

# Brownfield Cleanup Program Application

Silo City Phase II Project Site  
Buffalo, New York

March 2021, Revised April 2021

B0474-019-001

Prepared For:

Silo City Phase II LLC c/o Generation Development Group, LLC



Prepared By:



**BROWNFIELD CLEANUP PROGRAM APPLICATION**  
**Silo City Phase II Site**  
**Buffalo, New York**

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**Silo City Phase II Site**  
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**Previous Environmental Investigations (Provided Electronically on CD)**

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Phase I Environmental Site Assessment, Con Agra, 100/120 Childs Street, Buffalo, New York – URS Corporation, October 28, 2005

Phase I Environmental Site Assessment, 145 Buffalo River, Buffalo, New York – Benchmark Environmental Engineering & Science, PLLC, August 2019

Phase II Environmental Investigation, 145 Buffalo River Site, Buffalo, New York – Benchmark Environmental Engineering & Science, PLLC, October 2019



## 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 Silo City Phase II LLC

ADDRESS 111 NE 1st Street, 8th Floor

CITY/TOWN Miami, Fla

ZIP CODE 33132

PHONE 917-331-0136

FAX

E-MAIL marvin@generationdg.com

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

☒ Yes ☐ No

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

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

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

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

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

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

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



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

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property. To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

| Contaminant Category | Soil | Groundwater | Soil Gas |
|----------------------|------|-------------|----------|
| Petroleum            |      |             |          |
| Chlorinated Solvents |      |             |          |
| Other VOCs           |      | X           |          |
| SVOCs                | X    |             |          |
| Metals               | X    |             |          |
| Pesticides           |      |             |          |
| PCBs                 | X    |             |          |
| Other*               |      |             |          |

\*Please describe: \_\_\_\_\_

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

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

[See Appendix A; Section III](#)[See Figure 7](#)

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\*

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Grain Elevator/Mill

| Section IV. Property Information - See Instructions for Further Guidance  |             |  |         |         |
|---|-------------|--|---------|---------|
| PROPOSED SITE NAME Silo City Phase II Project   |             |  |         |         |
| ADDRESS/LOCATION 145 Buffalo River Road   |             |  |         |         |
| CITY/TOWN Buffalo, NY   |             | ZIP CODE 14203   |         |         |
| MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo   |             |  |         |         |
| COUNTY Erie   |             | SITE SIZE (ACRES) 2.81                                   |         |         |
| LATITUDE (degrees/minutes/seconds)<br>42 ° 51 ' 45.31 "   |             | LONGITUDE (degrees/minutes/seconds)<br>78 ° 51 ' 47.98 " |         |         |
| <b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>   |             |  |         |         |
| Parcel Address  | Section No. | Block No.  | Lot No. | Acreage |
| P/O 145 Buffalo River   | 122.14      | 3  | 3       | 2.81    |
|   |             |  |         |         |
| 1. Do the proposed site boundaries correspond to tax map metes and bounds? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If no, please attach an accurate map of the proposed site.   |             |  |         |         |
| 2. Is the required property map attached to the application? <span style="float: right;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</span><br>(application will not be processed without map) <span style="border: 1px solid red; padding: 2px; color: red; float: right;">See Figures 2, 3, &amp; 4</span>  |             |  |         |         |
| 3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)?<br>(See <a href="#">DEC's website</a> for more information) <span style="float: right;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></span><br><br><div style="text-align: right; margin-right: 50px;"> <span style="border: 1px solid red; padding: 2px; color: red;">See Figure 8</span> If yes, identify census tract : <u>5</u> </div> |             |  |         |         |
| Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%  |             |  |         |         |
| 4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br><br>If yes, identify name of properties (and site numbers if available) in related BCP applications: _____   |             |  |         |         |
| 5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span>  |             |  |         |         |
| 6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If yes, attach relevant supporting documentation.   |             |  |         |         |
| 7. Are there any lands under water? <span style="float: right;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</span><br>If yes, these lands should be clearly delineated on the site map.   |             |  |         |         |

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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

N/A - Vacant

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Appendix A; Section IV

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

☒ Yes ☐ No

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

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

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

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

|  |                           |   |  |
|--|---------------------------|---|--|
| <b>Section V. Additional Requestor Information</b><br><b>See Instructions for Further Guidance</b>   |                           | DEC USE ONLY  |  |
|  |                           | BCP SITE NAME: _____  |  |
|  |                           | BCP SITE #: _____   |  |
| NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Marvin Wilmoth and Anthony Ceroy</b>  |                           |   |  |
| ADDRESS <b>Silo City Phase II LLC c/o Generation Development Group, LLC, 111 NE 1st Street, 8th Floor</b>  |                           |   |  |
| CITY/TOWN <b>Miami, Fla.</b>   |                           | ZIP CODE <b>33132</b>   |  |
| PHONE <b>917-331-0136</b>  | FAX <b>NA</b>             | E-MAIL <b>marvin@generationdg.com</b>                               |  |
| NAME OF REQUESTOR'S CONSULTANT <b>Benchmark Environmental Engineering &amp; Science PLLC, Thomas H. Forbes, P.E.</b>   |                           |   |  |
| ADDRESS <b>2558 Hamburg Turnpike, Suite 300</b>  |                           |   |  |
| CITY/TOWN <b>Buffalo, New York</b>   |                           | ZIP CODE <b>14218</b>   |  |
| PHONE <b>(716) 856-0599</b>  | FAX <b>(716) 856-0583</b> | E-MAIL <b>tforbes@bm-tk.com</b>                                     |  |
| NAME OF REQUESTOR'S ATTORNEY <b>Linda Shaw, Esq.</b>   |                           |   |  |
| ADDRESS <b>Knauf Shaw LLP</b>  |                           |   |  |
| CITY/TOWN <b>1400 Crossroads Building, 2 State Street</b>  |                           | ZIP CODE <b>14614</b>   |  |
| PHONE <b>585-546-8430</b>  | FAX <b>585-546-4324</b>   | E-MAIL <b>lshaw@nyenvlaw.com</b>                                    |  |
| <b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>  |                           | <b>See Appendix B; Section VI</b>                                   |  |
| CURRENT OWNER'S NAME <b>Riversullivan, Inc.</b>  |                           | OWNERSHIP START DATE: <b>10/07/2011</b>                             |  |
| ADDRESS <b>c/o Richard S. Smith, III 658 Ohio Street</b>   |                           |   |  |
| CITY/TOWN <b>Buffalo, NY</b>   |                           | ZIP CODE <b>14302</b>   |  |
| PHONE <b>716-849-0401</b>  | FAX <b>716-849-0401</b>   | E-MAIL <b>ricksmith@rigidized.com</b>                               |  |
| CURRENT OPERATOR'S NAME <b>Same as owner but site not used except for portions used as a venue by art and tour groups</b>  |                           |   |  |
| ADDRESS _____  |                           |   |  |
| CITY/TOWN _____  |                           | ZIP CODE _____  |  |
| PHONE _____  | FAX _____                 | E-MAIL _____  |  |
| <b>PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".</b> |                           |   |  |
| <b>IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.</b>  |                           |   |  |
| <b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>  |                           | <b>See Appendix B; Section VII</b>                                  |  |
| If answering "yes" to any of the following questions, please provide an explanation as an attachment.  |                           |   |  |
| 1. Are any enforcement actions pending against the requestor regarding this site?  |                           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |
| 2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?   |                           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |
| 3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.  |                           | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |  |

## Section VII. Requestor Eligibility Information (continued)

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

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

### ☐ PARTICIPANT

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

### ☒ VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

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

☒ Yes ☐ No

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

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

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

## Section IX. Contact List Information

**See Appendix B; Section IX**

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. **See Figure 11**
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 <span style="border: 1px solid red; padding: 2px;">See Appendix B; Section X</span>   |   |
|---|---|
| <p>1. What is the current municipal zoning designation for the site? <u>D-IL Light Industrial Zone</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input type="checkbox"/> Residential   <input type="checkbox"/> Commercial   <input checked="" type="checkbox"/> Industrial <span style="border: 1px solid red; padding: 2px;">See Appendix B; Section X</span></p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p> |   |
| <p>2. Current Use: <input type="checkbox"/> Residential   <input type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   <input checked="" type="checkbox"/> Vacant   <input type="checkbox"/> Recreational   (check all that apply)</p> <p><b>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.</b></p>  |   |
| <p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   (check all that apply) <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="border: 1px solid red; padding: 2px;">Not Applicable</span>   <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>               |   |
| 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.   | <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.   | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

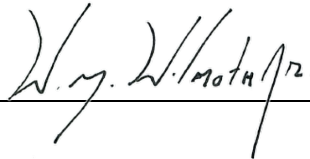


## XI. Statement of Certification and Signatures

I hereby affirm that I am an Authorized Signatory of Silo City Phase II LLC; 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: 03/12/20

Signature: \_\_\_\_\_



Print Name: W. Marvin Wilmoth Jr.

### SUBMITTAL INFORMATION:

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

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

### FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_

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

**BCP App Rev 11**

**Not Applicable**

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

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

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

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

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

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

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

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

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

## BCP Application Summary (for DEC use only)

**Site Name:** Silo City Phase II Project  
**City:** Buffalo, NY

**Site Address:** 145 Buffalo River Road  
**County:** Erie **Zip:** 14203

**Tax Block & Lot**

**Section (if applicable):** 122.14 **Block:** 3 **Lot:** 3

**Requestor Name:** Silo City Phase II LLC  
**City:** Miami, Fla

**Requestor Address:** 111 NE 1st Street, 8th Floor  
**Zip:** 33132 **Email:** marvin@generationdg.com

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

**Name:** Marvin Wilmoth and Anthony Ceroy **Address:** Silo City Phase II LLC c/o Generation Development Group, LLC, 111 NE 1st Street, 8th Floor  
**City:** Miami, Fla. **Zip:** 33132 **Email:** marvin@generationdg.com

**Requestor's Attorney**

**Name:** Linda Shaw, Esq. **Address:** Knauf Shaw LLP  
**City:** 1400 Crossroads Building, 2 State Street **Zip:** 14614 **Email:** lshaw@nyenvlaw.com

**Requestor's Consultant**

**Name:** Benchmark Environmental Engineering & Science PLLC, Thomas H. Forbes, P.E. **Address:** 2558 Hamburg Turnpike, Suite 300  
**City:** Buffalo, New York **Zip:** 14218 **Email:** tforbes@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

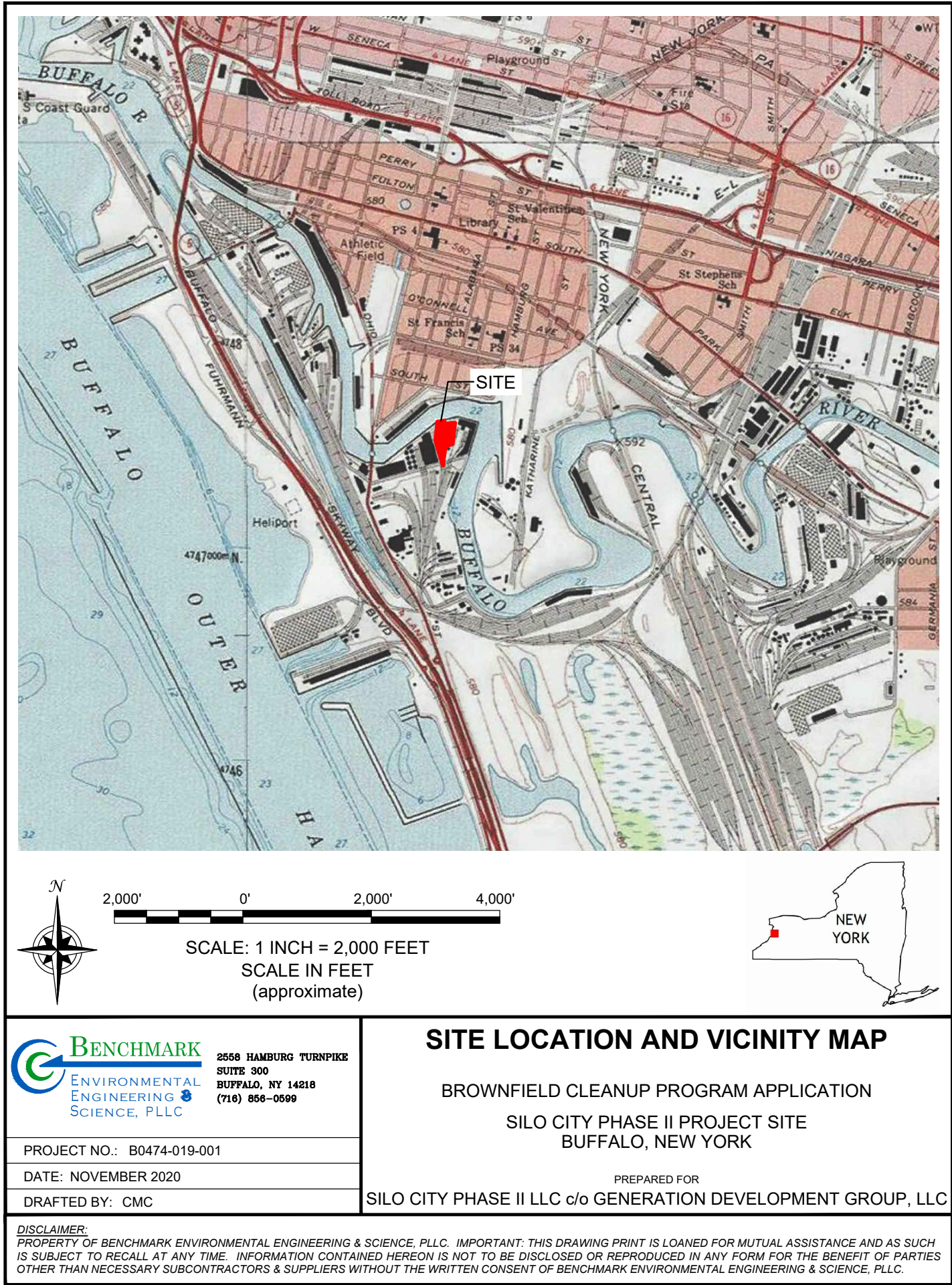
Notes:

## FIGURES

|           |   |
|-----------|---|
| Figure 1  | Site Location and Vicinity Map                    |
| Figure 2  | Site Plan (Aerial)                                |
| Figure 3  | Survey 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  | New York State En-Zone Map                        |
| Figure 9  | Buffalo River Corridor Brownfield Opportunity Map |
| Figure 10 | Zoning Map  |
| Figure 11 | Adjacent Property Owners                          |
| Figure 12 | Soil Map  |

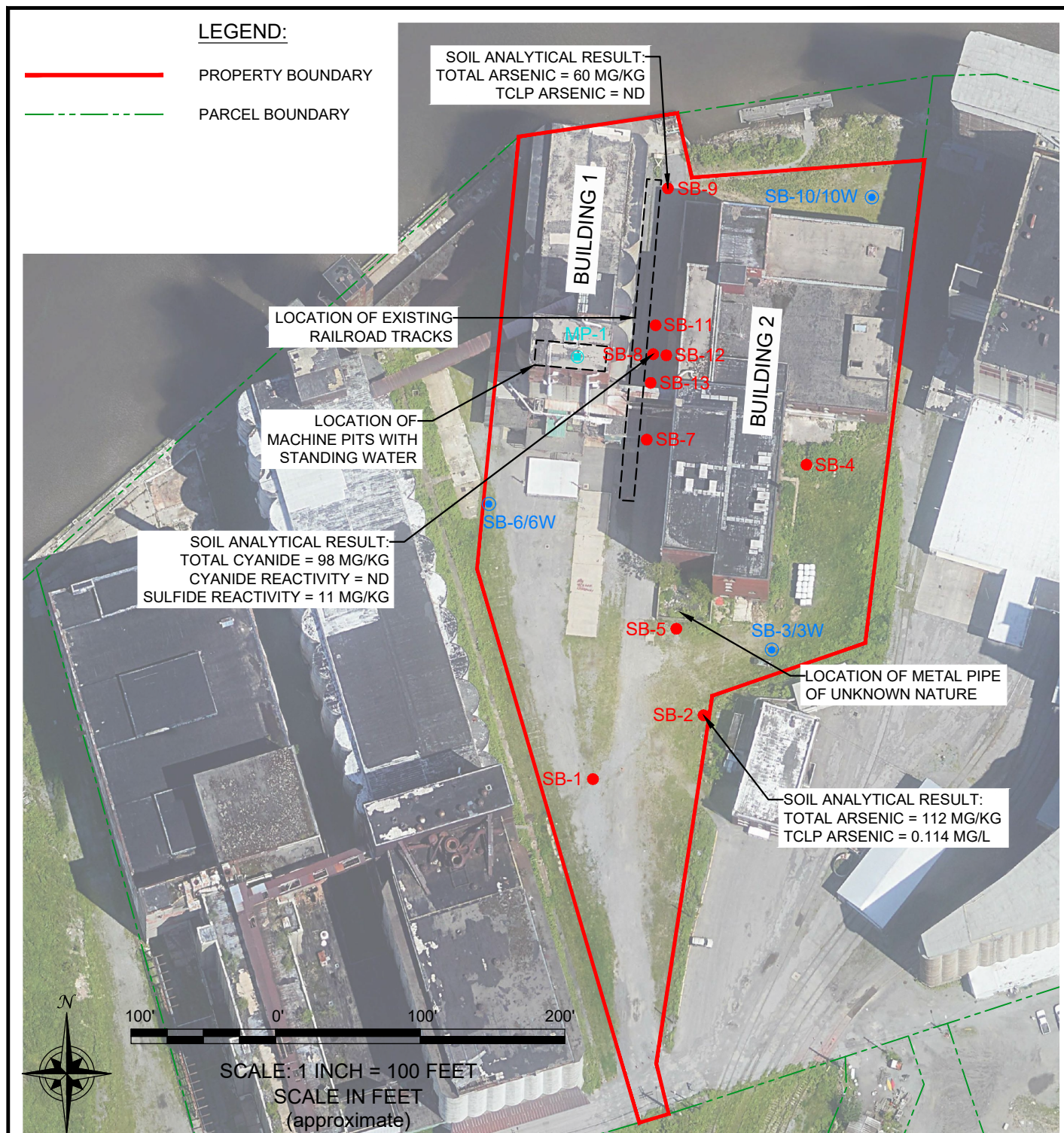


FIGURE 1





**FIGURE 2**



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

PROJECT NO.: B0474-019-001

DATE: FEBRUARY 2021

DRAFTED BY: CMC

## SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR

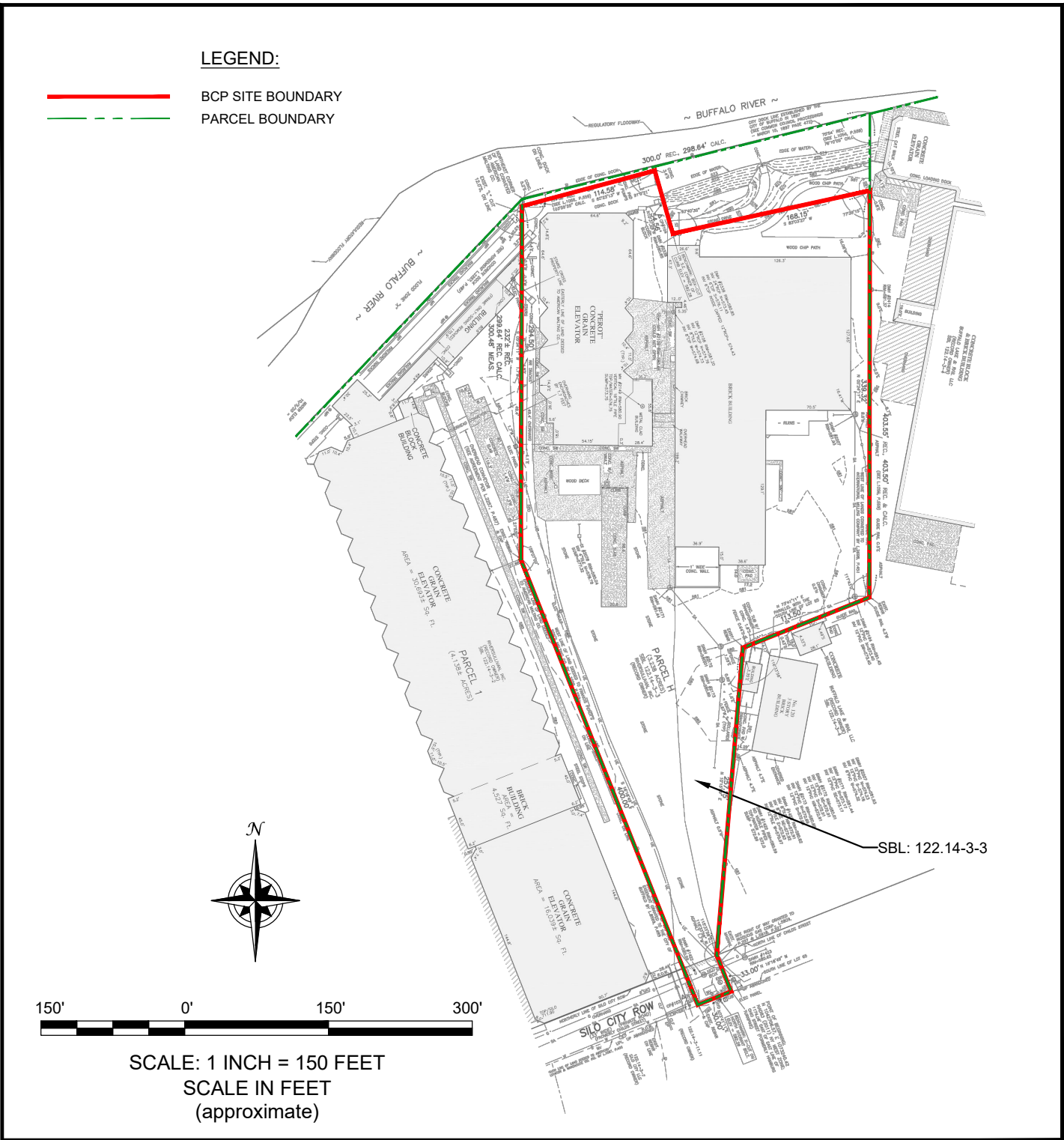
SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC


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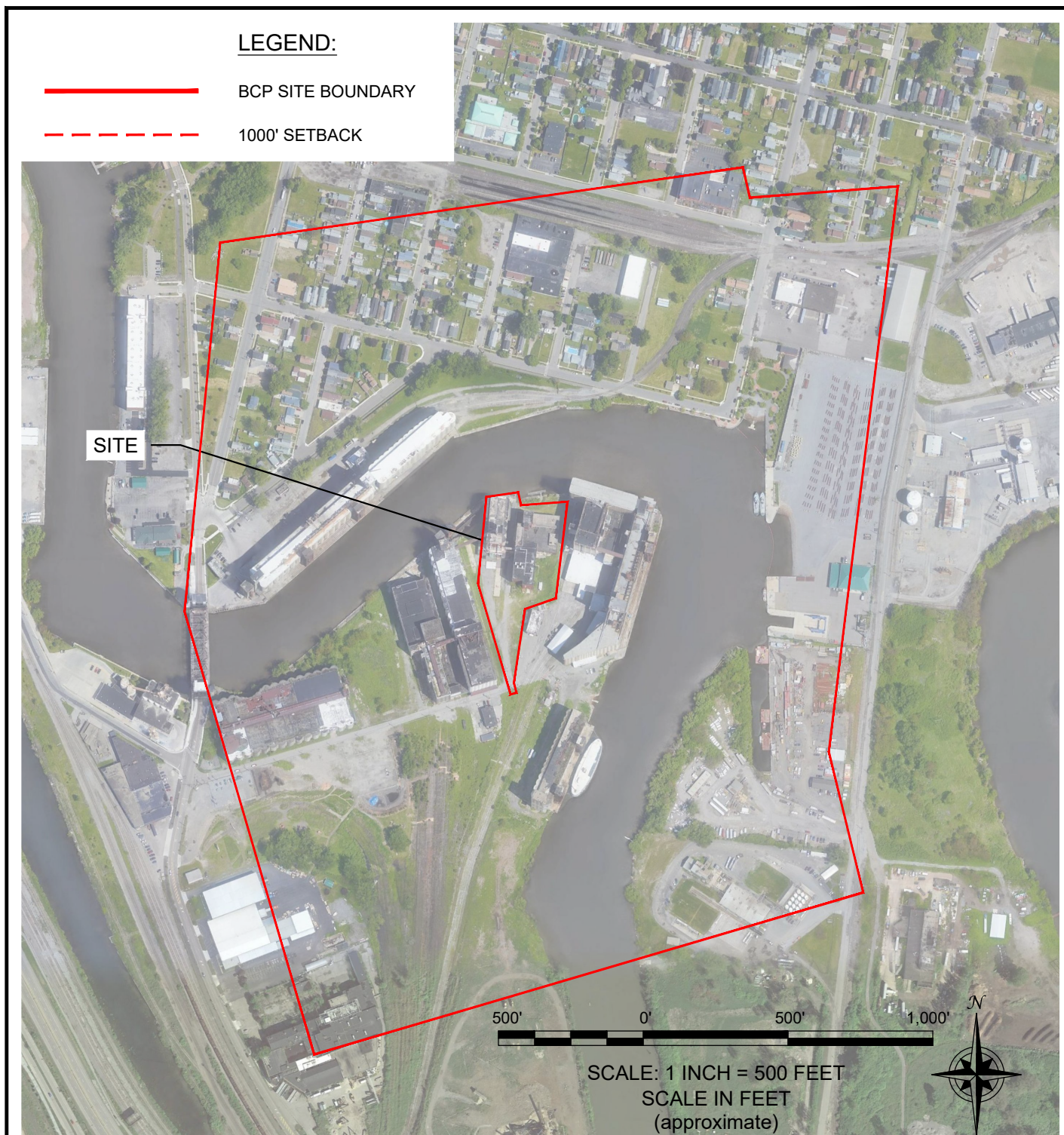
**FIGURE 3**



|   |  |  |
|---|--|--|
|  <p><b>BENCHMARK</b><br/>ENVIRONMENTAL<br/>ENGINEERING &amp;<br/>SCIENCE, PLLC</p> <p>2558 HAMBURG TURNPIKE<br/>SUITE 300<br/>BUFFALO, NY 14218<br/>(716) 856-0599</p> | <p><b>SURVEY MAP</b></p> <p>BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p>145 BUFFALO RIVER<br/>BUFFALO, NEW YORK</p> <p>PREPARED FOR<br/>GENERATION DEVELOPMENT GROUP</p> |  |
|   | PROJECT NO.: B0474-019-001   |  |
|   | DATE: NOVEMBER 2020  |  |
|   | DRAFTED BY: CEH  |  |

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**FIGURE 4**



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

PROJECT NO.: B0474-019-001

DATE: FEBRUARY 2021

DRAFTED BY: CMC

## PROPERTY BASEMAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR

SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC

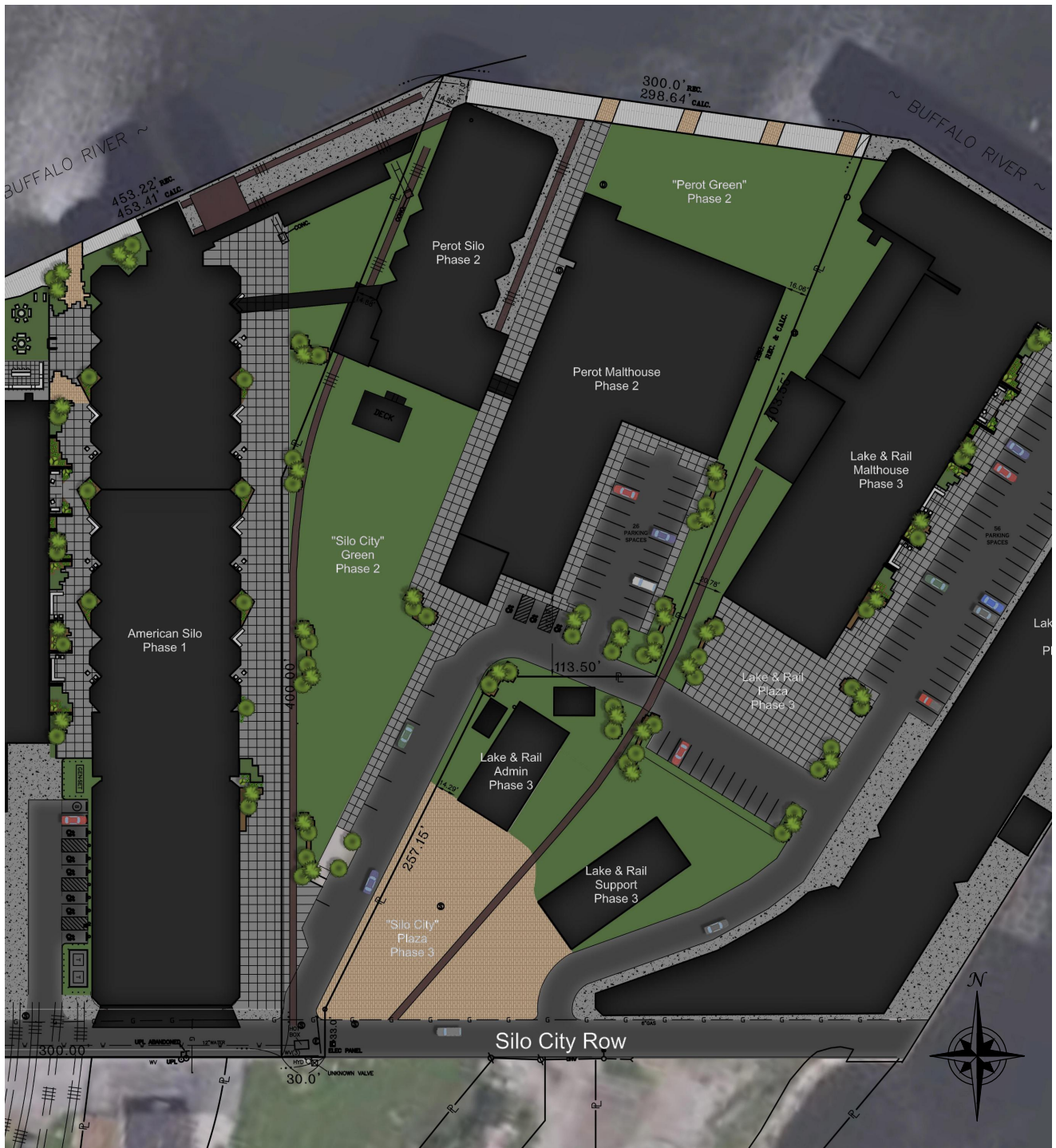
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FIGURE 6



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

## PRELIMINARY PROJECT RENDERING

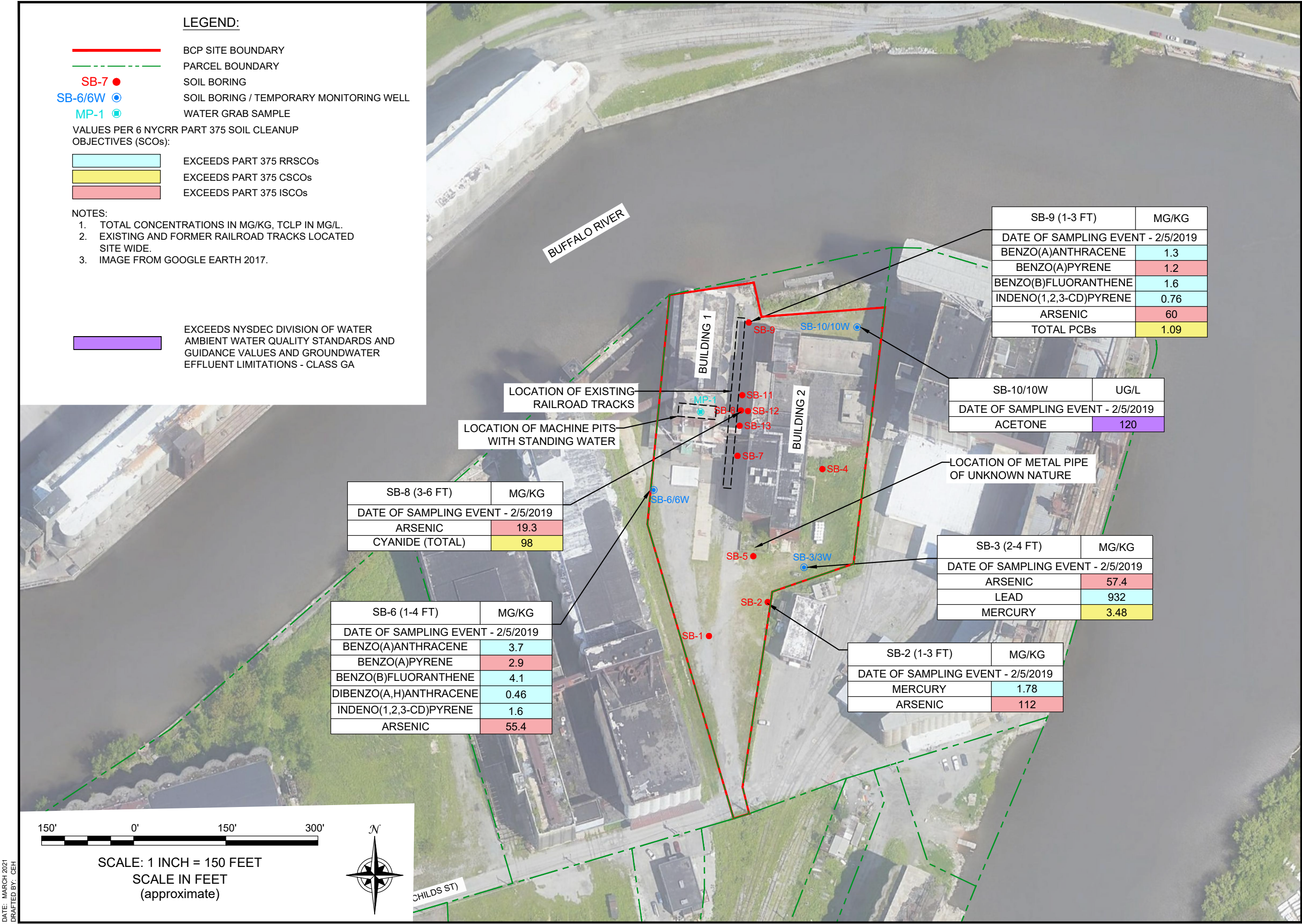
BROWNFIELD CLEANUP PROGRAM APPLICATION  
SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR  
SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC

|                            |
|----------------------------|
| PROJECT NO.: B0474-019-001 |
| DATE: MARCH 2021           |
| DRAFTED BY: CMC            |

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INVESTIGATIONS LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION  
SILO CITY PHASE II SITE  
BUFFALO, NEW YORK

PREPARED FOR

SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC

**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

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

JOB NO.: B0476-018-001

FIGURE 7

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SCALE: 1 INCH = 400 FEET  
SCALE IN FEET  
(approximate)



| Census Tract 5 |                |
|----------------|----------------|
| EnZoneType A   |                |
| FIPS           | 36029000500    |
| County_FIP     | 36029          |
| Geography      | Census Tract 5 |
| County         | Erie County    |
| UnempRate      | 18.4           |
| NYS_UR         | 11.5           |
| Pov_Rate       | 28             |
| CountyPR       | 14.6           |
| CountyRate     | 29.2           |
| Criteria_B     |                |
| Both_AB        |                |
| Criteria_A     | Y              |
| Type           | YA             |

LEGEND:

- BCP SITE BOUNDARY
- TYPE "A"
- TYPE "AB"



NEW YORK STATE ENZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION  
SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR  
SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC



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

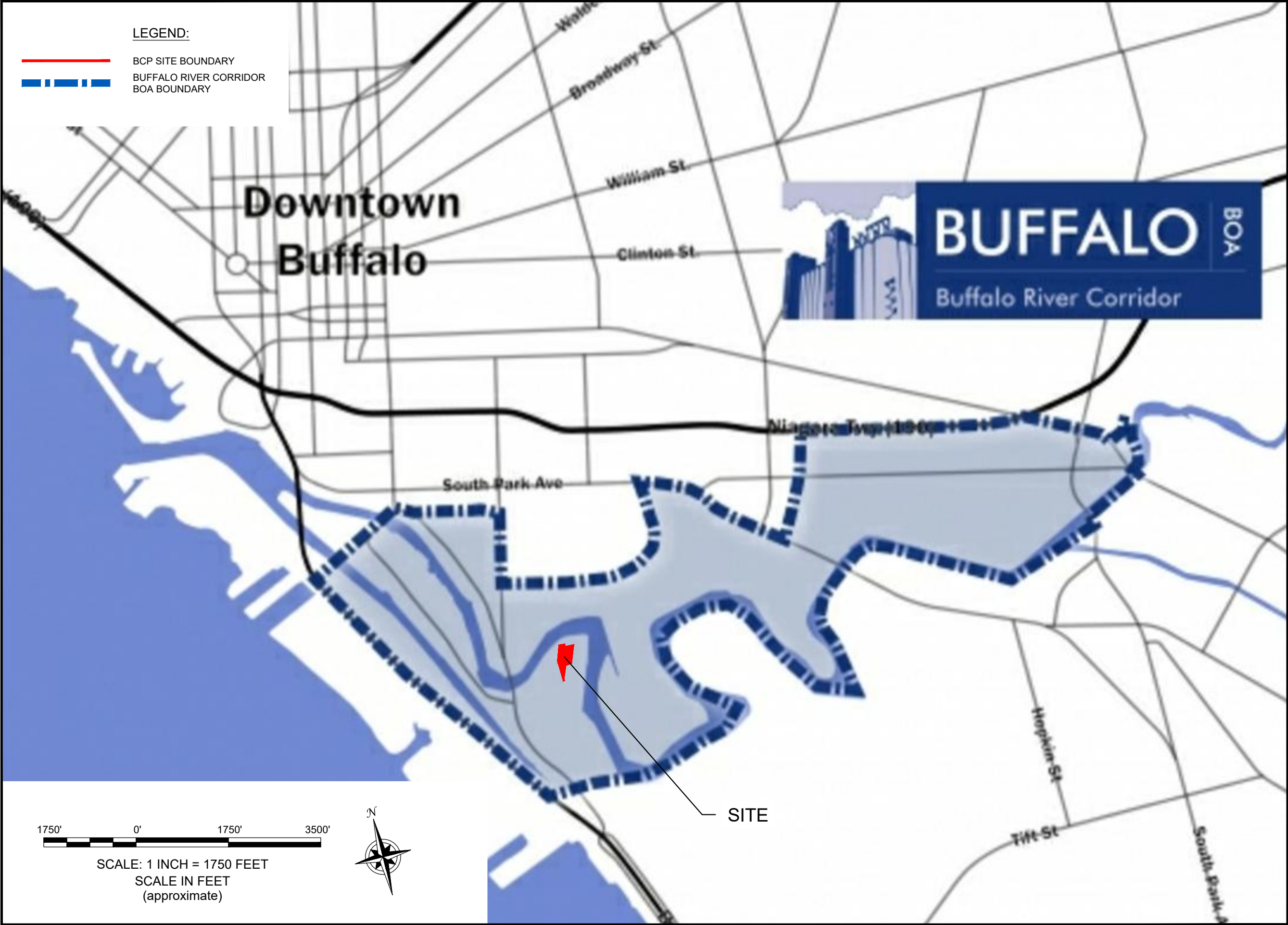
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

JOB NO.: B0474-019-001

FIGURE 8

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**BUFFALO RIVER CORRIDOR  
BROWNFIELD OPPORTUNITY AREA MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR

SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC

JOB NO.: B0474-019-001

**BENCHMARK**  
ENVIRONMENTAL  
ENGINEERING &  
SCIENCE, PLLC

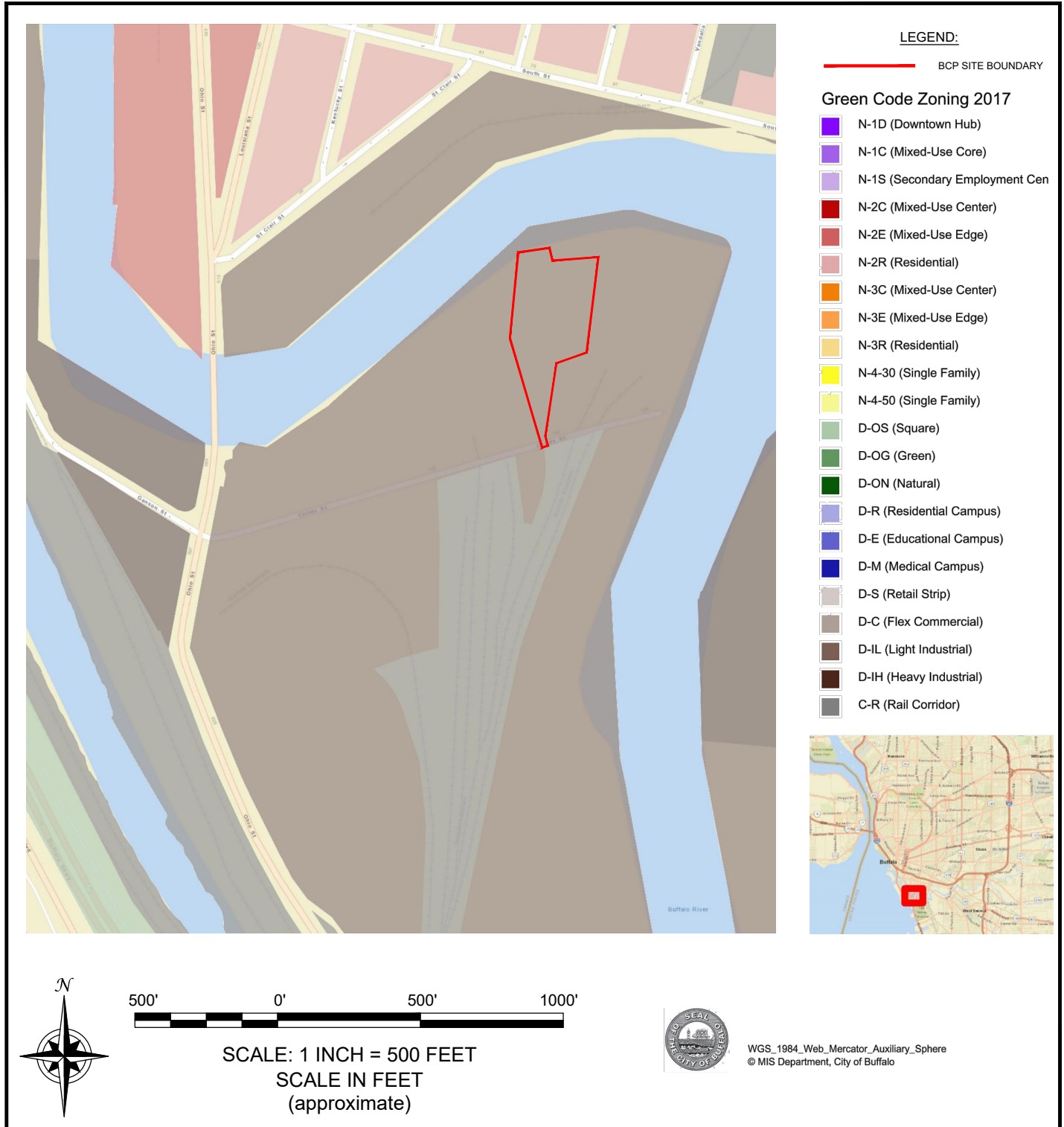
2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0599

**FIGURE 9**

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**FIGURE 10**



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

PROJECT NO.: B0474-019-001

DATE: FEBRUARY 2021

DRAFTED BY: CMC

## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

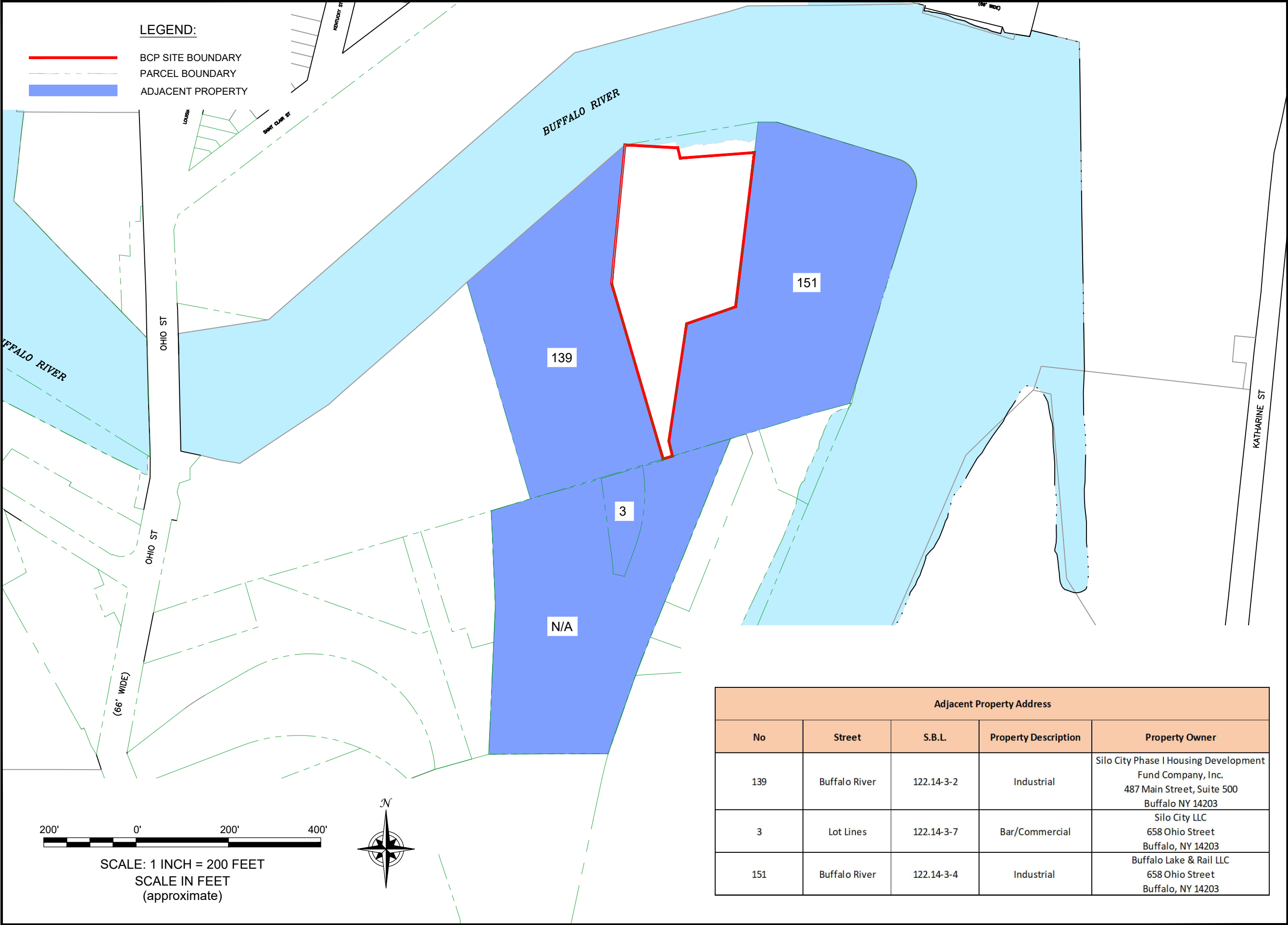
SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR

SILO CITY PHASE II c/o GENERATION DEVELOPMENT GROUP, LLC

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

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION  
SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR  
SILO CITY PHASE II LLC c/o GENERATION DEVELOPMENT GROUP, LLC

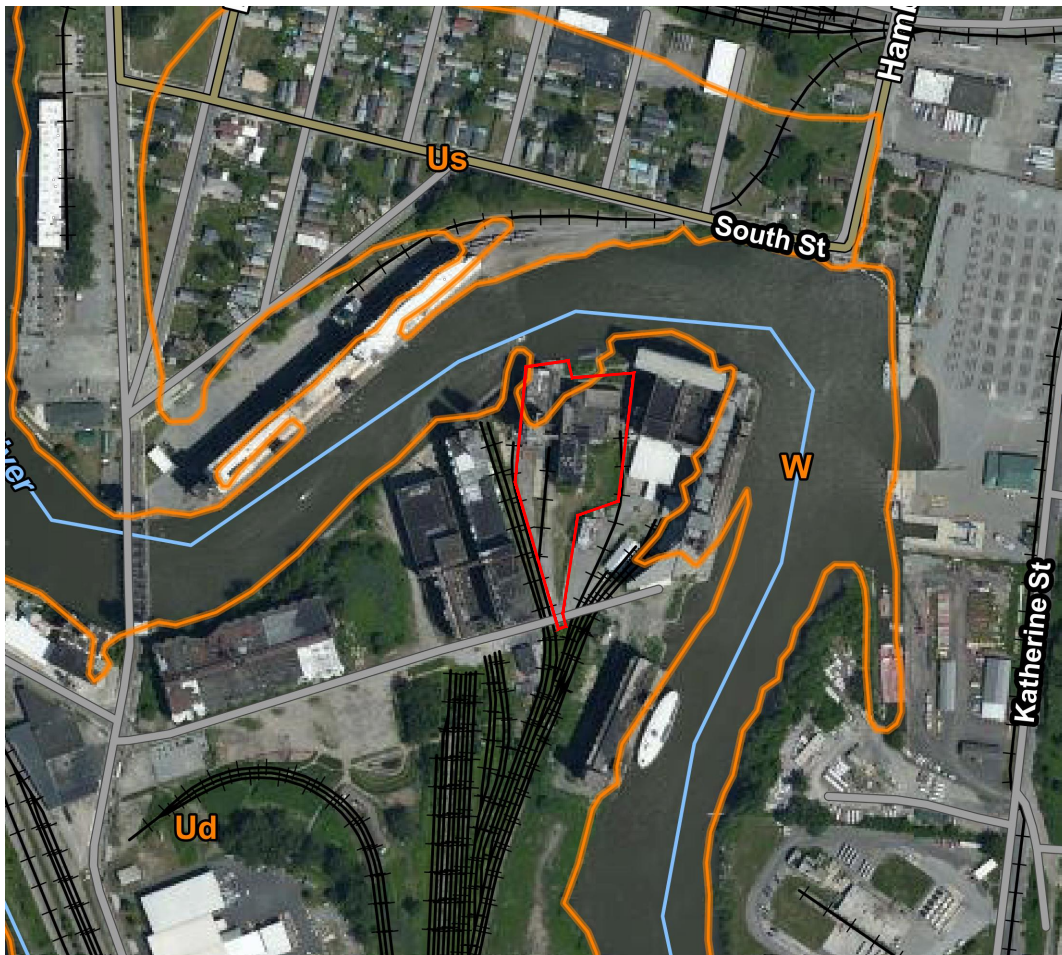
JOB NO.: B0476-019-001

FIGURE 11

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FIGURE 12

Soil Map—Erie County, New York



Natural Resources  
Conservation Service

Web Soil Survey  
National Cooperative Soil Survey

**LEGEND:**

— BCP SITE BOUNDARY

**MAP UNIT SYMBOL**

Ud - URBAN LAND

Us - URBAN LAND - NIAGARA COMPLEX

W - WATER



SCALE: 1 INCH = 500 FEET  
SCALE IN FEET  
(approximate)



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

PROJECT NO.: B0474-019-001

DATE: FEBRUARY 2021

DRAFTED BY: CMC

**SOIL MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION

SILO CITY PHASE II PROJECT SITE  
BUFFALO, NEW YORK

PREPARED FOR

SILO CITY PHASE II c/o GENERATION DEVELOPMENT GROUP, LLC

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# **APPENDIX A**

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

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

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

**SECTION IV – PROPERTY INFORMATION**

**EXHIBIT A1 – SILO CITY PHASE II LLC NYS CORPORATION & BUSINESS  
ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – SITE ACCESS AGREEMENT**

**EXHIBIT A3 – OWNER ORGANIZATIONAL CHART**

**EXHIBIT A4 – SIGNATURE CONSENT**

**EXHIBIT A5 – PLANNING BOARD APPROVAL**

**EXHIBIT A6 - ERIE COUNTY PARCEL DETAIL REPORT**



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Silo City Phase II Site**

**SECTION I – REQUESTOR INFORMATION**

The Requestor, Silo City Phase II LLC c/o Generation Development Group, LLC, a New York State limited liability company, is authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for Silo City Phase II LLC is attached as Exhibit A1.

Silo City Phase II LLC is a contract vendee/purchaser (the property is under sale contract to Silo City Phase II LLC) with authority for full property access; an access letter from the current property owner, Riversullivan, Inc., is attached as Exhibit A2.

The members of Silo City Phase II LLC are described in the Organization Chart in Exhibit A3.

Exhibit A4 is the Signature Consent, which identifies Mr. Marvin Wilmoth Jr. as the authorized person to execute document or agreements necessary under the Brownfield Cleanup Program.

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**

Silo City Phase II LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (BCP) and is submitting this BCP Application for eligibility acceptance into the program.

Silo City Phase II LLC has prepared a Remedial Investigation Work Plan (RIWP) for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI) upon acceptance into the BCP.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Silo City Phase II Site**

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the 2.81-acre Site with the construction of a multi-family affordable housing development. The specific layout is still under assessment; however, the construction will consist of a mixed use, mixed income development that will serve a general demographic across affordable and workforce housing income ranges. Silo City Phase II is a proposed redevelopment of an industrial grain silo complex into a transformative mixed-use, mixed-income, multifamily centric adaptive reuse featuring commercial spaces and amenities targeting creative communities and working artists. The Site Plan has received City of Buffalo Planning Board Approval, as reflected in Exhibit A5. The Site Redevelopment Plan estimates a capital investment of approximately \$42 million.

A preliminary project rendering of the development is included as Figure 6.

The Project will result in the remediation, redevelopment, and reuse of an idle environmentally impacted Site located at 145 Buffalo River in the City of Buffalo, New York.

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

A summary of the previous environmental investigation findings completed for the Silo City Phase II Site (hereinafter, the “Project Site” or the “Site”) are provided below.

**October 2005 – Phase I Environmental Site Assessment (ESA)**

A Phase I ESA, dated October 28, 2005, was completed by URS at Con Agra addressed at 100-120 Childs Street, Buffalo, New York,” for McGrath North; this previous study was completed on a greater 11.6-acre property of which 145 Buffalo River is a part. Recognized environmental conditions (RECs) for the greater property included staining proximate to exterior transformers (apparently on the south/east adjacent property) and additional staining noted proximate to over 1,000-gallons of waste oil stored within the off-

**APPENDIX A**  
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site Miller Milling Building (apparently nearby the Site to the west). Multiple transformers were observed within the Miller Milling Building during URS' site reconnaissance (apparently all such detailed RECs are considered off-site).

URS' site reconnaissance reported that staining was observed in the storage area of the Koch Milling Building (suspected on-Site Building 2) which, at the time of the report, stored five 35-gallon drums, several 5-gallon buckets, and one 55-gallon drum of oil and lubricants with no secondary containment provided. This observation was not list as a REC in the URS Phase I report. [Benchmark did not observe staining or evidence of a release at the time of the August 2019 site reconnaissance, described below.]

August 2019 – Phase I ESA

Benchmark completed a Phase I Environmental Site Assessment of 145 Buffalo River for Generation Development Group and documented the findings in a report dated August 2019. The following provides a summary of historic Site uses identified through Benchmark's review of historic sources including Sanborn maps, city directories, regulatory documents, municipal records and the previous 2005 Phase I by others.

| Approximate Years                   | Reported or Suspected Use  | Owner/Occupant   |
|-------------------------------------|--|--|
| At least 1900 through prior to 1998 | <p>Industrial. Historic operations include flour/grain storage, and warehousing within Building 1 and malting and grain germination processes and warehousing within Building 2. Additional operations historically included shipment and transportation of materials, railroad tracks, and a coal house.</p> <p>Municipal records dated 1941 and 1952 identified one 2,700-gallon fuel oil tank (apparently an aboveground storage tank, AST) located on the first floor, encased in a brick wall and covered with sand on the west side of the malt house of the Perot Malting facility; Benchmark suspects, but could not confirm, that this tank was located on-Site. However, Benchmark observed no visual evidence of a tank on-Site at the time of the site reconnaissance.</p> <p>Additional municipal records presumably associated with the greater property/operation indicate use of a dip tank for washing of machine parts with kerosene in 1941 and the</p> | <p>Past owners/occupants: Riverwright LLC, Conagra Inc., Conagra/Maple Leaf Milling, Peavey Co., Peavey Mills, Peavey Milling Co., F.R. Peavey &amp; Co., Perot Malting Co. Inc., Perot Milling Co., Francis Perot Malting Co., Francis Perot Sons Co., American Malting Co., Genesee Brewery, Russell Miller, Russell Miller Milling Co., Russel Miller Co., and American Elevator.</p> |



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|                          |   |                                   |
|--------------------------|---|-----------------------------------|
|                          | installation of a 550-gallon gasoline underground storage tank (UST) in 1955. Such may have been located off-site; however, due to the lack of information in municipal records, the locations of the dip tank and UST are unknown. |                                   |
| Prior to 1998 to current | Vacant industrial.  | Current owner: Riversullivan Inc. |

Benchmark identified the following RECs:

- The long history of on-Site industrial operations including grain silos/elevators and grain milling/malting with various associated equipment/materials, including electrical equipment and transformers (most of which have been removed), floor drains, sumps/pits (at least one equipment pit currently contains liquid), unknown piping, railroad tracks (spurs remain on-Site) and the reasonably anticipated historic use and storage of hazardous/regulated materials.
- Various regulatory listings were identified for the greater property/operation of which the Site was a part.
- Municipal records associated with the greater property/operation indicate environmental concerns. Specifically, records dated 1941 and 1952 associated with a 2,700-gallon fuel oil tank (apparently an AST) encased in brick and covered with sand were identified for the Perot Malting facility (suspected site) on the west side of the malt house. Additional records associated with a dip tank for washing of machine parts with kerosene in 1941 and installation of a 550-gallon gasoline UST in 1955 were identified; due to the lack of information in municipal records, the locations of the dip tank and UST are unknown and Benchmark is unsure if these records involve the subject Site.
- Apparent fill material from unknown origins was observed during the site reconnaissance.

October 2019 – Phase II Environmental Investigation

In consideration of the RECs detailed above, Benchmark completed a Phase II Environmental Investigation at 145 Buffalo River for Generation Development Group and documented the findings in a report dated October 2019. The work completed by Benchmark included 13 exterior soil borings (SB-1 through SB-13) completed across the Site

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on September 11, 2019 to target depths between 8 fbgs and 12 fbgs. Three soil borings (SB-3/3W, SB-6/6W, and SB-10/10W) were converted into temporary one-inch diameter monitoring wells to allow for collection of groundwater samples. One water grab sample (MP-1) was collected from machine pits located within the southern portion of Building 1 for laboratory analysis of volatile organic compounds (VOCs), as further detailed below.

The following summarizes Benchmark's Phase II findings:

- No olfactory concerns or PID readings above background (0.0 parts per million, ppm) were identified during the work.
- Fill materials were noted at all borings generally to depths ranging between 1.3 fbgs and 6.5 fbgs. Fill materials generally consisted of gravel and/or sand with black granular material mixed with cinders, brick, concrete, coal, and/or ash. In addition, fill materials at certain investigation locations between the buildings (SB-8, SB-11 and SB-13) consisted of sands with blue staining. The source of the staining is unknown; however, in Benchmark's experience, blue staining may be indicative of cyanide-containing materials; therefore, as further detailed below, laboratory analysis was expanded to include cyanide at certain borings where field observations indicated blue stained soil.
- The following provides a summary of soil/fill laboratory analytical results:
  - One individual PAH, benzo(a)pyrene, exceeded its ISCOs in soil/fill at two borings (SB-6/6W and SB-9). Several additional PAHs at SB-6/6W and SB-9 exceed their respective USCOs but not CSCOs. The individual PAH concentrations are elevated but total PAH concentrations generally fall within levels that are typical of an urban environment.
  - PCBs were detected at concentrations above laboratory detection limits in all ten soil/fill samples collected across the Site. The highest PCB concentration of 1.09 milligrams per kilogram (mg/kg) at SB-9 slightly exceeds its respective CSCO (1 mg/kg) but is well below its respective ISCO (25 mg/kg). PCB concentrations at SB-4, SB-6/6W, and SB-10/10W exceed their respective USCO but not their respective CSCO. The remaining PCB concentrations did not exceed their respective USCO.
  - Regarding metals, concentrations exceeding USCOs, CSCOs and/or ISCOs were identified in five of six soil/fill samples from across the Site. Specifically, arsenic was identified at concentrations exceeding its ISCO at

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SB-2 (112 mg/kg), SB-3/3W (57.4 mg/kg), SB-6/6W (55.4 mg/kg), SB-8 (19.3 mg/kg), and SB-9 (60 mg/kg). Mercury was identified at a concentration exceeding its CSCO at SB-3/3W (3.48 mg/kg). Cyanide was detected in both fill samples where blue staining was observed during the fieldwork at SB-6/6W and SB-8; the highest concentration of 98 mg/kg, which exceeds its respective CSCO (27 mg/kg) but is below its ISCO (10,000 mg/kg), was identified at SB-8. The cyanide concentration of 24 mg/kg at SB-6 was below its respective USCO.

- Due to the elevated arsenic concentrations of 112 mg/kg at SB-2 and 60 mg/kg at SB-9, concentrations that are well above the ISCOs and outside of those typically found in urban fill, these fill samples were also analyzed for arsenic by Toxicity Characteristic Leaching Procedure (TCLP). Laboratory analytical results were either non-detect or at concentrations significantly below the Characteristic Hazardous Waste Threshold of 5 milligrams per liter (mg/L) for arsenic at SB-2 (0.114 mg/L) and SB-9 (non-detect).
- Due to the elevated cyanide concentration at SB-8 above its CSCO, this fill sample was further analyzed for cyanide reactivity; based on the laboratory analytical report, cyanide reactivity was not identified at a concentration above the laboratory detection limit; therefore, the fill at SB-8 is not characteristically hazardous for cyanide. The laboratory also ran the SB-8 soil/fill sample for sulfide reactivity, which yielded an estimated concentration of 11 mg/kg. There is no clear regulatory comparison criteria/maximum concentration for a sulfide reactivity concentration that deems a material characteristically hazardous; however, Benchmark consulted a local disposal company, Waste Management, Inc., and they indicated that the sulfide results are within the limits for non-hazardous disposal at their Chaffee Landfill (i.e., a permitted Western New York Sanitary Landfill).
- The following provides a summary of groundwater laboratory analytical results:
  - VOCs in groundwater from three temporary monitoring wells and a machine pit were not detected at concentrations above laboratory detection limits except for acetone, which slightly exceeds its Groundwater Quality Standards (GWQS) of 50 micrograms per liter (ug/L) at SB-10/10W with a concentration of 120 ug/L. Acetone concentrations at the machine pit and the other well locations were below GWQS. Acetone is a common

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laboratory artifact; therefore, the acetone concentrations identified in groundwater are likely not indicative of Site conditions.

Environmental reports are provided as separate PDF files on the enclosed CD.

**SECTION IV – PROPERTY INFORMATION**

**Parcel Description**

The Silo City Phase II Site, subject to this BCP application, consists of a ±2.81-acre portion of a greater 3.23-acre tax parcel legally described as Parcel No. 122.14-3-3 addressed at 145 Buffalo River, Buffalo, Erie County, New York (see Figures 1 and 2). The BCP boundaries exclude the northern portion of the greater parcel, which are within and proximate to the limits of the Buffalo River. A survey map with an updated metes and bounds description will be included in the Environmental Easement to be prepared for the Silo City Phase II Project Site.

The Erie County tax parcel detail report and Real Property Parcel Search for the Silo City Phase II Site are provided for reference in Exhibit A6.

As indicated above, the Volunteer plans to redevelop the 2.81-acre Site with the construction of a multi-family affordable housing development.

**Easements and Permits**

Benchmark 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 Silo City Row. The Site is supplied with municipal sanitary sewer, electric, natural gas, and public potable water. Benchmark is not aware of any other easements or restrictions on the Site.

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Location

The Site is located between Silo City Row and the Buffalo River, in an industrial and commercial area of the City of Buffalo, Erie County, New York. The Site is bordered by the Buffalo River to the north, vacant land and a bar/restaurant (Duende at Silo City) to the south, vacant industrial to the east, and the Silo City Phase I Site (BCP Site No. C915361) to the west (see Figures 2 and 4). Adjacent property owners are identified on Figure 11.

Site Features

The Site is currently developed with two industrial buildings that are currently vacant except for occasional use as a venue by art groups and tour groups. Building 1 is a historic grain silo/elevator and Building 2 is a historic grain processing and warehouse facility. Inactive railroad spurs remain between Buildings 1 and 2. The remainder of the Site currently includes asphalt paved areas, concrete, and green space.

Zoning and Land Use

The Site and adjacent properties are currently located in a D-IL Light Industrial Zone District (see Figure 10). The Site is currently unoccupied except for occasional use as a venue for art and tour groups. The project Site is planned as a mixed-use residential/commercial redevelopment; the requestor has received all local law use approvals to proceed with redevelopment because the Site has a Coastal Overlay Zone.

As indicated above, adjacent properties are currently used as follows:

- north – Buffalo River, commercial/industrial beyond;
- south – vacant land and a bar/restaurant (Duende at Silo City);
- east – vacant industrial; and,
- west – Silo City Phase I Site (BCP Site No. C915361).

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The closest residential area is a neighborhood located approximately 0.1 miles from the Site. The nearest active commercial rail line is located approximately 0.6 miles away from the Site.

Past Use of the Site

From at least 1900 to prior to 1998, historic operations on this parcel included flour milling, malting, processing, and warehousing within Building 1 and malting and grain germination processes and warehousing within Building 2. Building 1 included grain tanks/silos and grain elevators while Building 2 included kilns, germinating house, and a coal house. Additional operations historically included shipment and transportation of materials and railroad tracks.

The Site was occupied by Francis Perot's Son's Malting Co. / Perot Malting Co. from at least 1917 to 1960. Between approximately 1960 and 1986, American Malting Inc. occupied the Site. The Site was subsequently owned/occupied by Fred Koch Malt House (Fred Koch Brewery) (1986-1993), Conagra/Maple Leaf Milling, Inc. (1993 to 2006), and Riverwright LLC (2006 to 2011). The current owner, Riversullivan Inc. has owned the Site since 2011.

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 Buffalo 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 by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

Previous investigations have identified the Site geology as non-native black granular fill material mixed with cinders, brick, concrete, coal and ash at depths ranging between 1.5 feet below ground surface (fbgs) and 6.5 fbgs. Medium grained light brown and white sands with blue staining were noted intermingled with fill materials at certain investigation locations. These fill materials were noted as generally overlying native sandy lean clay and/or fine sands with clay to a depth of at least 12 fbgs.

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The Site is situated over the Onondaga Formation of the Middle Devonian Series. The Onondaga Formation is comprised of a limestone of varying texture, from coarse to very finely crystalline, with a dark gray to tan color and chert and fossils within. The unit has an approximate thickness of 110 to 160 feet. Structurally, the bedrock formations strike in an east-west direction and exhibit a regional dip that approximates 40 feet per mile (0.4 degrees) toward the south and southwest. Bedrock was not encountered during the previous investigations at the Site; however, we note that bedrock ranged between 13 fbgs and 17 fbgs at the west adjacent Silo City Phase I Site thus similar bedrock depths may be present at the Silo City Phase II Site.

Groundwater was encountered during the drilling work at all soil boring investigation locations at depths ranging from 5 fbgs to 8 fbgs. Groundwater flow is likely to the north or east toward the Buffalo River, which is located adjacent to the Site. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

Additional work to investigate groundwater flow direction and quality at the Site will be completed as part of the planned RI activities.

Environmental Assessment Narrative

The Site has an industrial history related to grain malting, germination, storage, and shipment. In addition, railroad tracks and a coal house were located on-Site.

Previous intrusive environmental studies completed across the Site indicate that the Site is underlain by urban fill impacted by polycyclic aromatic hydrocarbons (PAHs) and metals and to a lesser extent PCBs yielding concentrations above 6NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (USCOs), Restricted Residential SCOs (RRSCOs), Commercial Use Soil Cleanup Objectives (CSCOs) and/or Industrial Use Soil Cleanup Objectives



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(ISCOs). The impacts identified at the Site are reasonably attributed to fill materials from unknown origins, historic industrial operations, and railroad tracks. Figure 7 summarizes the environmental impacts identified in the previous investigation.

*Semi Volatile Organic Compounds (SVOCs)*

Laboratory analytical results detected five (5) PAHs at or above their respective Part 375 RRSCO (i.e., the applicable SCOs for the intended Site reuse) at two (2) investigation locations, SB-6/6W and SB-9. A summary of the contaminant and its respective exceedances are listed below:

- Benzo(a)anthracene exceeded its RRSCO (1 mg/kg) at two locations, SB-6/6W (3.7 mg/kg) and SB-9 (1.3 mg/kg).
- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) at two (2) locations, SB-6/6W (2.9 mg/kg) and SB-9 (1.2 mg/kg).
- Benzo(b)fluoranthene exceeded its RRSCO (1 mg/kg) at two locations, SB-6/6W (4.1 mg/kg) and SB-9 (1.6 mg/kg).
- Dibenzo(a,h)anthracene exceeded its RRSCO (0.33 mg/kg) at one location, SB-6/6W (0.46 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at two locations, SB-6/6W (1.6 mg/kg) and SB-9 (0.76 mg/kg).

*Inorganic Analytes*

Metal analytes were detected above their respective RRSCOs, CSCOs, and ISCOs at five (5) locations across the Site at SB-2, SB-3/3W, SB-6/6W, SB-8, and SB-9.

- Lead exceeded its RRSCO (400 mg/kg) at one (1) location, SB-3/3W (932 mg/kg).
- Mercury exceeded its RRSCO (0.81 mg/kg) at one (1) location, SB-2 (1.78 mg/kg) and its CSCO (2.8 mg/kg) at one (1) location, SB-3/3W (3.48 mg/kg).
- Arsenic exceeded its ISCO (16 mg/kg) at five (5) locations, SB-2 (112 mg/kg), SB-3/3W (57.4 mg/kg), SB-6/6W (55.4 mg/kg), SB-8 (19.3 mg/kg), and SB-9 (60 mg/kg).
- Cyanide exceeded its CSCO (27 mg/kg) at one (1) location, SB-8 (98 mg/kg).

We note that due to the elevated arsenic concentrations of 112 mg/kg at SB-2 and 60 mg/kg at SB-9, concentrations that are well above the ISCOs and outside of those typically found in

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urban fill, these fill samples were also analyzed for arsenic by TCLP. Laboratory analytical results were either non-detect or at concentrations significantly below the Characteristic Hazardous Waste Threshold of 5 mg/L for arsenic at SB-2 (0.114 mg/L) and SB-9 (non-detect).

In addition, due to the elevated cyanide concentration at SB-8 above its CSCO, this fill sample was further analyzed for cyanide reactivity; based on the laboratory analytical report, cyanide reactivity was not identified at a concentration above the laboratory detection limit; therefore, the fill at SB-8 is not characteristically hazardous for cyanide. The laboratory also ran the SB-8 soil/fill sample for sulfide reactivity, which yielded an estimated concentration of 11 mg/kg. There is no clear regulatory comparison criteria/maximum concentration for a sulfide reactivity concentration that deems a material characteristically hazardous; however, Benchmark consulted a local disposal company, Waste Management, Inc., and they indicated that the sulfide results are within the limits for non-hazardous disposal at their Chaffee Landfill (i.e., a permitted Western New York Sanitary Landfill).

Total PCBs exceeded its CSCOs in soil/fill samples collected during the Phase II.

- Aroclor 1268 exceeded its CSCO (1 mg/kg) at one (1) location, SB-9 (1.09 mg/kg).

Regarding groundwater, VOCs in groundwater from three temporary monitoring wells and a machine pit were not detected at concentrations above laboratory detection limits except for acetone, which slightly exceeds its GWQS of 50 micrograms per liter (ug/L) at SB-10/10W with a concentration of 120 ug/L. Acetone concentrations at the machine pit and the other well locations were below GWQS.

The Phase II is provided electronically on the enclosed CD.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through March 2, 2021.

---

Selected Entity Name: SILO CITY PHASE II LLC

Selected Entity Status Information

**Current Entity Name:** SILO CITY PHASE II LLC

**DOS ID #:** 5951622

**Initial DOS Filing Date:** MARCH 01, 2021

**County:** ERIE

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

SILO CITY PHASE II LLC

487 MAIN STREET

#500

BUFFALO, NEW YORK, 14203

**Registered Agent**

NONE

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

**\*Stock Information**

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

No Information Available

\*Stock information is applicable to domestic business corporations.

### **Name History**

**Filing Date   Name Type      Entity Name**

MAR 01, 2021   Actual      SILO CITY PHASE II LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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**Silo City Phase II LLC c/o Generation Development Group, LLC  
111 NE 1st Street, 8th Floor  
Miami, Florida 33132**

Riversullivan Inc.  
658 Ohio Street  
(145 Buffalo River)  
Buffalo NY 14203

**Re: Site Access to Perform Brownfield Cleanup Program Work  
Silo City Phase II Project Site**

Dear Richard S. Smith, III:

As you are aware, Silo City Phase II LLC is submitting a Brownfield Cleanup Program ("BCP") Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following properties: 145 Buffalo River Road (Tax Parcel No. 122.14-3-3) (the "BCP Site"). As you know, Riversullivan Inc. owns the aforementioned parcel that makes up the BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

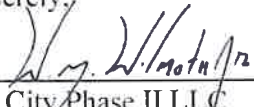
If you agree to sign below, you are granting us what is known as a "temporary license" to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins. If you have any questions, please do not hesitate to call me at 917-331-0136. Otherwise, please sign below so that this work can proceed.

To the extent an environmental easement is required for the BCP Site after the remediation is complete because a Track 1 remediation was unable to be achieved, and in the unusual circumstance that you still own the site, you are also herein giving us permission to place an environmental easement on the BCP Site to give the NYSDEC access to ensure the BCP Site is properly maintained pursuant to all program requirements. This indirectly benefits you since NYSDEC will ensure we are in compliance with all future long-term remediation and site management requirements

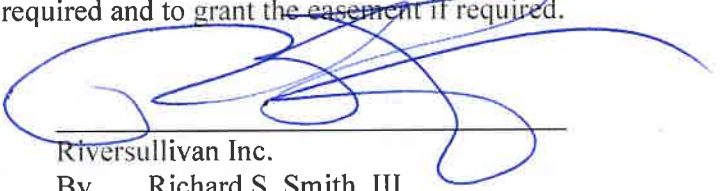


Thank you for your cooperation.

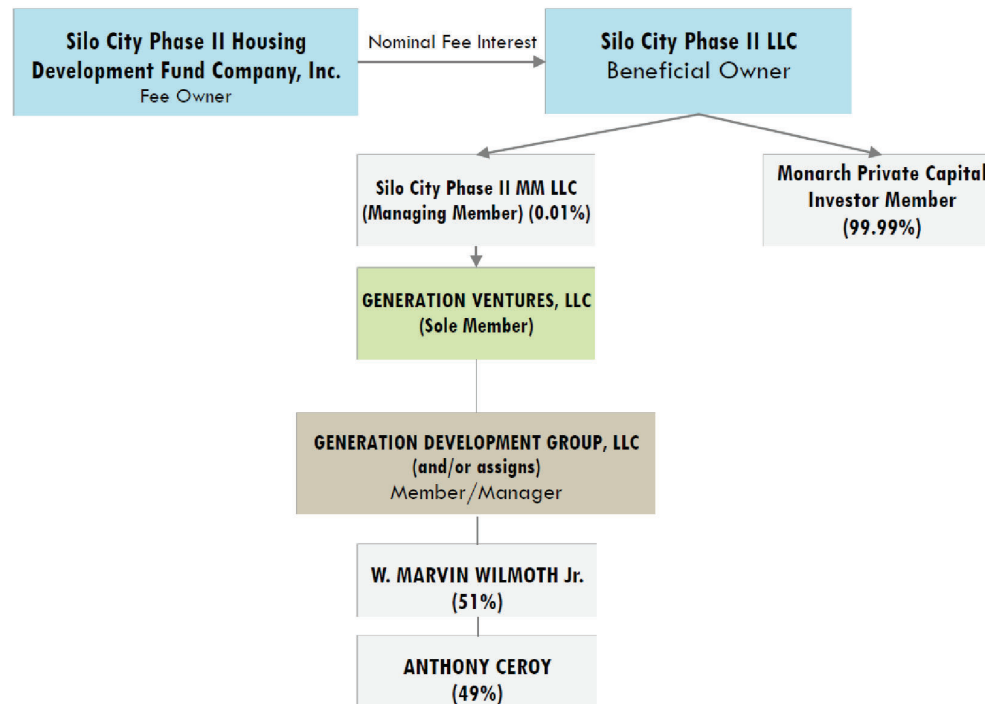
Sincerely,

  
\_\_\_\_\_  
Silo City Phase II LLC  
By W. Marvin Wilmoth Jr.  
Authorized Signatory

As an authorized signatory for Riversullivan, Inc., I am authorized to grant this temporary license and agree to allow Silo City Phase II LLC and its agents to enter my property to perform the BCP Investigation and/or remediation work required and to grant the easement if required.

  
\_\_\_\_\_  
Riversullivan Inc.  
By. Richard S. Smith, III

SILO CITY PHASE II  
ORGANIZATION CHART



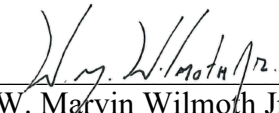
## WRITTEN CONSENT

The undersigned, being a Member of Silo City Phase II LLC does hereby certify as follows:

1. Silo City Phase II LLC is the prospective Brownfield Cleanup Program Volunteer for the Silo City Phase II Site located at the following addresses: 145 Buffalo River Road in the City of Buffalo NY, 14203 (Tax parcel Identification Nos. 122.14-3-3 respectively; hereinafter "Site").

2. The following person, W. Marvin Wilmoth Jr., as the 51% owner and Manager of Generation Development Group, LLC, which is the Manager of Generation Ventures, LLC, which is the Manager of Silo City Phase II MM LLC, which is the Majority and Managing Member of Silo City Phase II LLC, has been authorized to execute any documents required by the New York State Department of Environmental Conservation in the Brownfield Cleanup Program on behalf of Brownfield Site Volunteer Silo City Phase II LLC.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this 8th day of February 2021.

  
\_\_\_\_\_  
W. Marvin Wilmoth Jr., Member  
Manager of Generation Development Group, LLC  
a Managing Member of Generation Ventures, LLC  
a Managing Member of Silo City Phase II MM LLC  
a Majority Member of Silo City Phase II LLC



BYRON W. BROWN  
Mayor

**CITY OF BUFFALO**  
**OFFICE OF STRATEGIC PLANNING**



BRENDAN MEHAFFY, ESQ.  
Executive Director

August 19, 2019

Generation Development Group  
111 NE 1st Street  
Miami, FL 33132-2517

RE: 139 & 145 Buffalo River (SBL No. 122.14-3-2, 122.14-3-3)

To whom it may concern:

After researching the above referenced property, I find it to be located in the D-IL Light Industrial zone, according to the Zoning Map of the City of Buffalo. Its current use as a grain and feed elevator and proposed use as a mixed-use commercial and residential complex are permitted in this zone by the rules and procedures of the Unified Development Ordinance, per an adaptive reuse permit approved on July 23, 2019. There are no zoning violations on this property.

If you require any additional information, please feel free to contact me at (716) 851-9675.

Sincerely,

A handwritten signature in black ink that reads "Chris Hawley". The signature is written in a cursive, flowing style.

Chris Hawley  
Senior Planner

R. Smith III, Adaptive Reuse Permit – 139, 145, 151, 157, 163 Buffalo River Rd & 2 Lot Lines for  
Mixed Use – Commercial, Residential, and Entertainment in D-IL Zone  
(Hrg 07/02)(Sou)

REFERRED TO THE COMMITTEE ON LEGISLATION  
AND THE CITY PLANNING BOARD

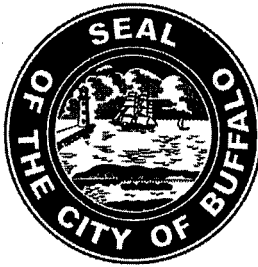


# OFFICE OF THE CITY CLERK

GERALD A. CHWALINSKI  
City Clerk  
Registrar of Vital Statistics

TIANNA M. MARKS  
Deputy City Clerk

MILLY CASTRO  
Deputy City Clerk Vital Statistics  
Deputy Registrar of Vital Statistics



65 NIAGARA SQUARE  
ROOM 1308 CITY HALL  
BUFFALO, NEW YORK 14202  
PHONE: (716) 851-5431  
FAX: (716) 851-4845

## NOTICE OF COMPLETE APPLICATION

THIS IS TO ACKNOWLEDGE THAT I HAVE BEEN INFORMED AS TO THE TIME AND PLACE FOR THE PUBLIC HEARING REGARDING:

139, 145, 151, 157, 163 Buffalo River Rd & 2 Lot Lines  
Adaptive Reuse - Mixed Use Commercial + Residential + Entertainment in  
D-1L Zone

To be held in the Council Chamber, 13<sup>th</sup> Floor, City Hall On:


★ Tuesday, July 2, 2019 At 1:00 pm

★ \*PLANNING BOARD MEETING WILL BE AT 4:00 pm Room 901 ON Mon. July 1, 2019

\*FAILURE TO APPEAR BEFORE THE PLANNING BOARD AND THE COMMON COUNCIL WILL DELAY YOUR PROJECT

Phone number for Planning Board 851-5085

I am also informed that this is the only notice that the petitioner and/or owner will receive, and that if I am not the owner or petitioner, I will inform said owner, petitioner or his/her agent of the above.

Signed  (Agent/Owner)  
Print Name Paul Lang Phone # 716-842-3165  
Date 6-19-19

### ATTENTION

CONTACT THE COUNCILMEMBER IN YOUR DISTRICT South - Scanlon  
IF APPROVED AT THE COMMITTEE MEETING THE ITEM WILL BE REFERRED  
TO THE FULL COUNCIL ON 7/9/19  
IF APPROVED AT THE FULL COUNCIL MEETING THE ITEM WILL GO TO THE MAYOR FOR APPROVAL  
THE MAYOR HAS UNTIL 7/22/19 TO RETURN THE ITEM TO THE CITY CLERK'S OFFICE

**City of Buffalo**

65 Niagara Square  
Buffalo, NY 14202  
(716)851-4949 Fax (716)851-5472

**GC Permit Application****Report Date** 6/19/2019

Page 1 of 2

**A/P #** GC19-9479498**Application Information****Processed** 6/19/2019 1:52:27PM By tpuglisi**Issued** By**Final** By**Type of Work** CONVERT **# Plans** 3 **Declared Valuation** \$150,000,000.00**Priority** **# Pages** 0 **Calculated Valuation** \$0.00**Actual Valuation** \$0.00**Description of Work**

ADAPTIVE REUSE PERMIT REQUIRED / CONVERT EXISTING WAREHOUSE/GRAIN ELEVATORS TO A MIXED USE  
COMMERCIAL AND RESIDENTIAL " 250 " DWELLING UNITS \*\*\* PLANS REQUIRED \*\*\* SILO CITY WITH ADDRESSES  
OF 139, 145, 151, 157, & 163 BUFFALO RIVER AND TWO LOT LINES

**Property Information****Address** 139 BUFFALO RIVER **SBL** 1221400003002000  
BUFFALO, NY 14210**Location****Applicants****Contact ID** 12019198 **Primary** Y **Name** RIVERSULLIVAN INC**Mailing Address** 658 OHIO ST BUFFALO, NY 14203**Day Phone****Contact ID** 11966427 **Primary** N **Name** TO BE BID**Mailing Address** CITY HALL BUFFALO, NY 14202**Day Phone** (585)288-8790**Fees****Status****Paid Date****Amount**

Application Fee

U

\$50.00

**Plan Reviews**

**City of Buffalo**

65 Niagara Square  
Buffalo, NY 14202  
(716)851-4949 Fax (716)851-5472

**GC Permit Application****Report Date** 6/19/2019

Page 2 of 2

|          |   |            |   |      |   |
|----------|---|------------|---|------|---|
| Building | Y | Electrical | Y | Fire | Y |
| Sewer    | Y | HVAC       | Y |      |   |
| Plumbing | Y | Elevator   | N |      |   |

**Prior Approvals**

|            |                |                |
|------------|----------------|----------------|
| Address    | Common Council | Restricted Use |
| Asbestos   | Curb Cut       | S.E.Q.R.A.     |
| Assessment | Encroach       | Thruway        |
| City Wide  | Human Services | Trees          |



## Adaptive Reuse Permit Application to the Common Council

### City of Buffalo, New York

#### Applicant Information

##### Applicant

Identify the person or organization requesting the Adaptive Reuse Permit:

Name Richard S. Smith III Cell Phone 716-849-4799  
Organization Riversullivan, Inc. Business Phone \_\_\_\_\_  
Mailing Address 658 Ohio Street Fax Number 716-849-0401  
City Buffalo State NY Zip 14203 Email ricksmith@rigidized.com

##### Agent

Identify any person or organization representing the applicant in this matter:

Name Marvin Wilmoth Cell Phone 917-331-0136  
Organization Generation Development Group, LLC Business Phone \_\_\_\_\_  
Mailing Address 111 NE 1st Street, 8th Floor Fax Number \_\_\_\_\_  
City Miami State FL Zip 33132 Email marvin@generationdg.com

#### Property Information

Assessed Address: 139, 145, 151, 157, 163 Buffalo River Road & 2 Lot Lines  
Size of Building (square feet): 585,466 sq.ft.  
Zone: D-IL Zone Overlay (if applicable): Coastal Overlay District  
Current Use: Warehouse / Grain & Feed Elevator ( Vacant )  
Historic Designation of Property: American Elevator Complex ( USN 02940.024125 )  
Council District: South



## Adaptive Reuse Permit Application to the Common Council

City of Buffalo, New York

### Adaptive Reuse Request

Current use(s): Warehouse / Grain & Feed Elevators ( Vacant )

Proposed use(s): Mixed-Use Development - Commercial ( Office ), Entertainment, Residential

Justification (attach additional information if necessary):

We are proposing to revitalize this currently under utilized community asset with a mix of uses including residential. To do so we are seeking the addition of residential uses to the Zoning classification presented in the City Zoning Ordinance. In exchange for this addition we will revoke rights to other alternative zoning programming which isn't applicable to this project now or into the future. See attached documentation depicting environment and specifics of our request.

### Project Description

Detail hours of operation: Commercial - 8AM-7PM, Entertainment - 10AM-12<sup>AM</sup>PM, Residential - 24 hrs

List/describe adjacent uses: Light Industrial, Logistics, Recreation, Entertainment

Describe any sound, odor, vibration, light, or other potential disrupting operations of the use and provide hours of the day and days of the week which they would occur:

No public nuisance elements are anticipated as a result of anticipated redevelopment efforts.

Describe whether or not the use will be harmonious with surrounding neighborhood:

Proposed project will be contextually appropriate to surrounding neighborhood both adjacent and walking proximity

Will any permanent features of the building be removed? ☐ Yes ☒ No

If yes, describe: Project intends to utilize Historic Tax Credit financing, and therefore any / all design elements

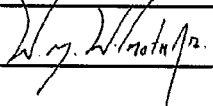
critical to the understanding of the building will be retained and subject to SHPO / NPS review and approval

Attach additional information for this section if necessary.

### Disclosure Affidavit

I maintain that the information provided above is true and accurate to the best of my knowledge:

Property owner or applicant name (print): Marvin Wilmoth Date: 6/17/2019

Property owner or applicant signature: 





**Carmina • Wood • Morris**<sup>DPC</sup>

487 Main Street Suite 600 Buffalo, New York 14203 P: 716.842.3165 F: 716.842.0263 W: cwm-ae.com

June 18, 2019

City of Buffalo Common Council  
City of Buffalo Planning Board  
1308 / 901 City Hall  
Buffalo, New York 14202

Ref: 139, 145, 151, 157 & 163 Buffalo River Road, and 2 Lot Lines  
Buffalo, New York 14203  
Zoning Map Amendment Application

To Whom it May Concern;

Please accept this Adaptive Reuse Permit Application on behalf of our client, Generation Development Group, LLC who represent Rick Smith, owner of the various parcels, commonly referred to as Silo City. We are jointly requesting that the City of Buffalo, through City Planning Board and City Common Council, review and approve our Adaptive Reuse Permit for the following parcels; 139, 145, 151, and 163 Buffalo River Road, as well as 2 Lot Line. Should you find our application complete we would be happy to appear, at their convenience, before City of Buffalo Planning Board and / or City of Buffalo Common Council public hearing, at which time we will present the project and address any Board concerns. All of the aforementioned parcels are identified, per the New York State Cultural Resource Information System ( CRIS ) as National Register listed, or eligible for listing.

Currently classified a D-IL Light Industrial site, the zoning recognizes the lineage of the grain elevators and warehouses that proliferate the parcels. However, it is somewhat limiting, given the accepted principal uses identified in the Unified Development Ordinance, to the potential programming options of the National Registry listed structures, specifically in regards to residential occupancies. Therefore, we are seeking City of Buffalo approval for inclusion of residential as a potential principle use, specifically Dwelling - Multiple Units as defined by the ordinance. In exchange for this addition there are some potential principle uses permitted per the D-IL that we will concede such as Recycling Facility, Storage Yard, Dispatch Facility, Heliport, Helistop, Passenger Terminal, Truck Stop, and Utilities & Services Major as they are not consistent with the future vision for Silo City and would likely conflict with the historic restoration of the structures. Similarly D-IL designation carries the potential for an Electronic Message Center ( EMC ) as a part of the potential site signage which we do not feel would be appropriate given the historic setting or it's adjacency to the Buffalo River.

On the following pages we've included supportive materials such as site plans, existing photographs and aerials of the structures, as well as immediate and contextual maps depicting existing adjacent zoning.

Architecture Engineering Interior Design

We look forward to the City of Buffalo's thoughtful review of our application and request an audience at future meetings to address any comments. If you require any additional materials, please do not hesitate to call our office, 716-842-3165 ext. 118.

Respectfully submitted,

Carmina Wood Morris, DPC

A handwritten signature in black ink, reading "Paul R. Lang". The signature is written in a cursive, flowing style with a large initial "P" and "L".

Paul R. Lang, AIA  
Senior Associate

C: RIVERSULLIVAN, Inc. c/o Rick Smith  
Generation Development, LLC

# Short Environmental Assessment Form

## Part 1 - Project Information

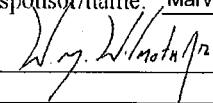
### Instructions for Completing

**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

|   |  |  |  |
|---|--|--|--|
| <b>Part 1 – Project and Sponsor Information</b>   |  |  |  |
| Silo City   |  |  |  |
| Name of Action or Project:<br>139, 145, 151, 157, & 163 Buffalo River & 2 Lot Line  |  |  |  |
| Project Location (describe, and attach a location map):<br>Southern Bank of the Buffalo River, encompassing predominately northern side of Childs St. and portions of southern side   |  |  |  |
| Brief Description of Proposed Action:<br>The reactivation of former warehouses and silos into a vibrant mixed-use community for creatives. The development will include a mix of residential, retail, commercial and community spaces. The design will incorporate features to maximize energy efficiency and minimize water consumption. Green spaces will be incorporated into the site plan for community use.                             |  |  |  |
| Name of Applicant or Sponsor:<br>Generation Development Group, LLC c/o Marvin Wilmoth   |  | Telephone: 917-331-0136<br>E-Mail: marvin@generationdg.com |  |
| Address:<br>111 NE 1st Street, 8th Floor  |  |  |  |
| City/PO:<br>Miami   |  | State:<br>FL   | Zip Code:<br>33132                         |
| 1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?<br>If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.  |  | NO<br><input checked="" type="checkbox"/>                  | YES<br><input type="checkbox"/>            |
| 2. Does the proposed action require a permit, approval or funding from any other government Agency?<br>If Yes, list agency(s) name and permit or approval: New York State Preservation Office, National Park Service  |  | NO<br><input type="checkbox"/>                             | YES<br><input checked="" type="checkbox"/> |
| 3. a. Total acreage of the site of the proposed action?   |  | 13.44 acres  |  |
| b. Total acreage to be physically disturbed?  |  | +/- 7.25 acres   |  |
| c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?  |  | 13.44 acres  |  |
| 4. Check all land uses that occur on, are adjoining or near the proposed action:  |  |  |  |
| 5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)<br><input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):<br><input type="checkbox"/> Parkland |  |  |  |

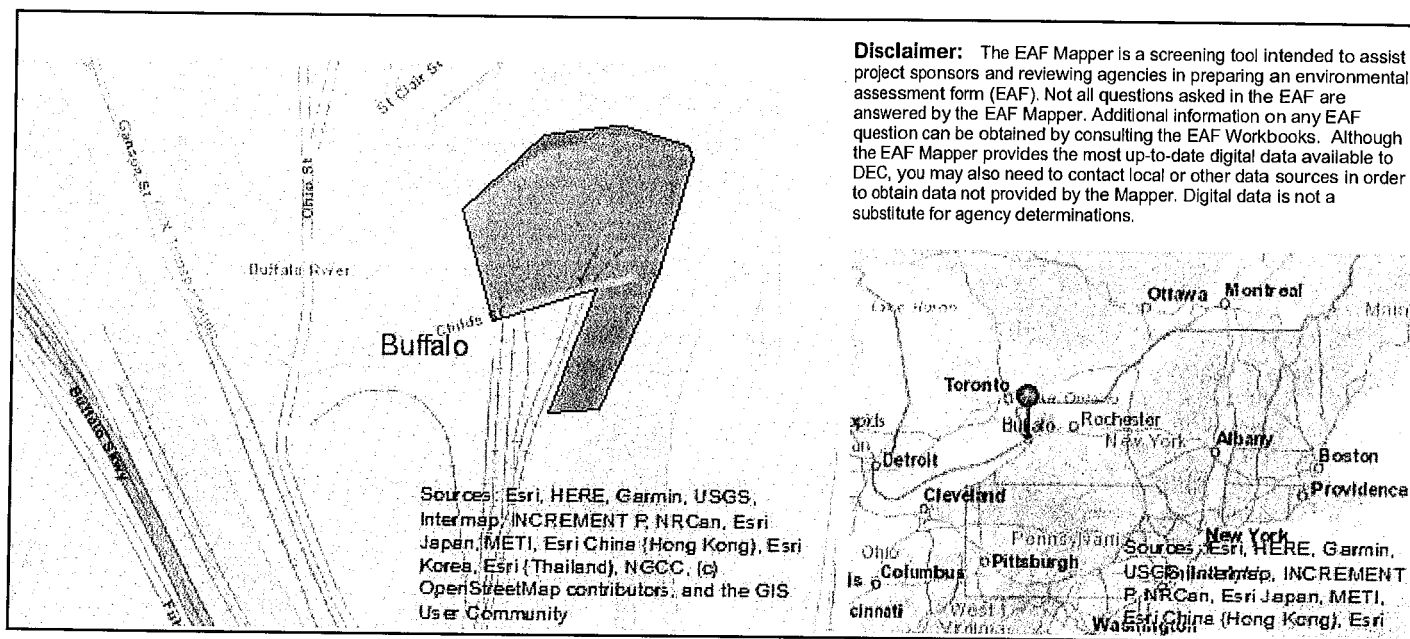
|  |                                     |                                     |                          |
|--|-------------------------------------|-------------------------------------|--------------------------|
| 5. Is the proposed action,   | NO                                  | YES                                 | N/A                      |
| a. A permitted use under the zoning regulations?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Consistent with the adopted comprehensive plan?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?  | NO                                  | YES                                 |                          |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?   | NO                                  | YES                                 |                          |
| If Yes, identify: _____  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| 8. a. Will the proposed action result in a substantial increase in traffic above present levels?   | NO                                  | YES                                 |                          |
| b. Are public transportation services available at or near the site of the proposed action?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 9. Does the proposed action meet or exceed the state energy code requirements?   | NO                                  | YES                                 |                          |
| If the proposed action will exceed requirements, describe design features and technologies:<br>Proposed project will be in compliance with all state energy code requirements.   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 10. Will the proposed action connect to an existing public/private water supply?   | NO                                  | YES                                 |                          |
| If No, describe method for providing potable water: _____  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 11. Will the proposed action connect to existing wastewater utilities?   | NO                                  | YES                                 |                          |
| If No, describe method for providing wastewater treatment: _____   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? | NO                                  | YES                                 |                          |
| b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| 13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?   | NO                                  | YES                                 |                          |
| b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |                          |
| If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |                          |
| The Buffalo River immediately borders the parcels to the north and east. Proposed project does not propose to modify or alter the existing shoreline in any way.   |                                     |                                     |                          |

|  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
| 14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:<br><input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional<br><input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban |                                     |                                     |
| 15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?   | NO                                  | YES                                 |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 16. Is the project site located in the 100-year flood plan?  | NO                                  | YES                                 |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 17. Will the proposed action create storm water discharge, either from point or non-point sources?<br>If Yes,  | NO                                  | YES                                 |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| a. Will storm water discharges flow to adjacent properties?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?<br>If Yes, briefly describe:   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Project site is an existing developed site. Impervious percentage of site is anticipated to be reduced as result of new landscape elements. All run off will be directed to existing conveyance systems  |                                     |                                     |
| 18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?<br>If Yes, explain the purpose and size of the impoundment:  | NO                                  | YES                                 |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?<br>If Yes, describe:  | NO                                  | YES                                 |
|  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?<br>If Yes, describe:  | NO                                  | YES                                 |
|  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| Lead and mercury were identified but not above commercial soil cleanup objectives. Remediation work appears warranted in the SB-8 Arsenic Area due to the elevated total arsenic concentrations identified in that specific area.  |                                     |                                     |
| <b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  |                                     |                                     |
| Applicant/sponsor/name: <u>Marvin Wilmoth</u> Date: <u>6/18/19</u>   |                                     |                                     |
| Signature: <u></u> Title: <u>Managing Principal</u>   |                                     |                                     |

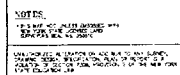


## EAF Mapper Summary Report

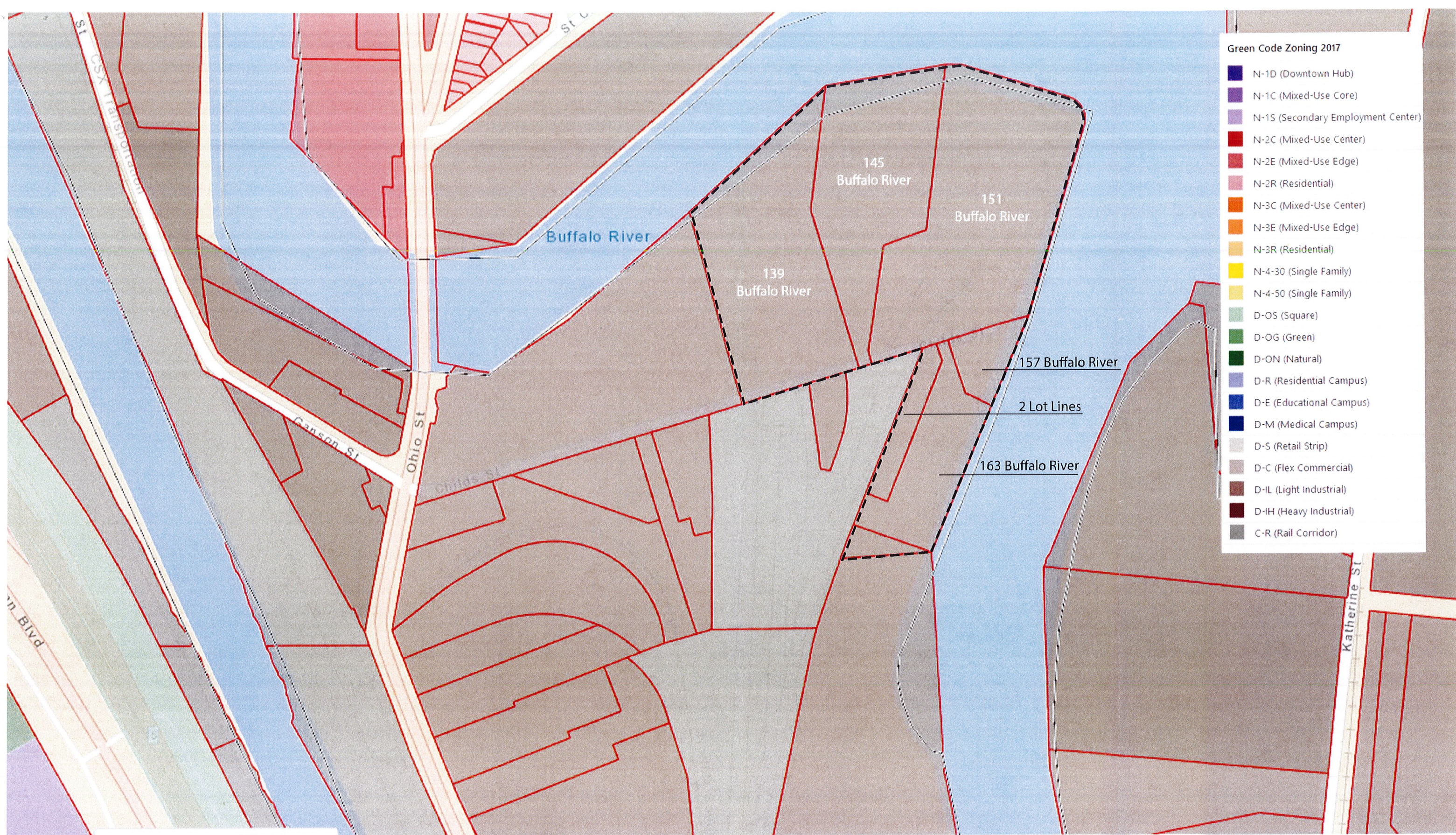
Tuesday, June 18, 2019 10:42 AM



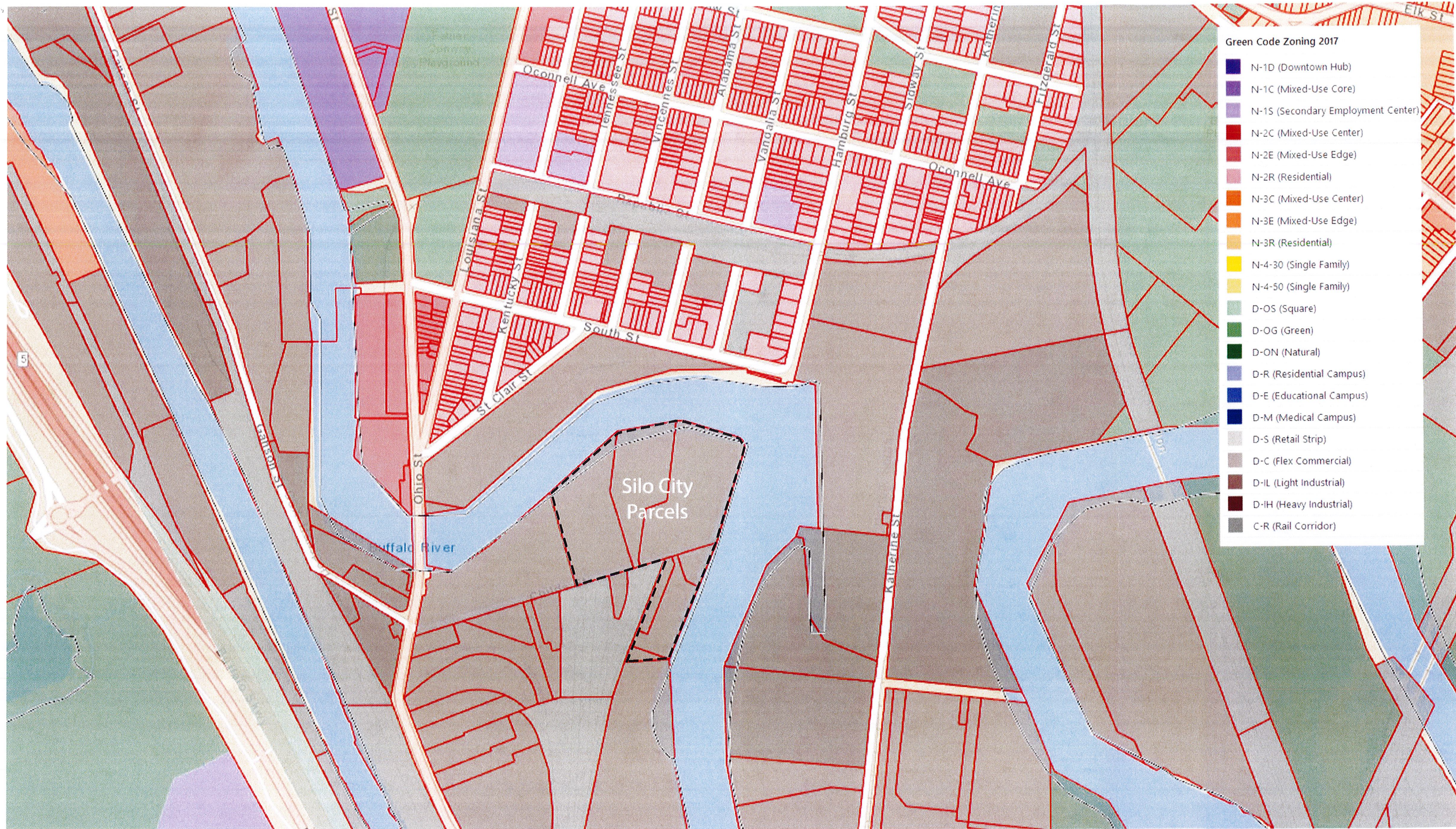
|   |   |
|---|---|
| Part 1 / Question 7 [Critical Environmental Area]   | No  |
| Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites] | Yes   |
| Part 1 / Question 12b [Archeological Sites]   | Yes   |
| Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]                               | Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook. |
| Part 1 / Question 15 [Threatened or Endangered Animal]  | No  |
| Part 1 / Question 16 [100 Year Flood Plain]   | Yes   |
| Part 1 / Question 20 [Remediation Site]   | Yes   |

[illegible]









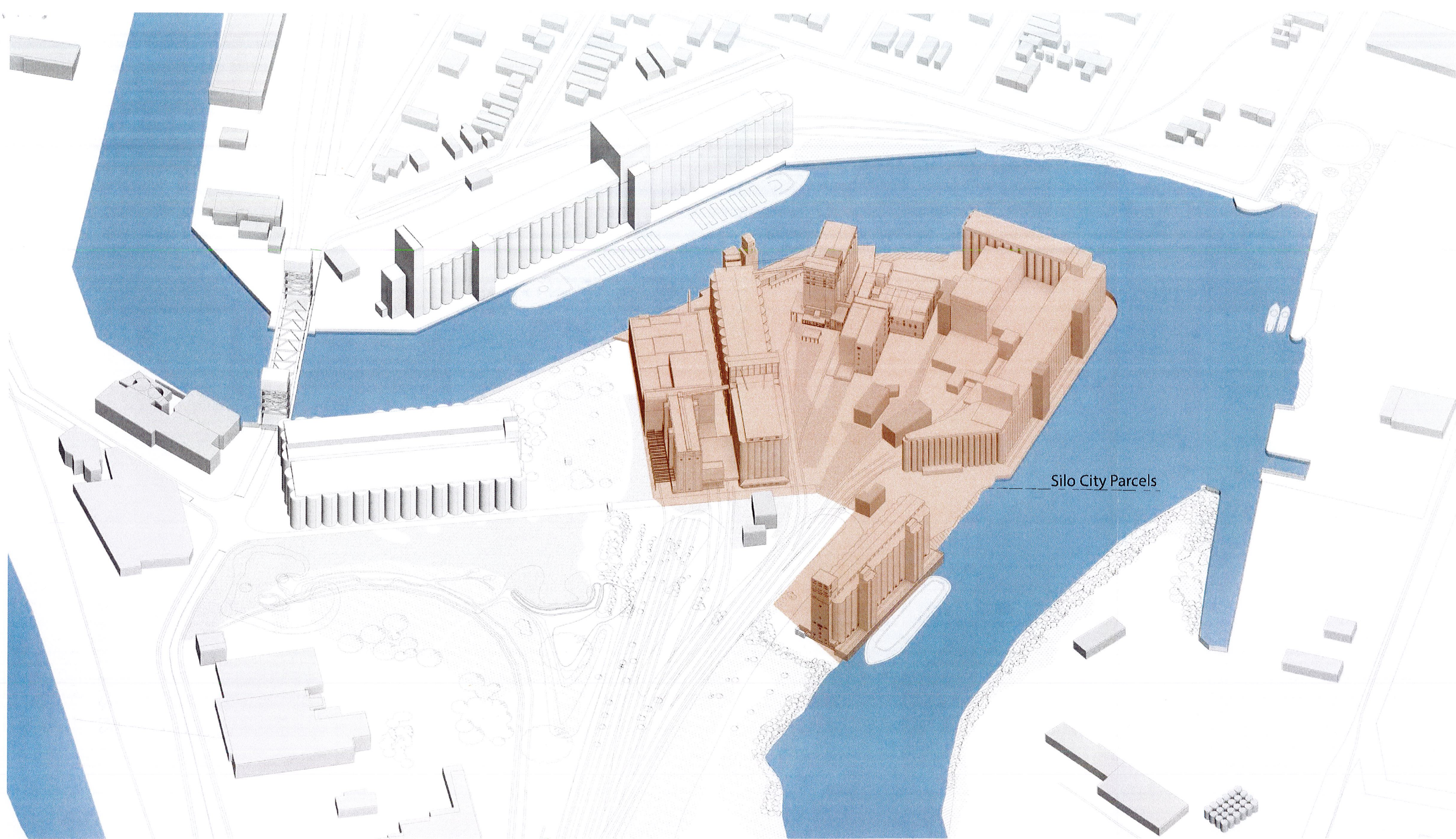
Carmina • Wood • Morris <sup>DPC</sup>



**STUDIO V**  
ARCHITECTURE

**CONTEXTUAL ZONING**  
Adaptive Reuse Permit - Support Documentation  
6.18.2019





Carmina • Wood • Morris<sup>DPC</sup>



**STUDIO V**  
ARCHITECTURE

**EXISTING STRUCTURES MASSING**  
Adaptive Reuse Permit - Support Documentation  
6.18.2019





BYRON W. BROWN  
Mayor

## CITY OF BUFFALO

City Planning Board  
65 Niagara Square, Room 901 City Hall  
Buffalo, NY 14202-3394



BRENDAN MEHAFFY, ESQ.  
Executive Director

December 18, 2019

Paul Lang  
Carmina Wood Morris  
487 Main Street  
Buffalo, NY 14203

RE: 139 Buffalo River

Dear Mr. Lang:

The City of Buffalo Planning Board, at a meeting held December 16, 2019 considered the matter captioned above pursuant to Section 496 of the Buffalo Code for a Major Site Plan.

The Planning Board has determined that the Site Plan meets the criteria for approval contained in Section 496 of the Buffalo Code for the renovation of existing structure for mixed use.

This approval is valid for one-year from the date of approval.

Please note, additional applications, reviews and approvals may be required which include but are not limited to building permits, encroachment permits, and tree work permits, if required these must be submitted separately.

If you should have any further questions regarding the above, please feel free to contact the office at any time at 716-851-4029.

Sincerely,

A handwritten signature in black ink that reads "Nadine Marrero".

Nadine Marrero, AICP  
Director of Planning

Cc: Planning Board File  
City Clerk  
Building Code Review



# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated: **Exhibit A6**

1/15/2021 11:22:46 AM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001221400003003000

**SBL:** 122.14-3-3

**Address:** 145 BUFFALO RIVER

**Owner 1:** RIVERSULLIVAN INC

**Owner 2:**

**Mailing Address:** 658 OHIO ST

**City/Zip:** BUFFALO NY 14203

**Municipality:** City of Buffalo

**Property Class:** 443

**Class Description:** C - Feed sales

**Front:** 300

**Depth:** 632

**Deed Roll:** 1

**Deed Book:** 11209

**Deed Page:** 9662

**Deed Date:**

**Acreage:** 3.23909816

**Total Assessment:** \$27,015

**Land Assessment:** \$10,600

**County Taxes:** \$27,015

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0



## Real Property Parcel Search

If you are having trouble with this interface, please [visit the site directly at https://paytax.erie.gov/webprop/index.asp](https://paytax.erie.gov/webprop/index.asp)

|                          |                   |                        |                     |              |        |
|--------------------------|-------------------|------------------------|---------------------|--------------|--------|
| <b>S-B-L</b>             | 122.14-3-3        | <b>Owner</b>           | RIVERSULLIVAN INC   | <b>SWIS</b>  | 140200 |
| <b>Property Location</b> | 145 BUFFALO RIVER | <b>Mailing Address</b> |                     |              |        |
| <b>Property Class</b>    | 443 FEED SALES    | <b>Line 2</b>          |                     |              |        |
| <b>Assessment</b>        | 27015             | <b>Line 3</b>          |                     |              |        |
| <b>Taxable</b>           | 27015             | <b>Street</b>          | 658 OHIO ST         |              |        |
| <b>Desc</b>              | 1172.47 E OHIO    | <b>City/State</b>      | BUFFALO NY          |              |        |
| <b>Desc</b>              | IRR EL            | <b>Zip</b>             | 14203               |              |        |
| <b>Deed Book</b>         | 11209             | <b>Deed Page</b>       | 9662                |              |        |
| <b>Frontage</b>          | 300               | <b>Depth</b>           | 632                 | <b>Acres</b> | 0      |
| <b>Year Built</b>        |                   | <b>Square Ft</b>       |                     |              |        |
| <b>Beds</b>              |                   | <b>Baths</b>           |                     |              |        |
| <b>FirePlace</b>         |                   | <b>School</b>          | BUFFALO SCHOOL DIST |              |        |

[Owner History](#)[Tax Payment History](#)[Click Here](#)

Owner Name  {Last Name First} or

Property Address   No./ Street

S-B-L

Search All



Submit Query

Clear Form

# **APPENDIX B**

## **BCP APPLICATION PART B – SECTIONS V - XI**

**SECTION V – ADDITIONAL REQUESTOR INFORMATION**

**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**  
**Silo City Phase II Site**

**SECTION V – ADDITIONAL REQUESTOR INFORMATION**

Marvin Wilmoth and Anthony Ceroy are acting as the requestor's authorized representative. Thomas H. Forbes, P.E. from Benchmark Environmental Engineering & Science PLLC is the requestor's consultant and Linda Shaw, Esq. from Knauf Shaw LLP is the requestor's attorney. Contact information for the requestor's representatives, consultant and attorney are provided in Section V of the BCP application form.

**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               |
|---|-----------------------------|-----------------|---|
| 145 Buffalo River                                       |                             |                 |   |
| Current Owner/Operator                                  |                             |                 |   |
| Riversullivan, Inc.<br>658 Ohio Street<br>Buffalo, NY   | Vacant                      | Since 2011      | Current Owner<br>None – No relationship |
| Previous Owners/Operators                               |                             |                 |   |
| Riverwright, LLC  | Vacant                      | 2006-2011       | Former Owner<br>None – No relationship  |
| Conagra/Maple Leaf Milling                              | Flour Mills                 | 1993-2006       | Former Owner<br>None – No relationship  |
| Fred Koch Brewery/Malt House                            | Malt House                  | 1986-1993       | Former Owner<br>None – No relationship  |
| American Malting Inc. /<br>American Malting             | Malt Manufacturing          | 1960-1986       | Former Owner<br>None – No relationship  |
| Francis Perot's Sons Malting Co. /<br>Perot Malting Co. | Flour<br>Mill/Manufacturers | 1917-1960       | Former Owner<br>Non – No relationship   |



**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II Site**

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Applicant, Silo City Phase II LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

PAH, metal, and PCB impacts are present at the Site. The impacts identified at the Site are reasonably attributed to fill materials from unknown origins, historic industrial operations, and railroad tracks.

The Applicant does not currently own the property. The Applicant has no relationship with the previous owners/operators at the Site. Therefore, Silo City Phase II LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

**SECTION IX – CONTACT LIST INFORMATION**

**Site Contact List**

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

*Erie County Contacts:*

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

Erie County Legislator April N.M. Baskin  
District 2  
792 E. Delavan Avenue  
Buffalo, NY 14215

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

Mr. Paul Kranz  
Erie Co. Environment & Plan.  
95 Franklin Street  
Buffalo, NY 14202

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II Site**

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

Christopher P. Scanlon  
Council President Pro Tempore  
South District Councilmember  
65 Niagara Sq, Rm 1401  
Buffalo, NY 14202

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

*Supplier of Potable Water:*

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

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II Site**

*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:*

Carlos Alvarez, Principal  
PS 363 Lewis J. Bennett School of  
Innovative Technology  
2885 Main Street  
Buffalo, NY 14214

Teresa Gerchman, Principal  
Buffalo United Charter School  
325 Manhattan Avenue  
Buffalo, NY 14214

Mark Mattle, Principal  
St. Joseph University School  
3275 Main Street  
Buffalo, NY 14214

Satish K. Tripathi, President  
University at Buffalo  
12 Capen Hall  
Buffalo, NY 14260

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II Site**

David Quackenbush, President  
Charter School for Applied Technologies  
24 Shoshone Street  
Buffalo, NY 14214

Parette Walker, Principal  
PS 61 Arthur O. Eve School of Distinction  
453 Leroy Avenue  
Buffalo, NY 14215

Thomas Vitale, Principal  
PS 42 Occupational Training Center  
2495 Main Street, Suite 100  
Buffalo, NY 14214

Gregory Johnson, Principal  
PS 54 Dr. George E. Blackman School of  
Excellence  
2358 Main Street  
Buffalo, NY 14214

*Document Repository:*

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

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II 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 11).

| Adjacent Property Address |               |                | Property Owner Mailing Address  |
|---------------------------|---------------|----------------|---|
| No.                       | Street        | Property Use   |   |
| 151                       | Buffalo River | Vacant         | Buffalo Lake & Rail LLC<br>658 Ohio Street<br>Buffalo, NY 14203   |
| 3                         | Lot Lines     | Bar/Commercial | Silo City LLC<br>658 Ohio Street<br>Buffalo, NY 14203   |
| 139                       | Buffalo River | Vacant         | Silo City Phase I Housing<br>Development Fund Company,<br>Inc.<br>487 Main Street, Suite 500<br>Buffalo, NY 14203 |

Document Repository

The Buffalo and Erie County Library (Central 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 Site and adjacent properties are currently located in a D-IL Light Industrial Zone District (see Figure 10). However, the project Site is planned as a mixed-use residential/commercial redevelopment; the requestor has received all local law use approvals to proceed with such redevelopment because the Site has a Coastal Overlay Zone.



**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Silo City Phase II Site**

2 – Current Use

The Site currently has two buildings with the remainder of the Site covered with vegetation, asphalt, or concrete. The Site is vacant (since approximately 1998) except for occasional use as a venue for art and tour groups.

The previous investigations have identified PAH, metal, and PCB contamination on-Site that will require remediation.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the 2.81-acre Site with the construction of a multi-family affordable housing development. The specific layout is still under assessment; however, the construction will consist of a mixed use, mixed income development that will serve a general demographic across affordable and workforce housing income ranges. Silo City Phase II is a proposed redevelopment of an industrial grain silo complex into a transformative mixed-use, mixed-income, multifamily centric adaptive reuse featuring commercial spaces and amenities targeting creative communities and working artists. The residential development will not be single-family housing. A preliminary project rendering of the development is included as Figure 6.

The planned redevelopment (mix-use commercial/residential) does not align with the historic industrial use of the area but is consistent with recent development patterns within the City of Buffalo. Historically, the Site and surrounding areas have included commercial, and/or industrial (former Perot Malting Co. Operations and American Malting Inc.) use. Historically, this area was densely populated and a thriving thoroughfare in the City of the Buffalo. The current zoning for the Site is D-IL, which is light industrial (low-impact and moderate-impact employment uses, typically located adjacent to highway, rail, and water access points). Surrounding properties are zoned C-R (rail corridor) as well as D-IL (light industrial) to the east and west. The City of Buffalo Planning Board has approved the Site Plan (see Exhibit A5). The proposed redevelopment supports recent development patterns and current land use requirement.

January 18, 2021

Exhibit B1

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

Re: Document Repository for Brownfield Cleanup Program  
Silo City Phase II 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 – Central Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,  
Benchmark Environmental Engineering & Science, PLLC



Charlotte Clark  
EIT

File: B0474-019-001

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

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

## Charlotte M. Clark

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**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Wednesday, January 20, 2021 8:54 AM  
**To:** Charlotte M. Clark  
**Subject:** RE: Silo City Phase II - Document Repository Submittal  
**Attachments:** Silo City Phase II Document Repository Request.pdf

Good morning Charlotte,

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 **Silo City Phase II Site**. These documents will be made available for public viewing at the **Central Library** and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

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

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

- Documents are made available within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together spiral bound or in a ring binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

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

Regards,  
April

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

---

**From:** Charlotte M. Clark <cclark@bm-tk.com>  
**Sent:** Monday, January 18, 2021 9:49 AM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Cc:** Bryan W. Mayback <bmayback@bm-tk.com>  
**Subject:** Silo City Phase II - Document Repository Submittal

Good Morning April,

Contacting in regards to the Silo City Phase II Site, attached is the letter of transmittal requesting that the Buffalo and Erie County Library act as the document repository for the Silo City Phase II Site. Please respond at your earliest convenience as we hope to send the report out today. Let me know if you have any questions.

Regards,  
**Charlotte Clark**  
*Environmental Engineer*  
[CClark@bm-tk.com](mailto:CClark@bm-tk.com)

**Benchmark Environmental Engineering & Science, PLLC**  
[www.benchmarkturnkey.com](http://www.benchmarkturnkey.com)  
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218  
Phone: (716) 856-0599, Mobile: (716) 220-1201

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