

Brownfield Cleanup Program Application

1984 Elmwood Avenue Site
Buffalo, New York

April 2021

B0564-021-002

Prepared For:

The Uniland Partnership of Delaware L.P.



Prepared By:



BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 Elmwood Avenue Site
Buffalo, New York

Table of Contents

BCP APPLICATION FORM.....1

 Part A..... 1

 Section I Requestor Information..... 1

 Section II Project Description..... 1

 Section III Property’s Environmental History 2

 Section IV Property Information 3

 Part B 5

 Section V Additional Requestor Information..... 5

 Section VI Current Property Owner/Operator Information 5

 Section VII Requestor Eligibility Information..... 5

 Section VIII Property Eligibility Information 7

 Section IX Contact List Information..... 7

 Section X Land Use Factors 8

 Section XI Statement of Certification and Signatures..... 9

LIST OF 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

BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 Elmwood Avenue Site
Buffalo, New York

Table of Contents

APPENDIX A: BCP Application Part A – Sections I-IV		Page
Section I	Requestor Information	A-1
Section II	Project Description	A-1
Section III	Property’s Environmental History	A-2
Section IV	Property Information	A-6
Exhibit A1	The Uniland Partnership of Delaware, L.P. NYS 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 B: BCP Application Part B – Sections V-XI		Page
Section VI	Current Property Owner/Operator Information	B-1
Section VII	Requestor Eligibility	B-2
Section IX	Contact List	B-3
Section X	Land Use Factors	B-8
Exhibit B1	Document Repository Confirmation	

BROWNFIELD CLEANUP PROGRAM APPLICATION

1984 Elmwood Avenue Site

Buffalo, New York

Table of Contents

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.

Report on Phase II Environmental Subsurface Investigation, Prospective YMCA North Buffalo Facility Development, Uniland Site, Buffalo, New York – Haley Aldrich of New York, September 2020.

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) 241-0119	FAX	E-MAIL DReilly@Uniland.com
<p>Is the requestor authorized to conduct business in New York State (NYS)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database. A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. Please note: If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. See Appendix A; Section I <p>Do all individuals that will be certifying documents meet the requirements detailed below? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Documents that are not properly certified will be not approved under the BCP. See Appendix A; Section I 		

Section II. Project Description	
1. What stage is the project starting at?	<input checked="" type="checkbox"/> Investigation <input type="checkbox"/> Remediation
<p>NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.</p>	
2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):	<input type="checkbox"/> Yes <input type="checkbox"/> No Not Applicable
3. Please attach a short description of the overall development project, including:	
<ul style="list-style-type: none"> the date that the remedial program is to start; and 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	X		
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?* Yes No
 (*answering No will result in an incomplete application)

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

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

Other: Foundry, railroad tracks, warehouse _____

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 1984 Elmwood Avenue Site

ADDRESS/LOCATION 1984 Elmwood Avenue

CITY/TOWN Buffalo ZIP CODE 14207

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

COUNTY Erie SITE SIZE (ACRES) 6.942

LATITUDE (degrees/minutes/seconds) 42 ° 57 ' 2.53 " LONGITUDE (degrees/minutes/seconds) 78 ° 52 ' 48.5 "

Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
1984 Elmwood Avenue	See Appendix A; Section IV			6.942

1. Do the proposed site boundaries correspond to tax map metes and bounds? Yes No
If no, please attach an accurate map of the proposed site. See Appendix A; Section IV

2. Is the required property map attached to the application? Yes No
(application will not be processed without map) See Figures 2, 3 & 4

3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?
(See [DEC's website](#) for more information) Yes No
See Figure 8 If yes, identify census tract : 56
Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? Yes No

6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? Yes No
If yes, attach relevant supporting documentation.

7. Are there any lands under water? Yes No
If yes, these lands should be clearly delineated on the site map.

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

None

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

Type

Issuing Agency

Description

RCRA No. NYD982183865,
Non Generator (no violations)

Environmental Protection Agency (EPA)

Trim Associates Inc., 121-125
Norris Street, Buffalo, NY 14207

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. Michael Montante		
ADDRESS 100 Corporate Parkway, Suite 500		
CITY/TOWN Amherst		ZIP CODE 14226
PHONE (716) 241-0119	FAX _____	E-MAIL MMontante@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: 6/21/18, 12/28/18
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
<p>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</p> <p style="text-align: center; color: red;">See Appendix B; Section VI</p> <p>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</p>		

Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) 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
1. What is the current municipal zoning designation for the site? <u>N-1S (Secondary Employment Center)</u> What uses are allowed by the current zoning? (Check boxes, below) See Figure 10 <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial If zoning change is imminent, please provide documentation from the appropriate zoning authority.		
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) Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.		
3. Reasonably anticipated use Post Remediation: <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. If residential, does it qualify as single family housing?		Planned athletic facility will include outdoor active recreational use areas, which require restricted-residential use cleanup.
		<input type="checkbox"/> Yes <input type="checkbox"/> No Not Applicable
4. Do current historical and/or recent development patterns support the proposed use?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. See Appendix B, Section X.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. See Appendix B, Section X.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

XI. Statement of Certification and Signatures

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

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

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

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

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

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: 1984 Elmwood Avenue Site
City: Buffalo

Site Address: 1984 Elmwood 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. Michael Montante **Address:** 100 Corporate Parkway, Suite 500
City: Amherst **Zip:** 14226 **Email:** MMontante@Uniland.com

Requestor's Attorney

Name: Marc A. Romanowski, Rupp Baase Pfalzgraf 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:

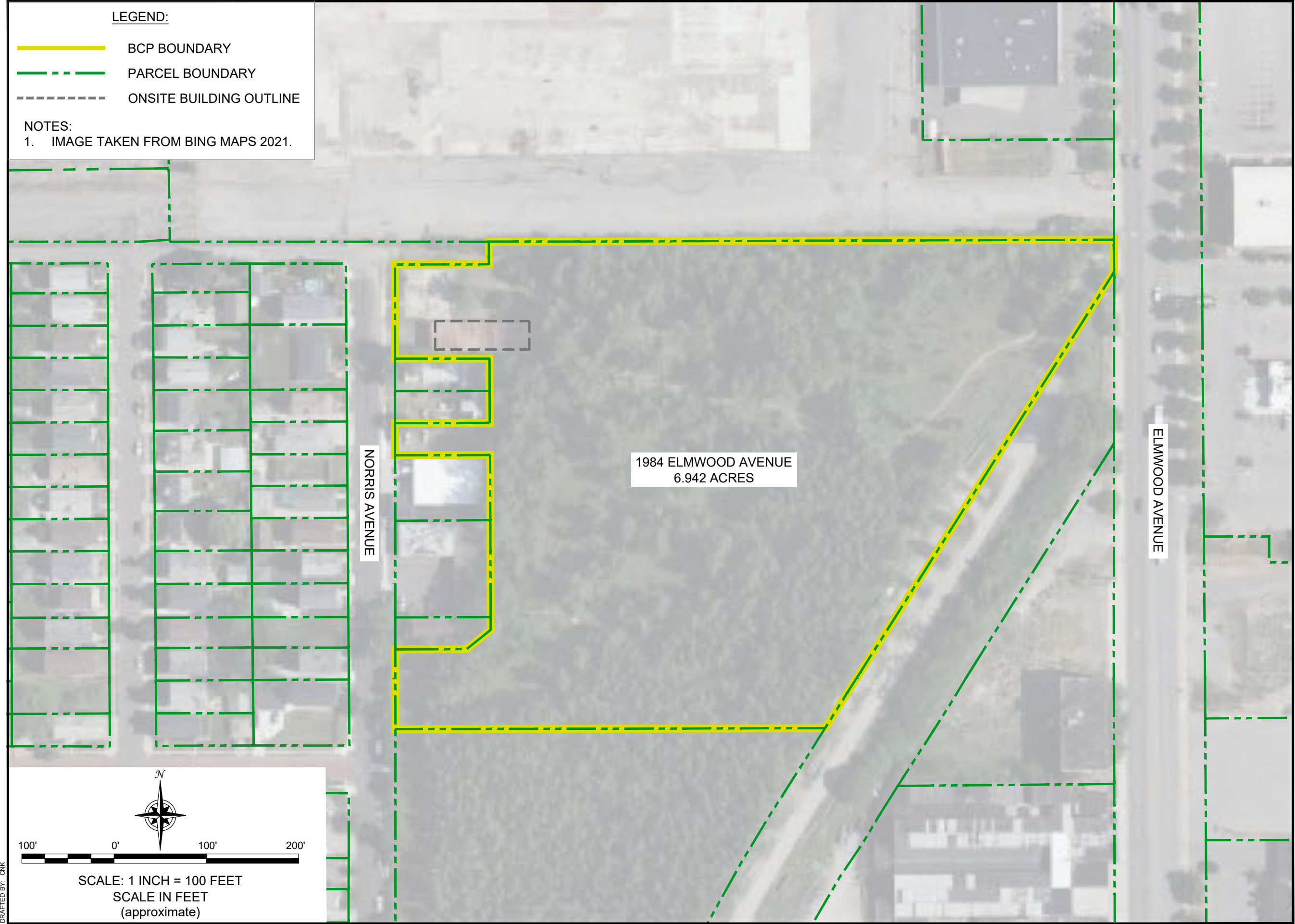
Does Requestor Claim Affordable Housing Status: Yes No Planned, No Contract

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



LEGEND:

- BCP BOUNDARY
- PARCEL BOUNDARY
- ONSITE BUILDING OUTLINE

NOTES:

1. IMAGE TAKEN FROM BING MAPS 2021.

1984 ELMWOOD AVENUE
6.942 ACRES

NORRIS AVENUE

ELMWOOD AVENUE



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

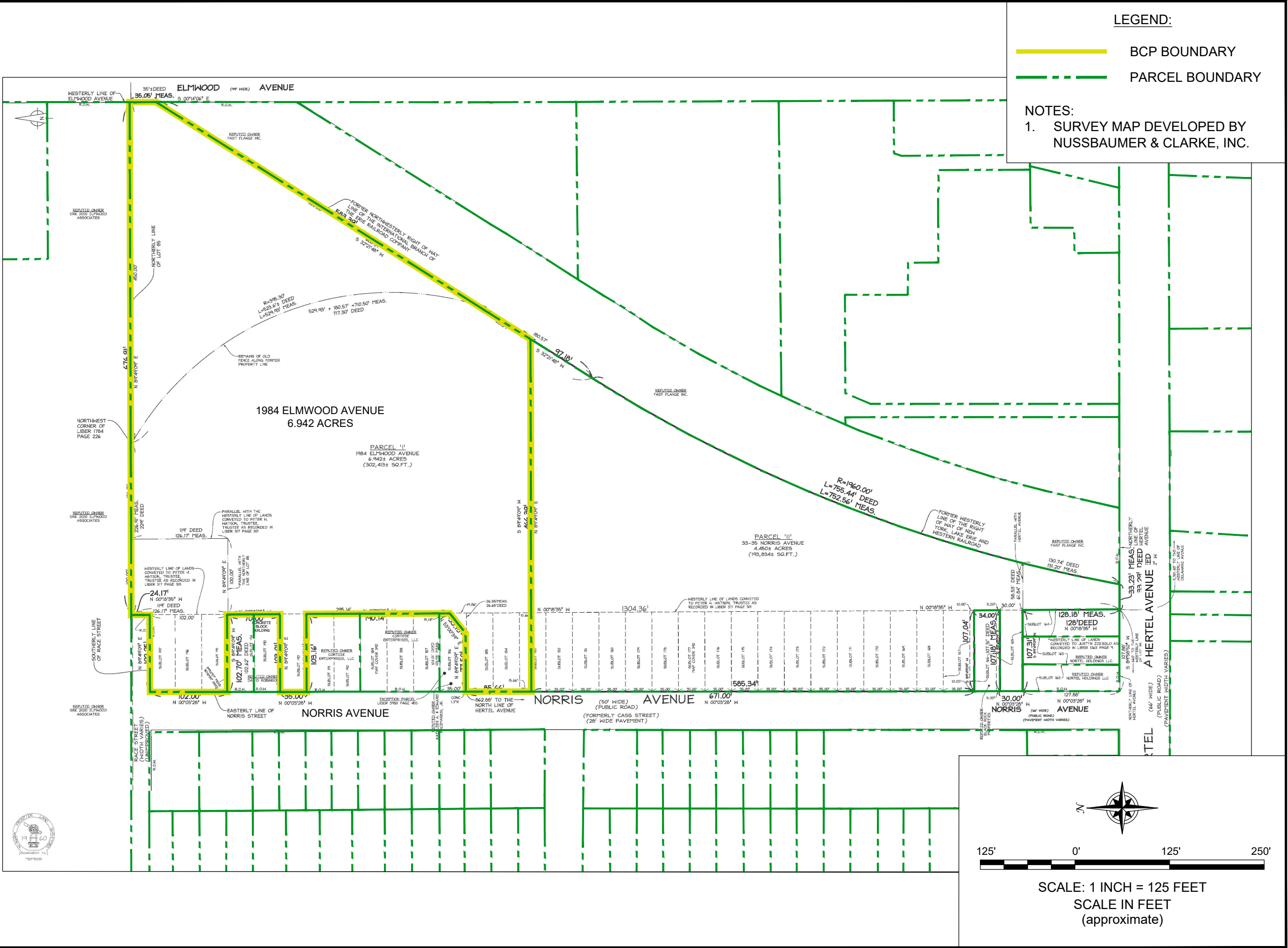
SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
THE UNILAND PARTNERSHIP OF DELAWARE L.P.



JOB NO.: B0564-021-002

FIGURE 2



TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 1984 ELMWOOD AVENUE SITE
 BUFFALO, NEW YORK
 PREPARED FOR
 THE UNILAND PARTNERSHIP OF DELAWARE L.P.

FIGURE 3

BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

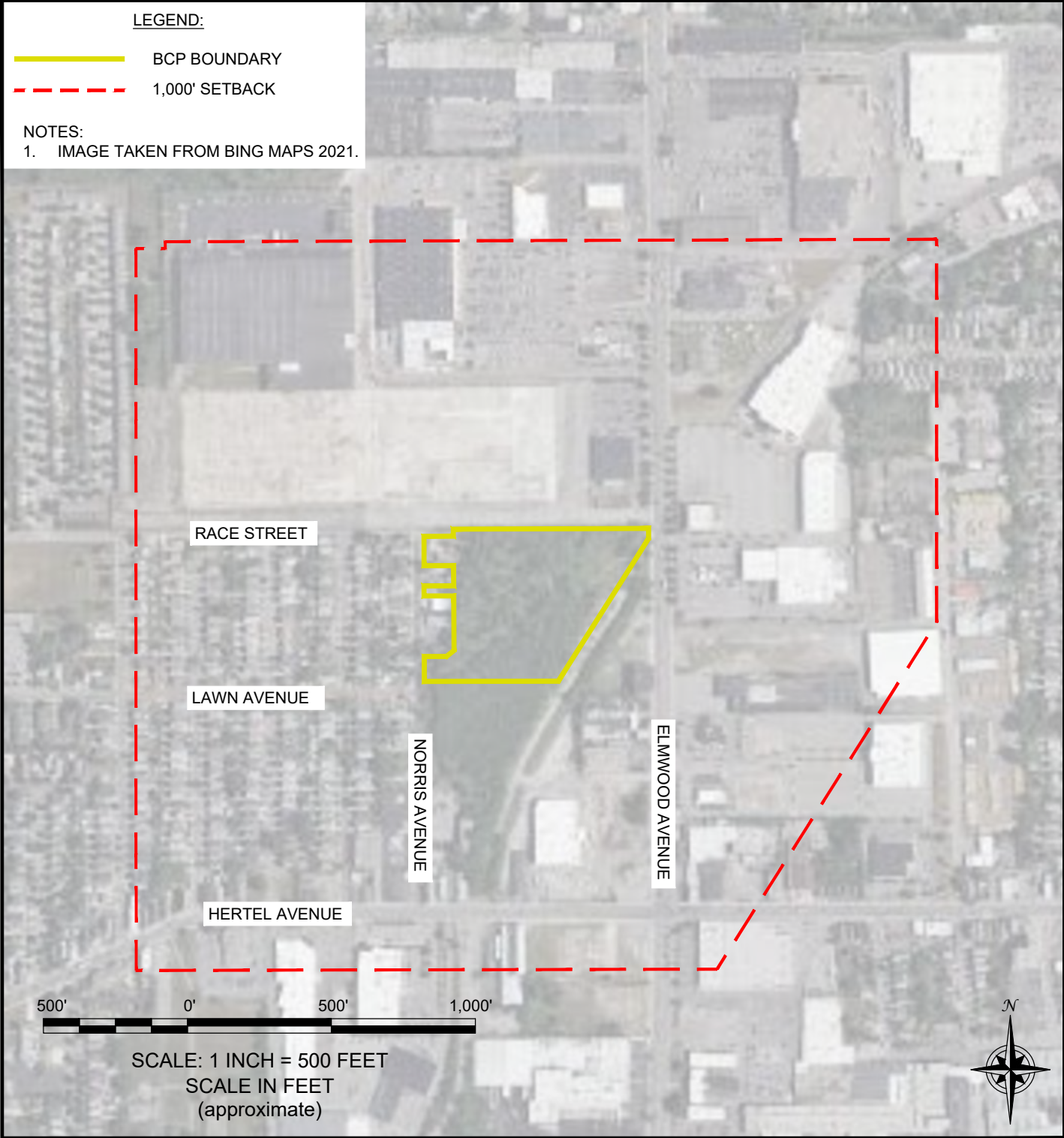
2558 HAMBURG TURNPIKE
 SUITE 300
 BUFFALO, NY 14218
 (716) 856-0599

JOB NO.: B0564-021-002

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

FIGURE 4

F:\CAD\Benchmark\Uniland Development Company\Elmwood & Herfel\BCP Applications\1984 Elmwood Avenue\Figure 4, Property Base Map (1,000' Setback).dwg, 3/5/2021 11:54:44 AM



BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1984 ELMWOOD AVENUE SITE

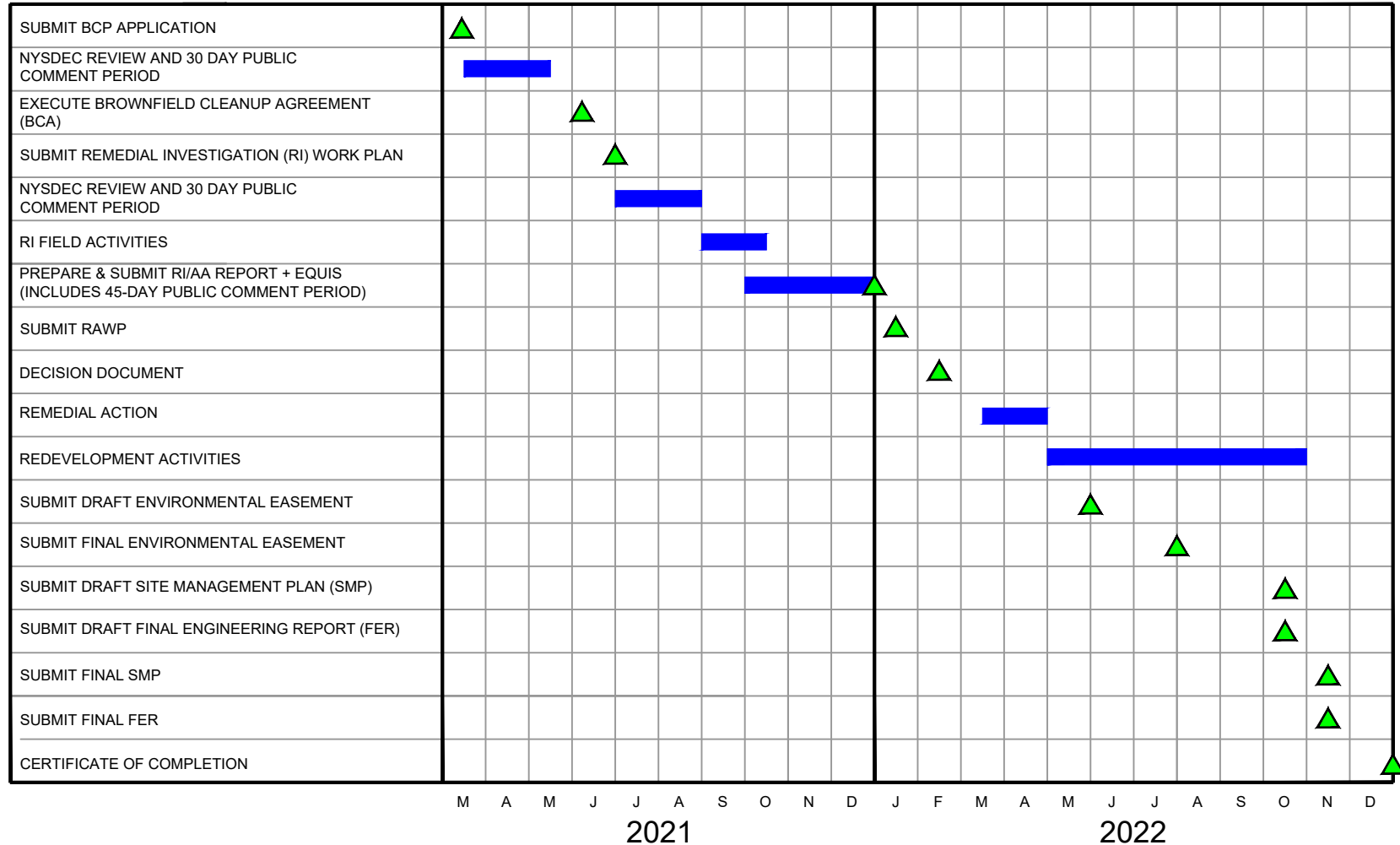
BUFFALO, NEW YORK

PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

DISCLAIMER:
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

PROJECT TASKS:



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

1984 ELMWOOD AVENUE SITE

BUFFALO, NEW YORK

PREPARED FOR

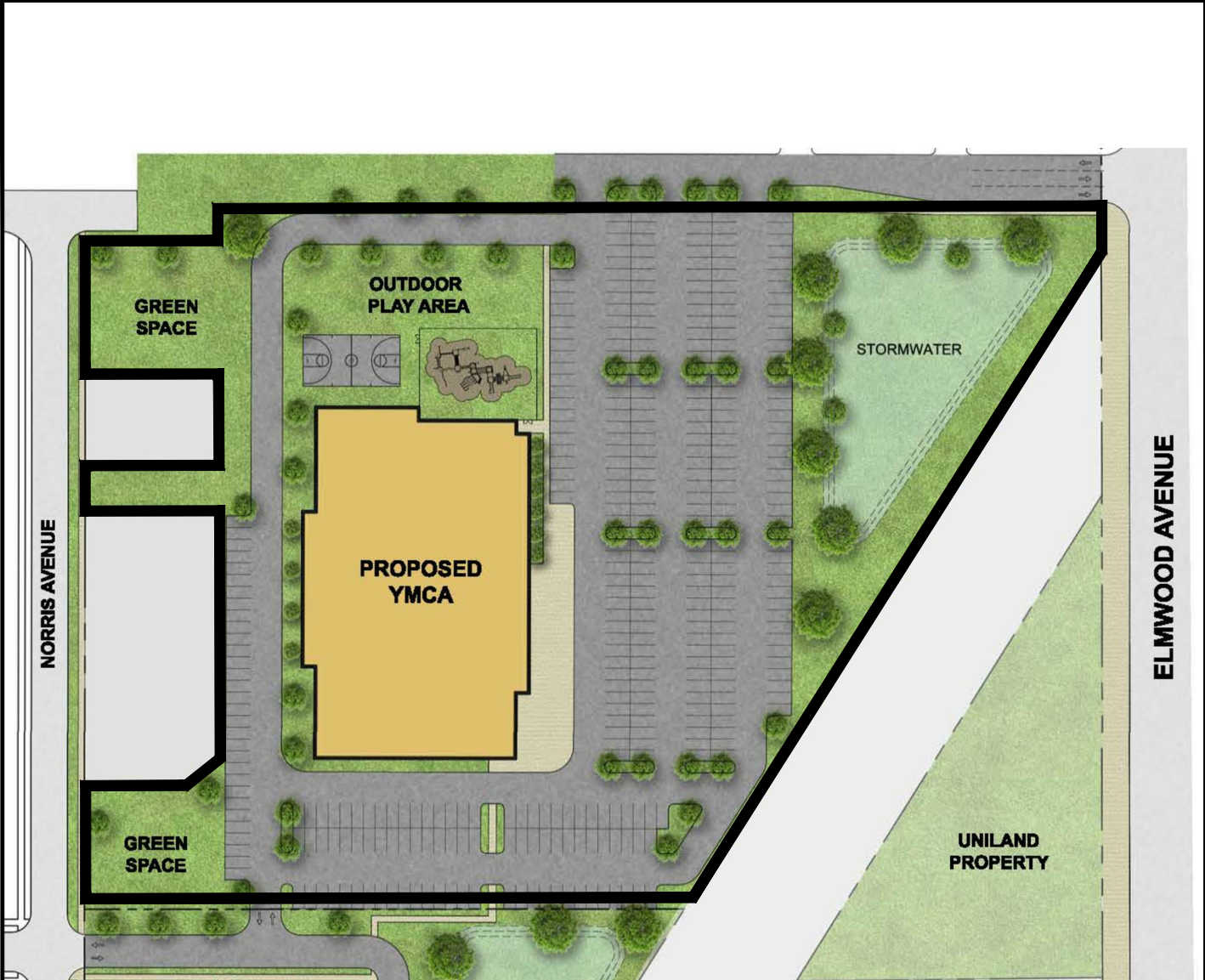
THE UNILAND PARTNERSHIP OF DELAWARE L.P.

FIGURE 5

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

FIGURE 6

F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hereta\BCP Applications\1984 Elmwood Avenue\Figure 6; Preliminary Project Rendering.dwg, 3/10/2021 5:01:37 PM



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



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

PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION
 1984 ELMWOOD AVENUE SITE

BUFFALO, NEW YORK
 PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

DISCLAIMER:
 PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hertel\BCP Applications\1984 Elmwood Avenue\Figure 7: Investigation Locations and Areas of Concern.dwg, 3/5/2021 11:58:11 AM

LEGEND:

- BCP BOUNDARY
- PARCEL BOUNDARY
- ONSITE BUILDING OUTLINE
- LCS TP5 X TEST PIT (LCS, 2017)
- LCS BH12 ● SOIL BORING (LCS, 2017)
- LCS BH15/TPMW5 ⊙ SOIL BORING/TEMPORARY MONITORING WELL (LCS, 2017)
- HATP-04 ■ TEST PIT (HALEY ALDRICH, 2020)
- HASB-03 ● SOIL BORING (HALEY ALDRICH, 2020)
- BMTP-1 ⊕ TEST PIT (BENCHMARK, 2021)
- EXCEEDS UNRESTRICTED SCOs
- EXCEEDS AT LEAST RESTRICTED-RESIDENTIAL SCOs
- EXCEEDS COMMERCIAL SCOs
- EXCEEDS INDUSTRIAL SCOs

NOTES:

1. IMAGE TAKEN FROM BING MAPS 2021.
2. SOIL ANALYTICAL RESULTS COMPARED TO 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs)

BM TP-6 (0-0.5 FT)		1/21/2021
PARAMETER	MG/KG	
CHROMIUM	73.4	
LEAD	67.5	
HASB-02 (2-4 FT)		8/6/2020
PARAMETER	MG/KG	
ACETONE	0.13	
CHROMIUM	123	
MANGANESE	2160	
ZINC	113	

HASB-04 (4-6 FT)		8/7/2020
PARAMETER	MG/KG	
ACETONE	0.069	
BENZO(A)PYRENE	4.8	
BENZO(B)FLUORANTHENE	5.6	
BENZO(K)FLUORANTHENE	2.8	
CHRYSENE	5.3	
INDENO(1,2,3-CD)PYRENE	2.8	

BM TP-8 (0-0.5 FT)		1/21/2021
PARAMETER	MG/KG	
CHROMIUM	73.9	

HASB-05 (4-8 FT)		8/10/2020
PARAMETER	MG/KG	
CHROMIUM	318	
LEAD	65.7	
MANGANESE	12200	
NICKEL	53.8	
SELENIUM	10.4	
ZINC	203	

HASB-06 (4-6 FT)		8/11/2020
PARAMETER	MG/KG	
LEAD	91.7	

BM TP-9 (1-2.5 FT)		1/21/2021
PARAMETER	MG/KG	
CHROMIUM	209	

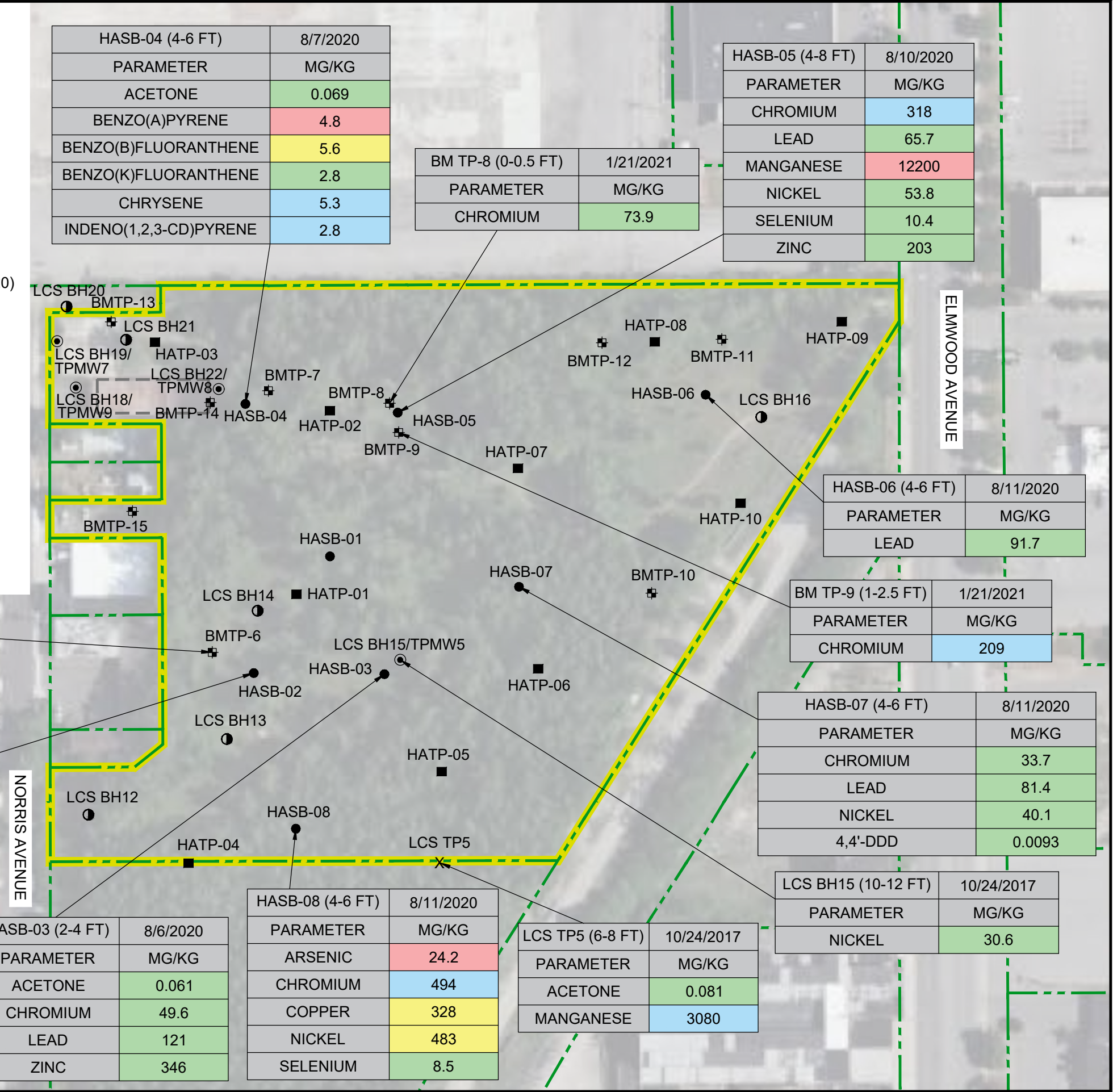
HASB-07 (4-6 FT)		8/11/2020
PARAMETER	MG/KG	
CHROMIUM	33.7	
LEAD	81.4	
NICKEL	40.1	
4,4'-DDD	0.0093	

LCS BH15 (10-12 FT)		10/24/2017
PARAMETER	MG/KG	
NICKEL	30.6	

HASB-03 (2-4 FT)		8/6/2020
PARAMETER	MG/KG	
ACETONE	0.061	
CHROMIUM	49.6	
LEAD	121	
ZINC	346	

HASB-08 (4-6 FT)		8/11/2020
PARAMETER	MG/KG	
ARSENIC	24.2	
CHROMIUM	494	
COPPER	328	
NICKEL	483	
SELENIUM	8.5	

LCS TP5 (6-8 FT)		10/24/2017
PARAMETER	MG/KG	
ACETONE	0.081	
MANGANESE	3080	



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

2556 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
THE UNILAND PARTNERSHIP OF DELAWARE L.P.

FIGURE 7

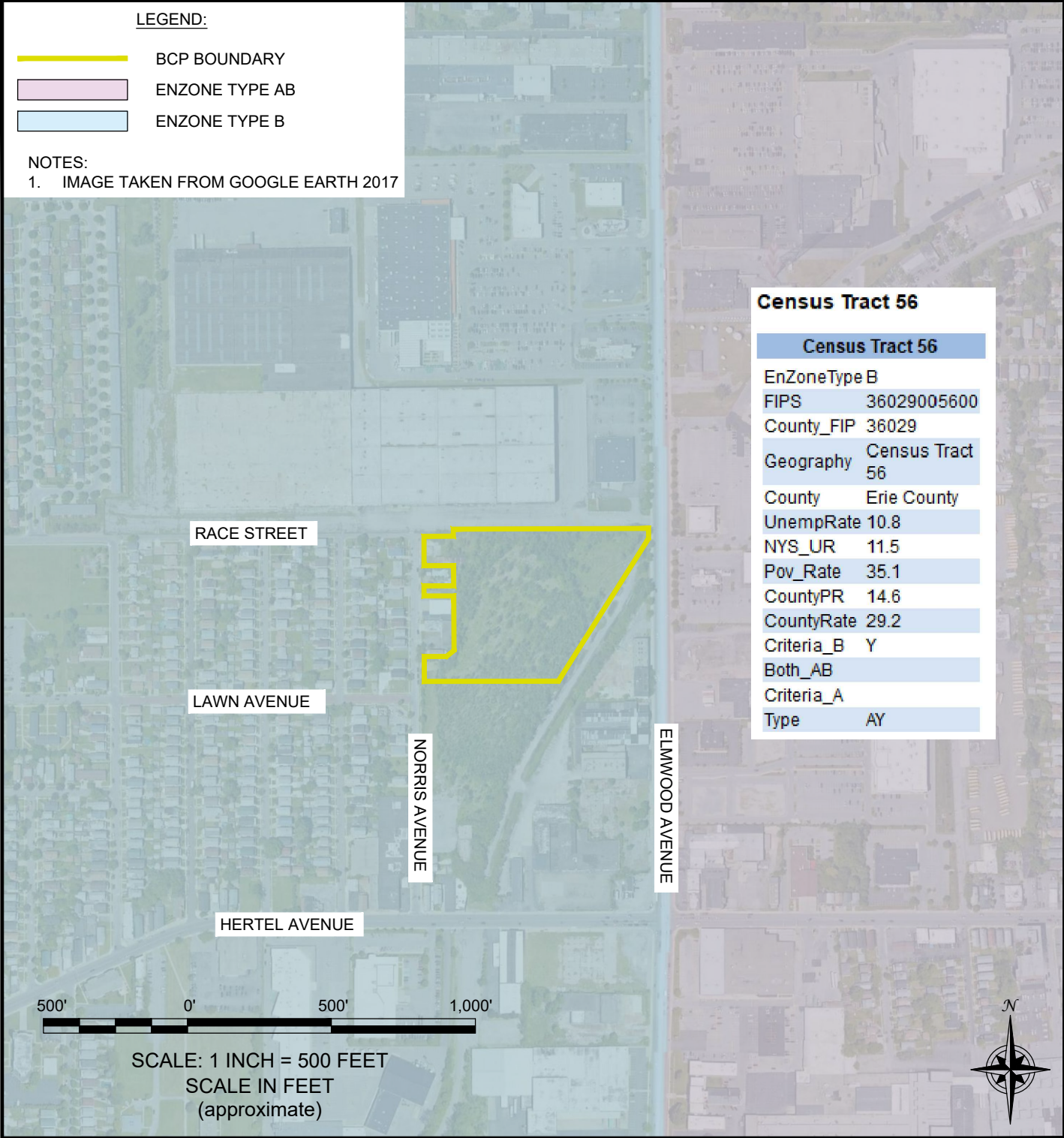
JOB NO.: B0564-021-002

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

DATE: MARCH 2021
DRAFTED BY: CNK

FIGURE 8

F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hertel\BCP Applications\1984 Elmwood Avenue\Figure 8: EnZone Map.dwg, 3/5/2021 12:00:55 PM



LEGEND:

- BCP BOUNDARY
- ENZONE TYPE AB
- ENZONE TYPE B

NOTES:

1. IMAGE TAKEN FROM GOOGLE EARTH 2017

Census Tract 56

Census Tract 56	
EnZoneType B	
FIPS	36029005600
County_FIP	36029
Geography	Census Tract 56
County	Erie County
UnempRate	10.8
NYS_UR	11.5
Pov_Rate	35.1
CountyPR	14.6
CountyRate	29.2
Criteria_B	Y
Both_AB	
Criteria_A	
Type	AY

BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

ENZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
THE UNILAND PARTNERSHIP OF DELAWARE L.P.

DISCLAIMER:
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

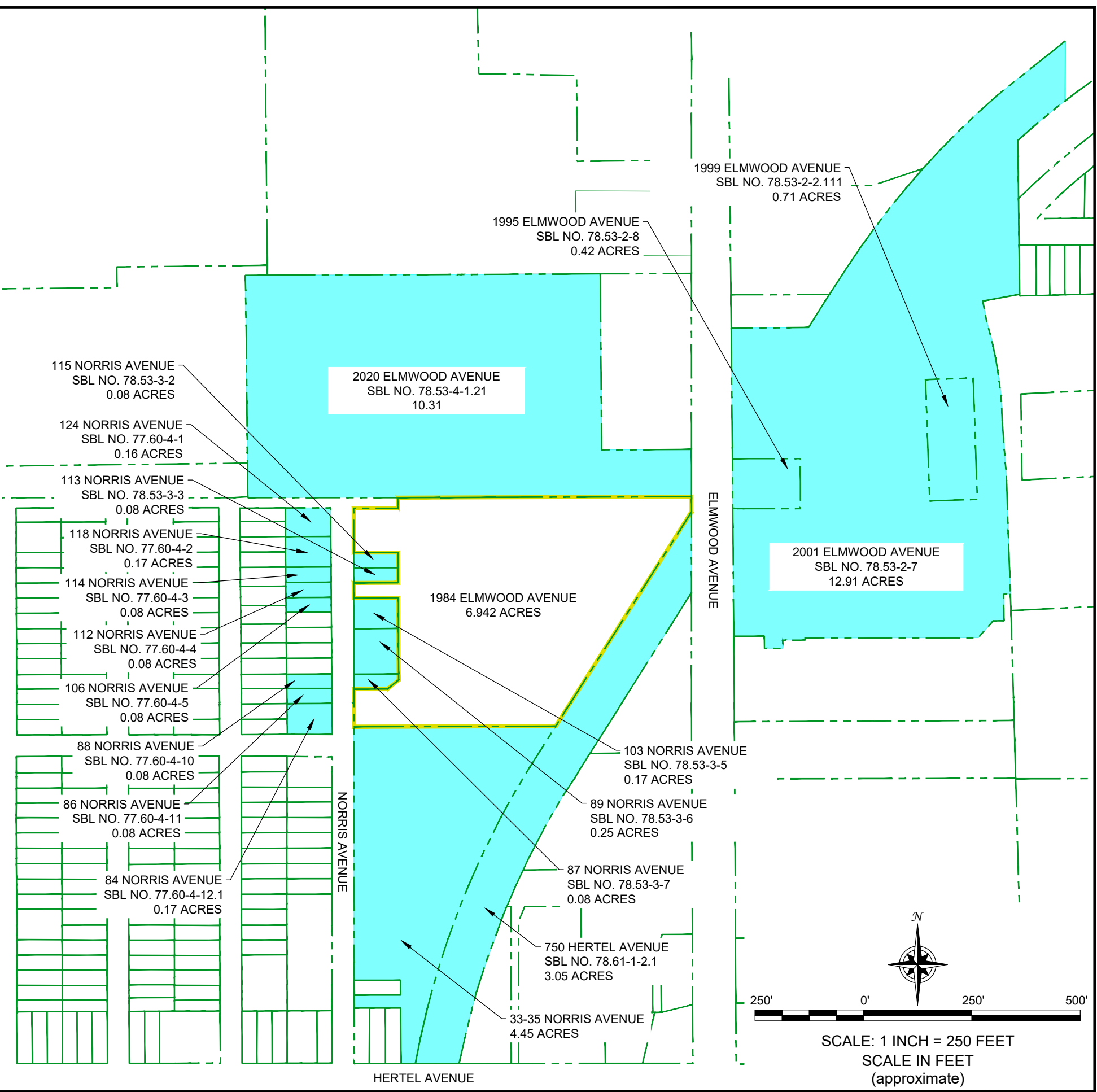
F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hertel\BCP Applications\1984 Elmwood Avenue\Figure 9-Adjacent Property Owners.dwg, 3/5/2021, 12:03:19 PM

DATE: MARCH 2021
DRAFTED BY: GJK

LEGEND:

- BCP BOUNDARY
- - - PARCEL BOUNDARY
- ADJACENT PROPERTY OWNERS

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
2020	Elmwood Avenue	Commercial vacant land with minor improvements	SRK 2020 Elmwood Associates, L.P. 4053 Maple Road Amherst, NY 14226
1995	Elmwood Avenue	Small retail outlet	Autozone Northeast, Inc. C/O Melanie Overman 123 S Front Street Memphis, TN 38103
1999	Elmwood Avenue	Large retail outlet	Elmwood Hertel Property LLC 62 Middlesex Road Buffalo, NY 14216
2001	Elmwood Avenue	Motion pictures theaters	G&I IX Empire Elmwood Regal Center LLC 580 White Plains Road Tarrytown, NY 10591
750	Hertel Avenue	Commercial vacant land	Fast Flange, Inc. 1930 Elmwood Avenue Buffalo, NY 14207
33-35	Norris Avenue	Commercial; commercial & residential vacant land	The Uniland Partnership of Delaware L.P. 100 Corporate Parkway, Suite 500 Amherst, New York 14226
84	Norris Avenue	Two family year-round residence	Derek Greiner 84 Norris Avenue Buffalo, NY 14207
86	Norris Avenue	Two family year-round residence	Black Rock Properties Holdings LLC 374 Deerpark Boulevard Buffalo, NY 14223
87	Norris Avenue	Two family year-round residence	Edward Jr. & Kathleen A. Kaczmarek 87 Norris Avenue Buffalo, NY 14207
88	Norris Avenue	Residential vacant land	Black Rock Properties Holdings LLC 374 Deerpark Boulevard Buffalo, NY 14223
89	Norris Avenue	Other storage, warehouse, and distribution facility	Cortese Enterprises, LLC 20 Brookedge Drive Depew, NY 14043
103	Norris Avenue	Manufacturing and processing	Cortese Enterprises, LLC 20 Brookedge Drive Depew, NY 14043
106	Norris Avenue	Residential vacant land	Susan Caruana 104 Norris Avenue Buffalo, NY 14207
112	Norris Avenue	One family year-round residence	Neal D. Agneta 112 Norris Avenue Buffalo, NY 14207
113	Norris Avenue	Other storage, warehouse, and distribution facility	David Robinson 113 Norris Avenue Buffalo, NY 14207
114	Norris Avenue	Two family year-round residence	Sylbije Rexhepi 114 Norris Avenue Buffalo, NY 14207
115	Norris Avenue	Commercial vacant land with minor improvements	David Robinson 113 Norris Avenue Buffalo, NY 14207
118	Norris Avenue	One family year-round residence	Nichole S. George 118 Norris Avenue Buffalo, NY 14207
124	Norris Avenue	One family year-round residence	Cynthia M. Ferril 124 Norris Avenue Buffalo, NY 14207



ADJACENT PROPERTY OWNERS
BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 ELMWOOD AVENUE SITE
BUFFALO, NEW YORK
PREPARED FOR
THE UNILAND PARTNERSHIP OF DELAWARE L.P.

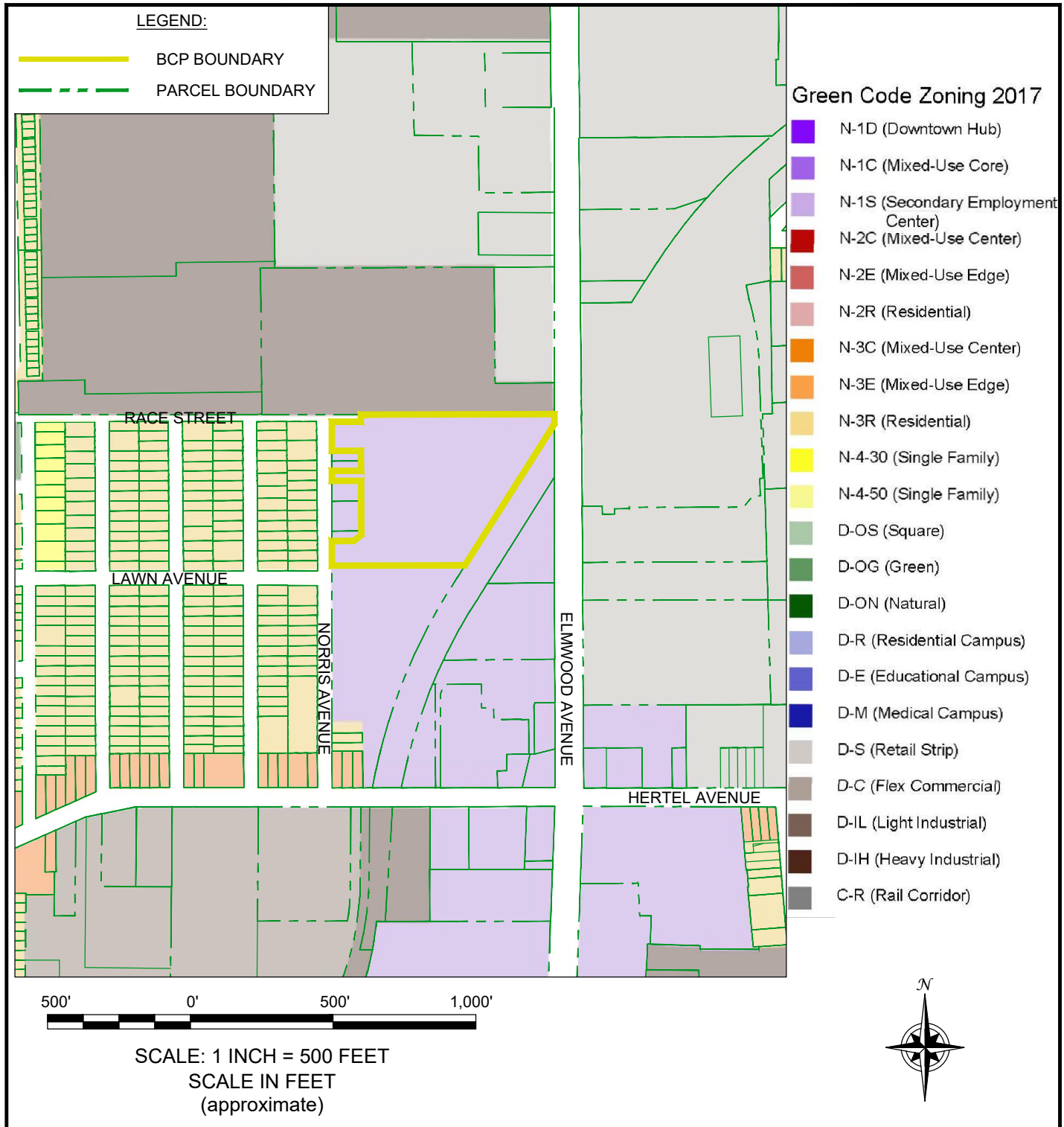


JOB NO.: B0564-021-002

FIGURE 9

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

FIGURE 10



BENCHMARK
ENVIRONMENTAL
ENGINEERING &
SCIENCE, PLLC

2556 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1984 ELMWOOD AVENUE SITE

BUFFALO, NEW YORK

PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

DISCLAIMER:
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

FIGURE 11

F:\CAD\Benchmark\Uniland Development Company\Elmwood & Hertel\BCP Applications\1984 Elmwood Avenue\Figure 11; USDA Soil Type Map.dwg, 3/4/2021 1:53:17 PM



LEGEND:

BCP BOUNDARY

NOTES:

1. IMAGE TAKEN FROM UNITED STATES DEPARTMENT OF AGRICULTURE NATURAL RESOURCES CONSERVATION SERVICE WEB SOIL SURVEY.



SCALE: 1 INCH = 800 FEET
SCALE IN FEET
(approximate)

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



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

PROJECT NO.: B0564-021-002

DATE: MARCH 2021

DRAFTED BY: CNK

USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
1984 ELMWOOD AVENUE SITE

BUFFALO, NEW YORK
PREPARED FOR

THE UNILAND PARTNERSHIP OF DELAWARE L.P.

DISCLAIMER:
PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

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
1984 Elmwood 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 (athletic facility with outdoor active recreational areas, hereinafter, the “Site”) will result in the remediation, redevelopment, and reuse of an idle, environmentally impacted property at 1984 Elmwood 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 6.942-acre property with a athletic facility with outdoor active recreational areas for YMCA Buffalo Niagara. The conceptual redevelopment plan is shown on Figure 6.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the 1984 Elmwood 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 1984 Elmwood Avenue and 33-35 Norris Avenue. 1984 Elmwood Avenue formerly consisted of parcels addressed at 1984 Elmwood Avenue, 107 Norris Avenue, 125 Norris Avenue, and a portion of 35 Norris Avenue, and the adjacent 33-35 Norris Avenue formerly consisted of parcels addressed at 15 Norris Avenue, 19 Norris Avenue, 742 Hertel Avenue, and the remaining portion of 35 Norris Avenue. Building 1 refers to the approximately 3,100 square foot structure located at 125 Norris Street (northwestern portion of 1984 Elmwood Avenue). LCS identified the following Recognized Environmental Conditions (REC) as they pertain to the 1984 Elmwood Avenue Site:

- The subject property included a portion of a larger foundry from at least 1912 through 1986.
- According to city directories, on-site operations included printing in Building 1 in at least 1998.
- Dark staining was noted to the floor in the area of three of the oil buckets in Building 1.
- LCS noted areas of dumping on-site on the northeastern portion of the property, including asphalt shingles, general refuse, paint cans, and rusted drums and buckets.
- 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 north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a registered UST facility.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

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

- A north adjacent site (intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a LTANKs spill site; Spill No. 8707858 involved the release of #6 fuel oil due to a tank failure and is classified as “closed.” Spill Nos. 9510740 and 9510756 involved an abandoned tank and are classified as either “inactive” or “closed.”

LCS also noted the following observations:

- The subject property, listed as Trim Associates at 121-125 Norris Street, was identified as a RCRA Non-Generator (no violations listed) and within the FINDS and ECHO database due to the RCRA listing.
- A north adjacent site (Intercontinental Branded Apparel/M. Wile Company at 2020 Elmwood Avenue) was identified as a Manifest site and RCRA-CESQG (no violations).

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

LCS completed an environmental investigation on the existing parcels located at 1984 Elmwood Avenue, and adjacent 33-35 Norris Street. The investigation activities completed at the 1984 Elmwood Avenue Site consisted of ten (10) soil borings identified as LCS BH12 through LCS BH16 and LCS BH18 through LCS BH22, four of which were converted into temporary monitoring wells including LCS BH15/TPMW5, LCS BH18/TPMW9, LCS BH19/TPMW7, and LCS BH22/TPMW8. One (1) test pit identified as LCS TP5 was also completed at the Site. Five (5) subsurface soil/fill samples and three (3) groundwater samples were submitted for laboratory analysis. The results of the investigation completed by LCS as they pertain to 1984 Elmwood Avenue are summarized below:

- Fill materials were generally encountered up to 12 feet below ground surface (fbgs) and consisted of gravel, clay, and sand with brick, asphalt, concrete, wood, and metal. Native sand and clay soils were encountered underlying the fill material. Refusal occurred between 3 and 25 fbgs, likely due to subsurface debris, glacial till, or remaining building material from former structures.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

- Groundwater was encountered between 3.5 (LCS BH18/TW9) to 8 fbg (LCS BH13).
- Volatile organic compounds (VOCs) were detected above method detection limits (MDLs) at the five (5) subsurface soil/fill sample locations. Acetone was detected above its 6 NYCRR Part 375 Soil Cleanup Objective (SCO), specifically its Unrestricted SCOs (USCOs) at one (1) location: LCS TP5 (6-8 ft), advanced in the area of the former foundry.
- Metals, including manganese and nickel were detected above their respective USCOs and/or Restricted-Residential SCOs (RRSCOs) at two (2) sample locations: LCS TP5 (6-8 ft) and LCS BH15 (10-12 ft), both advanced in the area of the former foundry.

September 2020 – Phase II Environmental Subsurface Investigation Prospective YMCA North Buffalo Facility Development Uniland Site (Haley & Aldrich)

Haley & Aldrich (H&A) completed a Phase II environmental investigation at the 1984 Elmwood Avenue property. The Phase II activities consisted of eight (8) soil borings identified as HA SB-01 through HA SB-08 and ten (10) test pits identified as HA TP-01 through HA TP-10. Ten (10) subsurface soil/fill samples were submitted for laboratory analysis from the soil borings only. The results of the investigation completed by H&A are summarized below:

- Prior to Phase II activities, H&A completed a Phase I ESA and identified the following REC: Demolition debris from former foundry structures previously occupying the southern portion of the subject site and southerly adjacent property appeared to have been graded into site fill, creating an elevated area occupying the central and northern portions of the subject site.
- Fill materials were generally encountered between 2.5 and 10 fbg and consisted of gravel, silt, and sand with concrete, brick, slag, ash, cinders, metal, plastic, rubber, asphalt, and wood. Native sand and clay soils were encountered below the fill material. Refusal was encountered at depths around 76 to 78 fbg which is believed to be top of bedrock.
- A light odor was detected at HA TP-02 in the fill along with the remains of former steel drums and other fill. Black staining of a creosote-like material and

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

a strong odor was identified in the fill at HA TP-03, and a light odor was observed in the underlying native soil.

- VOCs were detected above MDLs at the ten (10) subsurface soil/fill sample locations. Acetone was detected above its USCOs at three (3) locations: HA SB-02 (2-4 ft), HA SB-03 (2-4 ft), and HA SB-04 (4-6 ft).
- SVOCs, specifically polycyclic aromatic hydrocarbons (PAHs) were detected above MDLs in eight (8) of the ten (10) soil/fill sample locations. PAHs were detected above USCOs, RRSCOs, Commercial SCOs (CSCOs), and/or Industrial SCOs (ISCOs), at one (1) sample location: HA SB-04 (4-6 ft).
- Metals were detected above MDLs in the ten (10) soil/fill sample locations. Specifically, arsenic, chromium, copper, lead, manganese, nickel, selenium, and zinc, were detected above their respective USCOs, RRSCOs, CSCOs, and/or ISCOs at six (6) sample locations: HA SB-02 (2-4 ft), HA SB-03 (2-4 ft), HA SB-05 (4-8 ft), HA SB-06 (4-6 ft), HA SB-07 (4-6 ft), and HA SB-08 (4-6 ft).
- Pesticides were detected above MDLs at two (2) of the ten (10) soil/fill sample locations. 4,4'-DDD was detected above its USCO at HA SB-07 (4-6 ft).

See Figure 7 for presentation of the SCO exceedances.

March 2021 – Supplemental Phase II Environmental Investigation (Benchmark)

Benchmark completed a Supplemental Phase II Environmental Investigation at the 1984 Elmwood Avenue and adjacent 33-35 Norris Avenue properties. The Supplemental Phase II activities pertaining to the Site consisted of ten (10) test pits identified as BMTP-6 through BMTP-15. Eight (8) 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 (TP-13 and -15) and deepest in the central portion of the Site (TP-7 and -8). Fill materials or reworked soils were identified at the ten (10) 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.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

- Metals including chromium and lead were detected above their respective USCOs and/or RRSCO's at three (3) sample locations: BM TP-6 (0-0.5 ft), BM TP-8 (0-0.5 ft), and BM TP-9 (1-2.5 ft).

See Figure 7 for presentation of the SCO exceedances.

Complete copies of the previous investigation reports were provided to the Department as separate PDF files as requested.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 1984 Elmwood Avenue Site (hereinafter, the “Site”), subject to this BCP application, is in a highly developed residential, commercial, industrial use area in the City of Buffalo (see Figures 1 through 4). The Site consists of a 6.942-acre parcel currently addressed at 1984 Elmwood Avenue, Buffalo, Erie County, New York. The Site formerly consisted of the three (3) full parcels and a portion of one (1) parcel but has been combined into one (1) tax parcel.

The Site survey map and legal description for 1984 Elmwood Avenue is included for reference in Exhibit A3. The former parcels of the 1984 Elmwood Avenue Site are summarized below.

Parcel Address	Section No.	Block No.	Lot No.	Acreage
1984 Elmwood Avenue	78.53	1	1	1.771
107 Norris Avenue	78.53	3	4	0.081
125 Norris Avenue	78.53	3	1	0.515
35 Norris Avenue	78.61	1	P/O 18	4.575

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
1984 Elmwood 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 1984 Elmwood Avenue, a portion of 35 Norris Avenue, 107 Norris Avenue, and 107 Norris Avenue. A copy of the approved subdivision plat map and meeting minutes are 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 Elmwood Avenue and Norris 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.

Permits identified for the Site include:

- RCRA Information: NYD982183865, Trim Associates Inc., 121-125 Norris Street

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 commercial property to the north; vacant property (33-35 Norris Avenue) to the south; Norris Avenue and residential, commercial, industrial, properties to the west; and Elmwood Avenue and commercial,

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

properties to the east (see Figure 2 and 4). Adjacent property owners are identified on Figure 9.

Site Features

The Site has been vacant since approximately 1980 and is mostly covered with vegetation. The northwest portion of the Site is improved with an approximate 3,100 square foot structure and an adjacent concrete former building pad.

Zoning and Land Use

The proposed redevelopment plan for the Site is an athletic facility with outdoor active recreations areas and consistent with the City of Buffalo Land Use/Zoning assigned to the Site (see Figure 10). The current zoning for the Site is N-1S: Secondary Center defined as mixed-use mid-rise development clusters defined by large-footprint structures.

The Site is vacant with one structure. The surrounding parcels are currently used as follows:

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

Past Use of the Site

The Site was used as a steel foundry and for warehousing between 1912 through 1986. The Site has been mostly vacant since the former foundry buildings were demolished in the 1980s. One structure in the northwest portion of the site is used as a warehouse and was used for printing in at least 1998. Railroad tracks were observed on the Site from at least 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.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

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).

The previous investigations identified the Site geology as fill material to depths between 2.5 and 12 fbs, consisting of gravel, sand, silt, clay, and man-made constituents (brick, asphalt, concrete, wood, metal, slag, ash, cinders, plastic, and rubber). 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 green shales, gray gypsiferous shales, and thin dolomites. According to a previous investigation completed at the Site, the depth to bedrock in the vicinity of the Site is approximately 76 fbs.

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 between 3.5 to 8 fbs in previous investigations completed at the Site.

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue 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 if 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 one (1) investigation location, HASB-04 (4-6 ft), as follows.

- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) at one (1) location, HASB-04 (4.8 mg/kg).
- Benzo(b)fluoranthene exceeded its CSCO (5.6 mg/kg) at one (1) location, HASB-04 (5.6 mg/kg).
- Chrysene exceeded its RRSCO (3.9 mg/kg) at one (1) location, HASB-04 (5.3 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at one (1) location, HASB-04 (2.8 mg/kg).

Metal Analytes

Laboratory analytical results detected metal analytes above their respective Part 375 RRSCOs at five (5) locations, BMTP-9 (1-2.5 ft), LCS TP5 (6-8 ft), HASB-02 (2-4 ft), HASB-05 (4-8 ft), and HASB-08 (4-6 ft) as follows.

- Arsenic exceeded its ISCO (16 mg/kg) at one (1) location, HASB-08 (24.2 mg/kg).

APPENDIX A
BCP Application – Part A
Section I – Section IV
1984 Elmwood Avenue Site

- Chromium exceeded its RRSCO (180 mg/kg) at three (3) locations, BMTP-9 (209 mg/kg), HASB-05 (318 mg/kg), and HASB-08 (494 mg/kg).
- Copper exceeded its CSCCO (270 mg/kg) at one (1) location, HASB-08 (328 mg/kg).
- Manganese exceeded its RRSCO (2000 mg/kg) at two (2) locations, LCS TP5 (3080 mg/kg) and HASB-02 (2160 mg/kg), and its ISCO (10000 mg/kg) at one (1) location, HASB-05 (12200 mg/kg).
- Nickel exceeded its CSCCO (310 mg/kg) at one (1) location, HASB-08 (483 mg/kg).

Acetone, PAHs, chromium, lead, nickel, selenium, zinc, and 4,4'-DDD were also detected above their respective USCOS at various locations across the Site in soil/fill samples collected during the previous investigations.

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.

[Search Results](#) | [New Search](#)

[Services/Programs](#) | [Privacy Policy](#) | [Accessibility Policy](#) | [Disclaimer](#) | [Return to DOS](#)
[Homepage](#) | [Contact Us](#)

EXHIBIT A2

1984 ELMWOOD 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 1984 Delaware Avenue (Current Tax parcel ID No.: 78.53-1-1), 35 Norris Avenue (SBL:78.61-1-18), 125 Norris Avenue (SBL:78.53-3-1) and 107 Norris Avenue (SBL: 78.53-3-4), Buffalo, New York, all of which have been combined to form a single parcel encompassing 6.94 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 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, Uninvest 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

Proposed Legal Description
Parcel 'I'
1984 Elmwood 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 183 and 186, all of Sublots 184, 185, 192 and 195 through 197, 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 easterly line of Norris Avenue (66 feet wide) distant 862.88 feet northerly from the northerly line of Hertel Avenue (66 feet wide), said point being the northwesterly corner of Sublot 185, said point also being the southwesterly corner of lands conveyed to Smith as recorded in the Erie County Clerk's Office in Liber 3980 Page 455;

THENCE N 89°49'09" E along the northerly line of said Sublot 185 and the southerly line of said Smith, a distance of 77.50 feet to a point, said point being a southeasterly corner of said Smith;

THENCE N 53°00'39" E along the southeasterly line of said Smith, a distance of 33.15 feet to 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, said point being a point in easterly line of Sublot 186, said point being distant 19.86 feet northerly of the northeasterly corner of Sublot 185;

THENCE N 00°18'35"W along the said westerly line of Watson, also being the easterly line of Sublots 186 through 191, a distance of 190.14 feet to the northeasterly corner of Sublot 191;

THENCE S 89°49'09" W along the northerly line of Sublot 191, a distance of 103.16 feet to a point in the said easterly line of Norris Avenue, said point being the northwesterly corner of Sublot 191;

THENCE N 00°03'28" W along the said easterly line of Norris Avenue, a distance of 35.00 feet to the northwesterly corner of Sublot 192;

THENCE N 89°49'09" E along the northerly line of Sublot 192, a distance of 103.01 feet to a point in the said westerly line of Watson, said point being the northeasterly corner of Sublot 192;

THENCE N 00°18'35"W along the easterly line of Sublot 193 and 194 as shown on said Map Cover 392, also the said westerly line of Watson, a distance of 70.00 feet to the southeasterly corner of Sublot 195;

THENCE S 89°49'09" W along the southerly line of Sublot 195, a distance of 102.70 feet to a point in the easterly line of Norris Avenue, said point being the southwesterly corner of Sublot 195;

THENCE N 00°03'28" W along the said easterly line of Norris Avenue, a distance of 102.00 feet to a point in the southerly line of Race Street, said point being the northwesterly corner of Sublot 197;

THENCE N 89°49'09" E along the northerly line of Sublot 197, a distance of 102.25 feet to a point in the easterly line of Race Street, also being the northeasterly corner of Sublot 197, also being a point in the said westerly line of Watson;

THENCE N 00°18'35"W along the easterly line of said Race Street and the said westerly line of Watson, a distance of 24.17 feet to a point in the northerly line of Lot 85;

THENCE N 89°49'09" E along the said northerly line of Lot 85, a distance of 676.91 feet to a point in westerly line of Elmwood Avenue (99 feet wide);

THENCE S 00°14'06" E along the said westerly line of Elmwood Avenue, a distance of 35.05 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 Branch of the Erie Railroad Company, a distance of 583.39 feet;

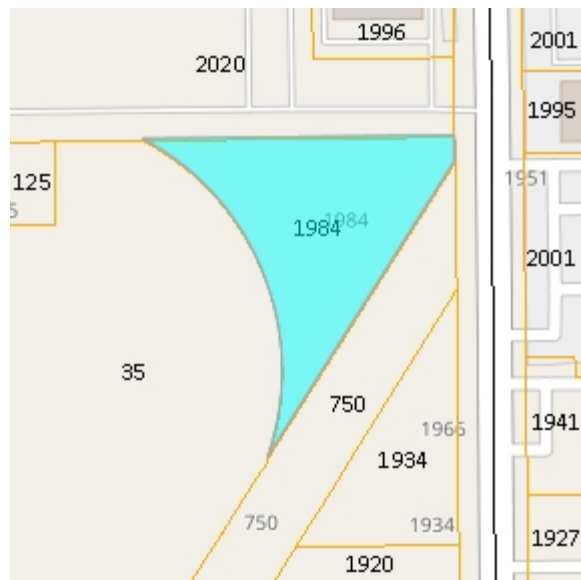
THENCE S 89°49'09" W parallel with and 15.66 feet southerly as measured at right angles from the northerly line of Sublot 183 as extended easterly, a distance of 466.39 feet to a point in the said easterly line of Norris Avenue, said point being distant 15.66 feet southerly from the northwesterly corner of Sublot 183;

THENCE N 00°03'28" W along the said easterly line of Norris Avenue, a distance of 85.66 feet to the POINT OR PLACE OF BEGINNING, containing 6.942 acres of land, more or less.

EXHIBIT A4



Parcel Overview Map



Parcel Detail Map

PIN: 1402000785300001001000

SBL: 78.53-1-1

Address: 1984 ELMWOOD

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: 340

Class Description: B - Vacant indus

Front: 35.40000153

Depth: 450

Deed Roll: 1

Deed Book: 11330

Deed Page: 7867

Deed Date:

Acreage: 1.77118118

Total Assessment: \$51,700

Land Assessment: \$51,700

County Taxes: \$51,700

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

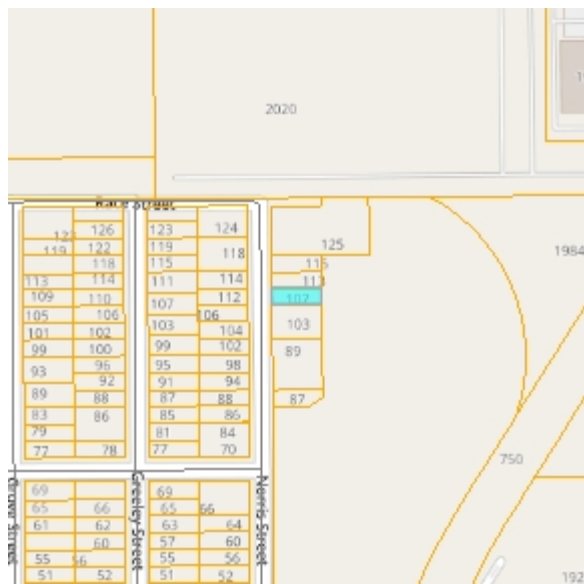
Heating: 0

Basement: 0

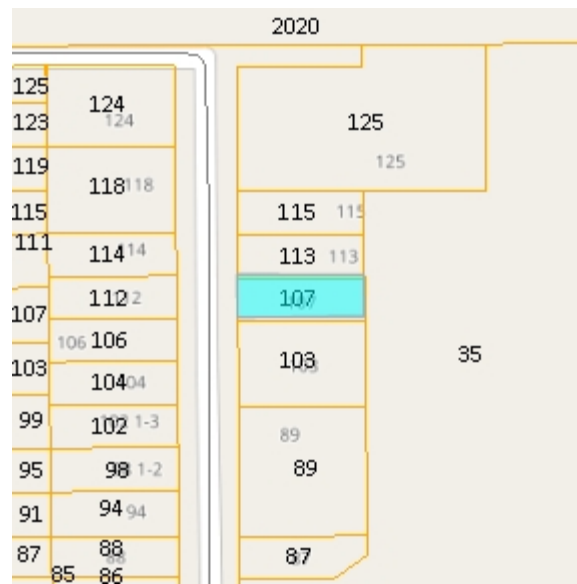
Fireplace: 0

Beds: 0

Baths: 0



Parcel Overview Map



Parcel Detail Map

PIN: 1402000785300003004000

SBL: 78.53-3-4

Address: 107 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: 340

Class Description: B - Vacant indus

Front: 35

Depth: 0

Deed Roll: 1

Deed Book: 11330

Deed Page: 7867

Deed Date:

Acreage: 0.08119168

Total Assessment: \$1,600

Land Assessment: \$1,600

County Taxes: \$1,600

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

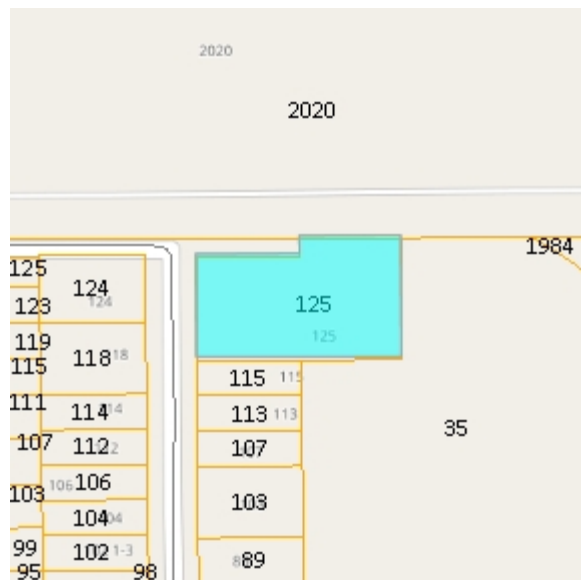
Fireplace: 0

Beds: 0

Baths: 0



Parcel Overview Map



Parcel Detail Map

PIN: 1402000785300003001000

SBL: 78.53-3-1

Address: 125 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: 449

Class Description: C - Warehouse

Front: 102

Depth: 203

Deed Roll: 1

Deed Book: 11330

Deed Page: 7867

Deed Date:

Acreage: 0.51480457

Total Assessment: \$35,000

Land Assessment: \$10,800

County Taxes: \$35,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

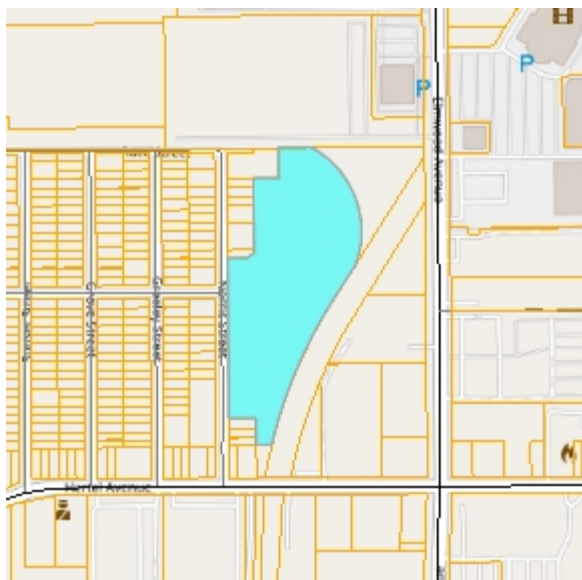
Heating: 0

Basement: 0

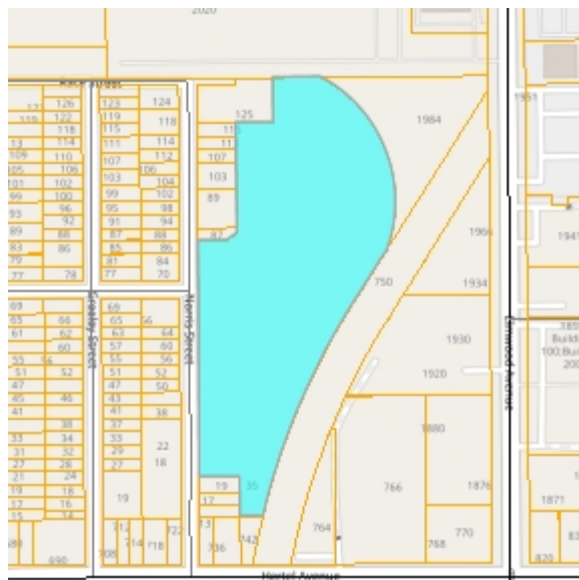
Fireplace: 0

Beds: 0

Baths: 0



Parcel Overview Map



Parcel Detail Map

PIN: 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=m583cfaae6e3b6f84dff8441f9fa453c>

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**

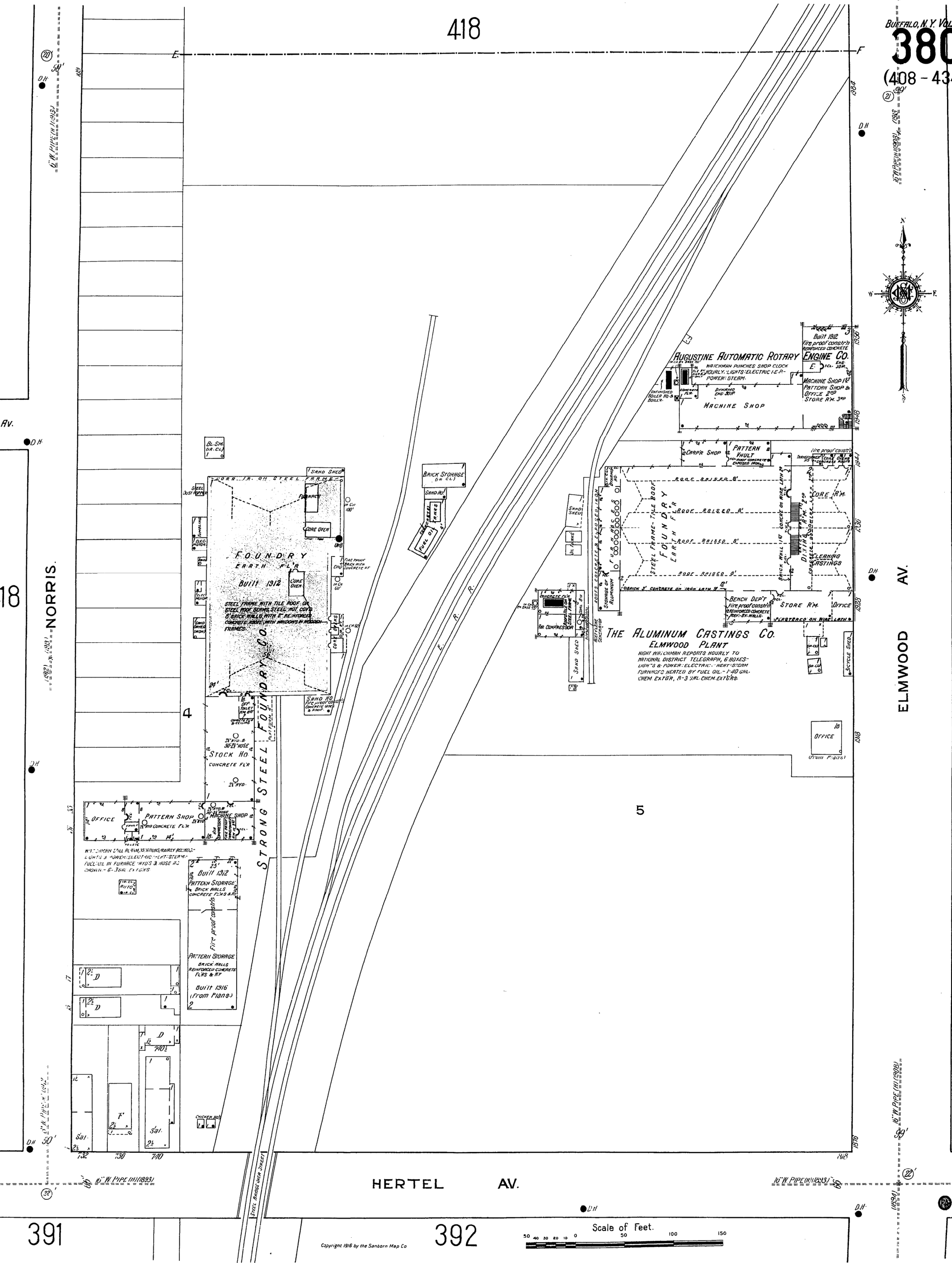
V. Old Business

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

City Clerk

BUFFALO, N. Y. Vol. 380 (408 - 434)

418



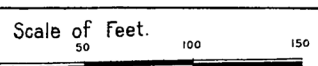
NORRIS

ELMWOOD AV.

HERTEL AV.

391

392



Copyright 1916 by the Sanborn Map Co

SCALE 100 FT TO AN INCH

BUFFALO, N.Y.

41
D.H.
•(4)

416

8

9

NOT OPENED

RACE

LAWN AV.

GROVE

GREELEY

NORRIS

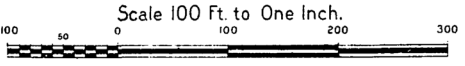
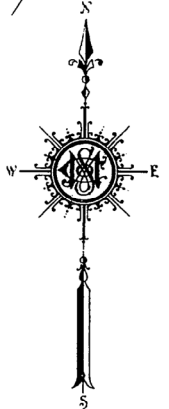
HERTEL AV.

380

391

390

PAGE



Scale 100 Ft. to One Inch.

418

BY 081

BUFFALO, N.Y. V
380
(408-43)



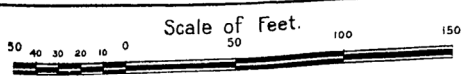
NORRIS

ELMWOOD AV.

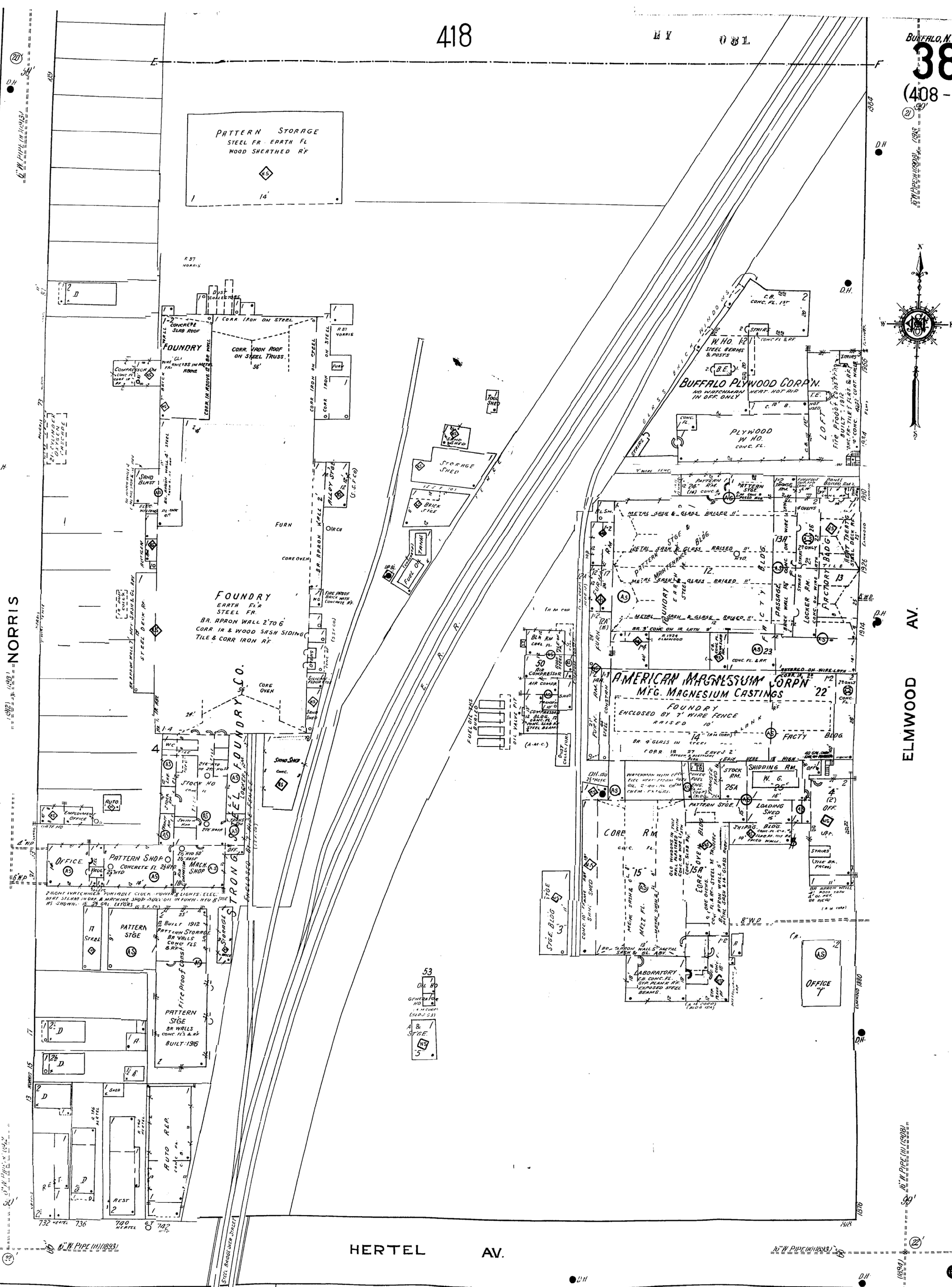
HERTEL AV.

391

392



Copyright 1916 by the Sanborn Map Co



SCALE 100 FT. TO AN INCH.

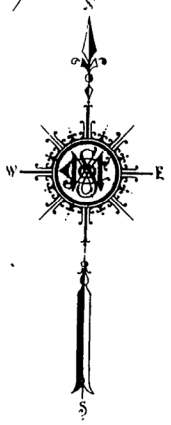
BUFFALO, N.Y.

418
D.H. (404)

NY 081

416

ELMWOOD AV.



380

391

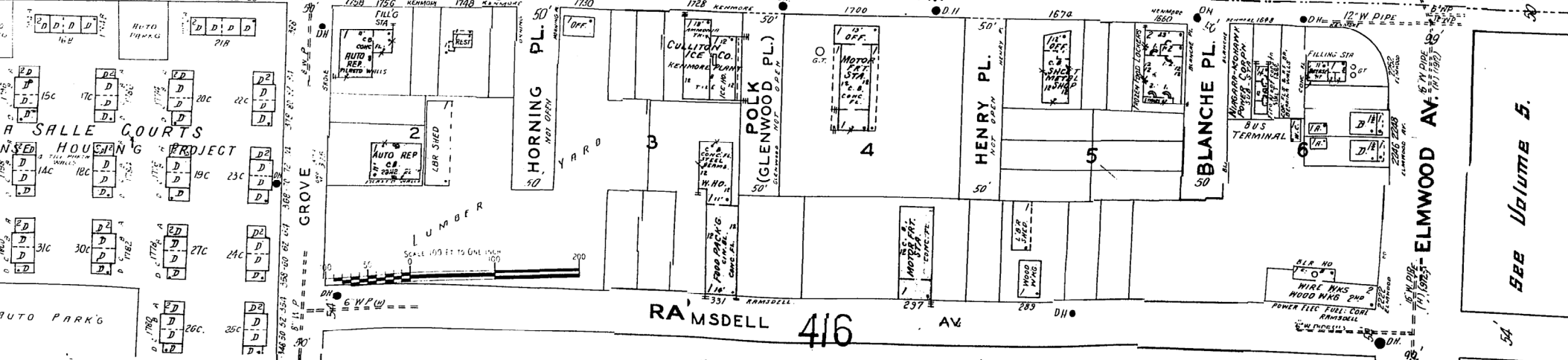
390

S E E U D I M E E I G H T

Village of Kenmore
City of Buffalo

KENMORE AV.

ELMWOOD AV.



SEE Volume 5.

RAMSDELL 416 AV

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
1984 Elmwood 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
1984 Elmwood Avenue (Previously 1984 Elmwood Avenue, 107 Norris Avenue, 125 Norris 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/ Industrial; commercial	June 2018 and December 2018 (former 35 Norris Ave only) to Present	Current Owner Applicant
Previous Owners/Operators			
Uniland Elmwood II, LLC 35 Norris Avenue Buffalo, NY 14207	Vacant commercial	June 2018 to December 2018	See Note below
D3 Elmwood North LLC 1984 Elmwood avenue, 107 Norris Avenue, 125 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Vacant commercial/ Industrial; commercial	November 2010 to June 2018	Previous Owner No Relationship
JFD Holding L.P. 1984 Elmwood avenue, 107 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Vacant commercial/ Industrial	November 1995 to November 2010	Previous Owner No Relationship
JFD Holding L.P. 125 Norris Avenue Buffalo, NY 14207	Commercial	November 1991 to November 2010	Previous Owner No Relationship
Frank Deni 1984 Elmwood avenue Buffalo, NY 14207	Vacant industrial	February 1988 to November 1995	Previous Owner No Relationship
Frank Deni 107 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	March 1983 to November 1995	Previous Owner No Relationship
Marjorie Mathews 125 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	March 1978 to November 1991	Previous Owner No Relationship

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

Great Lakes Development Corp. 107 Norris Avenue, 35 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	July 1974 to March 1983	Previous Owner No Relationship
Michael Gust Matthews 125 Norris Avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	April 1964 to March 1978	Previous Owner No Relationship
Erie Land & Imp Co. 1984 Elmwood avenue Buffalo, NY 14207	Industrial/ commercial/ vacant	December 1924 to February 1988	Previous Owner No Relationship

Note: With respect to 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).

SVOC and metal impacts are present at the Site. The former use of the Site (foundry) and/or import of fill materials have impacted the Site. The Applicant has recently purchased the property and 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). We note the Applicant has also secured access to the Site as illegal dumping had occurred in areas of the Site close to Norris Avenue which formerly allowed access to the Site from the street.

The Applicant is the owner of the property as of June 21, 2018 (portion of the Site including parcels formerly addressed at 1984 Elmwood Avenue, 107 Norris Avenue, and 125 Norris Avenue) and December 28, 2018 (portion of the Site including the parcel formerly addressed at 35 Norris Avenue) and has the ability to complete the Site investigation and remediation under the BCP.

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

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

Erie County Contacts:

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

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

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

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

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

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:

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

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

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

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	
2020	Elmwood Avenue	Commercial vacant land with minor improvements	SRK 2020 Elmwood Associates, L.P. 4053 Maple Road Amherst, NY 14226
1995	Elmwood Avenue	Small retail outlet	Autozone Northeast, Inc. C/O Melanie Overman 123 S Front Street Memphis, TN 38103
1999	Elmwood Avenue	Large retail outlet	Elmwood Hertel Property LLC 62 Middlesex Road Buffalo, NY 14216
2001	Elmwood Avenue	Motion pictures theaters	G&I IX Empire Elmwood Regal Center LLC 580 White Plains Road Tarrytown, NY 10591
750	Hertel Avenue	Commercial vacant land	Fast Flange, Inc. 1930 Elmwood Avenue Buffalo, NY 14207
33-35	Norris Avenue	Commercial; commercial & residential vacant land	The Uniland Partnership of Delaware L.P. 100 Corporate Parkway, Suite 500 Amherst, New York 14226
84	Norris Avenue	Two family year-round residence	Derek Greiner 84 Norris Avenue Buffalo, NY 14207
86	Norris Avenue	Two family year-round residence	Black Rock Properties Holdings LLC 374 Deerhurst Park Boulevard Buffalo, NY 14223

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

87	Norris Avenue	Two family year-round residence	Edward Jr. & Kathleen A. Kaczmariski 87 Norris Avenue Buffalo, NY 14207
88	Norris Avenue	Residential vacant land	Black Rock Properties Holdings LLC 374 Deerhurst Park Boulevard Buffalo, NY 14223
89	Norris Avenue	Other storage, warehouse, and distribution facility	Cortese Enterprises, LLC 20 Brookedge Drive Depew, NY 14043
103	Norris Avenue	Manufacturing and processing	Cortese Enterprises, LLC 20 Brookedge Drive Depew, NY 14043
106	Norris Avenue	Residential vacant land	Susan Caruana 104 Norris Avenue Buffalo, NY 14207
112	Norris Avenue	One family year-round residence	Neal D. Agneta 112 Norris Avenue Buffalo, NY 14207
113	Norris Avenue	Other storage, warehouse, and distribution facility	David Robinson 113 Norris Avenue Buffalo, NY 14207
114	Norris Avenue	Two family year-round residence	Sylbije Rexhepi 114 Norris Avenue Buffalo, NY 14207
115	Norris Avenue	Commercial vacant land with minor improvements	David Robinson 113 Norris Avenue Buffalo, NY 14207
118	Norris Avenue	One family year-round residence	Nichole S. George 118 Norris Avenue Buffalo, NY 14207
124	Norris Avenue	One family year-round residence	Cynthia M. Ferril 124 Norris Avenue Buffalo, NY 14207

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

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 for the Site is N-1S (Secondary Employment Center – mixed-use employment centers) 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 has been vacant since approximately 1980 and is mostly covered with vegetation. The northwest portion of the Site is improved with an approximate 3,100 square foot structure and an adjacent concrete former building pad. The previous investigations have identified SVOCs and metal contamination on-Site that will require remediation prior to redevelopment for restricted-residential use.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the 6.942-acre property with an athletic facility with outdoor active recreational areas for YMCA Buffalo Niagara. The Conceptual Project Plan is shown on Figure 6.

The planned redevelopment is consistent with the recent development patterns within the City of Buffalo. Historically, the Site and surrounding areas have included residential, commercial, and/or industrial uses. The current zoning for the Site is N-1S, which is Secondary Center (mixed-use mid-rise development clusters defined by large-footprint structures). Surrounding properties are zoned N-1S, N-3R (Residential), N-3E (mixed-use

APPENDIX B
BCP Application – Part B
Section V – Section X
1984 Elmwood Avenue Site

edge), D-S (strip retail), and D-IL (light industrial). The proposed redevelopment supports recent development patterns and current land use requirement.

EXHIBIT B1



March 4, 2020

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

Re: Document Repository for Brownfield Cleanup Program
1984 Elmwood 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 - 1984 Elmwood Avenue Site
Date: Thursday, March 4, 2021 3:37:52 PM
Attachments: [Document Repository Request - 1984 Elmwood 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 **1984 Elmwood 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 distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together spiral bound or in a ring binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to**

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

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

Regards,
April

From: Chelsea N. Kanaley <ckanaley@bm-tk.com>
Sent: Thursday, March 4, 2021 2:53 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - 1984 Elmwood Avenue Site

Dear Ms. Tompkins,

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

Thank you,
Chelsea Kanaley

DISCLAIMERS:

Confidentiality Notice: The information contained in this message is intended only for the use of the addressee, and may be confidential and/or privileged. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately.

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

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

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

Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.

DISCLAIMERS:

Confidentiality Notice: *The information contained in this message is intended only for the use of the addressee, and may be confidential and/or privileged. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately.*

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

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

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