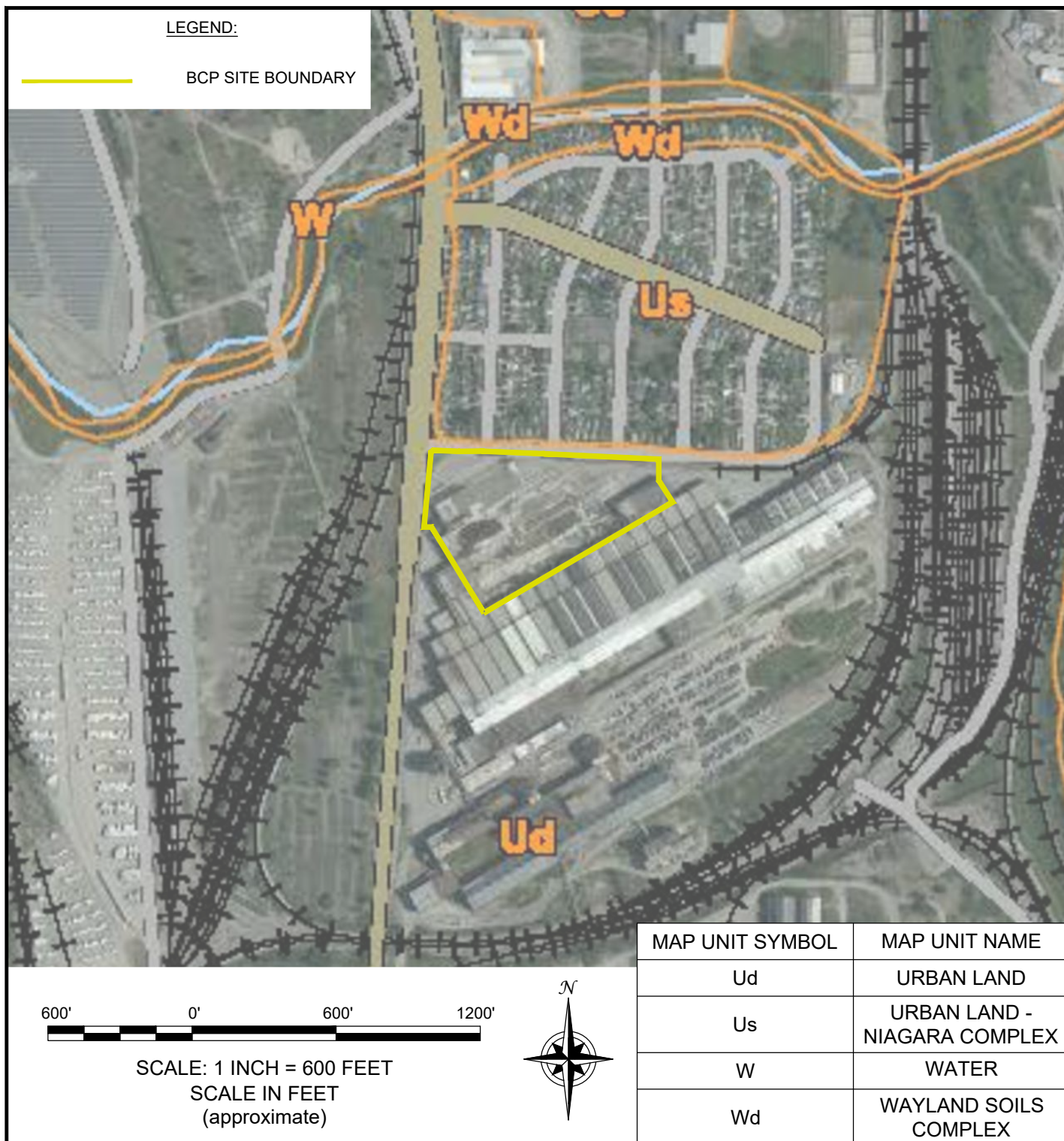
BETHLEHEM SOLAR PARK, LLC


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**FIGURE 12**





**2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635**

## USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR  
**BETHLEHEM SOLAR PARK, LLC**

PROJECT NO.: 0557-020-001

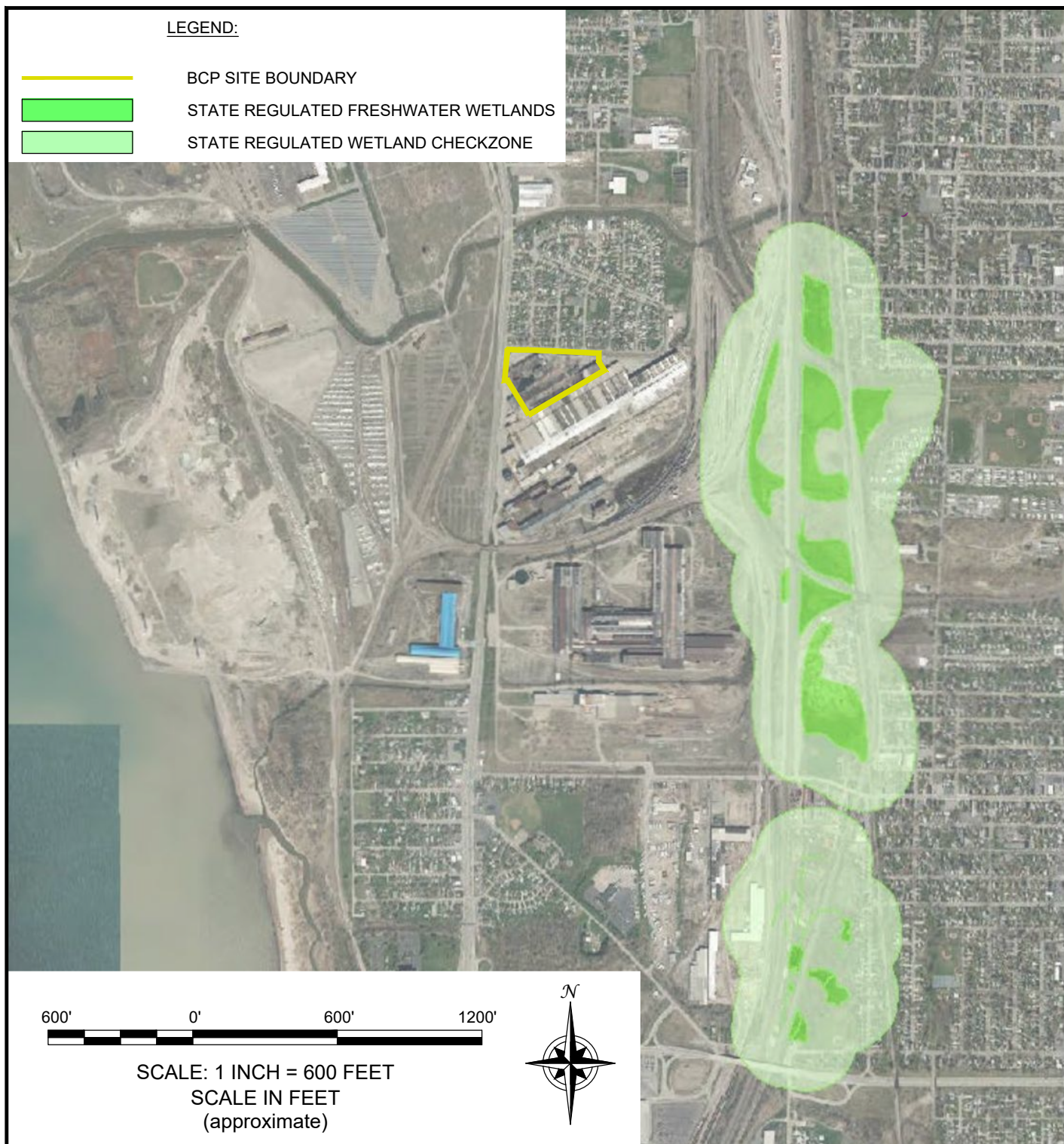
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**FIGURE 13**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: 0557-020-001

DATE: DECEMBER 2020

DRAFTED BY: CNK

## WETLANDS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

2800 HAMBURG TURNPIKE SITE  
LACKAWANNA, NEW YORK

PREPARED FOR

BETHLEHEM SOLAR PARK, LLC

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# **APPENDIX A**

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

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

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

**SECTION IV – PROPERTY INFORMATION**

**EXHIBIT A1 – BETHLEHEM SOLAR PARK, LLC NYS CORPORATION &  
BUSINESS ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – ACCESS LETTER**

**EXHIBIT A3 - SIGNATURE RESOLUTION**

**EXHIBIT A4 – OWNER ORGANIZATIONAL CHART**

**EXHIBIT A5 - ERIE COUNTY PARCEL DETAIL REPORT**

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**2800 Hamburg Turnpike Site**

**SECTION I – REQUESTOR INFORMATION**

Bethlehem Solar Park, LLC is authorized to do business in New York State. Mr. David P. Franjoine is the Authorized Managing Member of Bethlehem Solar Park, LLC. The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for Bethlehem Solar Park, LLC is attached as Exhibit A1.

Bethlehem Solar Park, LLC is a contract vendee/purchaser (the property is under sale contract to Bethlehem Solar Park, LLC) with authority for full property access; an access letter from the current property owner, Great Lakes Industrial Development, is attached as Exhibit A2.

Exhibit A3 is the Signature Consent, which identifies Mr. David P. Franjoine as the authorized person to execute document or agreements necessary under the Brownfield Cleanup Program.

The members of Bethlehem Solar Park, LLC are described in the Organization Chart in Exhibit A4.

Benchmark Environmental Engineering and Science, PLLC (Benchmark), a registered New York State (NYS) engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this Brownfield Cleanup Program (BCP) project.

**SECTION II – PROJECT DESCRIPTION**

Bethlehem Solar Park, LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NY BCP, and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 5.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**2800 Hamburg Turnpike Site**

The Volunteer plans to develop the entire 9.7-acre Site as a 2.4 megawatt (MW) solar facility. A preliminary conceptual model is shown on Figure 6.

The Project will result in the remediation and redevelopment of an environmentally impacted Site located at the intersection of Hamburg Turnpike (New York State Route 5) and Lincoln Avenue in the City of Lackawanna, Erie County, New York.

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

A summary of the previous environmental investigation findings completed for the 2800 Hamburg Turnpike Site (hereinafter, the “Project Site” or the “Site”) are provided below.

**November 2020 - Phase I Environmental Site Assessment (ESA)**

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase I Environmental Site Assessment, dated November 2020, on the subject Site. The following provides a summary of historic Site uses identified through TurnKey’s review of various documents including Sanborn/plant layout maps, city directories, regulatory documents, and municipal records.

Approximate Years	Reported or Suspected Use	Owner/Occupant
1894 to prior to 1936	The Site appears to be mostly vacant undeveloped land with a former building on the western portion of the Site.	Bethlehem Steel beginning in 1922.
At least 1936 to prior to 1949	Former gasoline station on the northwestern portion of the Site, railroad tracks throughout remaining portions of the Site.	Bethlehem Steel.
At least 1949 to 1960	Railroad tracks throughout the Site, former industrial building sections are constructed on-Site between 1949 and 1960.	Bethlehem Steel.
1960 to approximately 1982	A portion of the greater Bethlehem Steel facility with on-Site operations including coil annealing, a cold mill, shipping, lumber storage, and tractor repair. In addition, a transformer room, a substation, a motor room and an oil cellar and petroleum aboveground storage tanks (ASTs) were identified on-Site.	Bethlehem Steel until 1982

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**2800 Hamburg Turnpike Site**

Approximately 1982 to 2016	Vacant and Storage	Arcelor Mittal/Tecumseh owned the Site from approximately 1982 to 2010.  The current property owner is Great Lakes Industrial Development, LLC, which purchased the Site in 2010.
2016 to current	Vacant industrial with remnants of a former industrial building that was destroyed by a fire in 2016.	Great Lakes Industrial Development, LLC.

TurnKey identified the following recognized environmental conditions (RECs) for the Site:

- The Site has an industrial history and was part of a greater industrial operation associated with Bethlehem Steel. Prior to the structure fire in 2016, operations at the Site historically included industrial storage, coil annealing, a cold mill, shipping, lumber storage, and tractor repair. In addition, railroad tracks, a transformer room, a substation, a motor room, an oil cellar, and petroleum ASTs were identified on-Site.
- A former gas station was identified on-Site on the northwestern portion of the Site (as per a 1936 Site Plan).
- During TurnKey's site visit, an unknown void and suspect floor drains were observed. Based on the location of the Site, floor drains likely discharge into the municipal sanitary sewer system; however, the integrity of the floor drain system is unknown.
- Based on the location and history of the Site, there is the potential for impacted fill materials to exist on-Site.
- Miscellaneous materials including mounds of soil/fill and building debris (i.e., brick, concrete, ceiling tile, pipes, etc.) as such will require segregation and proper off-site disposal.
- The presence of urban fill materials from unknown sources due to the potential for impacts.

Phase II Environmental Investigation – Benchmark

TurnKey completed a Phase II Environmental Investigation, dated January 13, 2021, on the subject Site. The investigation consisted of eight test pits (TP-1 through TP-8) advanced to depths between 7 and 9 feet below ground surface (fbgs) or equipment refusal (encountered



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**2800 Hamburg Turnpike Site**

between 4 and 5 fbs). Fill materials consisting of black coal, coke fines, fragments of metal, wood, brick, glass, concrete, and slag was observed from the ground surface to depths ranging between approximately 4 to 7 fbs. Laboratory analytical samples were collected from the soil/fill at five test pit locations, TP-1 (0-0.5 ft), TP-3 (0-2 ft), TP-4 (4-5 ft), TP-7 (0-1 ft), and TP-8 (4-6 ft). Findings of the Phase II are detailed below:

- The highest photoionization detector (PID) measurement was identified in the former gasoline station area at TP-8 (22.6 parts per million, ppm). PID measurements up to 9 ppm were identified at TP-7 in the former tractor repair area.
- TP-6 encountered refusal on railroad ties and slag bedding material at 5 fbs.
- TP-7 was noted to include a coarse slag layer with a slight petroleum-like odor from 1 to 4 fbs. A coarse slag layer was also observed at TP-8 from 1 fbs to 2.5 fbs.
- A slight sheen and/or trace product blebs were noted on perched water at TP-3, TP-4, and TP-5.
- Laboratory analytical results indicate the following:
  - Volatile organic compounds (VOCs) were either not detected at concentrations above laboratory detection limits or concentrations were below their respective USCOs.
  - One or more individual polycyclic aromatic hydrocarbons (PAHs) exceeded their respective Commercial Soil Cleanup Objectives (CSCOs) (i.e., the applicable SCO for the Site) in all five soil/fill samples collected from the Site. The highest PAH concentrations were identified in the fill material at TP-7 collected within the former building footprint proximate to the former tractor repair area.
  - Total polychlorinated biphenyls (PCBs) were detected exceeding its Unrestricted SCO (USCO) (0.1 milligrams per kilogram, mg/kg) at TP-4 (0.2251 mg/kg). No other test pits were analyzed for PCBs.
  - Metals including barium, cadmium, chromium, lead, mercury, and/or silver were detected exceeding USCOs, Restricted Residential SCOs (RRSCOs), and/or CSCOs at all five test pit locations. Of particular note, barium and lead exceeded their respective CSCOs at TP-7.

Investigation locations and findings are shown on Figure 7.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**2800 Hamburg Turnpike Site**

**SECTION IV – PROPERTY INFORMATION**

**Legal Parcel Description**

The 2800 Hamburg Turnpike Site (Site), subject to this BCP application, is located in a moderately developed residential, commercial and industrial area in the City of Lackawanna (see Figures 1 - 3). The ±9.7-acre Site consists of a portion of a greater 70.73-acre parcel addressed at 2800 Hamburg Turnpike, Lackawanna, Erie County, New York (SBL No. 150.08-2-7). The Erie County tax parcel detail report for the Site is provided for reference as Exhibit A5.

According to New York State Department of Environmental Conservation (NYSDEC) Environmental Zone (EN-Zone) mapping, the Site is located within an EN-Zone Type AB designated census tract 174 (Figure 8). The Site is also located within the Lackawanna First Ward Brownfield Opportunity Area (Figure 9).

**Easements and Permits**

Utilities are located in the right-of-way along Hamburg Turnpike and Lincoln Avenue. The Site has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Bethlehem Solar Park, LLC is not aware of any other easements or restrictions on the Site.

Bethlehem Solar Park, LLC is not aware of any other formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site.

**Regulatory Listings**

No regulatory listings appear to directly involve the subject Site.

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**2800 Hamburg Turnpike Site**

Location

The Site is located at the intersection of Hamburg Turnpike (New York State Route 5) and Lincoln Avenue in a moderately developed residential, commercial, and industrial area in the City of Lackawanna, Erie County, New York. The Site is bordered Lincoln Avenue to the north, the remaining portions of 2800 Hamburg Turnpike to the south and east, and Hamburg Turnpike to the west. Adjacent property owners are identified on Figure 10.

Site Features

Remnants (i.e., concrete foundation, building debris, etc.) of the former industrial building destroyed by a fire in November 2016 remain at the Site. The remaining portions of the Site are currently covered by asphalt pavement, gravel, and vegetation.

Zoning and Land Use

According to the City of Lackawanna Zoning Ordinance (December 2001), the project area is classified as mixed commercial and industrial land; therefore, the current zoning, planned zoning, and planned development is consistent with the City of Lackawanna Zoning Ordinance (see Figure 11).

As detailed above, the Site is currently unoccupied and includes areas covered by asphalt, vegetation, and remnants (i.e., concrete foundation, building debris, etc.) of a former industrial building that was destroyed by a fire in November 2016.

The surrounding parcel uses are as follows:

- north – residential;
- south – industrial/Steel Works Industrial Park;
- east – industrial/Steel Works Industrial Park; and,
- west – vacant industrial land.



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Past Use of the Site

The Site was historically a part of the greater Bethlehem Steel operation beginning in 1922 and was developed with a former structure related to steel production. Operations at the Site historically included industrial storage, shipping, a cold mill, coil annealing, lumber storage, and tractor repair. A former gas station was identified on-Site on the northwestern portion of the Site in at least 1936. In addition, railroad tracks, a transformer room, a substation, a motor room, an oil cellar, and petroleum ASTs were identified on-Site. Following closure of the Bethlehem Steel operation in 1982, the building was used for storage until November 2016 when a fire destroyed the on-Site building and off-site portions of the building.

Due to the Site's industrial history, previous investigations have identified PAHs, PCBs, and metals at concentrations exceeding USCOs, RRSCOs, CSCOs, and/or ISCOs. To a lesser extent, weathered petroleum impacts were identified on-Site at certain investigation locations.

Previous investigation reports are provided electronically on the enclosed CD.

Site Geology and Hydrogeology

The Site is located within the Erie-Ontario Lowlands, which is typified by little topographic relief, and gently slopes westward towards Lake Erie, except in the immediate vicinity of major drainage ways. The surficial geology of the Erie-Ontario Lowlands has developed from lacustrine deposits or till that may contain both limestone and shale. The overburden geology is generally described as fill consisting of black coal and coke fines mixed with fragments of metal, wood, brick, glass, concrete, and slag from the ground surface to depths ranging from approximately 4 fbgs to 7 fbgs overlying reworked sandy lean clay to at least 9 fbgs. A coarse slag layer was observed at TP-7 (1 fbgs to 4 fbgs) and TP-8 (1 fbgs to 2.5 fbgs).

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**BCP Application – Part A**  
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**2800 Hamburg Turnpike Site**

The Site overlies the Skaneateles Formation, which is identified as Middle Devonian-aged medium/dark gray fossiliferous shale and mudrock. Bedrock was not encountered during the previous investigation.

According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban land (Ud) Urban land is characterized where 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (Figure 12).

Perched groundwater was encountered at certain investigation locations (TP-3, TP-4, and TP-5) during the Phase II investigation between 4 fbgs and 5.5 fbgs. Regional groundwater likely flows west towards Lake Erie. Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells to assess and characterize groundwater flow patterns and quality will be installed during the Remedial Investigation.

The Site is located within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain. No wetlands are located on the Site; however, the Site is also located within 0.5 miles of a NYSDEC regulated wetland and two National regulated wetlands, including a freshwater emergent wetland, and a freshwater forested/shrub wetland (Figure 13).

Environmental Assessment Narrative

The Site has an industrial history as a portion of a greater steel manufacturing operation with railroad tracks historically located across the Site. In addition, a former gasoline station was identified on the northwest portion of the Site.

The Site is underlain by urban fill impacted by PAHs, metals, and PCBs yielding concentrations above 6NYCRR Part 375 USCOs, CSCOs and/or ISCOs. To a lesser extent, weathered petroleum impacts were identified on-Site at certain investigation locations. from the impacts identified at the Site are reasonably attributed to fill materials from unknown

**APPENDIX A**  
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**2800 Hamburg Turnpike Site**

origins and historic industrial activity. Figure 7 summarizes the environmental impacts identified in the previous investigations.

Field Observations - The highest PID readings identified during the work was 22.6 ppm in the former gasoline station area at TP-8. In addition, an elevated PID reading of 9 ppm was identified in the former tractor repair area at TP-7. A petroleum-like odor was also observed at TP-7 from 1 to 4 fbg. A slight sheen and/or trace product blebs were observed on perched groundwater at TP-3, TP-4, and TP-5.

Soil – As further detailed below, laboratory analytical results indicate elevated PAHs, and metals at the Site at concentrations exceeding Part 375 CSCO (i.e., the applicable SCO for the intended Site reuse).

Semi Volatile Organic Compounds (SVOCs)

Laboratory analytical results detected up to five PAHs above their respective Part 375 CSCO at all five sample locations at TP-1 (0-0.5 ft), TP-3 (0-2 ft), TP-4 (4-5 ft), TP-7 (0-1 ft), and TP-8 (4-6 ft). A summary of the contaminant and its respective exceedances is listed below:

- Benzo(a)anthracene exceeded its CSCO (5.6 mg/kg) at TP-4 (9.9 mg/kg) and TP-7 (43 mg/kg).
- Benzo(a)pyrene exceeded its CSCO (1 mg/kg) at TP-1 (2.2 mg/kg), TP-3 (4.8 mg/kg), TP-4 (12 mg/kg), TP-7 (48 mg/kg), and TP-8 (4.9 mg/kg).
- Benzo(b)fluoranthene exceeded its CSCO (5.6 mg/kg) at TP-3 (6 mg/kg), TP-4 (14 mg/kg), TP-7 (59 mg/kg), and TP-8 (6.3 mg/kg).
- Dibenzo(a,h)anthracene exceeded its CSCO (0.56 mg/kg) at TP-3 (0.83 mg/kg), TP-4 (1.6 mg/kg), TP-7 (7.7 mg/kg), and TP-8 (0.82 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its CSCO (5.6 mg/kg) at TP-4 (8 mg/kg), and TP-7 (31 mg/kg).

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Inorganic Analytes

Metal analytes were detected above their respective CSCOs at one sample location:

- Barium exceeded its CSCO (400 mg/kg) at TP-7 (504 mg/kg).
- Lead exceeded its CSCO (1,000 mg/kg) at TP-7 (3,600 mg/kg).

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

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through December 29, 2020.

---

Selected Entity Name: BETHLEHEM SOLAR PARK, LLC

Selected Entity Status Information

**Current Entity Name:** BETHLEHEM SOLAR PARK, LLC

**DOS ID #:** 5724116

**Initial DOS Filing Date:** MARCH 09, 2020

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

THE SLATER LAW FIRM, PLLC  
500 SENECA STREET, SUITE 504  
BUFFALO, NEW YORK, 14204

**Registered Agent**

NONE

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

**\*Stock Information**

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

No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAR 09, 2020	Actual	BETHLEHEM SOLAR PARK, 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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# GREAT LAKES

Industrial Development, LLC



February 16, 2021

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

Re: *Property Access Authorization*  
NYS DEC Brownfield Cleanup Program  
2800 Hamburg Turnpike, Lackawanna, NY (Erie County)

Dear Ms. Lewandowski:

Please be advised that Great Lakes Industrial Development, LLC ("GLID") is the title owner of the above-referenced properties (the "Site"). As owner of the Site, GLID is aware of and acknowledges that Bethlehem Solar Park, LLC will be filing an application to enter the NYS Brownfield Cleanup Brownfield Cleanup Program (the "BCP") and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site. The property is presently under contract for sale from GLID to Bethlehem Solar Park, LLC and we expect to close soon.

As owner of the Site, GLID hereby authorizes Bethlehem Solar Park, LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform the any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with any DEC requirements and the provisions of the BCP and the BCA.

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

Very truly yours,

A handwritten signature in black ink, reading "Robert W. Zuchlewski".

Robert W. Zuchlewski, Authorized Member  
Great Lakes Industrial Development, LLC

**BETHLEHEM SOLAR PARK, LLC****UNANIMOUS WRITTEN CONSENT OF THE MEMBERS****FEBRUARY <sup>14th</sup> 5, 2021**

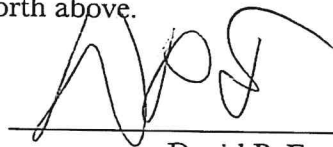
The undersigned being the holder of all of the membership interest of **BETHLEHEM SOLAR PARK, LLC**, a New York limited liability company (the "**Company**"), hereby consents to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that David P. Franjoine (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property owned by the Company located at 10 Chapin Street, Canandaigua, New York; and be it further

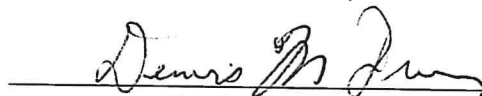
**RESOLVED**, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Corporation as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

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

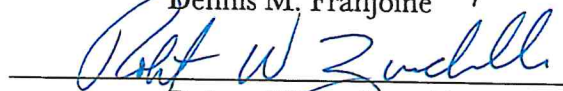
**IN WITNESS WHEREOF**, the undersigned have executed this Unanimous Written Consent as of the date first set forth above.



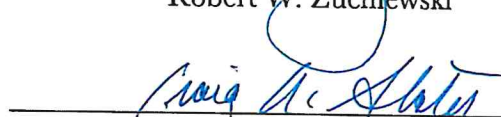
David P. Franjoine



Dennis M. Franjoine



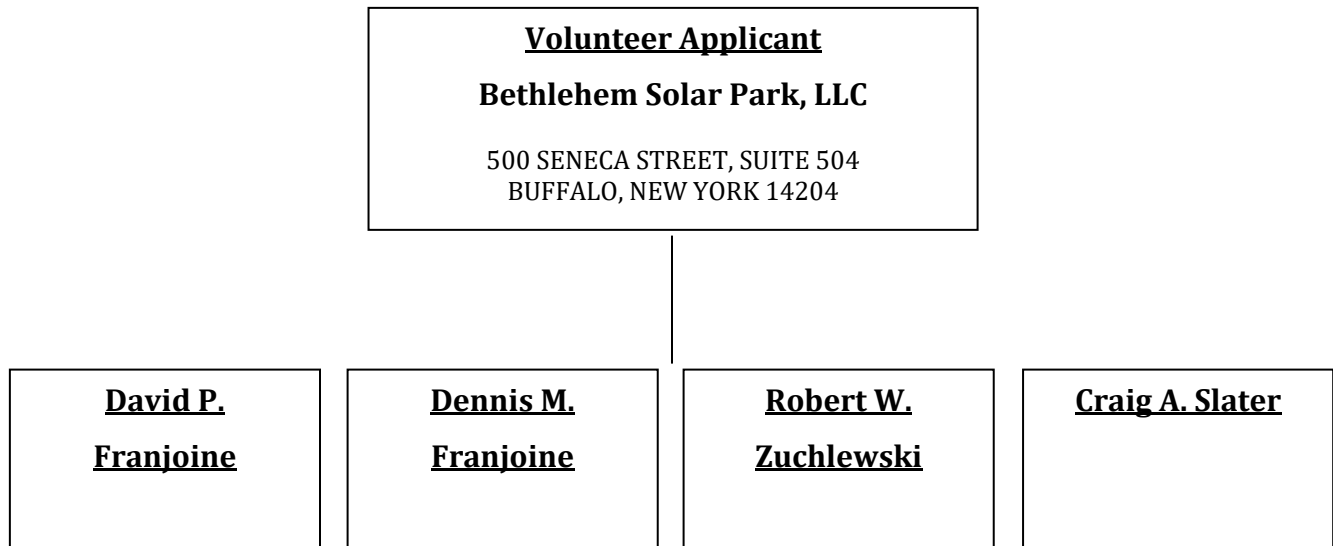
Robert W. Zuchlewski



Craig A. Slater

**2800 HAMBURG TURNPIKE SITE**

**ORGANIZATIONAL CHART**



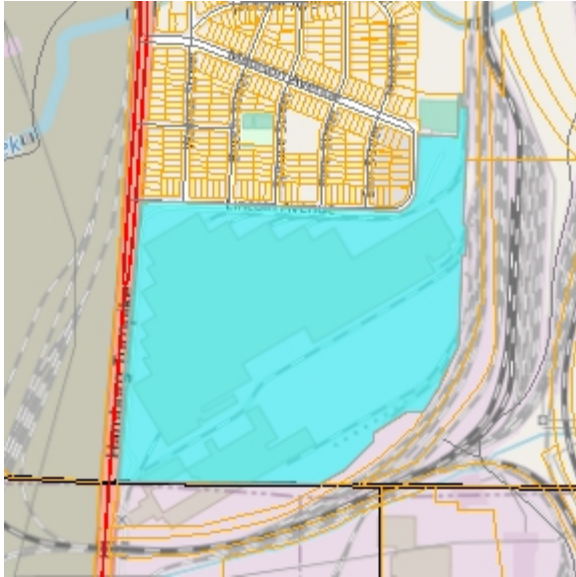
# Erie County On-Line Mapping System

## Parcel Detail Report

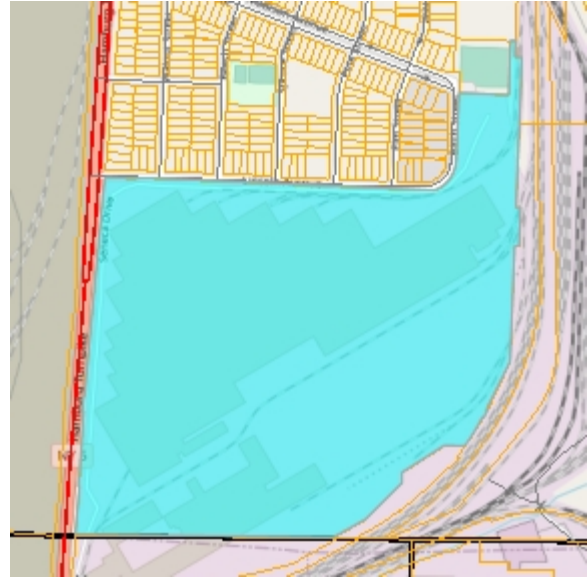
Report generated:

Exhibit A5

12/30/2020 3:39:57 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1409001500800002007000

**SBL:** 150.08-2-7

**Address:** 2800 HAMBURG TPKE

**Owner 1:** GREAT LAKES INDUSTRIAL DEV.

**Owner 2:**

**Mailing Address:** 500 SENECA ST

**City/Zip:** BUFFALO NY 14204

**Municipality:** City of Lackawanna

**Property Class:** 710

**Class Description:** C - Manufacture

**Front:** 0

**Depth:** 0

**Deed Roll:** 1

**Deed Book:**

**Deed Page:**

**Deed Date:**

**Acreage:** 70.72752925

**Total Assessment:** \$3,500,000

**Land Assessment:** \$1,488,000

**County Taxes:** \$3,500,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** LACKAWANNA CENTRAL SCHOOL DISTRICT

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# **APPENDIX B**

## **BCP APPLICATION PART B – SECTION V - X**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

**SECTION VII – REQUESTOR ELIGIBILITY**

**SECTION IX – CONTACT LIST**

**SECTION X – LAND USE FACTORS**

**EXHIBIT B1 - DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**2800 Hamburg Turnpike Site**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

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

Property Information	Use	Approx. Date(s)	Relationship to Applicant
<b>2800 Hamburg Turnpike</b>			
Current Owner/Operator (non-party owner, not an Applicant)			
Great Lakes Industrial Development, LLC 500 Seneca Street, Suite 504 Buffalo, NY 14204	Industrial	2010 to Present	Legally unrelated
Past Owners/Operators			
ArcelorMittal (ISG Lackawanna Inc., Tecumseh Redevelopment, Inc.) 1 South Dearborn Street Chicago, IL 60603	Industrial	Approximately 1982 to 2010	None No Relationship
Bethlehem Steel Corporation	Industrial	Approximately 1922 to 1982	None No Relationship



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**2800 Hamburg Turnpike Site**

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Applicant, Bethlehem Solar Park, LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2) based on the following:

- the Applicant does not currently own the property;
- the contamination identified in soil/fill is reasonably attributable to the industrial history at the Site.
- the Applicant became involved with the property after the disposal or discharge of contaminants.

Based on the information above, as the Applicant is legally unrelated the previous owners/operators of the Site, Bethlehem Solar Park, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

**SECTION IX – CONTACT LIST INFORMATION**

Site Contact List

The following is the contact list for the subject property. Each contact will be sent fact sheets throughout the project’s duration.

*Erie County Contacts:*

Honorable Mark Poloncarz  
Erie County Executive  
95 Franklin Street  
Buffalo, NY 14202

Honorable John Gilmour  
Erie County Legislator, District 9  
5630 Camp Road  
Buffalo, NY 14075

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

Mr. John Hood  
Erie Co. Environment & Plan.  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**2800 Hamburg Turnpike Site**

Mr. Robert M. Graber  
Erie County Legislature Clerk  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. John Cappellino  
ECIDA  
95 Perry Street  
Buffalo, NY 14203

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

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

*City of Lackawanna Contacts:*

Annette Lafallo, Major  
City of Lackawanna  
714 Ridge Road  
Lackawanna, NY 14218

John Ingram, Council Member  
City of Lackawanna, 1<sup>st</sup> Ward  
714 Ridge Road  
Lackawanna, NY 14218

Kathy Galanti, Chairwoman  
City of Lackawanna Planning Board  
714 Ridge Road  
Lackawanna, NY 14218

*Supplier of Potable Water:*

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

*Local News Media:*

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

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

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**BCP Application – Part B**  
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**2800 Hamburg Turnpike Site**

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

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

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

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

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

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

*Nearby Schools:*

Ms. Deborah Biastre, Principal  
Lackawanna High School  
500 Martin Road  
Lackawanna, NY 14218

Mr. Frederick Hahn, Principal  
Martin Road Elementary School  
135 Martin Road  
Lackawanna, NY 14218

Mrs. Carolyn Kraus  
Our Lady of Victory School  
2760 South Park Avenue  
Lackawanna, NY 14218

Mrs. Liz Mastromatteo, Principal  
Global Concepts Charter School  
1001 Ridge Road  
Lackawanna, NY 14218

Ms. Jennifer Maslakowski, Principal  
Lackawanna Middle School  
500 Martin Road  
Lackawanna, NY 14218

Ms. Ashley Wakelee, Principal  
Truman Elementary School  
15 Inner Drive  
Lackawanna, NY 14218

Stephanie Guadagna, Chief of Education  
OLV Human Services Education Division  
790 Ridge Road  
Lackawanna, NY 14218

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**Section V – Section X**  
**2800 Hamburg Turnpike Site**

*Document Repository:*

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

Jennifer Johnston, Director  
Lackawanna Public Library  
Buffalo & Erie County Public Library  
560 Ridge Road  
Lackawanna, NY 14218

**APPENDIX B**  
**BCP Application – Part B**  
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**2800 Hamburg Turnpike Site**

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 10).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
2800	Hamburg Turnpike	Manufacturing and Processing	Great Lakes Industrial Development 500 Seneca Street, Suite 504 Buffalo, NY 14204
2303	Hamburg Turnpike	Industrial	Tecumseh Redevelopment Inc. 28 Liberty Street New York, New York 10005
2670	Hamburg Turnpike	One Family Residence Year-Round	Michael L. Pilla Family Trust 166 Meadowbrook Drive Lackawanna, NY 14218
16	Lincoln Avenue	One Family Residence Year-Round	Sarah and Charles E. Riesmeyer 16 Lincoln Avenue Lackawanna, NY 14218
20	Lincoln Avenue	One Family Residence Year-Round	Suzanne Lawson 20 Lincoln Avenue Lackawanna, NY 14218
22	Lincoln Avenue	One Family Residence Year-Round	Abdullah Alasri 339 Ingham Avenue Lackawanna, NY 14218
32	Lincoln Avenue	One Family Residence Year-Round	Bros Pros Investment Firm Inc. 1380 Electric Avenue Lackawanna, NY 14218
36	Lincoln Avenue	One Family Residence Year-Round	Robert J. Waleszczak 36 Lincoln Avenue Lackawanna, NY 14218
40	Lincoln Avenue	One Family Residence Year-Round	Laura L. Stajduhar 40 Lincoln Avenue Lackawanna, NY 14218
44	Lincoln Avenue	One Family Residence Year-Round	Lucian Visone 4239 Highland Parkway Blasdell, NY 14219

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**BCP Application – Part B**  
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**2800 Hamburg Turnpike Site**

46	Lincoln Avenue	One Family Residence Year-Round	Lillian M. Carbone 46 Lincoln Avenue Lackawanna, NY 14218
50	Lincoln Avenue	One Family Residence Year-Round	Jennifer L. and Gino A. Contessa 50 Lincoln Avenue Lackawanna, NY 14218
60	Lincoln Avenue	One Family Residence Year-Round	James Bevelacqua and Julie Redden 60 Lincoln Avenue Lackawanna, NY 14218
62	Lincoln Avenue	One Family Residence Year-Round	Kevin D. Marcinkowski 62 Lincoln Avenue Lackawanna, NY 14218
66	Lincoln Avenue	One Family Residence Year-Round	Lucian P. Visone 4239 Highland Parkway Blasdell, NY 14219
70	Lincoln Avenue	One Family Residence Year-Round	Taher Saleh Fadel 352 Finch Lane Lexington, NY 29073
74	Lincoln Avenue	One Family Residence Year-Round	Ronald D. Amos 74 Lincoln Avenue Lackawanna, NY 14218
76	Lincoln Avenue	Residential Vacant Land	City of Lackawanna 714 Ridge Road Lackawanna, NY 14218
86	Lincoln Avenue	One Family Residence Year-Round	Lucian P. Visone 4239 Highland Parkway Blasdell, NY 14219
90	Lincoln Avenue	One Family Residence Year-Round	John F. Plandowski 90 Lincoln Avenue Lackawanna, NY 14218
94	Lincoln Avenue	One Family Residence Year-Round	Melissa Wagner 94 Lincoln Avenue Lackawanna, NY 14218
96	Lincoln Avenue	One Family Residence Year-Round	William Edward Yetman Jr. 96 Lincoln Avenue Lackawanna, NY 14218

**APPENDIX B**  
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**2800 Hamburg Turnpike Site**

Document Repository

The Buffalo and Erie County Library - Lackawanna Public Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included as Exhibit B1.

**SECTION X – LAND USE FACTORS**

**1 – Current Zoning**

As shown on Figure 11, the current zoning for the Site is classified as mixed commercial and industrial land. As such, the planned redevelopment is consistent with the City of Lackawanna Zoning Ordinance (December 2001).

**2 – Current Use**

The Site is currently vacant and underutilized. Remnants of a former industrial building destroyed by a fire in November 2016 remain at the Site. The remaining area is covered by asphalt paving and vegetation.

The Site was historically a part of the greater Bethlehem Steel operation beginning in 1922 and was developed with a former structure related to steel production. Operations at the Site historically included including industrial storage, shipping, a cold mill, coil annealing, lumber storage, and tractor repair. A former gas station was identified on-Site on the northwestern portion of the Site in at least 1936. In addition, railroad tracks, a transformer room, a substation, a motor room, an oil cellar, and petroleum ASTs were identified on-Site. Following the closure of the Bethlehem Steel operation in 1982, the building was used for storage until November 2016 when a fire destroyed the on-Site building and off-site portions of the building.

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



**APPENDIX B**  
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**2800 Hamburg Turnpike Site**

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire 9.7-acre Site as a 2.4 MW solar facility. A preliminary conceptual model is shown on Figure 6.

The intended future Site use is consistent with current and anticipated future zoning. Redevelopment plans will be consistent with the zoning as presented in the City of Lackawanna Zoning Ordinance. The proposed project supports recent development patterns and current land use requirements.



January 7, 2021

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

Re: Document Repository for Brownfield Cleanup Program  
2800 Hamburg Turnpike Site  
Lackawanna, New York

Dear Ms. Tompkins:

On behalf of our client, TurnKey Environmental Restoration, LLC in association with Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & Erie County Public Library – Lackawanna Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,  
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink that reads "Chelsea Kanaley".

Chelsea Kanaley  
Geologist

File: 0557-020-001

Strong Advocates, Effective Solutions, Integrated Implementation

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

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

**From:** [April Tompkins](#)  
**To:** [Chelsea N. Kanaley](#)  
**Subject:** FW: Document Repository Request - 2800 Hamburg Turnpike Site  
**Date:** Thursday, January 7, 2021 11:59:59 AM  
**Attachments:** [Document Repository Request - 2800 Hamburg Turnpike Site.pdf](#)

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Good morning Chelsea,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program at the **2800 Hamburg Turnpike Site**. These documents will be made available for public viewing at the **Lackawanna Public Library** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your document(s), and cover letter, to the Central Library and we will process according to our procedure and distribute to the location of your choice. **If you would like a confirmation that your document was received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

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

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

- Documents are made available within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together spiral bound or in a ring binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If cd's**

**or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,  
April

*April Tompkins, Sr. Library Clerk*  
Office of Chief Operating Officer & Technical Support  
Buffalo and Erie County Public Library  
1 Lafayette Square | Buffalo, NY 14203  
Voice: 716-858-7129 | Fax: 716-858-6211  
E-mail: [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)

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**From:** Chelsea N. Kanaley <[ckanaley@bm-tk.com](mailto:ckanaley@bm-tk.com)>  
**Sent:** Thursday, January 7, 2021 10:38 AM  
**To:** April Tompkins <[tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)>  
**Subject:** Document Repository Request - 2800 Hamburg Turnpike Site

Dear Ms. Tompkins,

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

Thank you,  
Chelsea Kanaley

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