

Brownfield Cleanup Program Application

33-35 Norris Avenue Site
Buffalo, New York

March 2021

B0564-021-002

Prepared For:

The Uniland Partnership of Delaware L.P.



Prepared By:



BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 Norris Avenue Site

Buffalo, New York

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Previous Environmental Investigations (Provided Electronically on CD)

Phase I Environmental Site Assessment, Mixed-Use Property, 1984 Elmwood Avenue, 15, 19, 35, 107, and 125 Norris Street, and 742 Hertel Avenue, Buffalo, New York 14207 – LCS Inc., June 9, 2017.

Limited and Focused Geophysical Survey and Limited and Focused Subsurface Soil & Groundwater Investigation Report for the Property Identified as: Mixed-Use Property, 1984 Elmwood Avenue, 15, 19, 33, 35, 107, and 125 Norris Street, and 742 Hertel Avenue, Buffalo, New York 14207 – LCS Inc., November 16, 2017.

Supplemental Phase II Environmental Investigation Report, Parcels Located at 1984 Elmwood Avenue and 33-35 Norris Avenue, Buffalo, New York – Benchmark Environmental Engineering & Science, March 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 The Uniland Partnership of Delaware L.P.

ADDRESS 100 Corporate Parkway, Suite 500

CITY/TOWN Amherst

ZIP CODE 14226

PHONE (716) 222-7028

FAX

E-MAIL DReilly@Uniland.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 **See Appendix A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**

Section III. Property's Environmental History[See Appendix A; Section III](#)

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

*Please describe: _____

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

- **SAMPLE LOCATION** [See Appendix A; Section III](#)
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED** [See Figure 7](#)
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Foundry, automotive repair, welding, railroad tracks

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 33-35 Norris Avenue Site				
ADDRESS/LOCATION 33-35 Norris Avenue				
CITY/TOWN Buffalo		ZIP CODE 14207		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 4.45		
LATITUDE (degrees/minutes/seconds) 42 ° 56 ' 58.20 "		LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 50.05 "		
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.
33-35 Norris Avenue		See Appendix A; Section IV		4.45
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site. See Appendix A; Section IV				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="display: flex; justify-content: space-between; align-items: center;"> See Figure 8 If yes, identify census tract : 56 </div> <div style="display: flex; justify-content: space-between; align-items: center;"> Percentage of property in En-zone (check one): <div style="display: flex; gap: 20px;"> <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100% </div> </div>				
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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

None

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)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. David Reilly			
ADDRESS 100 Corporate Parkway, Suite 500			
CITY/TOWN Amherst		ZIP CODE 14226	
PHONE (716) 222-7028	FAX	E-MAIL DReilly@Uniland.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE (716) 856-0599	FAX (716) 856-0583	E-MAIL cboron@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Marc A. Romanowski, Rupp Baase Pfalzgraf Cunningham LLC Attorneys			
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 Same as Requestor		OWNERSHIP START DATE: 6/21/2018; 12/28/2018	
ADDRESS Same as Requestor			
CITY/TOWN Same as Requestor		ZIP CODE Same as Requestor	
PHONE Same as Requestor	FAX Same as Requestor	E-MAIL Same as Requestor	
CURRENT OPERATOR'S NAME Same as Requestor			
ADDRESS Same as Requestor			
CITY/TOWN Same as Requestor		ZIP CODE Same as Requestor	
PHONE Same as Requestor	FAX Same as Requestor	E-MAIL Same as Requestor	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <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 **Not Applicable**

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ 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 XI**

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. **See Figure 9**
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors		See Appendix B; Section X
<p>1. What is the current municipal zoning designation for the site? N-1S (secondary employment center), N-3R (residential)</p> <p>What uses are allowed by the current zoning? (Check boxes, below) See Figure 10</p> <p><input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant <input type="checkbox"/> Recreational (check all that apply)</p> <p>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.</p>		
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
<p>4. Do current historical and/or recent development patterns support the proposed use?</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B, Section X.</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>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.</p> <p>See Appendix B, Section X.</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

XI. Statement of Certification and Signatures

I hereby affirm that I am President of the Gen'l Partner (title) of The Uniland Partnership of Delaware L.P. (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: 3/11/21 Signature: 
Print Name: Michael Montante

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
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
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>	

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

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

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

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

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: 33-35 Norris Avenue Site
City: Buffalo

Site Address: 33-35 Norris Avenue
County: Erie **Zip:** 14207

Tax Block & Lot
Section (if applicable):

Block:

Lot:

Requestor Name: The Uniland Partnership of Delaware L.P. **Requestor Address:** 100 Corporate Parkway, Suite 500
City: Amherst **Zip:** 14226 **Email:** DReilly@Uniland.com

Requestor's Representative (for billing purposes)

Name: Mr. David Reilly **Address:** 100 Corporate Parkway, Suite 500
City: Amherst **Zip:** 14226 **Email:** DReilly@Uniland.com

Requestor's Attorney

Name: Marc A. Romanowski, Rupp Baase Pfaltzgraf Cunningham LLC Attorneys **Address:** 1600 Liberty Building, 424 Main Street
City: Buffalo **Zip:** 14202 **Email:** Romanowski@ruppbaase.com

Requestor's Consultant

Name: Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G. **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo **Zip:** 14218 **Email:** cboron@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 and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7	Investigation Locations & Areas of Concern
Figure 8	En-Zone Map
Figure 9	Adjacent Property Owners
Figure 10	Zoning Map
Figure 11	USDA Soil Type Map

FIGURE 1



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

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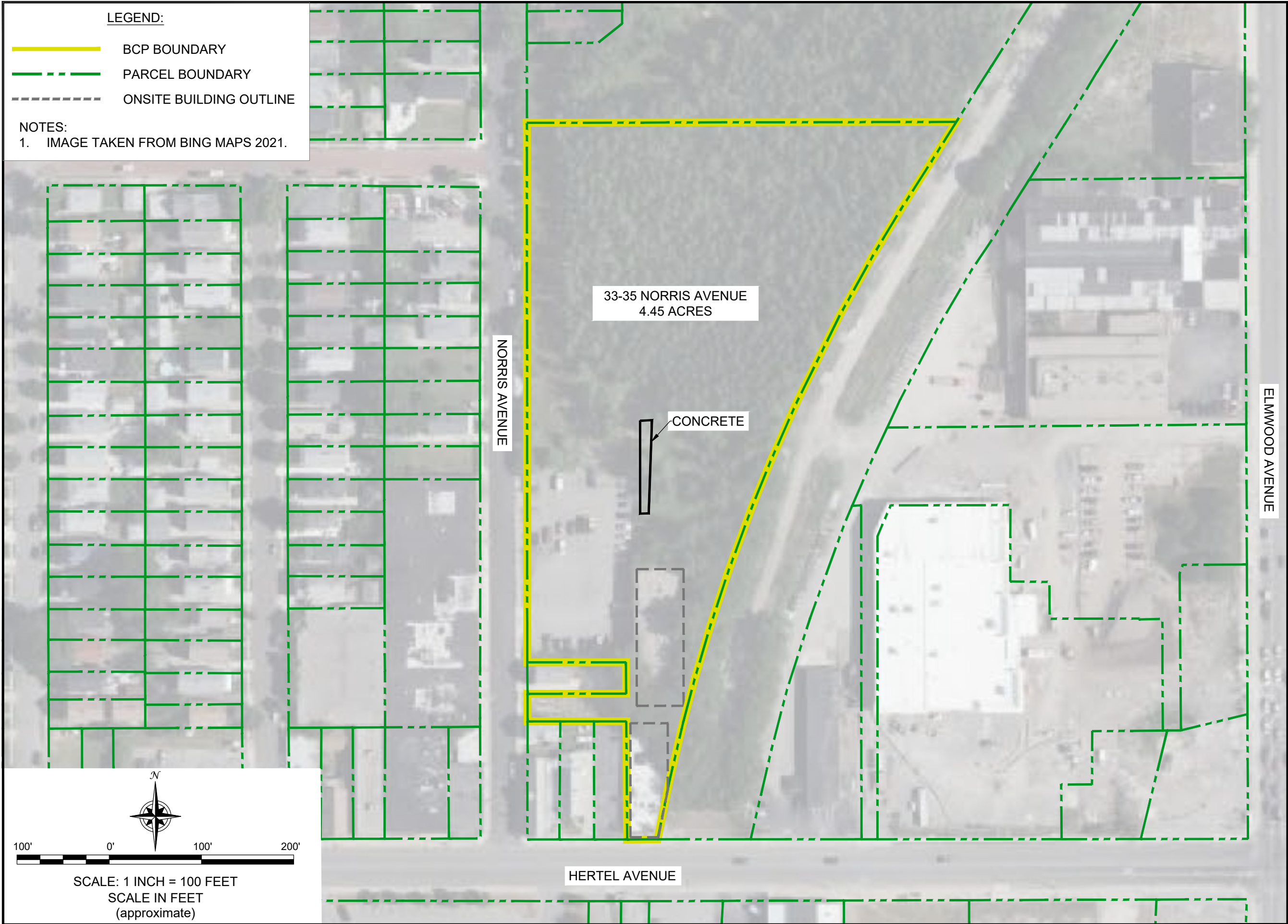
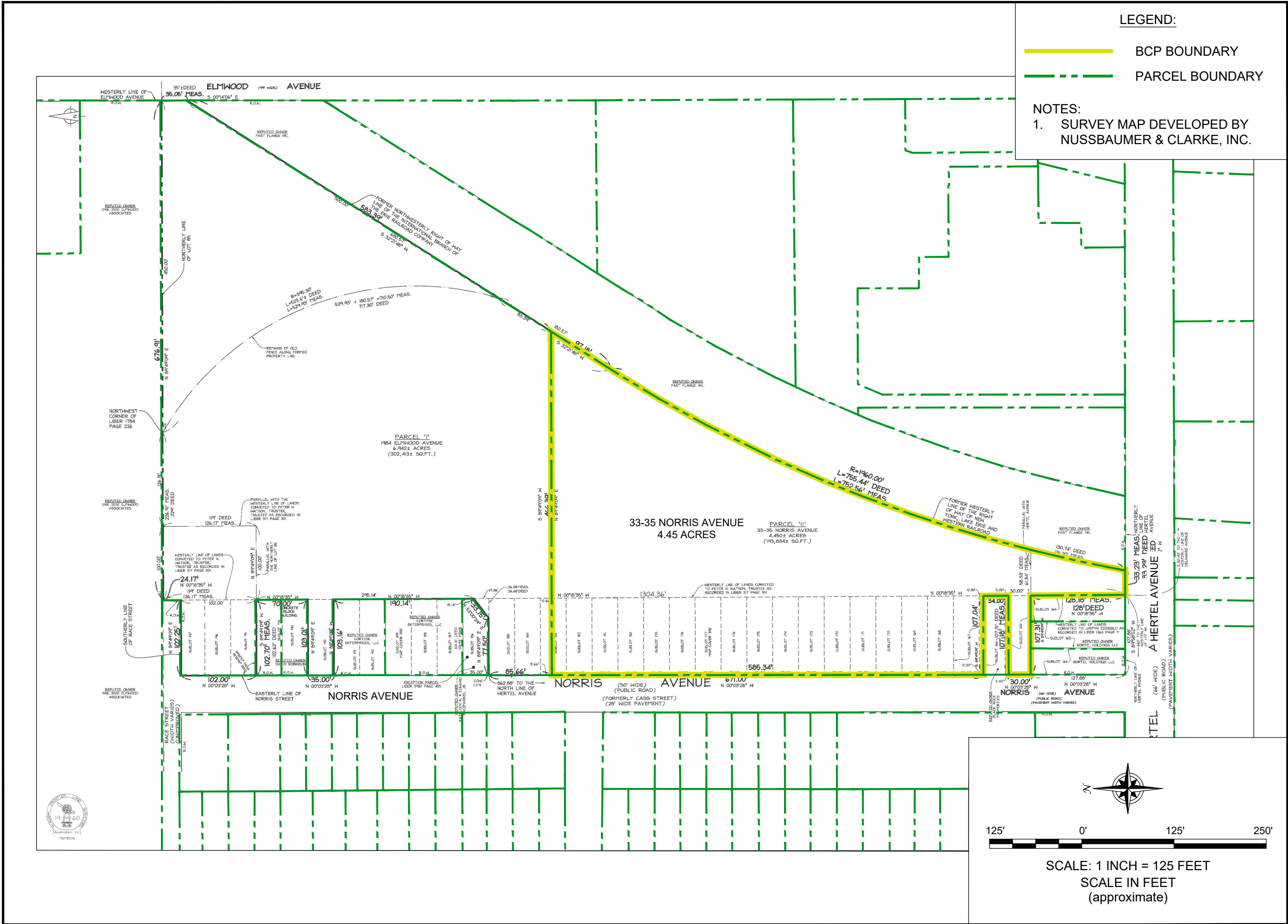


FIGURE 2	SITE PLAN (AERIAL) BROWNFIELD CLEANUP PROGRAM APPLICATION 33-35 NORRIS AVENUE SITE BUFFALO, NEW YORK PREPARED FOR THE UNILAND PARTNERSHIP OF DELAWARE L.P.	 2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 858-0599
	JOB NO.: B0564-021-002	

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TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

FIGURE 3

BENCHMARK

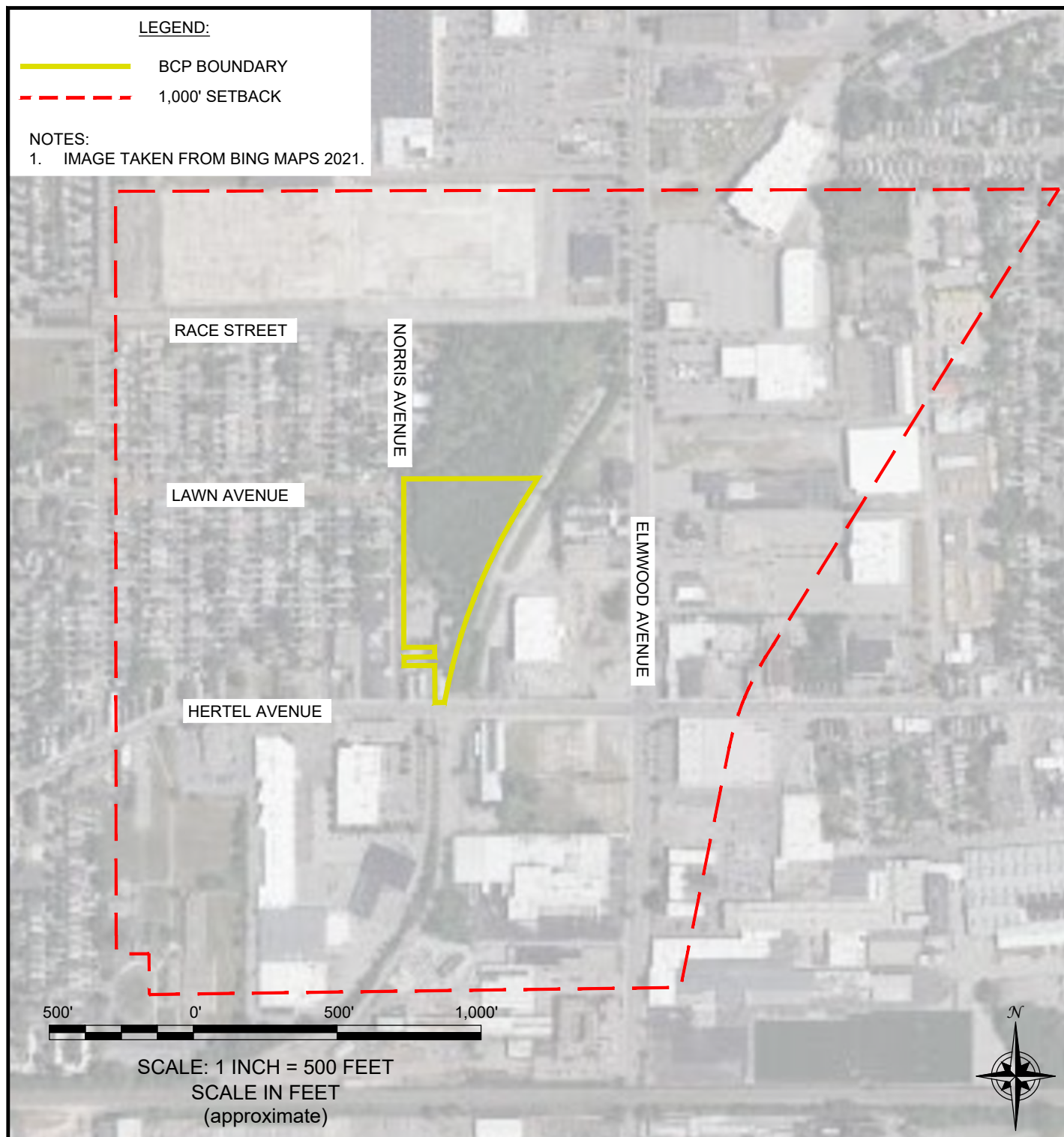
2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

JOB NO.: B0564-021-002

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FIGURE 4



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

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PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

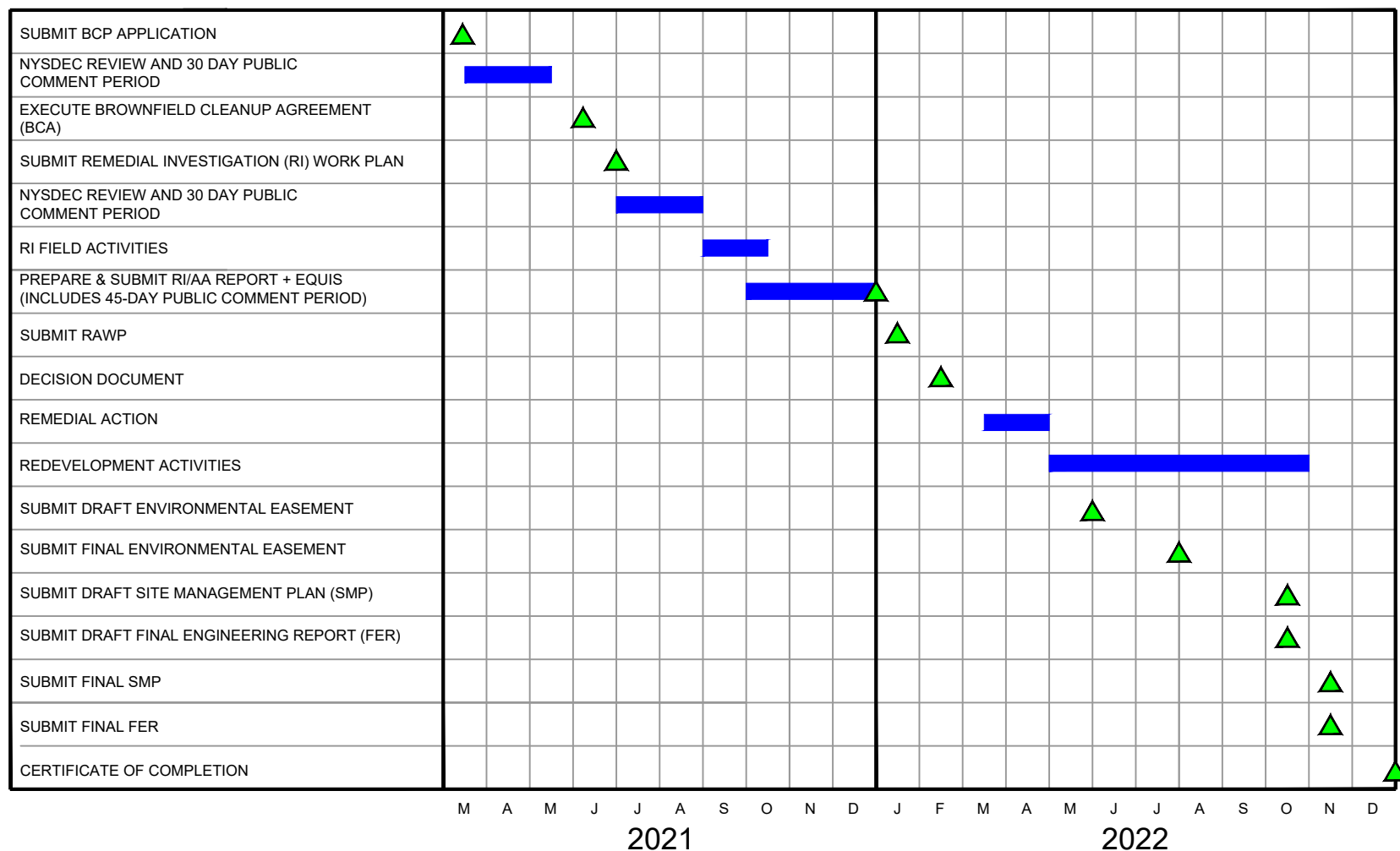
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PROJECT TASKS:



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

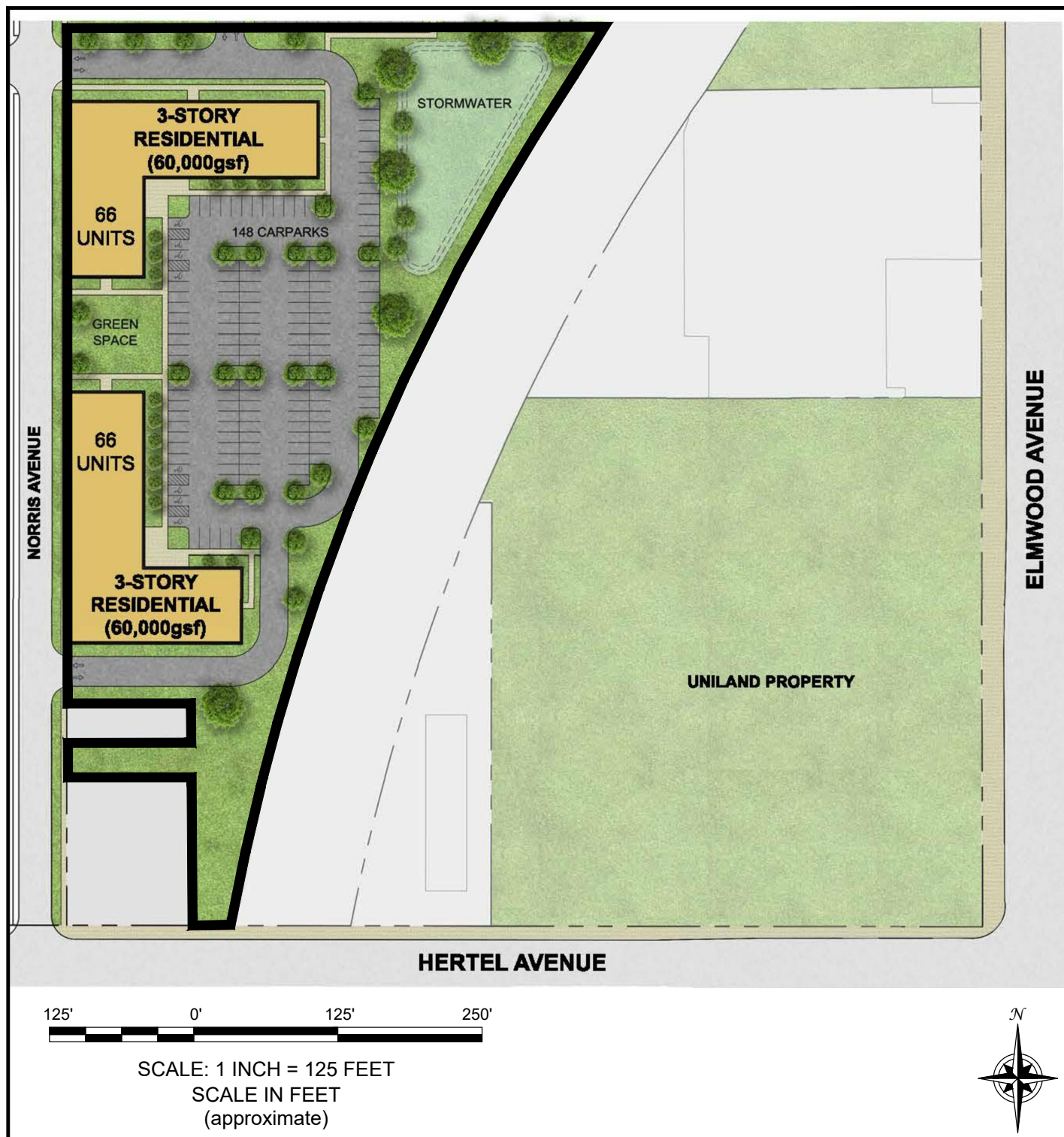
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FIGURE 5

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FIGURE 6



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

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DATE: MARCH 2021

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PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

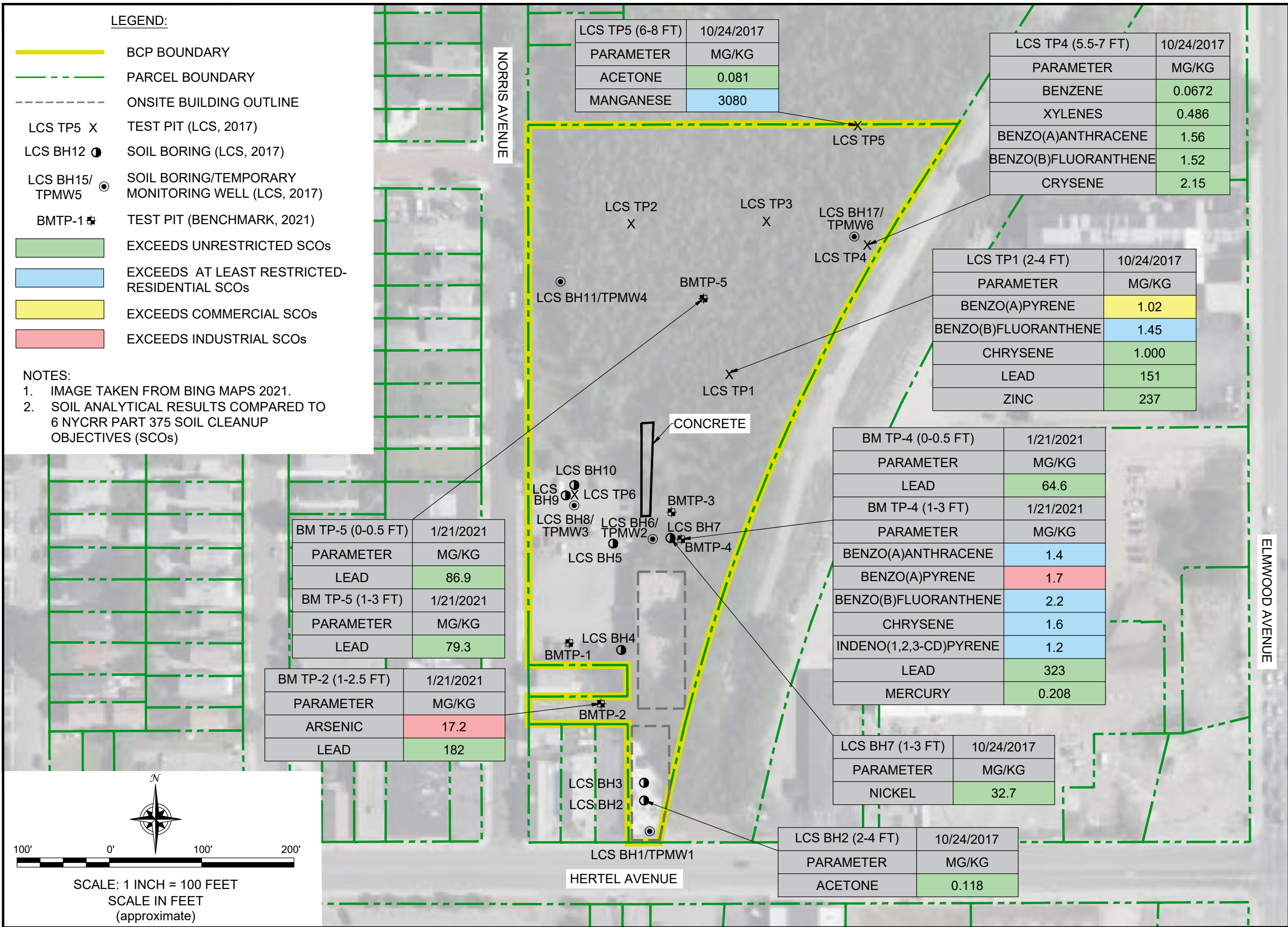
33-35 NORRIS AVENUE SITE

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INVESTIGATION LOCATIONS AND AREAS OF CONCERN

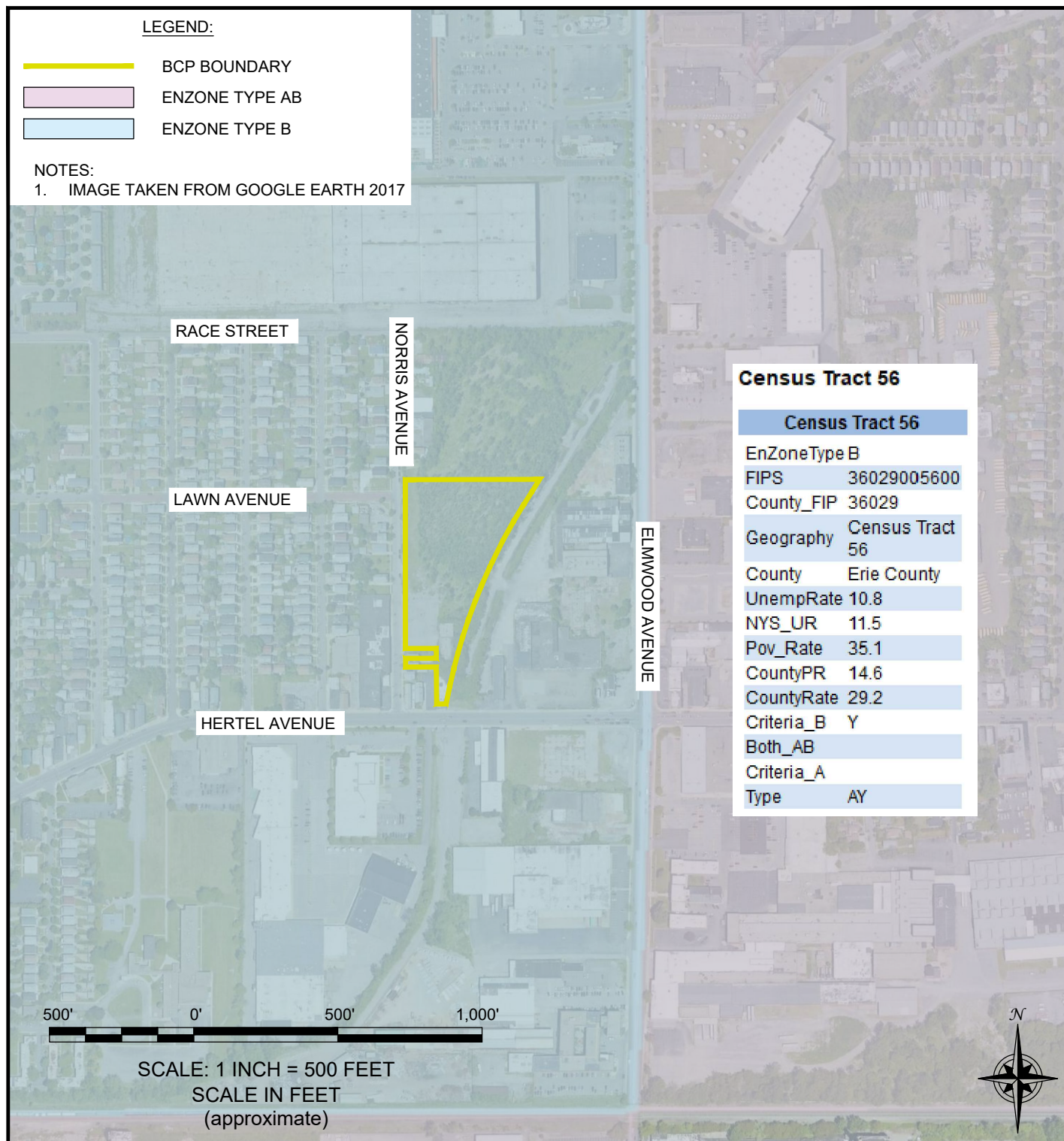
BROWNFIELD CLEANUP PROGRAM APPLICATION
33-35 NORRIS AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
THE UNILAND PARTNERSHIP OF DELAWARE L.P.



JOB NO.: B0564-021-002

FIGURE 7

FIGURE 8



2558 HAMBURG TURNPIKE
SUITE 300
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(716) 858-0599

PROJECT NO.: B0564-021-002

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ENZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

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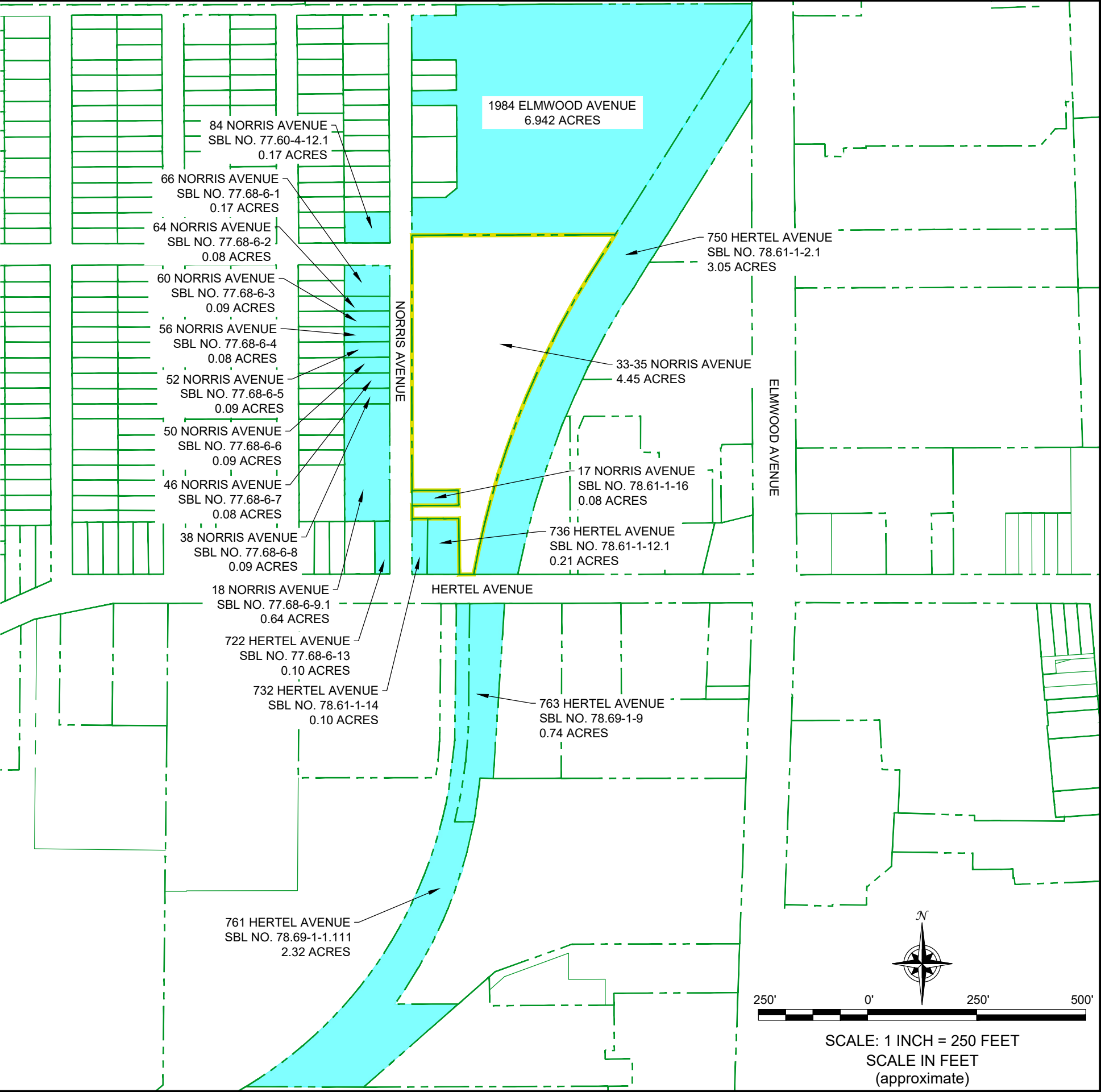
F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hertel\BCP Applications\33-35 Norris Avenue\Figure 9, Adjacent Property Owners.dwg, 3/8/2021 3:53:44 PM

DATE: MARCH 2021
DRAFTED BY: CNK

LEGEND:

- BCP BOUNDARY
- PARCEL BOUNDARY
- ADJACENT PROPERTY OWNERS

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1984	Elmwood Avenue	Commercial/ industrial vacant land; commercial	The Uniland Partnership of Delaware L.P. 100 Corporate Parkway, Suite 500 Amherst, New York 14226
750	Hertel Avenue	Commercial vacant land	Fast Flange, Inc. 1930 Elmwood Avenue Buffalo, NY 14207
763	Hertel Avenue	Commercial vacant land with minor improvements	JFD Holdings L.P. 20 Norris Avenue Buffalo, NY 14207
761	Hertel Avenue	Industrial vacant land	Frontier Hot Dip Galvanizing Inc. 1740 Elmwood Avenue Buffalo, NY 14207
736	Hertel Avenue	Three family year-round residence	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
732	Hertel Avenue	Downtown row type (detached)	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
722	Hertel Avenue	Small parking garage	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
17	Norris Avenue	Two family year-round residence	Black Rock Properties LLC 374 Deerpark Boulevard Buffalo, NY 14223
18	Norris Avenue	Manufacturing and processing	Frank and Jennie Deni 18-36 Norris Avenue Buffalo, NY 14207
38	Norris Avenue	Residential vacant land	Richard and Lisa M. Anzalone 1 Beaver Land Grand Island, NY 14072
46	Norris Avenue	Two family year-round residence	Richard and Lisa M. Anzalone 1 Beaver Land Grand Island, NY 14072
50	Norris Avenue	Residential vacant land	Frank Deni P.O. Box 863 Buffalo, NY 14240
52	Norris Avenue	Residential vacant land	Frank Deni P.O. Box 863 Buffalo, NY 14240
56	Norris Avenue	One family year-round residence	Leslie White F/K/A Volaria 56 Norris Avenue Buffalo, NY 14207
60	Norris Avenue	Two family year-round residence	David A. Lawrence 60 Norris Avenue Buffalo, NY 14207
64	Norris Avenue	Two family year-round residence	Steven D. Ward 64 Norris Avenue Buffalo, NY 14207
66	Norris Avenue	Auto body, tire shops, related auto sales	Joseph J. Rydnak Jr.; TJ Rydnak; LJ Rydnak 6219 Townline Road Lockport, NY 14074
84	Norris Avenue	Two family year-round residence	Derek Greiner 84 Norris Avenue Buffalo, NY 14207



BENCHMARK

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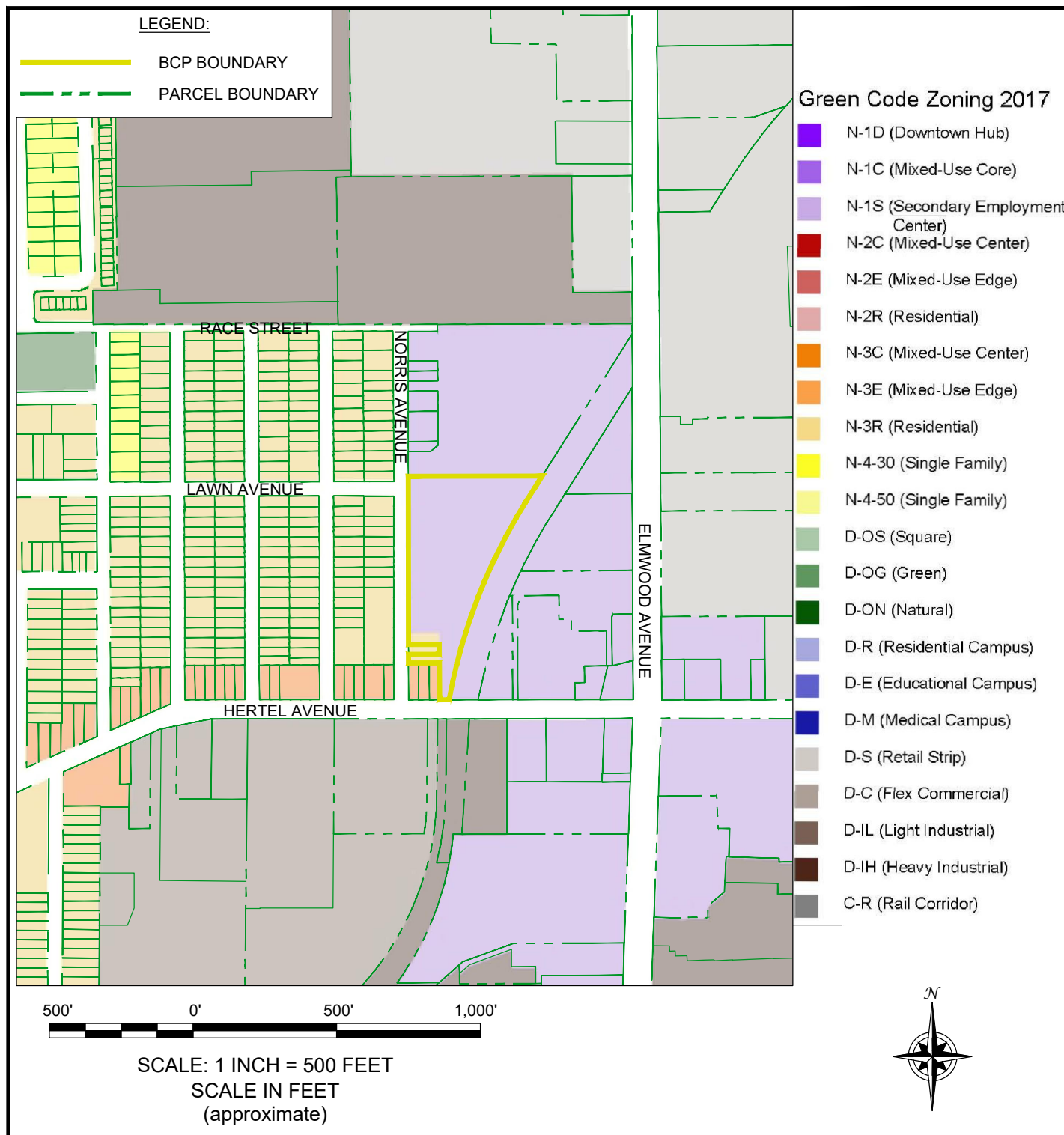
ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
33-35 NORRIS AVENUE SITE
BUFFALO, NEW YORK
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FIGURE 9

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FIGURE 10



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 33-35 NORRIS AVENUE SITE

BUFFALO, NEW YORK

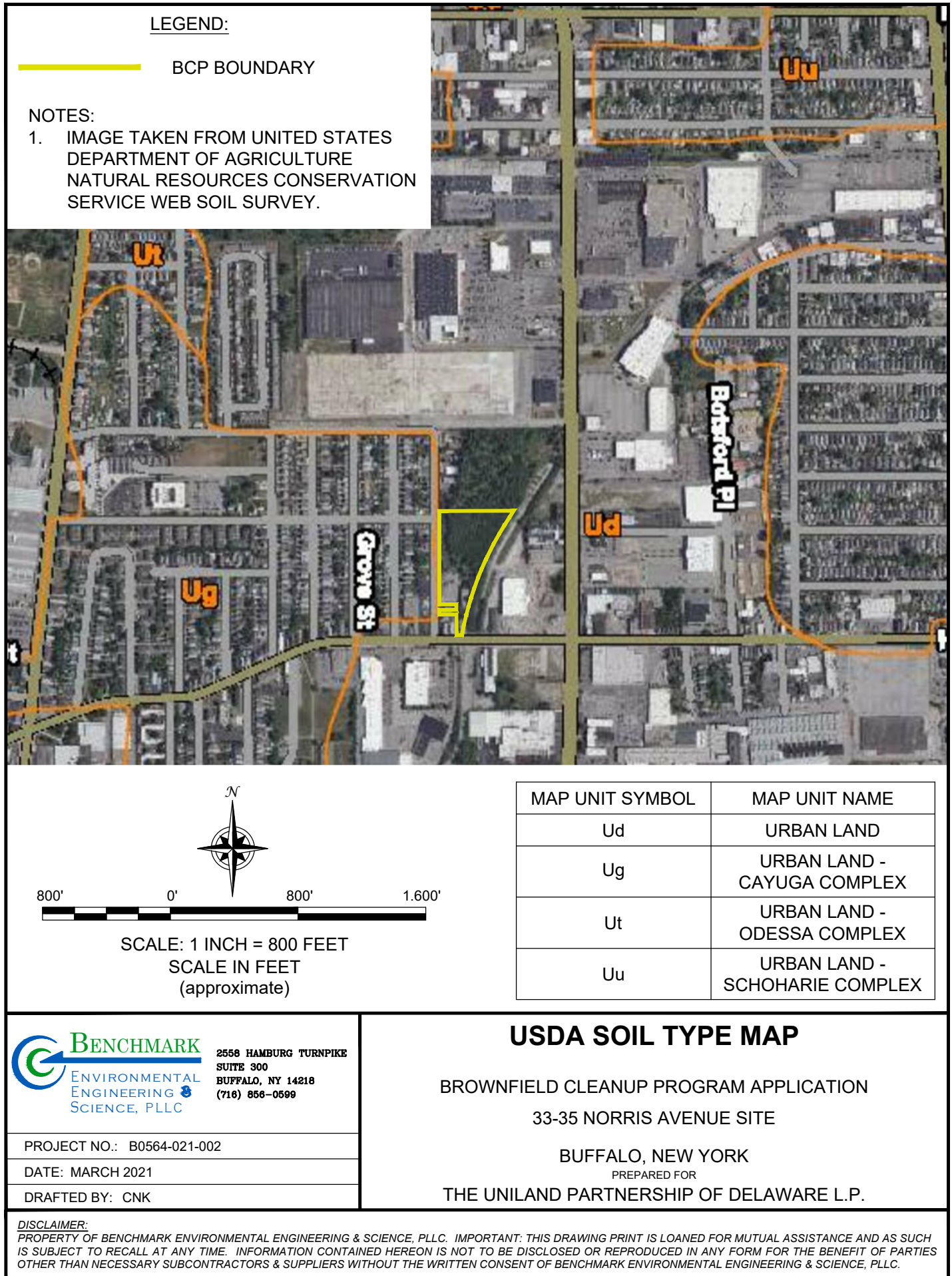
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FIGURE 11



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 – THE UNILAND PARTNERSHIP OF DELAWARE L.P.
CORPORATION & BUSINESS ENTITY DATABASE INFORMATION**

EXHIBIT A2 – SIGNATURE CONSENT

EXHIBIT A3 – SURVEY AND LEGAL DESCRIPTION

EXHIBIT A4 – ERIE COUNTY PARCEL DETAIL REPORTS

EXHIBIT A5 – PARCEL SUBDIVISION APPROVAL

EXHIBIT A6 – SANBORN MAPS

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

SECTION I – REQUESTOR INFORMATION

The Requestor, The Uniland Partnership of Delaware L.P. (Uniland), a Delaware foreign limited partnership, is authorized to conduct business in New York State (NYS). A copy of the NYS Corporation and Business Entity Database printout for Uniland is attached as Exhibit A1.

Exhibit A2 is the Signature Consent which identifies Mr. Michael Montante and Mr. David Reilly of Uniland as authorized persons to execute document or agreements necessary under the Brownfield Cleanup Program (BCP).

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

SECTION II – PROJECT DESCRIPTION

The Project (residential apartments, hereinafter, the “Site”) will result in the remediation, redevelopment, and reuse of an idle, environmentally impacted property at 33-35 Norris Avenue in the City of Buffalo, New York (see Figures 1 through 4). Uniland, acting as a Volunteer, is willing to complete additional investigation and remediate the Site under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the 4.45-acre property with residential apartments. The conceptual redevelopment plan is shown on Figure 6.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the 33-35 Norris Avenue Site are provided below.

June 2017 – Phase I Environmental Site Assessment (LCS, Inc)

LCS, Inc (LCS) completed a Phase I Environmental Site Assessment (ESA) on the existing parcels located at 33-35 Norris Avenue and 1984 Elmwood Avenue. 33-35 Norris Avenue formerly consisted of parcels addressed at 15 Norris Avenue, 19 Norris Avenue, 742 Hertel Avenue, and a portion of 35 Norris Avenue, and the adjacent 1984 Elmwood Avenue formerly consisted of parcels addressed at 1984 Elmwood Avenue, 107 Norris Avenue, 125 Norris Avenue, and the remaining portion of 35 Norris Avenue. Building 2 refers to the 14,400 square foot structure at the southern end of 35 Norris Avenue parcel and Building 3 refers to the 4,500 square foot structure along Hertel Avenue (formerly 472 Hertel Avenue). LCS identified the following Recognized Environmental Conditions (REC) as they pertain to the 33-35 Norris Avenue Site.

- On-site operations at former 742 Hertel Avenue have included automotive repair and/or welding since at least 1931; operations currently include collision work (no engine repair). Floor drains noted within the collision shop presumably discharge to the municipal sewer system; no evidence of an oil-water separator was identified on-site.
- The subject property included a portion of a larger foundry from at least 1912 through 1986.
- Two (2) small transformer rooms were noted within the foundry building from at least 1950 through at least 1986.
- Several unlabeled drums were noted north of Building 2; some of the drums appeared to be empty. The contents of the remaining drums could not be confirmed. Three (3) empty drums were noted in Building 2 and were labelled anti rust and cutting fluid concentrate.
- LCS noted areas of dumping on-site (north of Building 2 and on the northeastern portion of the property), including tires, drums and grinding wheels, asphalt shingles, general refuse, paint cans, and additional rusted drums and buckets.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

- LCS noted a cut off pipe protruding from the ground along the eastern exterior of the collision shop building (Building 3); the nature of such could not be confirmed.
- A building with two (2) fuel tanks was noted on the eastern portion of the property from at least 1916 through at least 1986.
- According to Sanborn maps, a suspected gasoline tank was noted east of a former office building on the western portion of the property from at least 1950 through at least 1986.
- According to a previous study reviewed by LCS and City of Buffalo Permit records, a permit was filed in 1931 to install one (1) 550-gallon gasoline storage tank and was in addition to a 275-gallon tank already on-site; records do not indicate whether such are aboveground or underground.
- According to Sanborn maps, a railroad spur extended onto the property from at least 1916 through at least 1986.
- Current and former surrounding sites of potential concern were identified including railroad tracks (east), manufacturing, a maintenance building with fuel oil tanks, automotive repair, and various industrial uses.
- A west adjacent site (Norris Garage Auto Repair at 66 Norris Street) was identified as a historical auto station in 1955, 1960, 1964, 1970, 1975, 1980, 1985, 1992, and 1998.
- A west adjacent site (Carpet Pros Carpet & Rug Cleaner at 60 Norris Street) was identified as a historical cleaner in 2008.
- A south adjacent site (Niagara Metals LLC at 761 Hertel Avenue) was identified as an active vehicle dismantling facility.

LCS identified the following Controlled RECs (CREC) as they pertain to the subject Site:

- A west adjacent site (Unipunch at 20 Norris Street) was identified as a NY Spill site; Spill No. 8805895 involved the release of cutting oil due to poor housekeeping and is classified as “closed.”

LCS also noted the following observations:

- Chipping/peeling paint was noted along the exterior of Building 2; such paint may contain lead.
- Automotive chemicals were noted in several containers of 1-gallon or less within the repair facility. One inactive paint booth was noted within that structure.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

November 2017 – Limited and Focused Geophysical Survey and Limited and Focused Subsurface Soil & Groundwater Investigation Report (LCS)

LCS completed an environmental investigation on parcels located at 33-35 Norris Avenue and the north adjacent 1984 Elmwood Avenue. The investigation activities completed at the 33-35 Norris Avenue Site consisted of twelve (12) soil borings identified as LCS BH1 through LCS BH11 and LCS BH17, five (5) of which were converted into temporary monitoring wells including LCS BH1/TPMW1, LCS BH6/TPMW2, LCS BH8/TPMW3, LCS BH11/TPMW4, and LCS BH17/TPMW6. Six (6) test pits identified as LCS TP1 through LCS TP6 were also completed at the Site. Eleven (11) subsurface soil/fill samples and four (4) groundwater samples were submitted for laboratory analysis. The results of the investigation completed by LCS as they pertain to 33-35 Norris Avenue are summarized below:

- Fill materials were generally encountered up to 12 feet below ground surface (fbgs) and consists of gravel, clay, and sand with piping, brick, asphalt, concrete, wood, and metal. Native sand and clay soils were encountered below the fill material. Refusal was met between 3 to 25 fbgs, likely due to subsurface debris, glacial till, or remaining building material from former structures.
- Groundwater was identified at approximately 7 fbgs at LCS BH1.
- A geophysical investigation located a 3-foot by 5-foot anomaly in the area of a suspected underground storage tank (UST) identified by LCS during their Phase I investigation. A test pit investigation in this area identified piping at LCS TP6 that was not connected to an existing UST.
- Volatile organic compounds (VOCs) including acetone, benzene, and/or total xylenes were detected above their respective 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs), specifically Unrestricted SCOs (USCOs) at three (3) locations: LCS BH2 (2-4 ft), LCS TP4 (5.5-7 ft), and LCS TP5 (6-8 ft). LCS BH2 was advanced in the former auto repair/welding area, LCS TP4 was advanced in the area of the two (2) former fuel tanks, and LCS TP5 was advanced in the area of the former foundry.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

- Semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs) were detected above their respective USCOs, Restricted-Residential SCOs (RRSCOs), and/or Commercial SCOs (CSCOs), at two (2) sample locations: LCS TP1 (2-4 ft) and LCS TP4 (5.5-7 ft). LCS TP1 was advanced in the area of the former foundry.
- Metals, including lead, manganese, nickel, and zinc, were detected above their respective USCOs and/or RRSCOs at three (3) sample locations: LCS BH7 (1-3 ft), LCS TP1 (2-4 ft), and LCS TP5 (6-8 ft). BH7 was advanced in the area where drums were identified.
- Benzo(b)fluoranthene was detected above its NYSDEC TOGS 1.1.1 Groundwater Quality Standard/Guidance Value (GWQS/GV, 0.002 ug/L) at one (1) sample location, TPMW1.

March 2021 – Supplemental Phase II Environmental Investigation (Benchmark)

Benchmark completed a Supplemental Phase II Environmental Investigation at the 33-35 Norris Avenue and north adjacent 1984 Elmwood Avenue properties. The Supplemental Phase II activities pertaining to the Site (33-35 Norris Avenue) consisted of five (5) test pits identified as BMTP-1 through BMTP-5. Six (6) subsurface soil/fill samples were submitted for laboratory analysis. The results of the investigation completed by Benchmark are summarized below:

- The subsurface conditions of the Site consisted of varying types of fill materials ranging in depth from 1 to greater than 6 fbs. Fill depths appeared to be shallower on the western portion of the Site (BMTP-1 and -2) and deepest in the central portion of the Site (BMTP-5). Fill materials or reworked soils were identified at the five (5) test pit locations completed at the Site which contained various amounts of dark brown/black fines (silts and sands) and/or clay-like soil with brick, concrete debris, slag, cinders, metal, and ash.
- Vegetated debris mounds of concrete and block were observed in the central portion of the Site, potentially from the demolition of the previous foundry buildings.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

- SVOCs, specifically PAHs, were detected above RRSCOs and/or Industrial SCOs (ISCOs), at one (1) sample location: BMTP-4 (1-3 ft).
- Metals including arsenic, lead, and mercury were detected above their respective USCOs and/or ISCOs at five (5) sample locations: BMTP-2 (1.5-3 ft), BMTP-4 (0-0.5 ft), BMTP-4 (1-3 ft), BMTP-5 (0-0.5 ft), and BMTP-5 (1-3 ft).

See Figure 7 for presentation of the SCO exceedances.

Complete copies of the previous investigation reports are provided as separate PDF files as requested by NYSDEC.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 33-35 Norris Avenue Site (hereinafter, the “Site”), subject to this BCP application, is in a highly developed residential, commercial, and industrial use area in the City of Buffalo (see Figures 1 through 4). The Site consists of a 4.45-acre parcel currently addressed at 33-35 Norris Avenue, Buffalo, Erie County, New York.

The Site survey map and legal description for 33-35 Norris Avenue is included for reference in Exhibit A3. The former parcels of the 33-35 Norris Avenue Site are summarized below.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
742 Hertel Avenue	78.61	1	11	0.1359
15 Norris Avenue	78.61	1	15	0.075
19 Norris Avenue	78.61	1	17	0.1016
35 Norris Avenue	78.61	1	P/O 18	4.138

The Erie County tax parcel detail reports for the former parcels are provided for reference in Exhibit A4.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

In January 2021, the City of Buffalo Planning Board approved the re-subdivision of parcels which are the subject of this application. More particularly, the City approved the combination of a portion of 35 Norris Avenue, 15 Norris Avenue, 19 Norris Avenue, and 472 Hertel Avenue. A copy of the approved subdivision plat map and meeting minutes included as Exhibit A5. Uniland is still in the process of filing for new tax parcel identification numbers and addresses and will update the Department when they are issued by the City.

According to NYSDEC Environmental Zone (EN-Zone) mapping, 100% of the Site is located within Census Tract 56, which is a Type B EN-Zone area (see Figure 8).

Easements and Permits

Uniland is not aware of any formal enforcement action, civil, judicial, or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-way along Norris Avenue and Hertel Avenue. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Uniland is not aware of any other easements or restrictions on the Site.

Location

The Site is located between Elmwood Avenue and Norris Avenue north of Hertel Avenue in a highly developed mixed-use residential, commercial, and industrial area of the City of Buffalo, Erie County, New York. The Site is bordered by vacant property (1984 Elmwood Avenue) to the north; Hertel Avenue and residential, commercial, and vacant properties to the south; Norris Avenue and residential, commercial, industrial, and vacant properties to the west; and vacant property to the east (see Figure 2 and 4). Adjacent property owners are identified on Figure 9.

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

Site Features

The Site is currently vacant and mainly covered with vegetation. The southern portion of the Site is improved with an approximate 14,400 square foot structure used for storage and an associated asphalt parking lot, and an approximate 4,500 square foot structure along Hertel Avenue used as an automotive collision shop. A concrete pad, likely a former building foundation, was also identified in the central portion of the Site.

Zoning and Land Use

The proposed redevelopment plan for the Site is multi-family residential buildings, consistent with the City of Buffalo Land Use/Zoning assigned to the Site (see Figure 10). The current zoning for the majority of the Site is N-1S: Secondary Employment Center, which is defined as mixed-use mid-rise development clusters defined by large-footprint structures. The remaining area is zoned N-3R: Residential, which is defined as moderately compact residential blocks, which occasionally include small mixed-use buildings.

The Site is mostly vacant with two structures, one used for storage and the other used as an automotive collision shop. The surrounding parcels are currently used as follows:

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

Past Use of the Site

The Site was used as a steel foundry between 1912 through 1986. The Site has been mostly vacant since the former foundry buildings were demolished in the 1980s. Two (2) structures remain at the Site, including one (1) building that was used for automotive repair/welding since at least 1931, and continues to be used as an automotive repair shop, and one (1) building that was used for storage. Railroad tracks were observed on the Site from at least

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

1916 through at least 1986 but are no longer present. Sanborn Maps from years 1916 and 1916 through 1950 for the Site are included as Exhibit A6.

A suspected former UST was identified on the eastern portion of the Site from at least 1950 until at least 1986. A previous investigation did not identify the presence of a UST, however associated piping was observed in the test pit.

Impacted fill materials containing SVOCs and metals are present and may be associated with historic site use and/or fill material imported prior to, or after, the foundry buildings were demolished. The Site is impacted by its past usage as evidenced by SVOCs and metals exceeding the Part 375 USCOs, RRSCOs, CSCOs and/or ISCOs.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud). Soils associated with Urban Land are characterized as miscellaneous areas in which 80% or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures. (see Figure 11).

Vegetated debris mounds of concrete and block were observed in the central portion of the Site, potentially from the demolition of the previous foundry buildings.

The previous investigations identified the Site geology as fill material to depths up to 12 fbs, consisting of gravel, sand, clay, and man-made constituents (piping, brick, asphalt, concrete, wood, and metal). Native sand and clay soils were encountered below the fill material.

The Site is situated over the Akron Dolostone and Camillus, Syracuse, and Vernon shales of the Salina Group, formed during the Upper Silurian. The Salina Group includes red and

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

green shales, gray gypsiferous shales, and thin dolomites. According to an investigation completed at an adjacent Site, the depth to bedrock in the vicinity of the Site is approximately 76 fbg.

Regional groundwater is anticipated to flow westerly towards the Niagara River, which flows north. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. Groundwater was encountered at 7 fbg during a previous investigation completed at the Site.

Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells will be installed to assess and characterize groundwater flow patterns and quality during the Remedial Investigation.

Environmental Assessment Narrative

Analytical data from previous investigations completed at the Site (discussed below and in Section III of Appendix A) indicate the Site has PAH and metal contaminants present above their respective RRSCOs, CSCOs, and/or ISCOs in the soil/fill at the Site. The contaminations may be associated with historic site use and/or imported fill materials which have been identified across the Site. Figure 7 summarizes the environmental impacts identified in the previous investigations.

Semi Volatile Organic Compounds (SVOCs)

Laboratory analytical results detected PAHs above their respective Part 375 RRSCOs (i.e., the applicable SCOs for the intended Site reuse) at three (3) locations, BMTP-4 (1-3 ft), LCS TP1 (2-4 ft), and LCS TP4 (5.5-7 ft), as follows.

- Benzo(a)anthracene exceeded its RRSCO (1 mg/kg) at two (2) locations, BMTP-4 (1.4 mg/kg) and LCS TP4 (1.56 mg/kg).
- Benzo(a)pyrene exceeded its CSCO (1 mg/kg) at one (1) location, LCS TP1 (1.02 mg/kg) and its ISCO (1.1 mg/kg) at one (1) location, BMTP-4 (1.7 mg/kg).

APPENDIX A
BCP Application – Part A
Section I – Section IV
33-35 Norris Avenue Site

- Benzo(b)fluoranthene exceeded its RRSCO (1 mg/kg) at three (3) locations, BMTP-4 (2.2 mg/kg), LCS TP1 (1.45 mg/kg), and LCS TP4 (1.52 mg/kg).
- Chrysene exceeded its RRSCO (3.9 mg/kg) at one (1) location, BMTP-4 (1.6 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at one (1) location, BMTP-4 (1.2 mg/kg).

Metal Analytes

Laboratory analytical results detected metal analytes above their respective Part 375 RRSCOs at two (2) locations, BMTP-2 (1.5-3 ft) and LCS TP5 (6-8 ft), as follows.

- Arsenic exceeded its ISCO (16 mg/kg) at one (1) location, BMTP-2 (17.2 mg/kg).
- Manganese exceeded its RRSCO (2000 mg/kg) at one (1) location, LCS TP5 (3080 mg/kg)

Acetone, benzene, xylenes, PAHs, lead, mercury, nickel, and zinc were also detected above their respective USCOs at various locations across the Site in soil/fill samples collected during the previous investigations.

Benzo(b)fluoranthene was detected above its GWQS/GV (0.002 ug/L) at one (1) sample location, TPMW1 (0.13 ug/L).

The previous investigation reports were provided electronically as requested by the Department.

EXHIBIT A1

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through February 26, 2021.

Selected Entity Name: THE UNILAND PARTNERSHIP OF DELAWARE L.P.

Selected Entity Status Information

Current Entity Name: THE UNILAND PARTNERSHIP OF DELAWARE L.P.

DOS ID #: 2274664

Initial DOS Filing Date: JUNE 30, 1998

County: ERIE

Jurisdiction: DELAWARE

Entity Type: FOREIGN LIMITED PARTNERSHIP

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 UNILAND PARTNERSHIP OF DELAWARE L.P.

100 CORPORATE PARKWAY STE 500

AMHERST, NEW YORK, 14226

Registered Agent

NONE

*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
JUN 30, 1998	Actual	THE UNILAND PARTNERSHIP OF DELAWARE L.P.

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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EXHIBIT A2

33-35 NORRIS AVENUE, BUFFALO, NEW YORK

**AUTHORIZATION FOR THE UNILAND PARTNERSHIP OF DELAWARE L.P. TO
PARTICIPATE IN THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION BROWNFIELD CLEANUP PROGRAM**

THE UNDERSIGNED, Michael Montante, in his capacity as President of the General Partner of The Uniland Partnership of Delaware L.P. (hereinafter "Uniland Partnership") owner of 35 Norris Avenue (Current SBL:78.61-1-18), 19 Norris Avenue (SBL:78.61-1-17), 15 Norris Avenue (SBL:78.61-1-15) and 742 Hertel Avenue (SBL: 78.61-1-11), Buffalo, New York, all of which have been combined to form a single parcel encompassing 4.45 acres in Buffalo, NY (the "Site");

DOES HEREBY CERTIFY that THE UNILAND PARTNERSHIP OF DELAWARE L.P.
resolved:

That Michael Montante and David Reilly are hereby authorized to execute documentation for The Uniland Partnership's participation in the New York State Department of Environmental Conservation Brownfield Cleanup Program for the Site.

IN WITNESS WHEREOF, the undersigned has hereto affixed the hand and seal of THE UNILAND PARTNERSHIP of DELAWARE L.P. this 11th day of March 2021.



Michael Montante

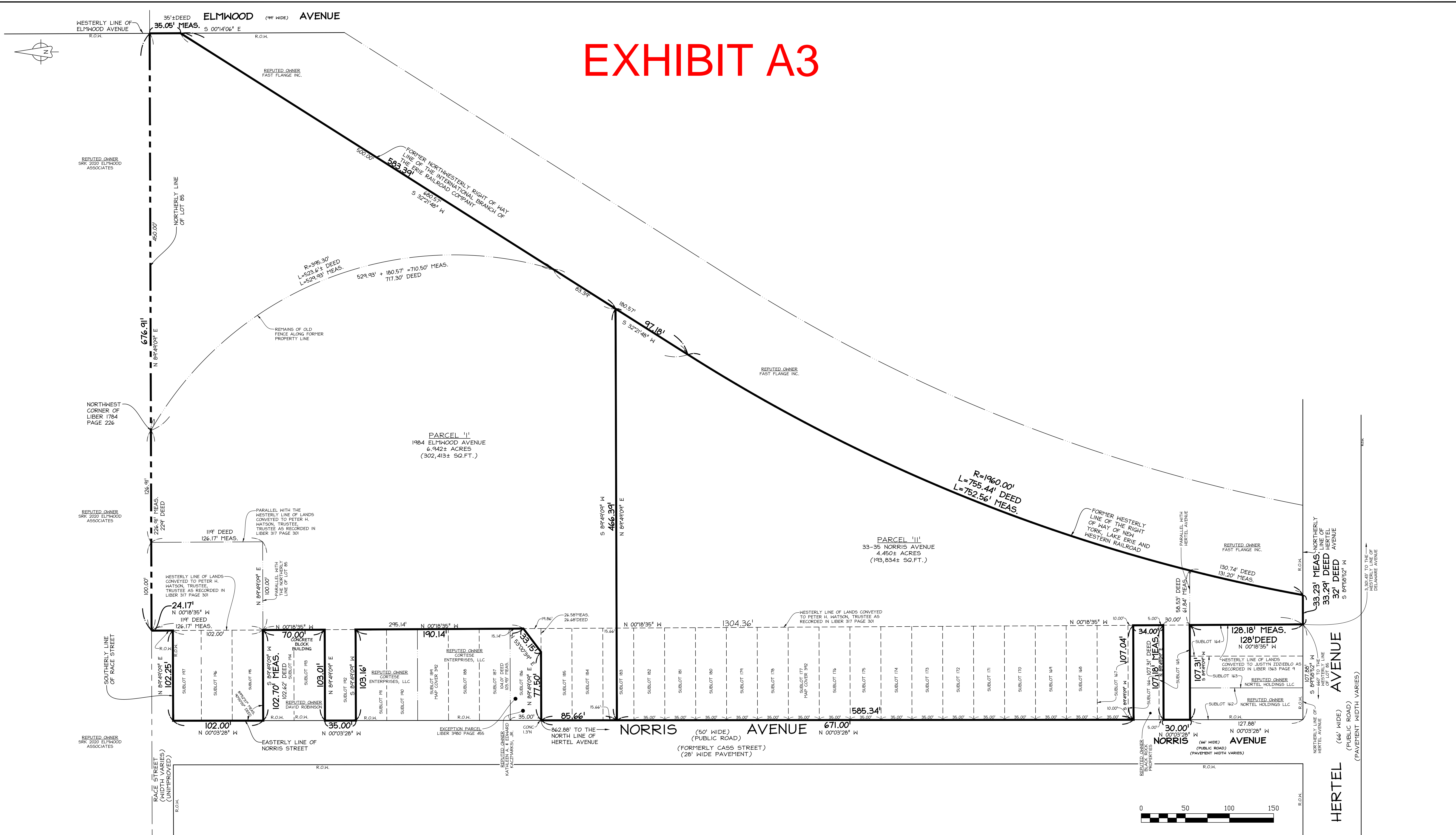
Title: President, Univest I Corporation, General Partner of
THE UNILAND PARTNERSHIP of DELAWARE L.P.

Sworn to before me this
11th day of March 2021.


Notary Public

SUSAN M. HASSINGER
Notary Public State of New York
Qualified in Erie County
My commission expires October 27, 2022

EXHIBIT A3



3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclark.com

NUSSBAUMER & CLARKE, INC.
ENGINEERS AND SURVEYORS
EST. 1933

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

EXHIBIT MAP
33-35 Norris Avenue & 1984 Elmwood Avenue
Part of Lot 85, Township 11, Range 8
Holland Land Company's Survey
City of Buffalo
County of Erie, State of New York
Date of Survey: 11/30/2020 Scale: 1" = 50' Project No.: 20J2-1978-BG1

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7203, provision 2 of the New York State Education Law.

Legal Description
Parcel 'II'
33-35 Norris Avenue

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 85, Township 11, Range 8 of the Holland Land Company's Survey and being portions of Sublots 165, 166 and 183, all of Sublots 167 through 182, inclusive, as shown on a map filed in the Erie County Clerk's Office as Map Cover 392, and more particularly described as follows:

BEGINNING at a point in the northerly line of Hertel Avenue (66 feet wide) distant 107.88 feet easterly from the easterly line of Norris Avenue (66 feet wide), said point being the southeasterly corner of Sublot 164 as shown on said Map Cover 392, said point also being a point in the westerly line of lands conveyed to Justyn Zdzieblo as recorded in the Erie County Clerk's Office in Liber 1363 of Deeds at page 9, said point also being a point in the westerly line of lands conveyed to Peter H. Watson, Trustee as recorded in the Erie County Clerk's Office in Liber 317 of Deeds at Page 301 ;

THENCE N 00°18'35" W along the said westerly line of said Zdzieblo and said Watson, also being the easterly line of Sublot 164, a distance of 128.18 feet to the northeasterly corner of Sublot 164, said point also being the southeasterly corner of Sublot 165 as shown on said Map Cover 392;

THENCE S 89°49'09" W along the southerly line of Sublot 165, a distance of 107.31 feet to a point in the easterly line of said Norris Avenue, said point being the southwesterly corner of Sublot 165;

THENCE N 00°03'28" W along the said easterly line of Norris Avenue, a distance of 30.00 feet to point distant 5.00 feet southerly from the northwesterly corner of Sublot 165;

THENCE N 89°49'09" E parallel with and 5.00 feet southerly as measured at right angles from the northerly line of Sublot 165, a distance of 107.18 feet to a point on the easterly line of Sublot 165, said point also being a point on the westerly line of said Watson;

THENCE N 00°18'35" W along the easterly line of Sublot 165 and 166 as shown on said Map Cover 392, also being the aforementioned westerly line of said Watson, a distance of 34.00 feet to a point in the easterly line of Sublot 166, said point being distant 10.00 feet southerly from the northeasterly corner of Sublot 166;

THENCE S 89°49'09" W parallel with and 10.00 feet southerly as measured at right angles from the northerly line of Sublot 166, a distance of 107.04 feet to a point in the easterly line of Norris Avenue, said point distant 10.00 feet southerly of the northwesterly corner of Sublot 166;

THENCE N 00°03'28" W along the said easterly line of Norris Avenue, a distance of 585.34 feet, to a point distant 15.66 feet southerly of the northwesterly corner of Sublot 183 as shown on said Map Cover 392;

THENCE N 89°49'09" E parallel with and 15.66 feet southerly as measured at right angles from the northerly line of Sublot 183 and extended easterly, a distance of 466.39 feet to a point in the former northwesterly right of way line of the International Branch of the Erie Railroad Company;

THENCE S 32°21'48" W along the said northwesterly right of way line of the International Railroad Company, a distance of 97.18 feet to a point of curvature;

THENCE continuing on the said northwesterly right of way line of the International Railroad Company along a curve to the left having a radius of 1960.00 feet, a distance of 752.56 feet to a point in the said northerly line of Hertel Avenue;

THENCE S 89°58'52" W along the said northerly line of Hertel Avenue, a distance of 33.23 feet to the POINT OR PLACE OF BEGINNING, containing 4.450 acres of land, more or less.

EXHIBIT A4

3/9/2021 12:40:58 PM



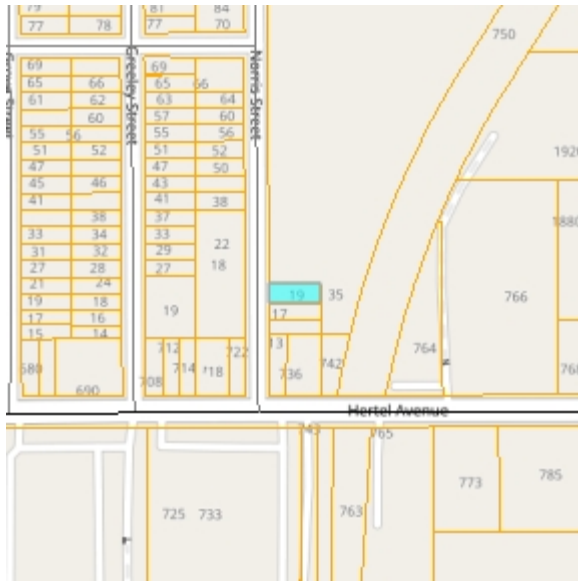
Baths: 2

Erie County, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

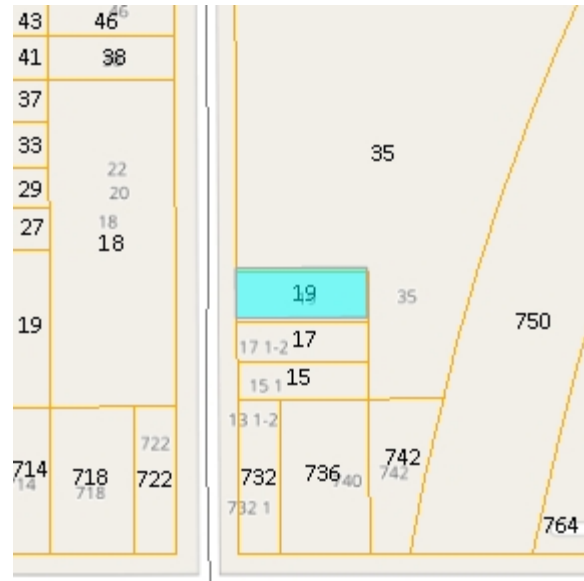
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
3/9/2021 12:41:49 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000786100001017000

SBL: 78.61-1-17

Address: 19 NORRIS

Owner 1: UNILAND PARTNERSHIP OF

Owner 2: DELAWARE LP

Mailing Address: 100 CORPORATE PKWY

City/Zip: AMHERST NY 14226

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 41

Depth: 107

Deed Roll: 1

Deed Book: 11330

Deed Page: 7867

Deed Date:

Acreage: 0.10160653

Total Assessment: \$2,000

Land Assessment: \$2,000

County Taxes: \$2,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

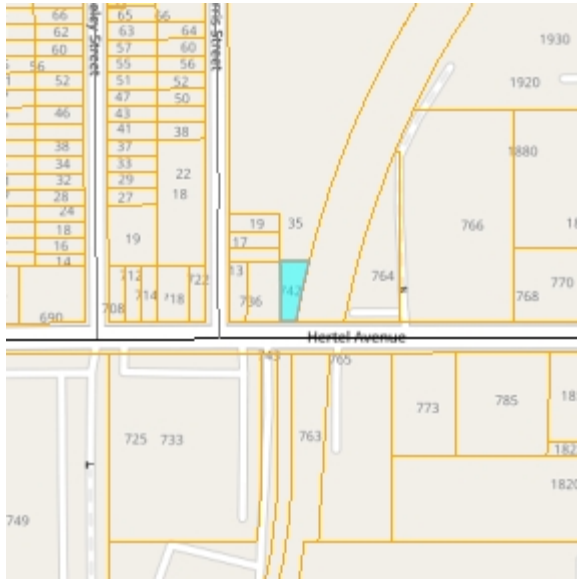
Beds: 0

Baths: 0

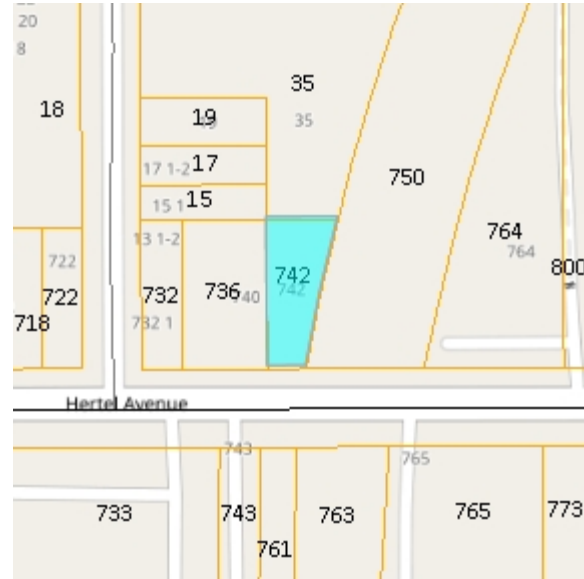
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
3/9/2021 12:42:29 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000786100001011000

SBL: 78.61-1-11

Address: 742 HERTEL

Owner 1: UNILAND PARTNERSHIP OF

Owner 2: DELAWARE LP

Mailing Address: 100 CORPORATE PKWY

City/Zip: AMHERST NY 14226

Municipality: City of Buffalo

Property Class: 433

Class Description: C - Auto body

Front: 32

Depth: 128

Deed Roll: 1

Deed Book: 11330

Deed Page: 7871

Deed Date:

Acreage: 0.13585624

Total Assessment: \$71,800

Land Assessment: \$10,500

County Taxes: \$71,800

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

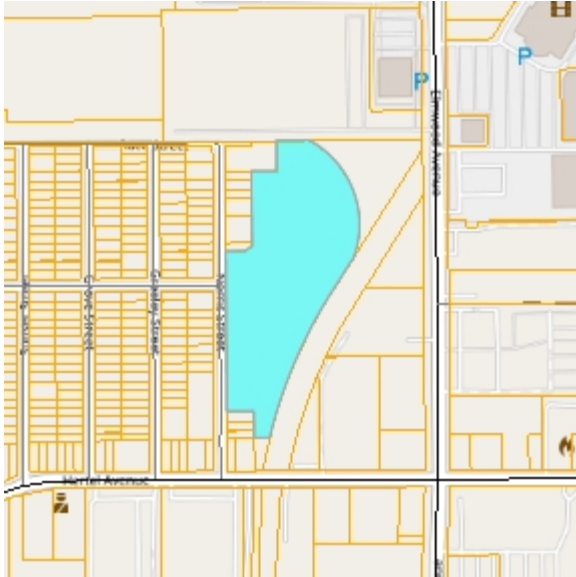
Beds: 0

Baths: 0

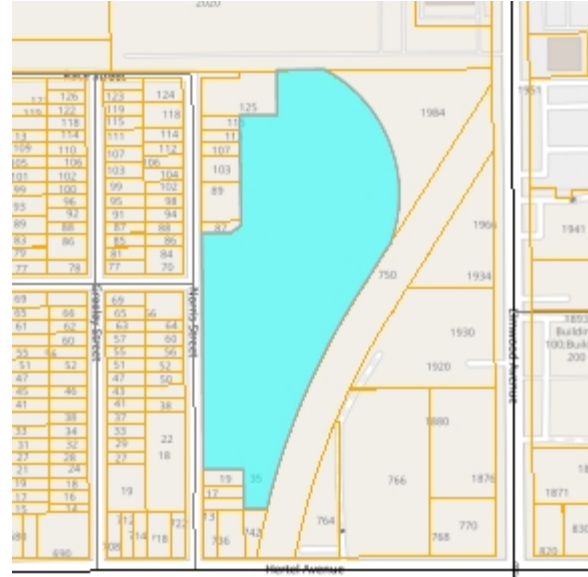
Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
3/5/2021 10:15:05 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402000786100001018000
SBL: 78.61-1-18
Address: 35 NORRIS
Owner 1: THE UNILAND PARTNERSHIP OF
Owner 2: DELAWARE LP
Mailing Address: 100 CORPROATE PKWY
City/Zip: AMHERST NY 14226
Municipality: City of Buffalo
Property Class: 330
Class Description: B - Vacant comm
Front: 631
Depth: 106.30000305
Deed Roll: 1
Deed Book: 11339
Deed Page: 3144
Deed Date:

Acreage: 8.63103158
Total Assessment: \$23,400
Land Assessment: \$23,400
County Taxes: \$23,400
Town Taxes: \$0
School Taxes: \$0
Village Taxes: \$0
School District: CITY OF BUFFALO
Year Built: 0
Sqft Living Area: 0
Condition: 0
Heating: 0
Basement: 0
Fireplace: 0
Beds: 0
Baths: 0



EXHIBIT A5

THE CITY OF BUFFALO The City of Buffalo Planning Board

Minutes • January 11, 2021

901 City Hall

Buffalo, NY 14202
<http://www.city-buffalo.com>
James Morrell

Regular Planning Board Meeting

Webex Virtual Meeting
webex.com, Buffalo, NY 14202

4:00 PM

I. Call to Order

The meeting was called to order at 4:04 PM by Chairman James Morrell

Attendee Name	Present	Absent	Late	Arrived
James Morrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Cynthia Schwartz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Horace Gioia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Martha Lamparelli	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Andrew Malcolm	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Michael Rembis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Virtual Meeting Notice -

<https://buffalony.webex.com/buffalony/j.php?MTID=m583cfaae6e3b6f84dffb8441f9fa453c>

II. Approval of Meeting Minutes

Planning Board - Regular Planning Board Meeting - Dec 14, 2020 4:00 PM

III. Public Hearings

- 283 Ship Canal Parkway - Construct Storage/Distribution Facility including a Coastal Consistency Determination **Closed Public Hearing**

283 Ship Canal Parkway - Construct Storage/Distribution Facility including a Coastal Consistency Determination **Approve Site Plan**

- 1984 Elmwood Avenue - Subdivision. **Closed Public Hearing**

1984 Elmwood Avenue - Subdivision. **Approved**

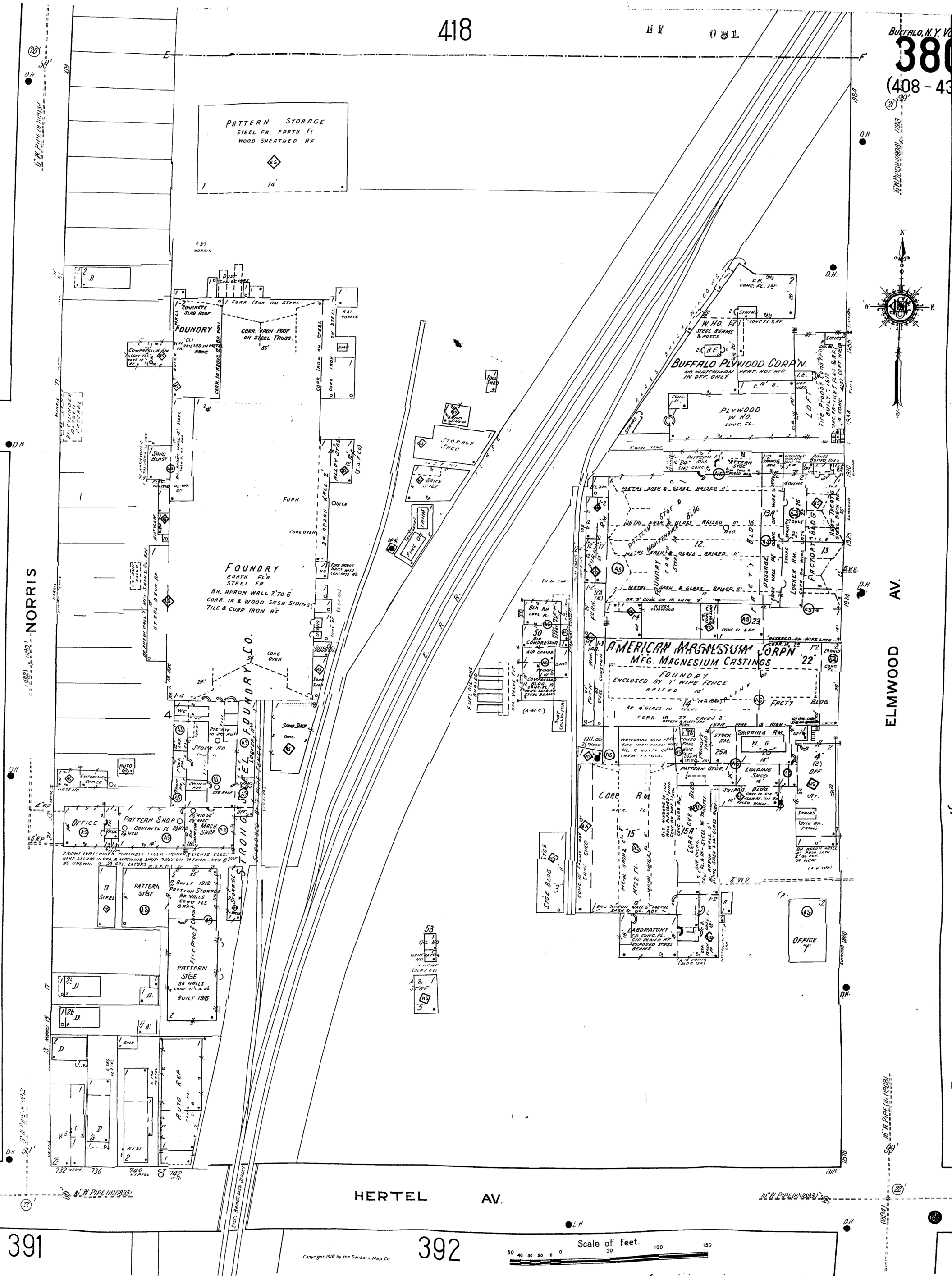
IV. New Business

- Zoning Map Amendment - 9 & 11 City Ship Canal from N-3E to D-IL Zone **Tabled**
- 270 Michigan Ave - Modification of Previously Approved Site Plan **Approve Site Plan**
- 564 Niagara - Coastal Consistency Determination **Approved**

V. Old Business

- 80 West Huron -Construct nine-story mixed use building **Accept SEQOR Declaration**

City Clerk



APPENDIX B

BCP APPLICATION PART B – SECTIONS V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

EXHIBIT B1 – DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
BCP Application – Part B
Section V – Section X
33-35 Norris Avenue 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.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
33-35 Norris Avenue (Previously 15 Norris Avenue, 19 Norris Avenue, 742 Hertel Avenue, Portion of 35 Norris Avenue)			
Current Owner/Operator			
The Uniland Partnership of Delaware L.P. 100 Corporate Parkway, Suite 500 Amherst, New York 14226	Vacant commercial/ residential; commercial	June 2018 (former 19 Norris Ave & 742 Hertel Ave) and December 2018 (former 15 & 35 Norris Ave) to Present	Current Owner Applicant
Previous Owners/Operators			
Uniland Elmwood II LLC 15 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Vacant residential	June 2018 to December 2018	See Note Below
Sandra J. Deni Trust 742 Hertel Avenue Buffalo, NY 14207	Commercial	February 2012 to June 2018	Previous Owner No Relationship
D3 Elmwood North LLC 19 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Vacant commercial	November 2010 to June 2018	Previous Owner No Relationship
JFD Holding L.P. 15 Norris Avenue Buffalo, NY 14207	Vacant residential	August 2005 to June 2018	Previous Owner No Relationship
Bernard Sanin 742 Hertel Avenue Buffalo, NY 14207	Commercial	November 1998 to February 2012	Previous Owner No Relationship
Gary L. Mucci TR 05/23/97 742 Hertel Avenue Buffalo, NY 14207	Commercial	June 1997 to November 1998	Previous Owner No Relationship
JFD Holding L.P. 19 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Vacant commercial	November 1995 to November 2010	Previous Owner No Relationship

APPENDIX B
BCP Application – Part B
Section V – Section X
33-35 Norris Avenue Site

Steven R. Wilk 15 Norris Avenue Buffalo, NY 14207	Residential/ vacant	September 1987 to August 2005	Previous Owner No Relationship
Helen Wilk 15 Norris Avenue Buffalo, NY 14207	Residential/ vacant	November 1985 to September 1987	Previous Owner No Relationship
Frank Deni 19 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	March 1983 to November 1995	Previous Owner No Relationship
Great Lakes Development Corp. 19 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	July 1974 to March 1983	Previous Owner No Relationship
Steven Wilk Jr. 15 Norris Avenue Buffalo, Nyd	Residential/ vacant	January 1955 to November 1985	Previous Owner No Relationship
Casimir Sucharski 742 Hertel Avenue Buffalo, NY 14207	Commercial	July 1949 to June 1997	Previous Owner No Relationship

Note: With respect to 15 and 33-35 Norris, Uniland Elmwood II, LLC was a single-purposes Delaware limited liability corporation formed to permit a reverse 1031 Exchange from which Uniland Partnership acquired these properties on December 28, 2018. Uniland Elmwood II, LLC acquired the properties from D3 Elmwood North LLC (completely unrelated entity) on June 21, 2018.

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, The Uniland Partnership of Delaware L.P., qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

Semi-volatile organic compound (SVOC) and metal impacts are present at the Site. The former use of the Site including a foundry and an automotive repair/welding facility impacted the Site. The Applicant has recently purchased the property, has become involved with the property after the disposal or discharge of contaminants, and has no relationship with the previous owners/operators at the Site. Therefore, The Uniland Partnership of Delaware L.P. is entitled to Volunteer status under NY ECL27-1405(1)(b).

The Applicant is the owner of the property as of June 21, 2018 (portion of the Site including parcels formerly addressed at 19 Norris Avenue and 742 Hertel Avenue) and December 28,

APPENDIX B
BCP Application – Part B
Section V – Section X
33-35 Norris Avenue Site

2018 (portion of the Site including the parcels formerly addressed at 15 Norris Avenue and 35 Norris Avenue) and has the ability to complete the Site investigation and remediation under the BCP.

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

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

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, 10th Floor
Buffalo, NY 14202

Mr. Robert M. Graber
Erie County Legislature Clerk
25 Delaware Avenue
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

APPENDIX B
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33-35 Norris Avenue Site

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Sq
Buffalo, NY 14219

Joseph Golombek, Jr.
North District Councilmember
65 Niagara Sq, Rm 1502
Buffalo, NY 14202

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

Supplier of Potable Water:

Buffalo Water Department
Veolia Water
281 Exchange Street
Buffalo, NY 14204

Local News Media:

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

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

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

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

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

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

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

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

Nearby Schools:

Danielle Bruno, Principal
Elmwood Village Charter School
665 Hertel Avenue
Buffalo, NY 14207

Kric Klapper, Executive Director
Tapestry Charter School
111 Great Arrow Avenue
Buffalo, NY 14216

Marquita Bryant, Principal
PS 64 Frederick Law Olmstead
874 Amherst Street
Buffalo, NY 14216

Marlon Lee, Principal
PS 79 Grabiarz School of Excellence
225 Lawn Avenue
Buffalo, NY 14207

Elaine Nieman, Principal
PS 94 West Hertel Academy
489 Hertel Avenue
Buffalo, NY 14207

Nicholas Klaich, Principal
PS 81 School
140 Tacoma Avenue
Buffalo, NY 14216

Michelle Hope Barnes, Principal
Roosevelt Elementary School
249 Skillen Street
Buffalo, NY 14207

Northmore Nursery School
2771 Delaware Avenue
Kenmore, NY 14223

Document Repository:

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

North Park Branch Director
Buffalo & Erie County Public Library
975 Hertel Avenue
Buffalo, NY 14216

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Adjacent Property Owners

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

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1984	Elmwood Avenue	Commercial/ industrial vacant land; commercial	The Uniland Partnership of Delaware L.P. 100 Corporate Parkway, Suite 500 Amherst, New York 14226
750	Hertel Avenue	Commercial vacant land	Fast Flange, Inc. 1930 Elmwood Avenue Buffalo, NY 14207
763	Hertel Avenue	Commercial vacant land with minor improvements	JFD Holdings L.P. 20 Norris Avenue Buffalo, NY 14207
761	Hertel Avenue	Industrial vacant land	Frontier Hot Dip Galvanizing Inc. 1740 Elmwood Avenue Buffalo, NY 14207
736	Hertel Avenue	Three family year- round residence	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
732	Hertel Avenue	Downtown row type (detached)	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
722	Hertel Avenue	Small parking garage	Nortel Holdings LLC 216 Audubon Drive Snyder, NY 14226
17	Norris Avenue	Two family year- round residence	Black Rock Properties LLC 374 Deerhurst Park Boulevard Buffalo, NY 14223

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18	Norris Avenue	Manufacturing and processing	Frank and Jennie Deni 18-36 Norris Avenue Buffalo, NY 14207
38	Norris Avenue	Residential vacant land	Richard and Lisa M. Anzalone 1 Beaver Land Grand Island, NY 14072
46	Norris Avenue	Two family year-round residence	Richard and Lisa M. Anzalone 1 Beaver Land Grand Island, NY 14072
50	Norris Avenue	Residential vacant land	Frank Deni P.O. Box 863 Buffalo, NY 14240
52	Norris Avenue	Residential vacant land	Frank Deni P.O. Box 863 Buffalo, NY 14240
56	Norris Avenue	One family year-round residence	Leslie White F/K/A Volaria 56 Norris Avenue Buffalo, NY 14207
60	Norris Avenue	Two family year-round residence	David A. Lawrence 60 Norris Avenue Buffalo, NY 14207
64	Norris Avenue	Two family year-round residence	Steven D. Ward 64 Norris Avenue Buffalo, NY 14207
66	Norris Avenue	Auto body, tire shops, related auto sales	Joseph J. Rydnak Jr.; TJ Rydnak; LJ Rydnak 6219 Townline Road Lockport, NY 14074
84	Norris Avenue	Two family year-round residence	Derek Greiner 84 Norris Avenue Buffalo, NY 14207

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Document Repository

The Buffalo and Erie County Library (North Park Branch) has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in Exhibit B1.

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning is N-1S (Secondary Employment Center – mixed-use employment centers), for the majority of the Site and N-3R (residential) for the remaining area of the Site, consistent with the City of Buffalo Unified Development Ordinance (see Figure 10). The planned redevelopment is consistent with the City of Buffalo Green Code and Land Use plans.

2 – Current Use

The Site is currently vacant and mainly covered with vegetation. The southern portion of the Site is improved with an approximate 14,400 square foot structure used for storage and an associated asphalt parking lot, and an approximate 4,500 square foot structure along Hertel Avenue used as an automotive collision shop. A concrete pad, likely a former building foundation, was also identified in the central portion of the Site. The previous investigations have identified SVOC and metal contamination on-Site that will require remediation.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the 4.45-acre property with residential apartments. The Conceptual Project Plan is shown on Figure 6.

The planned redevelopment (residential) is consistent with the historic and recent development patterns within the City of Buffalo. Historically, the Site and surrounding areas have included residential, commercial, manufacturing and/or industrial uses. The current zoning for the Site is N-1S, which is Secondary Employment Center (mixed-use employment

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center) and N-3R (Residential). Surrounding properties are zoned N-1S, N-3R, N-3E (mixed-use edge), and D-IL (light industrial). The proposed redevelopment supports recent development patterns and current land use requirements.

EXHIBIT B1



March 9, 2021

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

Re: Document Repository for Brownfield Cleanup Program
33-35 Norris Avenue Site
Buffalo, New York

Dear Ms. Tompkins:

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

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

Sincerely,
Benchmark Environmental Engineering & Science, PLLC

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

Chelsea Kanaley
Geologist

File: B0564-021-002

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

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

From: [April Tompkins](#)
To: [Chelsea N. Kanaley](#)
Subject: FW: Document Repository Request - 33-35 Norris Avenue Site
Date: Tuesday, March 9, 2021 1:02:32 PM
Attachments: [Document Repository Request - 33-35 Norris Avenue Site.pdf](#)

Good afternoon Chelsea,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program at the **33-35 Norris Avenue Site**. These documents will be made available for public viewing at the **North Park 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 distribute 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

From: Chelsea N. Kanaley <ckanaley@bm-tk.com>
Sent: Tuesday, March 9, 2021 12:48 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - 33-35 Norris Avenue Site

Dear Ms. Tompkins,

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

Thank you,
Chelsea Kanaley

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