

# Brownfield Cleanup Program Application

Michigan-Best Development  
Buffalo, New York

March 2021

T0569-021-001

Prepared For:

Michigan & Best LLC



Prepared By:



In Association With:



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**BROWNFIELD CLEANUP PROGRAM APPLICATION**  
**Michigan-Best Development**  
**Buffalo, New York**

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**Previous Environmental Investigations (Provided Electronically on CD)**

Phase I Environmental Site Assessment (ESA), 8 Parcels Located at 160-168 Best Street, 1145-1157 Michigan Avenue, and 81 Edna Place – TurnKey Environmental Restoration, LLC, February 25, 2016

Phase II Environmental Investigation Report, Parcels Located at 160-168 Best Street, 1145 Michigan Avenue, and 81 Edna Place, Buffalo, New York – TurnKey Environmental Restoration, LLC, February 2021



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: \_\_\_\_\_

### PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 11*

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME Michigan & Best LLC

ADDRESS 50 Lakefront Boulevard, Suite 103

CITY/TOWN Buffalo

ZIP CODE 14202

PHONE 716-217-9105

FAX

E-MAIL fdagher@cedarlanddev.com

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

☒ Yes ☐ No

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

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

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

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

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

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

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

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

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

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

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

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

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

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

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

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

Other: residential and commercial structures with garages

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Michigan-Best Development				
ADDRESS/LOCATION 160, 162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place				
CITY/TOWN Buffalo		ZIP CODE 14209		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie County		SITE SIZE (ACRES) 0.74		
LATITUDE (degrees/minutes/seconds) 42 ° 54 ' 15.55 "		LONGITUDE (degrees/minutes/seconds) -78 ° 51 ' 43.75 "		
<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
See Appendix A; Section IV				
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site. See Appendix A; Section IV				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">If yes, identify census tract : 168</div> <div style="margin-top: 10px;">             Percentage of property in En-zone (check one):              <input type="checkbox"/> 0-49%              <input type="checkbox"/> 50-99%              <input checked="" type="checkbox"/> 100%           </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				

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

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

Easement/Right-of-way Holder

Description

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

Type

Issuing Agency

Description

None/Unknown

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

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

☒ Yes ☐ No

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

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

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

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY	
BCP SITE NAME: _____		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Michigan & Best LLC - Dr. Fadi Dagher, President			
ADDRESS 50 Lakefront Boulevard, Suite 103			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-217-9105	FAX	E-MAIL fdagher@cedarlanddev.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-8560583	E-MAIL cboron@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Steven Ricca, Esq.			
ADDRESS 200 Delaware Avenue, Suite 900			
CITY/TOWN Buffalo		ZIP CODE 14202	
PHONE 716-416-7000	FAX	E-MAIL sricca@bsk.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b> See Appendix B; Section VI			
CURRENT OWNER'S NAME Multiple Owner/Operators, See Appendix B; Section VI OWNERSHIP START DATE:			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b> See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## Section VII. Requestor Eligibility Information (continued)

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

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

### ☐ PARTICIPANT

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

### ☒ VOLUNTEER

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

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

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

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

[See Appendix B; Section VI and VII](#)

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☒ Other Related entity owns 3 of 7 parcels

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

[See Appendix B; Exhibit B1](#)

**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
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

[See Appendix B; Section XI](#)

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

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

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

1. What is the current municipal zoning designation for the site? N-2R (Residential)  
What uses are allowed by the current zoning? (Check boxes, below) **(Primarily Residential, mixed-use buildings allowed on corner lots)**  
☒ Residential ☒ Commercial ☐ Industrial  
If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☒ Residential ☐ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)  
**Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.**

3. Reasonably anticipated use Post Remediation: ☒ Residential ☐ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**  
If residential, does it qualify as single family housing? ☐ Yes ☒ No

4. Do current historical and/or recent development patterns support the proposed use? ☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary. ☒ Yes ☐ No

See Appendix B, Section X

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary. ☒ Yes ☐ No

See Appendix B, Section X

## XI. Statement of Certification and Signatures

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

Date: 3/19/21

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

Print Name: Dr. Fadi Dagher

### SUBMITTAL INFORMATION:

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

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

**FOR DEC USE ONLY**

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

LEAD OFFICE: \_\_\_\_\_

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

**BCP App Rev 11**

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

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

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

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

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

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

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

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

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

## BCP Application Summary (for DEC use only)

**Site Name:** Michigan-Best Development

**City:** Buffalo

**Site Address:** 160, 162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place

**County:** Erie County

**Zip:** 14209

**Tax Block & Lot**

**Section (if applicable):**

**Block:**

**Lot:**

**Requestor Name:** Michigan & Best LLC

**City:** Buffalo

**Requestor Address:** 50 Lakefront Boulevard, Suite 103

**Zip:** 14202

**Email:** fdagher@cedarlanddev.com

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

**Name:** Michigan & Best LLC - Dr. Fadi Dagher, President

**City:** Buffalo

**Address:** 50 Lakefront Boulevard, Suite 103

**Zip:** 14202

**Email:** fdagher@cedarlanddev.com

**Requestor's Attorney**

**Name:** Steven Ricca, Esq.

**City:** Buffalo

**Address:** 200 Delaware Avenue, Suite 900

**Zip:** 14202

**Email:** sricca@bsk.com

**Requestor's Consultant**

**Name:** Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G.

**City:** Buffalo

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

**Zip:** 14218

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

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

**DER Determination:** ☐ Agree ☐ Disagree

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

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

Notes:

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

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

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

Notes:

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

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

Notes:

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

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

Notes:

## FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7	Investigation Locations & Areas of Concern
Figure 8	En-Zone Map
Figure 9	Adjacent Property Owners
Figure 10	Zoning Map
Figure 11	USDA Soil Type Map

**FIGURE 1**



SCALE: 1 INCH = 2,000 FEET  
SCALE IN FEET  
(approximate)



QUADRANGLE LOCATION

## SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION  
MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK  
PREPARED FOR  
MICHIGAN & BEST LLC



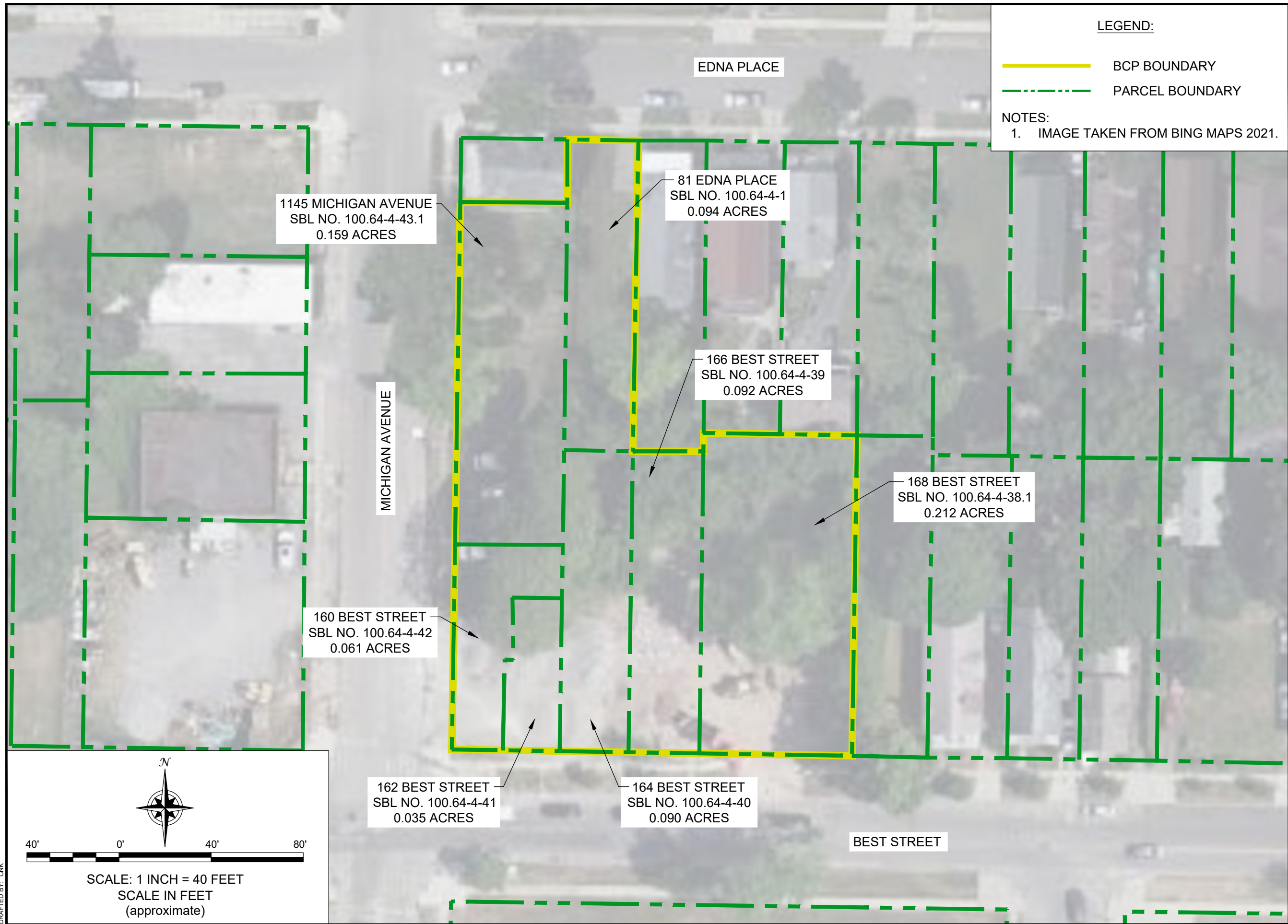
2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635



PROJECT NO.: T0569-021-001

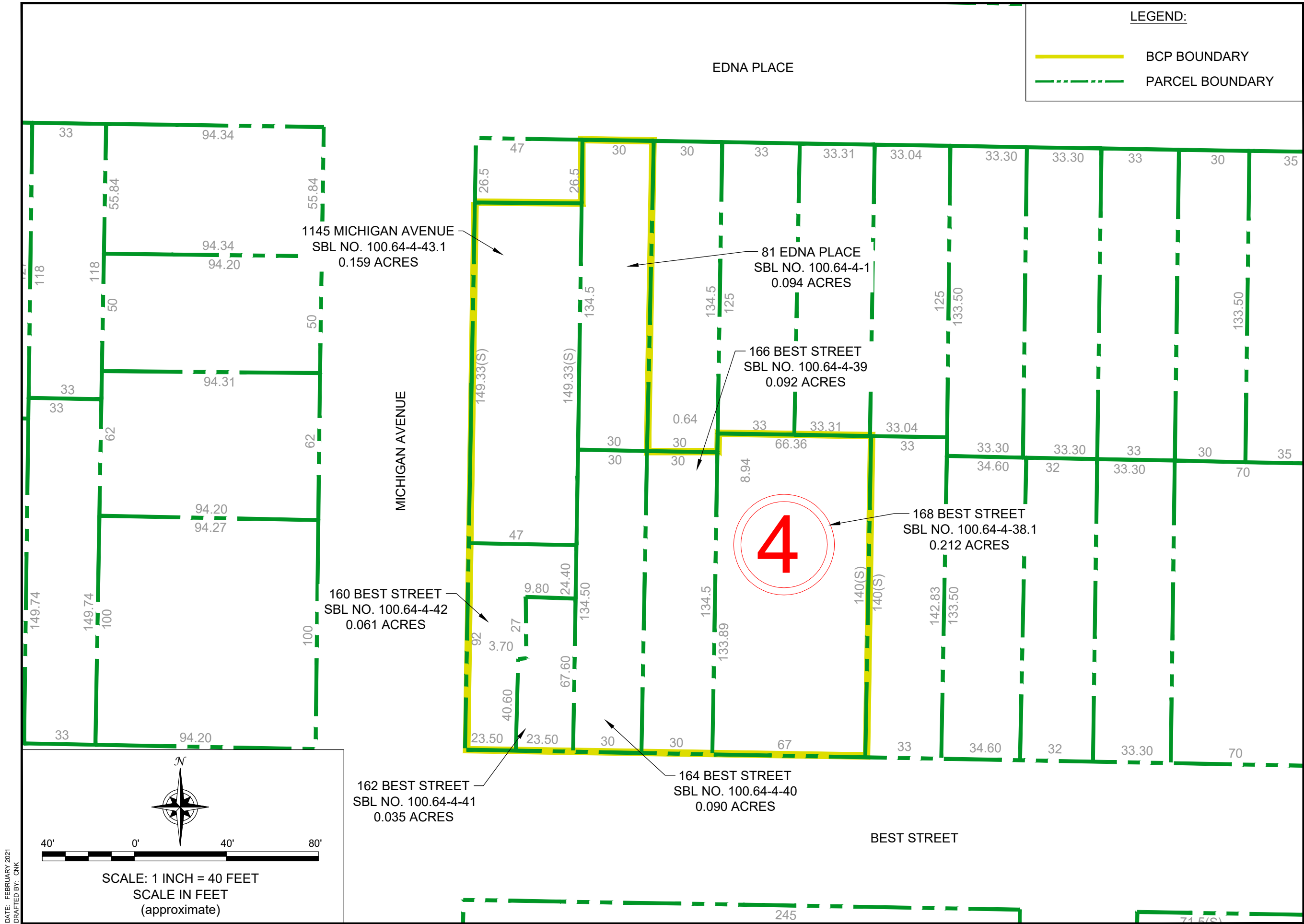
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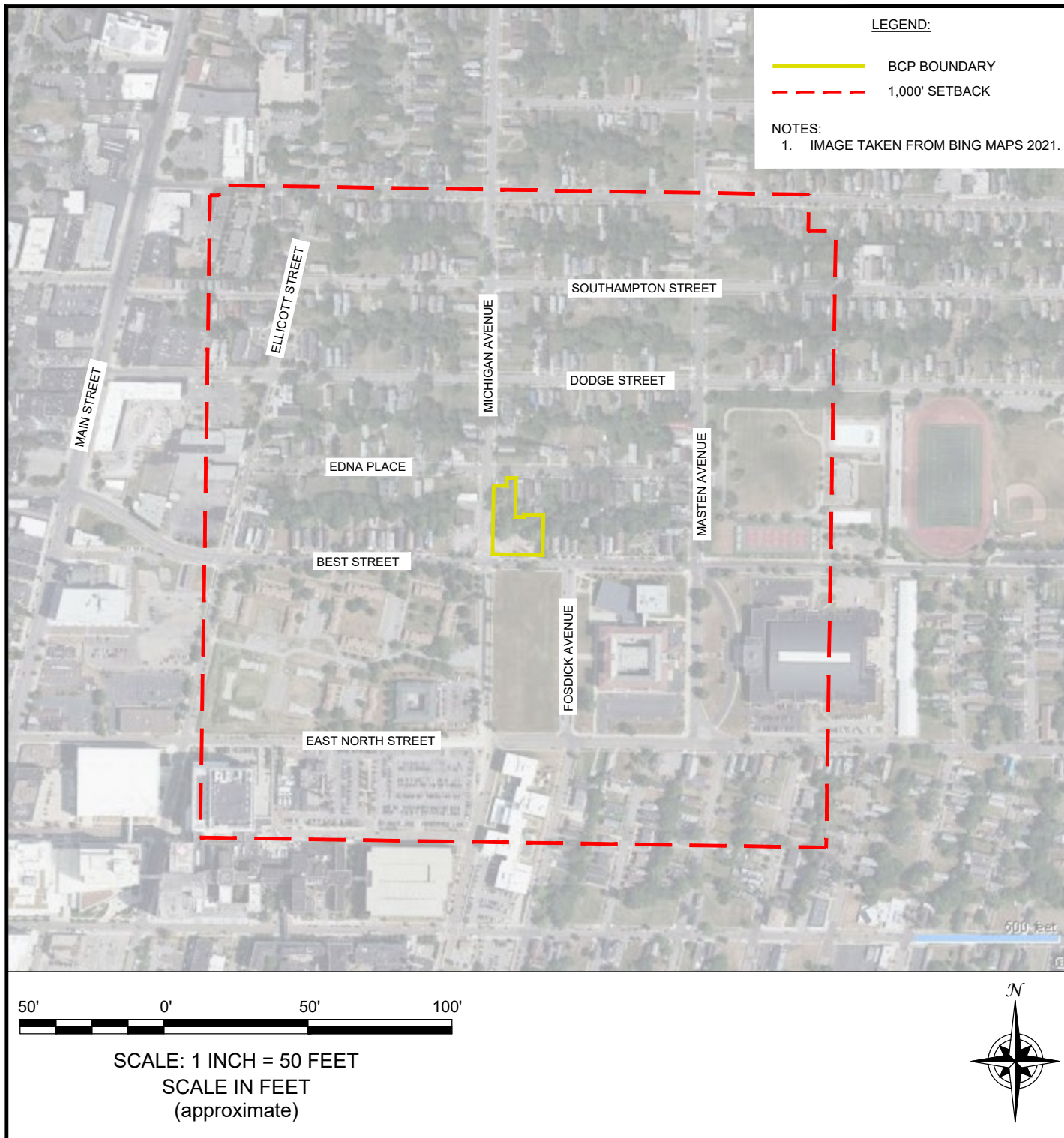


  2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599	<b>SITE PLAN (AERIAL)</b>  BROWNFIELD CLEANUP PROGRAM APPLICATION MICHIGAN-BEST DEVELOPMENT  BUFFALO, NEW YORK PREPARED FOR MICHIGAN & BEST LLC	<b>FIGURE 2</b>
JOB NO.: T0569-020-001		
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  2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599	<b>TAX MAP</b>  BROWNFIELD CLEANUP PROGRAM APPLICATION MICHIGAN-BEST DEVELOPMENT  BUFFALO, NEW YORK PREPARED FOR MICHIGAN & BEST LLC	<b>FIGURE 3</b>
JOB NO.: T0569-021-001		
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**FIGURE 4**



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## PROPERTY BASE MAP (1,000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

MICHIGAN-BEST DEVELOPMENT

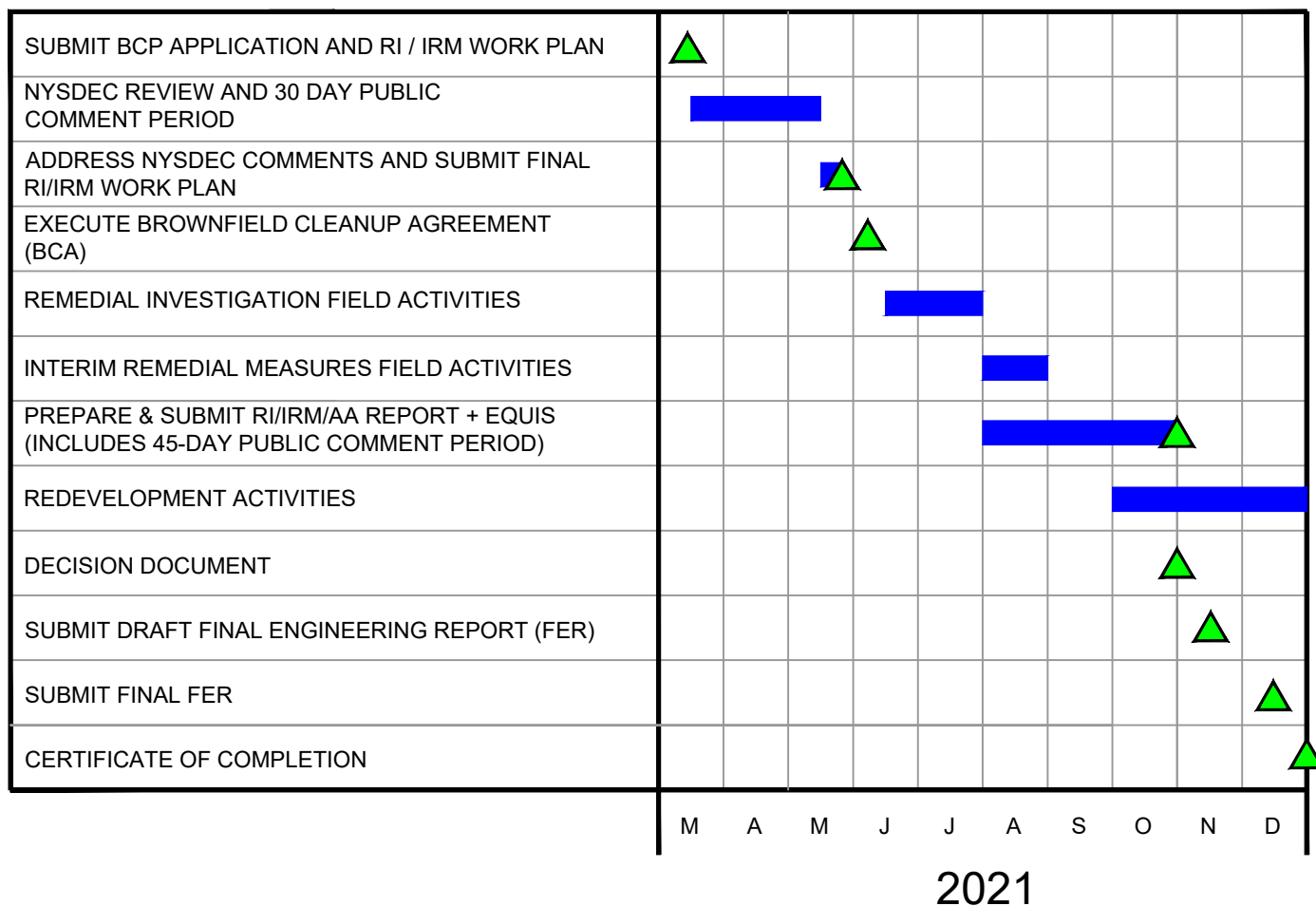
BUFFALO, NEW YORK

PREPARED FOR

MICHIGAN & BEST LLC

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**PROJECT TASKS:**



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

PROJECT NO.: T0569-021-001

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## PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK

PREPARED FOR

MICHIGAN & BEST LLC

**FIGURE 5**

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## FIGURE 6



RENDERING DEVELOPED BY ECO LOGIC STUDIO



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## PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

## MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK

PREPARED FOR

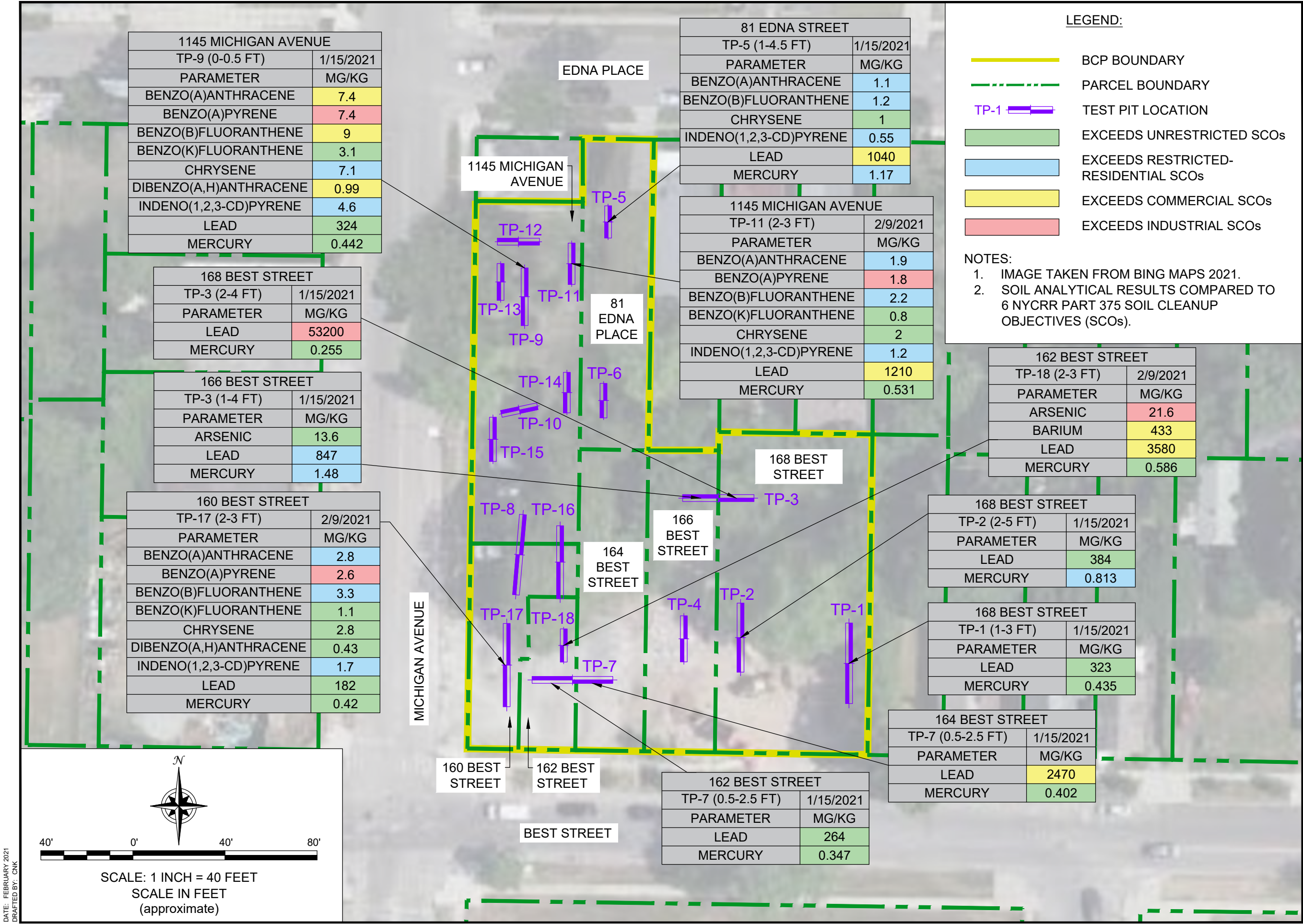
MICHIGAN &amp; BEST LLC

PROJECT NO.: T0569-021-001

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INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION  
MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK  
PREPARED FOR  
MICHIGAN & BEST LLC



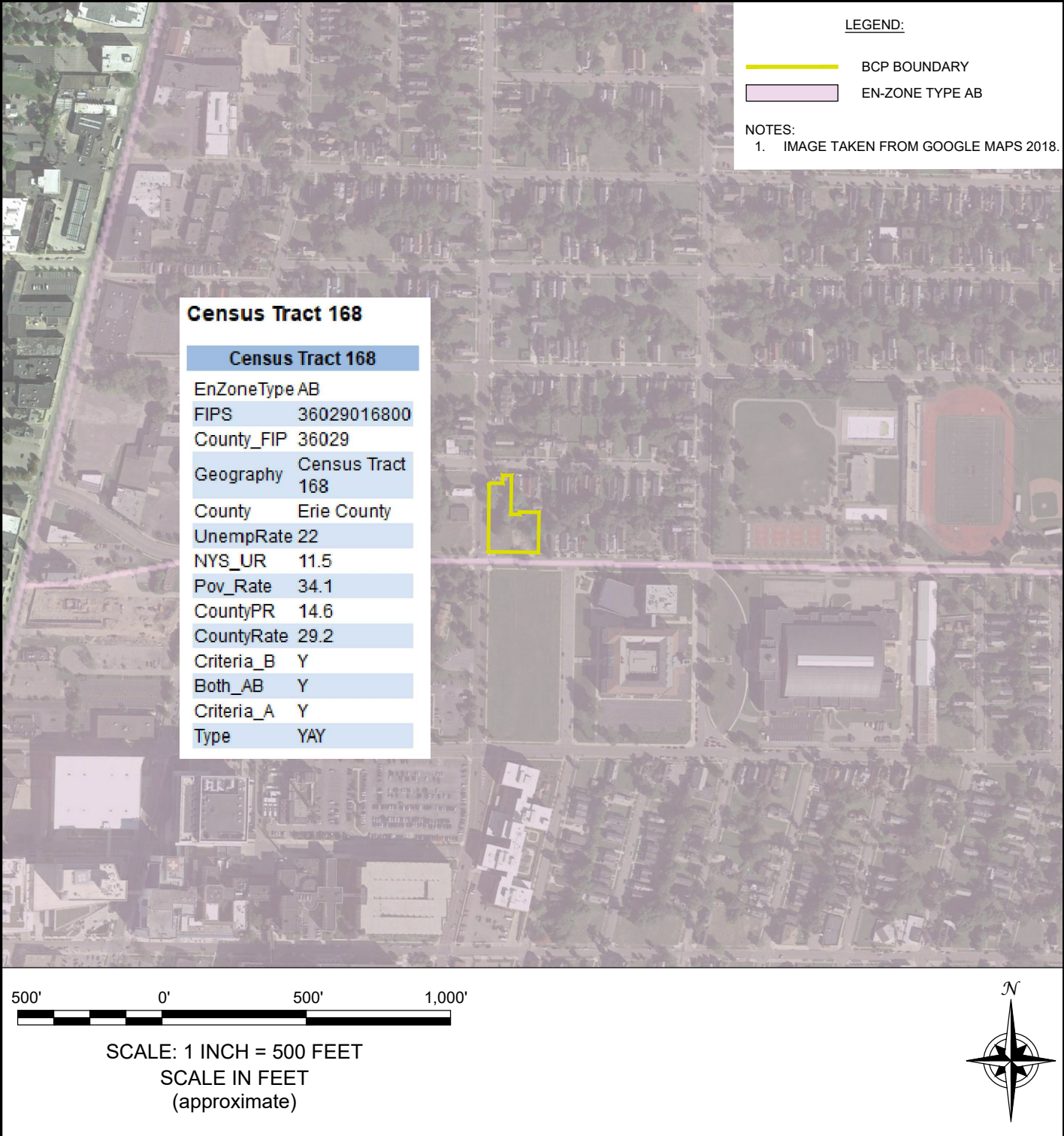
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FIGURE 7

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**FIGURE 8**



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



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## EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK

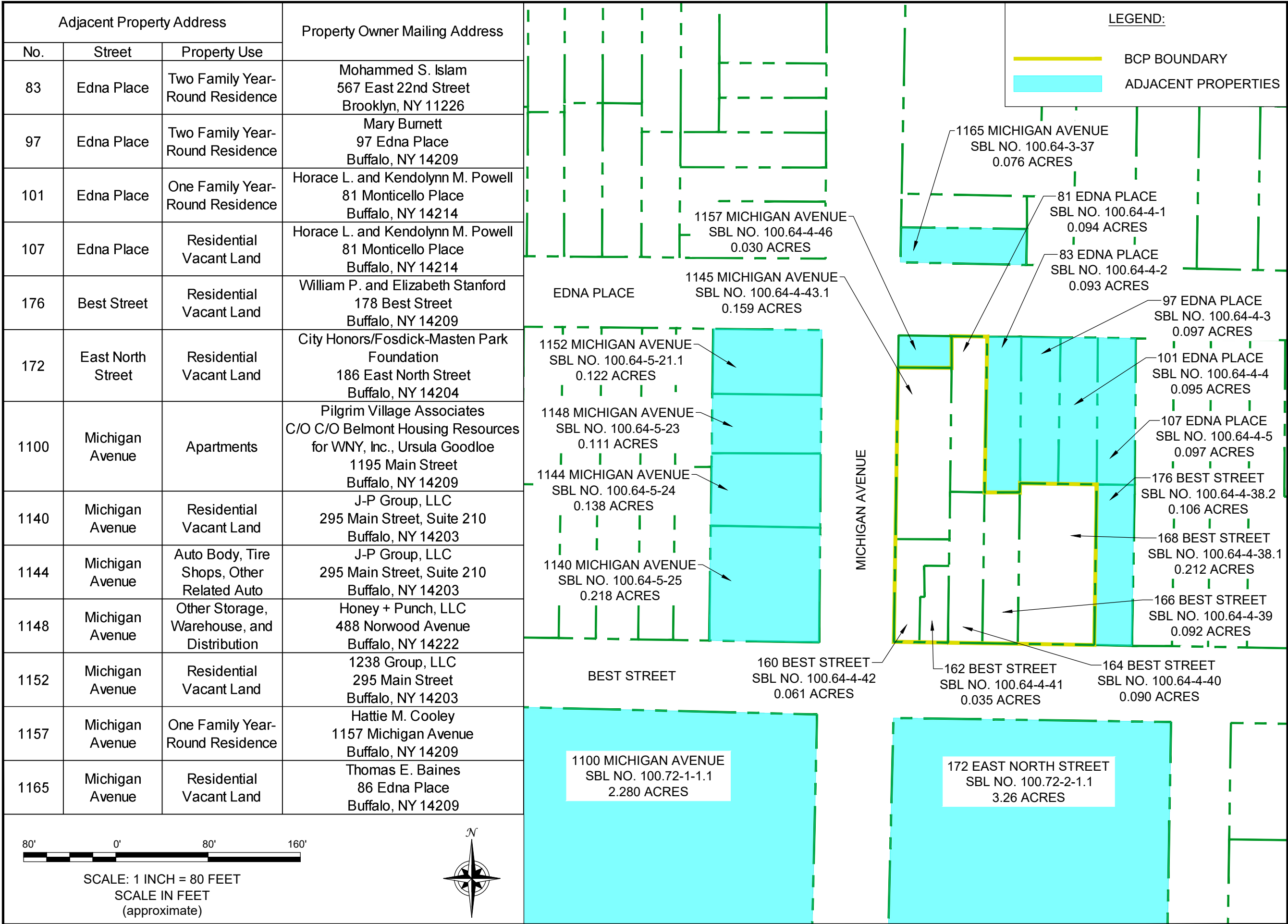
PREPARED FOR

MICHIGAN & BEST LLC

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F:\CAD\TurnKey\Cedarland Development Group\Michigan & Best\BCP Application\Figure 9, Adjacent Property Owners.dwg, 2/24/2021 10:00:23 AM

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**ADJACENT PROPERTY OWNERS**

BROWNFIELD CLEANUP PROGRAM APPLICATION

MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK

PREPARED FOR

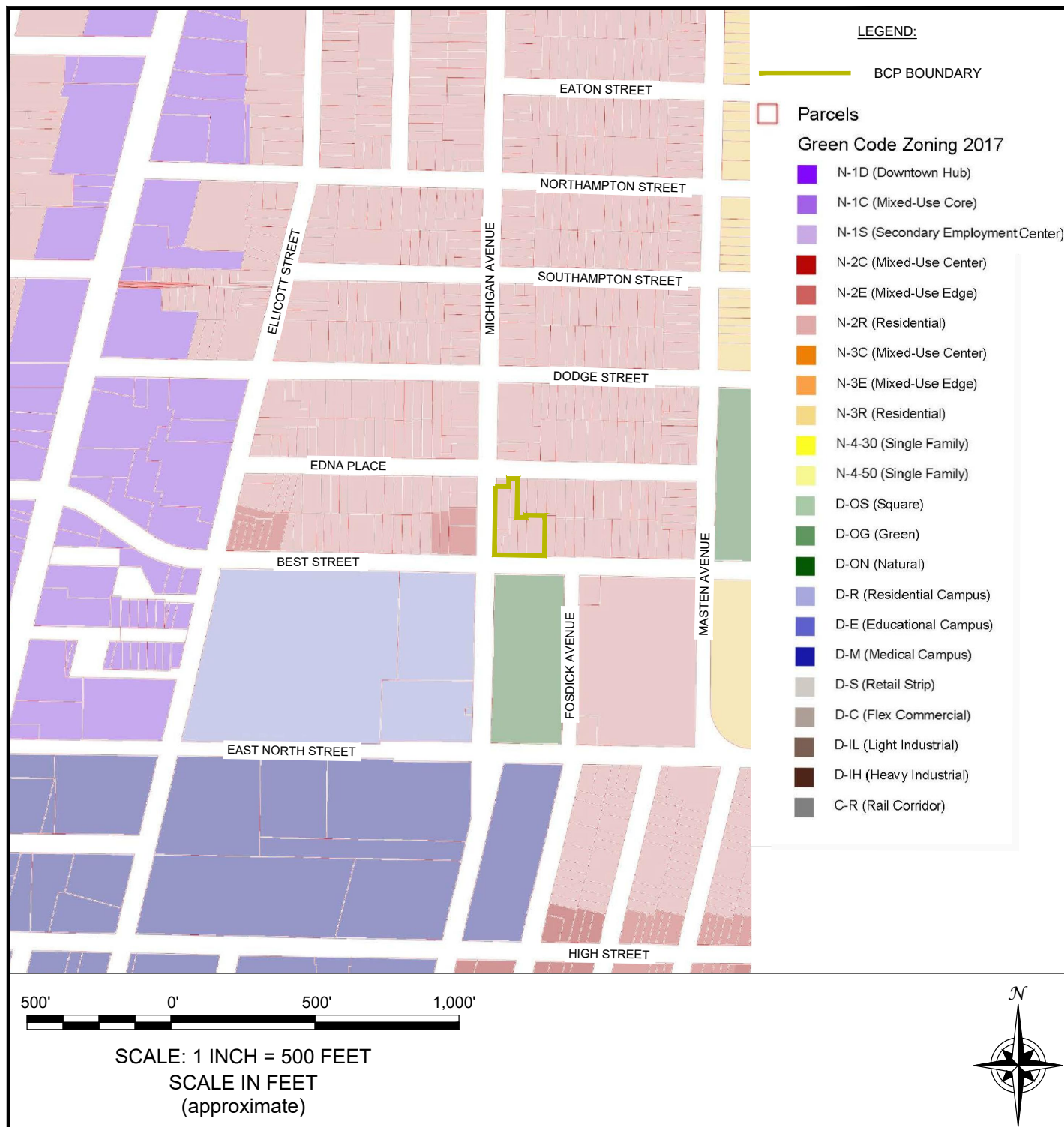
MICHIGAN & BEST LLC

**FIGURE 9**

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**FIGURE 10**



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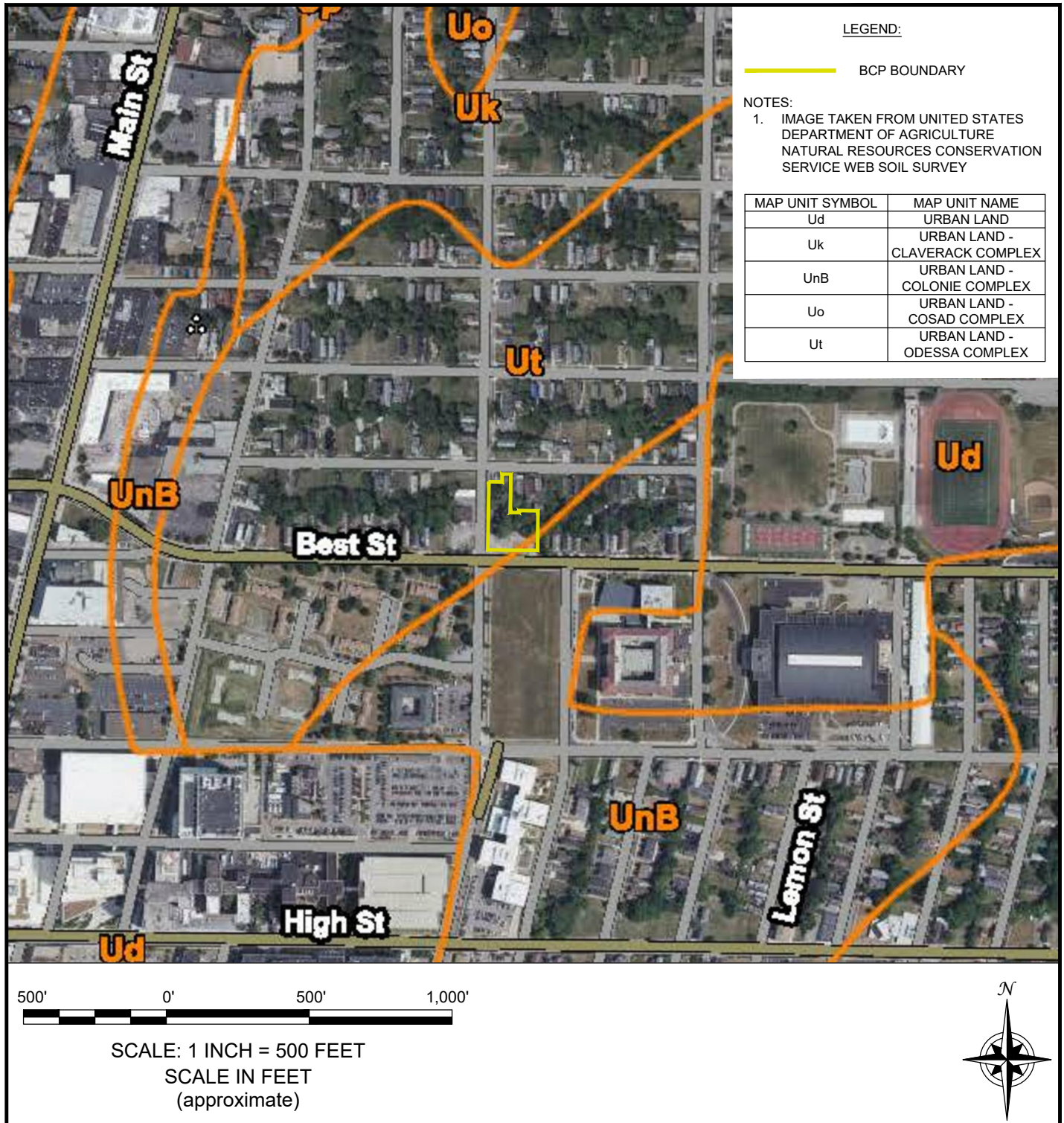
## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION  
MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK  
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**FIGURE 11**



PROJECT NO.: T0569-021-001

DATE: FEBRUARY 2021

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## USDA SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MICHIGAN-BEST DEVELOPMENT

BUFFALO, NEW YORK

PREPARED FOR

MICHIGAN & BEST 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 – MICHIGAN & BEST LLC NYS CORPORATION & BUSINESS  
ENTITY DATABASE INFORMATION**

**EXHIBIT A2 – CEDARLAND DEVELOPMENT LLC NYS CORPORATION &  
BUSINESS ENTITY DATABASE INFORMATION**

**EXHIBIT A3 - SIGNATURE CONSENT**

**EXHIBIT A4 - ERIE COUNTY PARCEL DETAIL REPORTS**

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

**SECTION I – REQUESTOR INFORMATION**

Requestor Michigan & Best LLC, a New York 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 Michigan & Best LLC is attached as Exhibit A1.

Requestor Michigan & Best LLC is managed by Cedarland Development LLC (Cedarland). A copy of the New York State Corporation and Business Entity Database printout for Cedarland is attached as Exhibit A2.

Exhibit A3 is the Signature Consent which identifies Dr. Fadi Dagher, as President of Cedarland Development LLC and authorized member of Michigan & Best LLC, as authorized person to execute document or agreements necessary under the Brownfield Cleanup Program (BCP).

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

**SECTION II – PROJECT DESCRIPTION**

The Project (Michigan-Best Development (hereinafter, the “Site”)) will result in the remediation, redevelopment, and reuse of an idle, environmentally impacted Site, consisting of seven (7) vacant parcels, located at the corner of Michigan Avenue and Best Street in the City of Buffalo, New York (see Figures 1 through 4).

Michigan & Best LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

Michigan & Best LLC has prepared a Remedial Investigation/Interim Remedial Measures (RI/IRM) Work Plan for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI) and the necessary Interim Remedial Measures (IRMs), upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the entire  $\pm 0.74$ -acre Site with the construction of a 3-story multi-unit residential structure with associated parking lot and greenspace. A preliminary project rendering of the development is included as Figure 6.

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

A summary of the previous environmental investigation findings completed for the Site are provided below.

**Phase I Environmental Site Assessment**

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase I Environmental Site Assessment (ESA) for the Site in February 2016. We note that the Phase I ESA also included a parcel located at 1157 Michigan Avenue, which is not a part of this BCP application or proposed BCP Site. Below is a summary of the Recognized Environmental Concerns (RECs) as they relate to the Site:

- The historic on-Site automotive repair operations, which were located at 1139 Michigan Avenue (now addressed as the northern portion of 160 Best Street and the southern portion of 1145 Michigan Avenue), with the reasonably anticipated use of petroleum and/or solvents, is considered a REC as subsurface conditions are unknown.
- The potential for miscellaneous fill materials exists on-Site as fill materials may have been brought to the Site to bring former building areas to grade. The presence of fill material from unknown sources is considered a REC due to the potential for impacts.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

- The historic adjacent automotive repair and gasoline station operations with gasoline underground storage tanks (USTs) along with the dry cleaner are considered RECs due to the potential for environmental impacts from these operations.

Phase II Environmental Investigation Report

TurnKey completed a Phase II Environmental Investigation Report dated February 2021 to address the RECs identified during the Phase I ESA. Eighteen (18) test pits were excavated at the Site (designated TP-1 through TP-18) to depths varying from approximately 5 to 8 feet below ground surface (fbgs). At least one (1) test pit was completed at each of the seven (7) parcels that make up the Site (160 Best Street, 162 Best Street, 164 Best Street, 166 Best Street, 168 Best Street, 1145 Best Street, and 81 Edna Street). Twelve (12) soil/fill samples were selected for laboratory analysis. Findings of the Phase II are summarized on Figure 7 and detailed below:

- Subsurface conditions of the Site consisted of varying types of fill materials ranging in depth from 0 to 7 feet below ground surface (fbgs), which contained various amounts of black fines, brick, concrete debris, cinders, ash, metal, glass, and plastic debris.
- Volatile organic compounds (VOCs) were not detected above method detection limits (MDLs) in the two (2) samples analyzed for VOCs.
- Semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs), were detected above MDLs in the twelve (12) samples analyzed. PAHs were detected exceeding their respective 6 NYCRR Part 375 soil cleanup objectives (SCOs) including Unrestricted SCOs (USCOs), Restricted-Residential SCOs (RRSCOs), Commercial SCOs (CSCOs), and/or Industrial SCOs (ISCOs) at four (4) locations (TP-5, TP-9, TP-11, and TP-17) on three (3) different parcels of the Site (160 Best Street, 1145 Michigan Avenue, and 81 Edna Place).
- Metals were detected above MDLs in the twelve (12) samples analyzed with detections above their respective USCOs, RRSCOs, CSCOs, and/or or ISCOs at seven (7) investigation locations (TP-2, TP-3, TP-5, TP-7, TP-11, and TP-18) on six (6) parcels of the Site (162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place).

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

**SECTION IV – PROPERTY INFORMATION**

**Parcel Description**

The Michigan-Best Development Site, subject to this BCP application, is located in a highly developed commercial and residential area in the City of Buffalo, Erie County, New York (see Figures 1 and 2). The ±0.74-acre Site consists of seven (7) parcels as follows:

- 160 Best Street: SBL No. 100.64-4-42, 0.061 acres
- 162 Best Street: SBL No. 100.64-4-41, 0.035 acres
- 164 Best Street: SBL No. 100.64-4-40, 0.090 acres
- 166 Best Street: SBL No. 100.64-4-39, 0.092 acres
- 168 Best Street: SBL No. 100.64-4-38.1, 0.212 acres
- 1145 Michigan Avenue: SBL No. 100.64-4-43.1, 0.159 acres
- 81 Edna Place: SBL No. 100.64-4-1, 0.094 acres

The Erie County tax parcel detail reports for the seven (7) parcels Site are provided for reference in Exhibit A4.

According to NYSDEC Environmental Zone (EN-Zone) mapping, 100% of the Site is located within Census Tract 168, which is a Type AB EN-Zone area (Figure 8).

**Easements and Permits**

Michigan & Best LLC 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 rights-of-way along Michigan Avenue, Best Street, and Edna Place. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Michigan & Best LLC is not aware of any other easements or restrictions on the Site.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

The Site was not identified in the NYS Department of Environmental Conservation (NYSDEC) Petroleum/Chemical Bulk Storage database or the NYSDEC Spill database.

Location

The Site is located on the northeast corner of Michigan Avenue and Best Street in a highly developed mixed-use residential and commercial area of the City of Buffalo, Erie County, New York. The Site is bordered by Edna Place, and residential and vacant properties to the north; Michigan Avenue, commercial and vacant properties to the west; Best Street, commercial, institutional (high school), and vacant properties to the south; and residential and vacant properties to the east. Adjacent property owners are identified on Figure 9.

Site Features

The Site currently includes seven (7) vacant lots in the City of Buffalo that historically had structures for residential and/or commercial uses. The surface of the Site generally consists of a mixed vegetative cover (grass, brush, and small trees). The parcels along Best Street (160, 162, 164, 166 and 168) have recently been used as a construction-material storage area (i.e., piping, stone backfill, topsoil, dumpsters) by the contractor performing sewer work along Michigan Avenue and Best Street. Portions of these parcels appear to have been recently regraded and hydro seeded.

Zoning and Land Use

The project area is planned as residential, consistent with the City of Buffalo zoning assigned to the Site (see Figure 10). The current zoning for the Site and the adjacent properties is N-2R, which is Residential (predominantly residential area with a variety of housing options, occasional civic structures, and mixed-use buildings on corner lots).

The Site is currently vacant.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

The surrounding parcels are currently used as follows:

- north – Edna Place, residential, vacant;
- south – Best Street, commercial, vacant;
- east – residential, vacant; and
- west – Michigan Avenue, commercial, vacant.

Planned reuse of the Site as a residential development is consistent with the City of Buffalo zoning for the area.

Past Use of the Site

The Site includes seven (7) vacant lots that were largely developed with several former residential and commercial buildings. Of note, portions of the parcels addressed at 160 Best Street and 1145 Michigan Avenue were historically used for automotive repair purposes from at least 1919 through at least 1930. Additional on-Site commercial operations were identified as a beauty shop, storefronts, and a restaurant.

A previous investigation identified fill material present underlying the Site impacted by SVOCs and metals exceeding 6 NYCRR Part 375 USCOs, RSCOs, CSCOs and/or ISCOs.

Previous investigation reports have been provided electronically to the Department, as requested.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land-Odessa Complex (Ut) and Urban Land-Colonie Complex (UnB). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt,

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

concrete, buildings, or other impervious structures, typical of an urban environment. The Urban Land-Odessa Complex is described as gently sloping areas of urban land and silty/clayey, somewhat poorly drained Odessa soils. The Urban Land-Colonie complex is described as gently sloping areas of urban land and sandy, somewhat excessively drained to well drained Colonie soils.

The subsurface conditions of the Site consist of varying types of fill materials ranging in depth from 0 to 7 fbgs. Fill materials were found at all test pit locations with the exception of TP-6 and TP-14, which are adjacent test pits at the southern end of 81 Edna Place and eastern portion of 1145 Michigan Avenue, respectively. Native soil was encountered at the test pit locations and consists of reddish brown sandy lean clay, typical of this area, at depths ranging from 2 to 7 fbgs. Native soils were encountered at shallower depths in the north and western portion of the 1145 Michigan Avenue parcel compared to other areas of the Site which averaged 4 to 5 fbgs.

Regional groundwater is anticipated to flow northerly, consistent with topography in the vicinity of the Site. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions. Groundwater was not encountered during the previous investigation. Perched water was only observed in one (1) test pit (TP-3) at about 2 to 4 fbgs. Additional work is required to investigate groundwater flow direction and quality at the Site. Monitoring wells to assess and characterize groundwater flow patterns and quality are planned to be installed during the Remedial Investigation.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

Environmental Assessment Narrative

The past use of the Site and/or the presence of urban fill has impacted the Site. Figure 7 summarizes the environmental impacts identified in the previous investigation. TurnKey completed a Phase II investigation in February 2021 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of SVOCs and metals exceeding their respective RRSCOs, which are applicable for the intended reuse of the Site, with some samples exceeding the CSCOs and ISCOs. The exceedances above applicable RRSCOs were detected in the fill material which is present across most of the Site and varies in depth up to 7 fbgs.

Semi-Volatile Organic Compounds

SVOCs were detected above MDLs in the twelve (12) samples analyzed for SVOCs. SVOCs, specifically, PAHs were detected above their respective Part 375 RRSCOs, CSCOs, and/or ISCOs at four (4) investigation locations, TP-5, TP-9, TP-11, and TP-17. PAHs were detected above their respective SCOs on the 160 Best Street, 1145 Michigan Avenue, and 81 Edna Place parcels.

- Benzo(a)anthracene and benzo(b)fluoranthene exceeded their RRSCOs at three (3) locations: TP-5, 1 to 4.5 ft, TP-11, 2 to 3 ft, and TP-17, 2 to 3 ft; and their CSCOs at one (1) location, TP-9, 0 to 0.5 ft.
- Benzo(a)pyrene exceeded its ISCO at three (3) locations: TP-9, 0 to 0.5 ft, TP-11, 2 to 3 ft, and TP-17, 2 to 3 ft.
- Chrysene exceeded its RRSCO at one (1) location: TP-9, 0 to 0.5 ft.
- Dibenzo(a,h)anthracene exceeded its CSCO at one (1) location: TP-9, 0 to 0.5 ft.
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO at four (4) locations: TP-5, 1 to 4.5 ft, TP-9, 0 to 0.5 ft, TP-11, 2 to 3 ft, and TP-17, 2 to 3 ft.

Metal Analytes

Metal analytes were detected above MDLs in the twelve (12) samples analyzed for metals. Metal analytes were detected above their respective Part 375 RRSCOs, CSCOs, and/or ISCOs at seven (7) investigation locations, TP-2, TP-3, TP-5, TP-7, TP-11, and TP-18.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**Michigan-Best Development**

Metals above their respective SCOs were detected on the 162, 164, 166, and 168 Best Street, 1145 Michigan Avenue, and 81 Edna Place parcels.

- Arsenic exceeded its ISCO at TP-18, 2 to 3 ft.
- Barium exceeded its CSCO at TP-18, 2 to 3 ft.
- Lead exceeded its RRSCO at TP-3, 1 to 4 on the 166 Best Street property; CSCOs at TP-5, 1 to 4.5 ft, TP-7, 0.5 to 2.5 ft, TP-11, 2 to 3 ft, TP-18, 2 to 3 ft; and its ISCO at TP-3, 2 to 4 ft.
- Mercury exceeded its RRSCO at TP-2, 2 to 5 ft, TP-3, 1 to 4 ft and TP-51 to 4.5 ft.

Previous investigation reports have been provided electronically to the Department as requested.

# EXHIBIT A1

## NYS Department of State

### Division of Corporations

#### Entity Information

The information contained in this database is current through February 22, 2021.

---

Selected Entity Name: MICHIGAN & BEST LLC

Selected Entity Status Information

**Current Entity Name:** MICHIGAN & BEST LLC

**DOS ID #:** 5945046

**Initial DOS Filing Date:** FEBRUARY 19, 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)**

MICHIGAN & BEST LLC

50 LAKEFRONT BLVD SUITE 103

BUFFALO, NEW YORK, 14202

**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
FEB 19, 2021	Actual	MICHIGAN & BEST 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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# EXHIBIT A2

## NYS Department of State

### Division of Corporations

#### Entity Information

The information contained in this database is current through October 12, 2018.

---

Selected Entity Name: CEDARLAND DEVELOPMENT LLC

Selected Entity Status Information

**Current Entity Name:** CEDARLAND DEVELOPMENT LLC

**DOS ID #:** 4751205

**Initial DOS Filing Date:** APRIL 30, 2015

**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)**

CEDARLAND DEVELOPMENT LLC

50 LAKEFRONT BOULEVARD

SUITE 103

BUFFALO, NEW YORK, 14202

**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
APR 30, 2015	Actual	CEDARLAND DEVELOPMENT LLC

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

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

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# EXHIBIT A3

## Cedarland Development LLC

### Consent

March 19, 2021

The undersigned, Dr. Fadi Dagher, being the President of **Cedarland Development LLC, a New York limited liability company, the sole Manager of Michigan & Best, LLC, a New York limited liability company**, (respectively the "**Company**"), hereby consents to the adoption of the following resolutions without a meeting and directs that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Dr. Fadi Dagher, President of Cedarland Development LLC, (an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program ("**BCP**") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property comprising the Michigan-Best Development Site, Buffalo, New York; and be it further

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

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

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

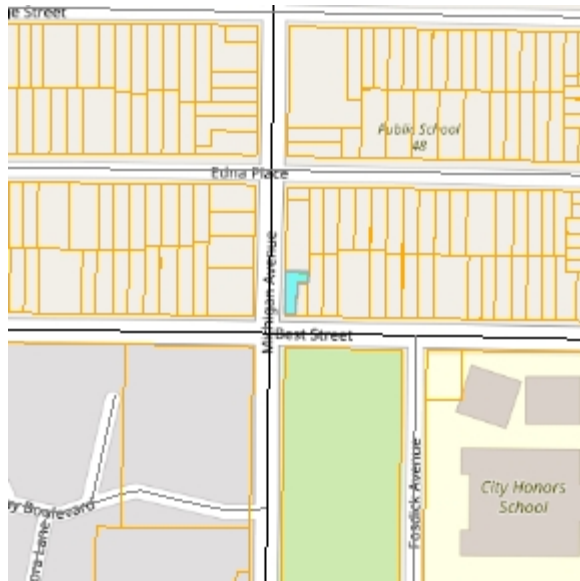
  
\_\_\_\_\_  
Fadi Dagher, M.D.

President

# Erie County On-Line Mapping System

## Parcel Detail Report

# EXHIBIT A4



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004042000

**SBL:** 100.64-4-42

**Address:** 160 BEST

**Owner 1:** CITY OF BUFFALO

**Owner 2:** PERFECTING TITLE

**Mailing Address:** 65 NIAGARA SQ

**City/Zip:** BUFFALO NY 14202

**Municipality:** City of Buffalo

**Property Class:** 311

**Class Description:** R - Res vac land

**Front:** 23.5

**Depth:** 92

**Deed Roll:** 8

**Deed Book:** 09073

**Deed Page:** 00351

**Deed Date:**

**Acreage:** 0.06051226

**Total Assessment:** \$1,300

**Land Assessment:** \$1,300

**County Taxes:** \$0

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

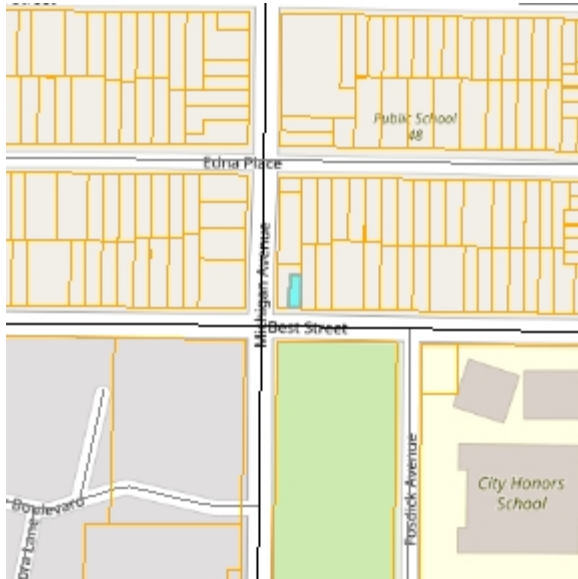
**Beds:** 0

**Baths:** 0

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:21:47 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004041000

**SBL:** 100.64-4-41

**Address:** 162 BEST

**Owner 1:** CITY BUFFALO PERFECTING

**Owner 2:** TITLE

**Mailing Address:** 65 NIAGARA SQ

**City/Zip:** BUFFALO NY 14202

**Municipality:** City of Buffalo

**Property Class:** 311

**Class Description:** R - Res vac land

**Front:** 23.5

**Depth:** 67

**Deed Roll:** 8

**Deed Book:** 10711

**Deed Page:** 747

**Deed Date:**

**Acreage:** 0.03534317

**Total Assessment:** \$900

**Land Assessment:** \$900

**County Taxes:** \$0

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:20:54 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004040000

**SBL:** 100.64-4-40

**Address:** 164 BEST

**Owner 1:** CITY BUFFALO PERFECTING TITLE

**Owner 2:** R39 S#2576 / OCT. 2005

**Mailing Address:** 65 NIAGARA SQ

**City/Zip:** BUFFALO NY 14202

**Municipality:** City of Buffalo

**Property Class:** 311

**Class Description:** R - Res vac land

**Front:** 30

**Depth:** 134

**Deed Roll:** 8

**Deed Book:** 11104

**Deed Page:** 9301

**Deed Date:**

**Acreage:** 0.08947201

**Total Assessment:** \$1,600

**Land Assessment:** \$1,600

**County Taxes:** \$0

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:21:11 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004039000  
**SBL:** 100.64-4-39  
**Address:** 166 BEST  
**Owner 1:** DAG CAPITAL REAL ESTATE LLC  
**Owner 2:**  
**Mailing Address:** 5526 VIA MARINA DR  
**City/Zip:** WILLIAMSVILLE NY 14221  
**Municipality:** City of Buffalo  
**Property Class:** 311  
**Class Description:** R - Res vac land  
**Front:** 30  
**Depth:** 134  
**Deed Roll:** 1  
**Deed Book:** 11300  
**Deed Page:** 922  
**Deed Date:**

**Acreage:** 0.09204635  
**Total Assessment:** \$1,600  
**Land Assessment:** \$1,600  
**County Taxes:** \$1,600  
**Town Taxes:** \$0  
**School Taxes:** \$0  
**Village Taxes:** \$0  
**School District:** CITY OF BUFFALO  
**Year Built:** 0  
**Sqft Living Area:** 0  
**Condition:** 0  
**Heating:** 0  
**Basement:** 0  
**Fireplace:** 0  
**Beds:** 0  
**Baths:** 0

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:22:05 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004038100

**SBL:** 100.64-4-38.1

**Address:** 168 BEST

**Owner 1:** NEW MILLENIUM MEDICAL PLLC

**Owner 2:**

**Mailing Address:** 50 LAKEFRONT BLVD

**City/Zip:** BUFFALO NY 14202

**Municipality:** City of Buffalo

**Property Class:** 311

**Class Description:** R - Res vac land

**Front:** 67

**Depth:** 144

**Deed Roll:** 1

**Deed Book:** 11272

**Deed Page:** 4842

**Deed Date:**

**Acreage:** 0.21233465

**Total Assessment:** \$2,600

**Land Assessment:** \$2,600

**County Taxes:** \$2,600

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:22:18 PM



Parcel Overview Map



Parcel Detail Map

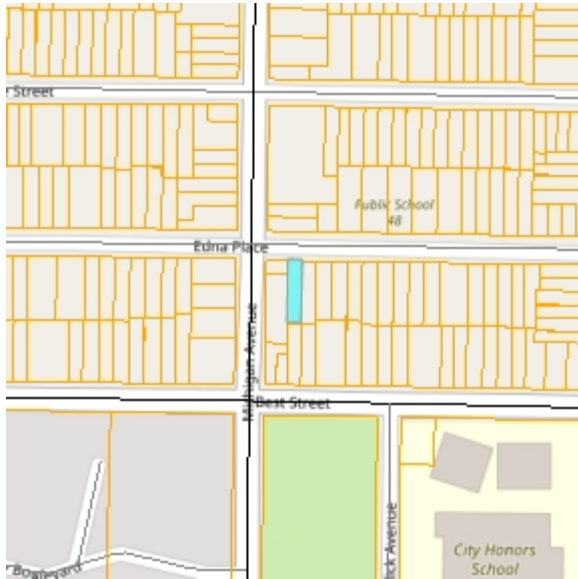
**PIN:** 1402001006400004043100  
**SBL:** 100.64-4-43.1  
**Address:** 1145 MICHIGAN  
**Owner 1:** CITY OF BUFFALO PERFECTING  
**Owner 2:** TITLE  
**Mailing Address:** 65 NIAGARA SQ  
**City/Zip:** BUFFALO NY 14202  
**Municipality:** City of Buffalo  
**Property Class:** 311  
**Class Description:** R - Res vac land  
**Front:** 149.5  
**Depth:** 47  
**Deed Roll:** 8  
**Deed Book:** 9054  
**Deed Page:** 518  
**Deed Date:**

**Acreage:** 0.1587679  
**Total Assessment:** \$3,600  
**Land Assessment:** \$3,600  
**County Taxes:** \$0  
**Town Taxes:** \$0  
**School Taxes:** \$0  
**Village Taxes:** \$0  
**School District:** CITY OF BUFFALO  
**Year Built:** 0  
**Sqft Living Area:** 0  
**Condition:** 0  
**Heating:** 0  
**Basement:** 0  
**Fireplace:** 0  
**Beds:** 0  
**Baths:** 0

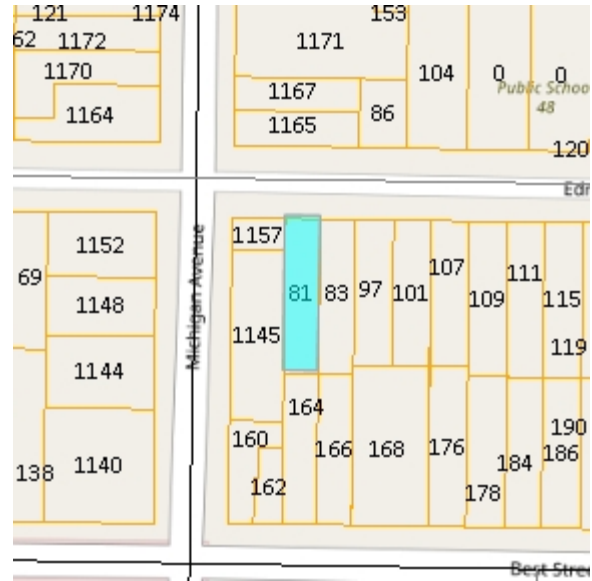
# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
2/17/2021 2:22:33 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001006400004001000

**SBL:** 100.64-4-1

**Address:** 81 EDNA

**Owner 1:** NEW MILLENIUM MEDICAL PLLC

**Owner 2:**

**Mailing Address:** 50 LAKEFRONT BLVD

**City/Zip:** BUFFALO NY 14202

**Municipality:** City of Buffalo

**Property Class:** 311

**Class Description:** R - Res vac land

**Front:** 30

**Depth:** 134

**Deed Roll:** 1

**Deed Book:** 11272

**Deed Page:** 4839

**Deed Date:**

**Acreage:** 0.09419925

**Total Assessment:** \$1,600

**Land Assessment:** \$1,600

**County Taxes:** \$1,600

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# **APPENDIX B**

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

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

**SECTION VII – REQUESTOR ELIGIBILITY**

**SECTION IX – CONTACT LIST**

**SECTION X – LAND USE FACTORS**

**EXHIBIT B1 – SITE ACCESS LETTERS**

**EXHIBIT B2 - DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

**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 are provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
160 Best Street (Previous Addresses: 158 Best St, 164 Best St, 1137 Michigan Ave, 1139 Michigan Ave)			
<b>Current Owner/Operator</b>			
City of Buffalo Perfecting Title 65 Niagara Square, Room 901 Buffalo, New York 14202 Hope Young-Watkins Phone: (716) 851-5280 Email: hyoung-watkins@city-buffalo.com	Vacant	October 20, 1981 ~ Present	None – No Relationship
<b>Previous Owners/Operators</b>			
County of Erie 95 Franklin Street Buffalo, New York 14202	Vacant	August 1981 ~ October 1981	None – No relationship
Ernest Holley 160 Best Street Buffalo, New York 14209	Residential	August 1964 ~ August 1981	None – No relationship
Jay Walker 160 Best Street Buffalo, New York 14209	Residential	At least 1980	None – No relationship
Tina Nealy 1137 Michigan Avenue Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Michael Brown 160 Best Street Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Sugar and Spice Soda Bar 160 Best Street Buffalo, New York 14209	Commercial	At least 1970	None – No relationship
Lawrence L. Robinson 1137 Michigan Avenue Buffalo, New York 14209	Residential	At least 1964	None – No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

Susanne Lamm and Albert F. Prem 160 Best Street-1137 Michigan Avenue Buffalo, New York 14209	Residential	1940 ~ 1960	None – No relationship
Frank Lamm 160 Best Street-1137 Michigan Avenue Buffalo, New York 14209	Residential	1925 ~ 1935	None – No relationship
Dort Service Garage 1139 Michigan Avenue Buffalo, New York 14209	Commercial	1925 ~ 1930	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
<b>162 Best Street</b>			
<b>Current Owner/Operator</b>			
City of Buffalo Perfecting Title 65 Niagara Square, Room 901 Buffalo, New York 14202 Hope Young-Watkins Phone: (716) 851-5280 Email: hyoung-watkins@city-buffalo.com	Vacant	July 30, 1993 ~ Present	None – No relationship
<b>Previous Owners/Operators</b>			
County of Erie 95 Franklin Street Buffalo, New York 14202	Vacant	July 1993	None – No relationship
Ahmed Saleh 162 Best Street Buffalo, New York 14209	Residential	March 1986 ~ July 1993	None – No relationship
Jeanette Shropshire 162 Best Street Buffalo, New York 14209	Residential	April 1976 ~ March 1986	None – No relationship
Merie Little 162 Best Street Buffalo, New York 14209	Residential	At least 1980	None – No relationship
Lindsey Green 162 Best Street Buffalo, New York 14209	Residential	1970 ~ 1980	None – No relationship
Mamie L's Beauty Shop 162 Best Street Buffalo, New York 14209	Commercial	At least 1964	None – No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

Olivia's Beauty Shop 162 Best Street Buffalo, New York 14209	Commercial	At least 1960	None – No relationship
James Jarvis 162 Best Street Buffalo, New York 14209	Residential	At least 1955	None – No relationship
Evelyn Grimm Variety Store 162 Best Street Buffalo, New York 14209	Commercial	At least 1950	None – No relationship
Gerald Hoag 162 Best Street Buffalo, New York 14209	Residential	At least 1946	None – No relationship
Clarence A. Schwind 162 Best Street Buffalo, New York 14209	Residential	1935 ~ 1940	None – No relationship
Helen Bielak 162 Best Street Buffalo, New York 14209	Residential	At least 1930	None – No relationship
Catherine Hartigan 162 Best Street Buffalo, New York 14209	Residential	At least 1925	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
<b>164 Best Street</b>			
<b>Current Owner/Operator</b>			
City of Buffalo Perfecting Title 65 Niagara Square, Room 901 Buffalo, New York 14202 Hope Young-Watkins Phone: (716) 851-5280 Email: hyoung-watkins@city-buffalo.com	Vacant	November 16, 2005 ~ Present	None – No relationship
<b>Previous Owners/Operators</b>			
City of Buffalo Ref 65 Niagara Square, Room 901 Buffalo, New York 14202	Vacant	September 2005 ~ November 2005	None – No relationship
Ray Williams 164 Best Street Buffalo, New York 14209	Residential	October 1994 ~ September 2005	None – No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

City of Buffalo 65 Niagara Square, Room 901 Buffalo, New York 14202	Vacant	November 1985 ~ October 1994	None – No relationship
Thomas Dombrowski 164 Best Street Buffalo, New York 14209	Residential	May 1981 ~ November 1985	None – No relationship
William Edwards J & 1 164 Best Street Buffalo, New York 14209	Residential	September 1979 ~ May 1981	None – No relationship
William Edwards J&W 164 Best Street Buffalo, New York 14209	Residential	May 1952 ~ September 1979	None – No relationship
Mary McGee 164 Best Street Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Julius and Gregg Adams 164 Best Street Buffalo, New York 14209	Residential	At least 1970	None – No relationship
Lillie M. Bennard 164 Best Street Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Claudine Edwards 164 Best Street Buffalo, New York 14209	Residential	1955 ~ 1960	None – No relationship
Marie Barnes 164 Best Street Buffalo, New York 14209	Residential	At least 1950	None – No relationship
Irving G. Bundt and John A. Boltz 164 Best Street Buffalo, New York 14209	Residential	1940 ~ 1946	None – No relationship
Frank and Irving Batte 164 Best Street Buffalo, New York 14209	Residential	1925 ~ 1935	None – No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
166 Best Street			
Current Owner/Operator			
DAG Capital Real Estate LLC 5526 Via Marina Drive Williamsville, New York 14221 Dr. Fadi Dagher Phone: (716) 217-9105 Email: fdagher@cedarlanddev.com	Vacant	August 26, 2016 ~ Present	Future Predecessor in Title
Previous Owners/Operators			
Sinatra & Company Redevelopment LLC 617 Main Street, Suite 200 Buffalo, New York 14203	Vacant	April 2015 ~ August 2016	None – No relationship
Tempie N. Williams 166 Best Street Buffalo, New York 14209	Residential	June 1977 ~ April 2015	None – No relationship
Ray Williams 166 Best Street Buffalo, New York 14209	Residential	May 1977 ~ June 1977	None – No relationship
City of Buffalo 65 Niagara Square, Room 901 Buffalo, New York 14202	Vacant	October 1973 ~ May 1977	None – No relationship
Willie Ray & Christopher Scott 166 Best Street Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Perlie Northington 166 Best Street Buffalo, New York 14209	Residential	1960 ~ 1964	None – No relationship
Simon L. Hunley 166 Best Street Buffalo, New York 14209	Residential	At least 1960	None – No relationship
William O'Connor 166 Best Street Buffalo, New York 14209	Residential	At least 1955	None – No relationship
Harry Hill 166 Best Street Buffalo, New York 14209	Residential	1946 ~ 1955	None – No relationship
John P. Kordas 166 Best Street	Residential	1946 ~ 1950	None – No relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**Michigan-Best Development**

Buffalo, New York 14209			
Herman Greenberg 166 Best Street Buffalo, New York 14209	Residential	1925 ~ 1950	None – No relationship
Frances L. Laughlin & Elizabeth Lucas 166 Best Street Buffalo, New York 14209	Residential	At least 1946	None – No relationship
Louise D. Soergel & Earl O. Martin 166 Best Street Buffalo, New York 14209	Residential	At least 1940	None – No relationship
Irving I. Crouse, Ralph J. Hulme & Adolf G. Soergel 166 Best Street Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Frank L. Spoeri, Otto C.H. Svdow & William R. Colby 166 Best Street Buffalo, New York 14209	Residential	At least 1930	None – No relationship
Rodney M. Blakeney 166 Best Street Buffalo, New York 14209	Residential	At least 1925	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
168 Best Street (Previous Addresses: 174 Best St)			
Current Owner/Operator			
New Millenium Medical, PLLC 50 Lakefront Boulevard, Suite 103 Buffalo, New York 14202 Dr. Fadi Dagher Phone: (716) 217-9105 Email: fdagher@cedarlanddev.com	Vacant	November 26, 2014 ~ Present	Future Predecessor in Title
Previous Owners/Operators			
Gerhardt Yaskow 145 Lewis Street Buffalo, New York 14206	Residential	December 2011 ~ November 2014	None – No relationship
Willie R. Williams 168 Best Street	Residential	June 1981 ~ December 2011	None – No relationship

**APPENDIX B**  
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**Michigan-Best Development**

Buffalo, New York 14209			
Joseph Jones 174 Best Street Buffalo, New York 14209	Residential	At least 1970	None – No relationship
Carl R. Peterson 174 Best Street Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Frank C. Wilcox 168 Best Street Buffalo, New York 14209	Residential	At least 1955	None – No relationship
Aubrey L. Reger 168 Best Street Buffalo, New York 14209	Residential	At least 1950	None – No relationship
Clarence DcBoldt 168 Best Street Buffalo, New York 14209	Residential	At least 1946	None – No relationship
George W. Thur 174 Best Street Buffalo, New York 14209	Residential	1940 ~ 1960	None – No relationship
Clarence J. Klemp 168 Best Street Buffalo, New York 14209	Residential	1935-1940	None – No relationship
Alfred J. Lynex 174 Best Street Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Joseph Klemp 168 Best Street Buffalo, New York 14209	Residential	1925-1930	None – No relationship
Samuel Michigan 174 Best Street Buffalo, New York 14209	Residential	At least 1925	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1145 Michigan Avenue (Previous Addresses: 1141 Michigan Ave, 1149 Michigan Ave, 1151 Michigan Ave, 1155 Michigan Ave)			
Current Owner/Operator			
City of Buffalo Perfecting Title 65 Niagara Square, Room 901	Vacant	October 20, 1981 ~ Present	None – No relationship

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Buffalo, New York 14202 Hope Young-Watkins Phone: (716) 851-5280 Email: hyoung-watkins@city-buffalo.com			
Previous Owners/Operators			
Betty Webb 1141 Michigan Avenue Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Manuel L. Stitt 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Juan Hopskin 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Emmitt J. Reed 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Margaret Foster 1155 Michigan Avenue Buffalo, New York 14209	Residential	1964 ~ 1975	None – No relationship
Eddie M. Ward 1145 Michigan Avenue Buffalo, New York 14209	Residential	At least 1970	None – No relationship
John Ellington 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1970	None – No relationship
John Tate, Sarah Motten & Ernestine Davis 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1970	None – No relationship
Anna Mertha 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1970	None – No relationship
Annie L. Finkley 1149 Michigan Avenue Buffalo, New York 14209	Residential	1964 ~ 1970	None – No relationship
Myrtle Johnson 1145 Michigan Avenue Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Bertha M. Simon 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1964	None – No relationship

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Beulah Goodman 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Melvin DeWyer 1141 Michigan Avenue Buffalo, New York 14209	Residential	1955 ~ 1964	None – No relationship
James Johnson & Maurice A. West 1145 Michigan Avenue Buffalo, New York 14209	Residential	At least 1960	None – No relationship
Louis C. Smith 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1960	None – No relationship
Willie Brown & Robert Matthews 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1960	None – No relationship
George L. Finkley 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1960	None – No relationship
Michael Brennan 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1955	None – No relationship
Mary O’Keefe 1155 Michigan Avenue Buffalo, New York 14209	Residential	1950 ~ 1955	None – No relationship
Peter P. Haskins 1145 Michigan Avenue Buffalo, New York 14209	Residential	1946 ~ 1955	None – No relationship
Frank W. Haehn 1151 Michigan Avenue Buffalo, New York 14209	Residential	1946 ~ 1955	None – No relationship
John J. Fitzgerald 1149 Michigan Avenue Buffalo, New York 14209	Residential	1940 ~ 1955	None – No relationship
Charles E. Freeman 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1950	None – No relationship
David J. McKimmie 1155 Michigan Avenue Buffalo, New York 14209	Residential	1946 ~ 1950	None – No relationship
Charles Trushel 1141 Michigan Avenue Buffalo, New York 14209	Residential	1946 ~ 1950	None – No relationship

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**Michigan-Best Development**

Otto Nosbisch 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1946	None – No relationship
Albert Franklin 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1946	None – No relationship
Henry Lamm 1141 Michigan Avenue Buffalo, New York 14209	Residential	At least 1940	None – No relationship
Albert J. Moritz 1145 Michigan Avenue Buffalo, New York 14209	Residential	At least 1940	None – No relationship
Arthur Bensman 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1940	None – No relationship
William Weather 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1940	None – No relationship
Perry S. Fox & Eli Mirman 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1940	None – No relationship
James McLean 1151 Michigan Avenue Buffalo, New York 14209	Residential	1935 ~ 1940	None – No relationship
Elmer Kuhfus 1141 Michigan Avenue Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Anna Springer 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Margaret Shuman 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Charles P. Craft 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1935	None – No relationship
Frank J. Lienert 1145 Michigan Avenue Buffalo, New York 14209	Residential	1930 ~ 1935	None – No relationship
Edward MacLauchlan 1141 Michigan Avenue Buffalo, New York 14209	Residential	At least 1930	None – No relationship

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**Michigan-Best Development**

Edward Bradley & Robert Parker 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1930	None – No relationship
William A. Mead 1151 Michigan Avenue Buffalo, New York 14209	Residential	At least 1930	None – No relationship
Margaret Shelley 1155 Michigan Avenue Buffalo, New York 14209	Residential	At least 1930	None – No relationship
Edwin J. Lienert 1145 Michigan Avenue Buffalo, New York 14209	Residential	At least 1925	None – No relationship
Elizabeth Hatch 1149 Michigan Avenue Buffalo, New York 14209	Residential	At least 1925	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
<b>81 Edna Place</b>			
<b>Current Owner/Operator</b>			
New Millenium Medical, PLLC 50 Lakefront Boulevard, Suite 103 Buffalo, New York 14202 Dr. Fadi Dagher Phone: (716) 217-9105 Email: fdagher@cedarlanddev.com	Vacant	November 26, 2014 ~ Present	Future Predecessors in Title
<b>Previous Owners/Operators</b>			
Dixon Enterprises, Inc 145 Lewis Street Buffalo, New York 14206	Commercial	January 2014 ~ November 2014	None – No relationship
Clover Homesource LLC 120 Whitney Place Buffalo, New York 14201	Commercial	January 2008 ~ January 2014	None – No relationship
City of Buffalo Ref 65 Niagara Square, Room 901 Buffalo, New York 14202	Vacant	September 2007 ~ January 2008	None – No relationship
Patricia Robinson 81 Edna Street Buffalo, New York 14209	Residential	August 1984 ~ September 2007	None – No relationship

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City of Buffalo 65 Niagara Square, Room 901 Buffalo, New York 14202	Vacant	April 1981 ~ August 1984	None – No relationship
Aero Realty Corp 81 Edna Street Buffalo, New York 14209	Commercial	October 1975 ~ April 1981	None – No relationship
Marion Borders 81 Edna Street Buffalo, New York 14209	Residential	At least 1975	None – No relationship
Alex C. Clark 81 Edna Street Buffalo, New York 14209	Residential	At least 1970	None – No relationship
Annie B. Thomas 81 Edna Street Buffalo, New York 14209	Residential	At least 1964	None – No relationship
Hansel Baker 81 Edna Street Buffalo, New York 14209	Residential	At least 1960	None – No relationship
Grace A. White 81 Edna Street Buffalo, New York 14209	Residential	At least 1955	None – No relationship
Carl G. Turnquist 81 Edna Street Buffalo, New York 14209	Residential	At least 1950	None – No relationship
Joseph R. Miskey 81 Edna Street Buffalo, New York 14209	Residential	At least 1946	None – No relationship
Elizabeth Giles 81 Edna Street Buffalo, New York 14209	Residential	At least 1940	None – No relationship
Elizabeth Cassube 81 Edna Street Buffalo, New York 14209	Residential	At least 1935	None – No relationship
William F. Cassube 81 Edna Street Buffalo, New York 14209	Residential	At least 1925	None – No relationship

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Applicant, Michigan & Best LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). The Phase I and Phase II reports were

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prepared by a qualified environmental professional, on behalf of Cedarland Development Group (Cedarland), an entity related to the Applicant's future predecessors in interest, DAG Capital Real Estate (DAG) and New Millenium Medical PLLC (NM), determined that subsurface SVOC and metals contamination identified throughout the Site is attributable to former uses and/or fill material utilized there prior to the period of ownership of the parcels comprising the Site by the Applicant and/or DAG and NM. Further, it was determined that no continuing or threatened releases or exposures to any hazardous waste or petroleum at the Site exist, and that no response measures were or are necessary to prevent or limit any releases or exposures while the Site remains vacant.

SVOC and metals impacts are present at the Site. The former uses and/or the presence of fill material have impacted the Site. Applicant's liability for the parcels addressed at 166 Best Street, 168 Best Street, and 81 Edna Place will arise solely from taking title to the property (ownership) after the contaminants had already been released and or placed at the Site prior to ownership by DAG and NM, and the Applicant has no relationship with the entities which owned or operated the Site or portions thereof at the time of such disposal or discharge. The Applicant does not currently own the parcels addressed at 160 Best Street, 162 Best Street, 164 Best Street, and 1145 Michigan Avenue. Therefore, Michigan & Best LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

The Applicant has approval from the current property owners, the City of Buffalo, DAG and NM to access the Site in order to complete the Site investigation and remediation under the BCP. Access agreements are provided as Exhibit B1.

**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.

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**BCP Application – Part B**  
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**Michigan-Best Development**

*Erie County Contacts:*

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

Erie County Legislator Howard Johnson  
District 1  
427 William Street  
Buffalo, NY 14204

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

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

Mr. Robert M. Graber  
Erie County Legislature Clerk  
92 Franklin Street  
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

Darius Pridgen  
Ellicott District Councilmember  
65 Niagara Sq, Rm 1315  
Buffalo, NY 14202

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

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*Supplier of Potable Water:*

Buffalo Water Department  
Veolia Water  
2 Porter Avenue  
Buffalo, NY 14201

*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:*

William A. Kresse, PhD, Principal  
City Honors at FMP  
186 E North St.  
Buffalo, NY 14204

Laura Collins, Principal  
Stanley G Falk School  
848 Delaware Avenue  
Buffalo, NY 14209

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Dr. Jaime Venning, Head of School  
Health Sciences Charter School  
1140 Ellicott Street  
Buffalo, NY 14209

Dawn DiNatale, Principal  
PS 99 Makowski Early Childhood Center  
1095 Jefferson Ave  
Buffalo, NY 14208

Bethany Brown, Principal  
Math Science Tech Prep School @ 39  
487 High St.  
Buffalo, Ny 14211

Serena M. Restivo, Principal  
Futures Academy  
295 Carlton St.  
Buffalo, NY 14204

*Document Repository*

Ms. April Thompkins  
Sr. Library Clerk  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 1420

Joshua Mitch  
Branch Manager  
Frank E. Merriweather, Jr. Branch  
1324 Jefferson Avenue  
Buffalo, NY 14208

**APPENDIX B**  
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Adjacent Property Owners

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

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
83	Edna Place	Two Family Year-Round Residence	Mohammed S. Islam 567 East 22 <sup>nd</sup> Street Brooklyn, NY 11226
97	Edna Place	Two Family Year-Round Residence	Mary Burnett 97 Edna Place Buffalo, NY 14209
101	Edna Place	One Family Year-Round Residence	Horace L. and Kendolynn M. Powell 81 Monticello Place Buffalo, NY 14214
107	Edna Place	Residential Vacant Land	Horace L. and Kendolynn M. Powell 81 Monticello Place Buffalo, NY 14214
176	Best Street	Residential Vacant Land	William P. and Elizabeth Stanford 178 Best Street Buffalo, NY 14209
172	East North Street	Residential Vacant Land	City Honors/Fosdick-Masten Park Foundation 186 East North Street Buffalo, NY 14204
1100	Michigan Avenue	Apartments	Pilgrim Village Associates C/O C/O Belmont Housing Resources for WNY, Inc., Ursula Goodloe 1195 Main Street Buffalo, NY 14209
1140	Michigan Avenue	Residential Vacant Land	J-P Group, LLC 295 Main Street, Suite 210 Buffalo, NY 14203
1144	Michigan Avenue	Auto Body, Tire Shops, Other Related Auto Sales	J-P Group, LLC 295 Main Street, Suite 210 Buffalo, NY 14203
1148	Michigan Avenue	Other Storage, Warehouse, and Distribution Facilities	Honey + Punch, LLC 488 Norwood Avenue Buffalo, NY 14222

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1152	Michigan Avenue	Residential Vacant Land	1238 Group, LLC 295 Main Street Buffalo, NY 14203
1157	Michigan Avenue	One Family Year-Round Residence	Hattie M. Cooley 1157 Michigan Avenue Buffalo, NY 14209
1165	Michigan Avenue	Residential Vacant Land	Thomas E. Baines 86 Edna Place Buffalo, NY 14209

Document Repository

The Buffalo and Erie County Library Frank E. Merriweather, Jr. 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 B2.

**SECTION X – LAND USE FACTORS**

1 – Current Zoning

The current zoning for the Site is N-2R (predominantly residential area with a variety of housing options, occasional civic structures, and mixed-use buildings on corner lots) is consistent with the City of Buffalo Unified Development Ordinance (see Figure 10). The planned redevelopment is consistent with the City of Buffalo Zoning and Land Use plans.

2 – Current Use

The Site consists of seven (7) vacant lots in the City of Buffalo that historically had structures for residential and/or commercial uses.

Historically, the seven (7) vacant lots that were largely developed with several former residential and/or commercial buildings. Of note, portions of the parcels addressed at 160 Best Street and 1145 Michigan Avenue were historically used for automotive repair purposes from at least 1919 through at least 1930. Additional on-Site commercial operations were identified as a beauty shop, storefronts, and a restaurant.

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3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire 0.74-acre Site, with the construction of a 3-story residential structure with associated parking lot and greenspace. A preliminary project rendering of the development is included as Figure 6.

The planned residential redevelopment is consistent with the historic and recent development patterns within the City of Buffalo. Historically, the Site has been used for residential and commercial purposes and the surrounding areas have included residential and commercial use. The current zoning for the Site and the adjacent properties is N-2R, which is Residential (predominantly residential area with a variety of housing options, occasional civic structures, and mixed-use buildings on corner lots). The proposed redevelopment supports recent development pattern and current land use requirements.

February 25, 2021

# EXHIBIT B1

Ms. Kelly A. Lewandowski  
NYSDEC – DER/BTS  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

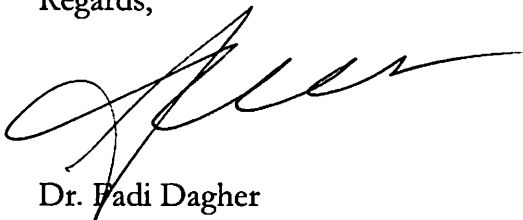
Re: 166 Best Street  
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that the property located at 166 Best Street in Buffalo, New York is currently owned by DAG Capital Real Estate LLC. As such, DAG Capital Real Estate LLC is granting full right of access to the property to undertake investigation, remediation, and redevelopment of the property under the New York Brownfield Cleanup Program to Michigan & Best LLC and its agents.

If you have any questions whatsoever, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Fadi Dagher', with a long horizontal flourish extending to the right.

Dr. Fadi Dagher  
Member  
DAG Capital Real Estate, LLC

February 25, 2021

Ms. Kelly A. Lewandowski  
NYSDEC – DER/BTS  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

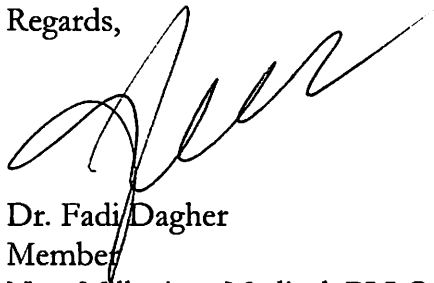
Re: 168 Best Street  
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that the properties located at 168 Best Street and 81 Edna Place in Buffalo, New York are currently owned by New Millenium Medical, PLLC. As such, New Millenium Medical, PLLC is granting full right of access to the properties to undertake investigation, remediation, and redevelopment of the property under the New York Brownfield Cleanup Program to Michigan & Best LLC and its agents.

If you have any questions whatsoever, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read 'Fadi Dagher', written over the printed name and title.

Dr. Fadi Dagher  
Member  
New Millenium Medical, PLLC



**CITY OF BUFFALO**  
**OFFICE OF STRATEGIC PLANNING**  
DIVISION OF REAL ESTATE



BYRON W. BROWN  
Mayor

HOPE R. YOUNG-WATKINS  
Director of Real Estate

March 10, 2021

Dr. Fadi Dagher  
Cedarland Development Group  
50 Lakefront Boulevard, Suite 103  
Buffalo, NY 14202

Re: Properties Located at 160,162,164 Best Street, and 1145 Michigan Avenue

This letter is to acknowledge the following:

The City of Buffalo, Office of Strategic Planning, Division of Real Estate has received a request for permission to submit application for the Brownfield Cleanup Program, from Cedarland Development Group.

This letter is to acknowledge that the City of Buffalo remains in ownership of 160,162,164 Best Street, and 1145 Michigan Avenue, authorizing Cedarland Development Group site control of the above-mentioned properties. The City of Buffalo, Office of Strategic Planning, through Common Council proceedings on January 5, 2021 approved Cedarland Development Group as the Designated Developer and/or a corporation, partnership, or other legal entity, for 160,162,164 Best Street, and 1145 Michigan Avenue for a term of one year. The developer shall obtain any additional required approvals as necessary and be responsible for required cost and expenses related to the project.

The Division of Real Estate is aware and has no objection to Cedarland Development Group submitting application and registering the Cedarland Development Group Project for participation in the Brownfield Cleanup Program.

If you have any questions, please do not hesitate to contact the Division of Real Estate at 716-851-5275.

Sincerely,

A handwritten signature in blue ink that reads "Hope Young-Watkins".

Hope Young-Watkins, Director  
Division of Real Estate  
Mayor's Office of Strategic Planning



February 25, 2021

## EXHIBIT B2

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

Re: Document Repository for Brownfield Cleanup Program  
Michigan-Best Development Site  
Buffalo, New York

Dear Ms. Tompkins:

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

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

Sincerely,  
TurnKey Environmental Restoration, LLC

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

Chelsea Kanaley  
Geologist

File: T0569-021-001

**Strong Advocates, Effective Solutions, Integrated Implementation**

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

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

**From:** [April Tompkins](#)  
**To:** [Chelsea N. Kanaley](#)  
**Subject:** FW: Document Repository Request - Michigan-Best Development Site  
**Date:** Thursday, February 25, 2021 11:51:41 AM  
**Attachments:** [Document Repository Request - Michigan-Best Development.pdf](#)

---

Good morning Chelsea,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program at the **Michigan-Best Development 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:** Chelsea N. Kanaley <[ckanaley@bm-tk.com](mailto:ckanaley@bm-tk.com)>  
**Sent:** Thursday, February 25, 2021 10:46 AM  
**To:** April Tompkins <[tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)>  
**Subject:** Document Repository Request - Michigan-Best Development Site

Dear Ms. Tompkins,

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

Thank you,  
Chelsea Kanaley

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

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

*Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized*

*representatives of the organization with which we have an active client-engineer relationship and when directly pertaining to a binding contract scope of work.*

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

PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA), 8 PARCELS LOCATED  
AT 160-168 BEST STREET, 1145-1157 MICHIGAN AVENUE, AND 81 EDNA  
PLACE – TURNKEY ENVIRONMENTAL RESTORATION, LLC, FEBRUARY 25,  
2016.

PHASE II ENVIRONMENTAL INVESTIGATION REPORT, PARCELS LOCATED  
AT 160-168 BEST STREET, 1145 MICHIGAN AVENUE, AND 81 EDNA PLACE,  
BUFFALO, NEW YORK – TURNKEY ENVIRONMENTAL RESTORATION, LLC,  
FEBRUARY 2021