

Brownfield Cleanup Program Application

Mt. Olive Senior Manor Site
Buffalo, New York

April 2021

B0408-021-003

Prepared For:

Mt. Olive Senior Manor LLC



Prepared By:



BROWNFIELD CLEANUP PROGRAM APPLICATION

Mt. Olive Senior Manor Site Buffalo, New York

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Previous Environmental Investigations (Provided Electronically on CD)

Geotechnical Engineering Report, 3 Story Senior Housing, Buffalo, New York. Terracon Consultants-NY, Inc. February 2021.

Phase I Environmental Site Assessment (ESA), A Portion of 703 East Delavan Avenue, Buffalo, New York. Benchmark Environmental Engineering & Science, PLLC. March 2021.

Limited Phase II Environmental Investigation Report, Southern Portion of 703 East Delavan Avenue, Buffalo, New York. Benchmark Environmental Engineering & Science, PLLC. April 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 Mt. Olive Senior Manor LLC

ADDRESS 1219 North Forest Road

CITY/TOWN Williamsville

ZIP CODE 14221

PHONE (716) 817-7400

FAX (716) 634-3889

E-MAIL jbos@people-inc.org

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 IIISee Figure 7

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

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

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

Other: Site surrounded by former industrial, commercial, and residential properties. Historic Sanborn Maps did not identify structures or features.

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Mt. Olive Senior Manor Site				
ADDRESS/LOCATION 703 East Delavan Avenue				
CITY/TOWN Buffalo		ZIP CODE 14215		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 1.3		
LATITUDE (degrees/minutes/seconds) 42 ° 55 ' 13.78 "		LONGITUDE (degrees/minutes/seconds) 78 ° 49 ' 52.01 "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address		Section No.	Block No.	Lot No.
703 East Delavan Avenue		90.78	5	P/O 1.1
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, please attach an accurate map of the proposed site. See Appendix A; Section IV				
2. Is the required property map attached to the application? See Figures 2, 3 & 4 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-right: 50px;">See Figure 9 If yes, identify census tract : <u>34</u></div> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <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

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

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

☒ Yes ☐ No

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

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

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

Not Applicable

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

Not Applicable

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

Not Applicable

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

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

Initials of each Requestor: _____

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

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Ms. Jocelyn Bos			
ADDRESS 1219 North Forest Road			
CITY/TOWN Williamsville		ZIP CODE 14221	
PHONE (716) 817-7400	FAX (716) 634-3889	E-MAIL jbos@people-inc.org	
NAME OF REQUESTOR'S CONSULTANT Benchmark Environmental Engineering & Science, PLLC - Christopher Boron, P.G.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE (716) 856-0599	FAX (716) 856-0583	E-MAIL cboron@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo		ZIP CODE 14204	
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL cslater@cslaterlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor See Appendix B; Section VI			
CURRENT OWNER'S NAME Mt. Olive Baptist Church		OWNERSHIP START DATE: 2/16/1988	
ADDRESS 703 East Delavan Avenue			
CITY/TOWN Buffalo		ZIP CODE 14215	
PHONE (716) 895-7595	FAX (716) 895-7519	E-MAIL rmootry@modcbuffalo.org	
CURRENT OPERATOR'S NAME Same as Owner			
ADDRESS Same as Owner			
CITY/TOWN Same as Owner		ZIP CODE Same as Owner	
PHONE Same as Owner	FAX Same as Owner	E-MAIL Same as Owner	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407) See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

☐ Previous Owner ☐ Current Owner ☐ Potential /Future Purchaser ☒ Other Developer/Operator

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 8](#)
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors		See Appendix B; Section X
<p>1. What is the current municipal zoning designation for the site? <u>N-3R (Residential)</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below) (Primarily Residential, mixed-use buildings allowed on corner lots)</p> <p><input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial</p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>		
<p>2. Current Use: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Vacant <input checked="" type="checkbox"/> Recreational (check all that apply)</p> <p style="text-align: right;">Athletic Field</p> <p>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</p>		
<p>3. Reasonably anticipated use Post Remediation: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial (check all that apply) Attach a statement detailing the specific proposed use.</p> <p>If residential, does it qualify as single family housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		
4. Do current historical and/or recent development patterns support the proposed use?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B; Section X</p>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B; Section X</p>		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

XI. Statement of Certification and Signatures

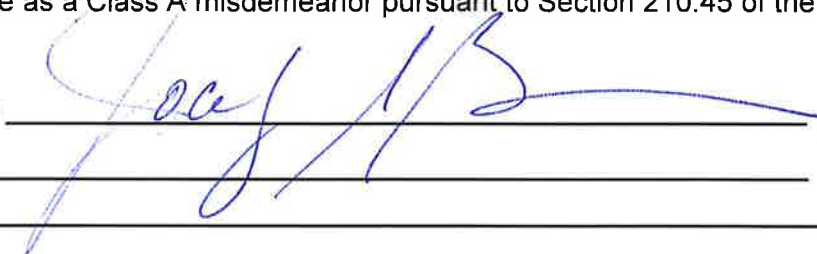
(By a requestor other than an individual)

I hereby affirm that I am an Authorized Person (title) of Mt. Olive Senior Manor 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:

4/23/2021

Signature:



Print Name: Jocelyn S. Bos

SUBMITTAL INFORMATION:

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

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

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

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

BCP App Rev 11

Not Applicable

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

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

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

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

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

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: Mt. Olive Senior Manor Site
City: Buffalo

Site Address: 703 East Delavan Avenue
County: Erie **Zip:** 14215

Tax Block & Lot

Section (if applicable): 90.78 **Block:** 5 **Lot:** P/O 1.1

Requestor Name: Mt. Olive Senior Manor LLC
City: Williamsville

Requestor Address: 1219 North Forest Road
Zip: 14221 **Email:** jbos@people-inc.org

Requestor's Representative (for billing purposes)

Name: Ms. Jocelyn Bos
City: Williamsville

Address: 1219 North Forest Road
Zip: 14221

Email: jbos@people-inc.org

Requestor's Attorney

Name: Mr. Craig Slater, Esq
City: Buffalo

Address: 500 Seneca Street, Suite 504
Zip: 14204

Email: cslater@cslaterlaw.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

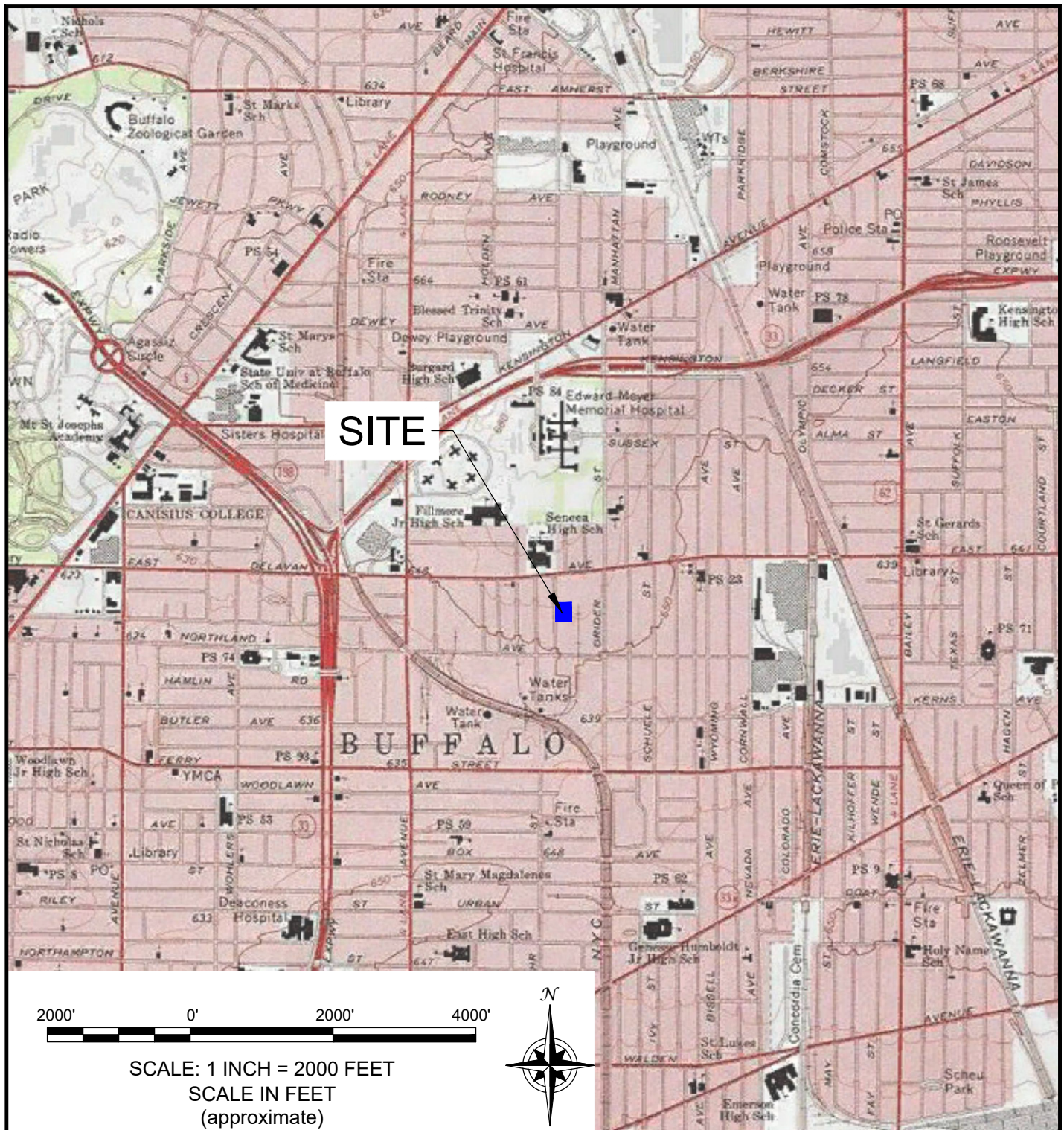
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

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	Previous Investigation Locations and Areas of Concern
Figure 8	Adjacent Property Owners
Figure 9	En-Zone Map
Figure 10	Zoning Map
Figure 11	USDA Soil Type Map

FIGURE 1



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

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR

MT. OLIVE SENIOR MANOR LLC

PROJECT NO.: B0408-021-003

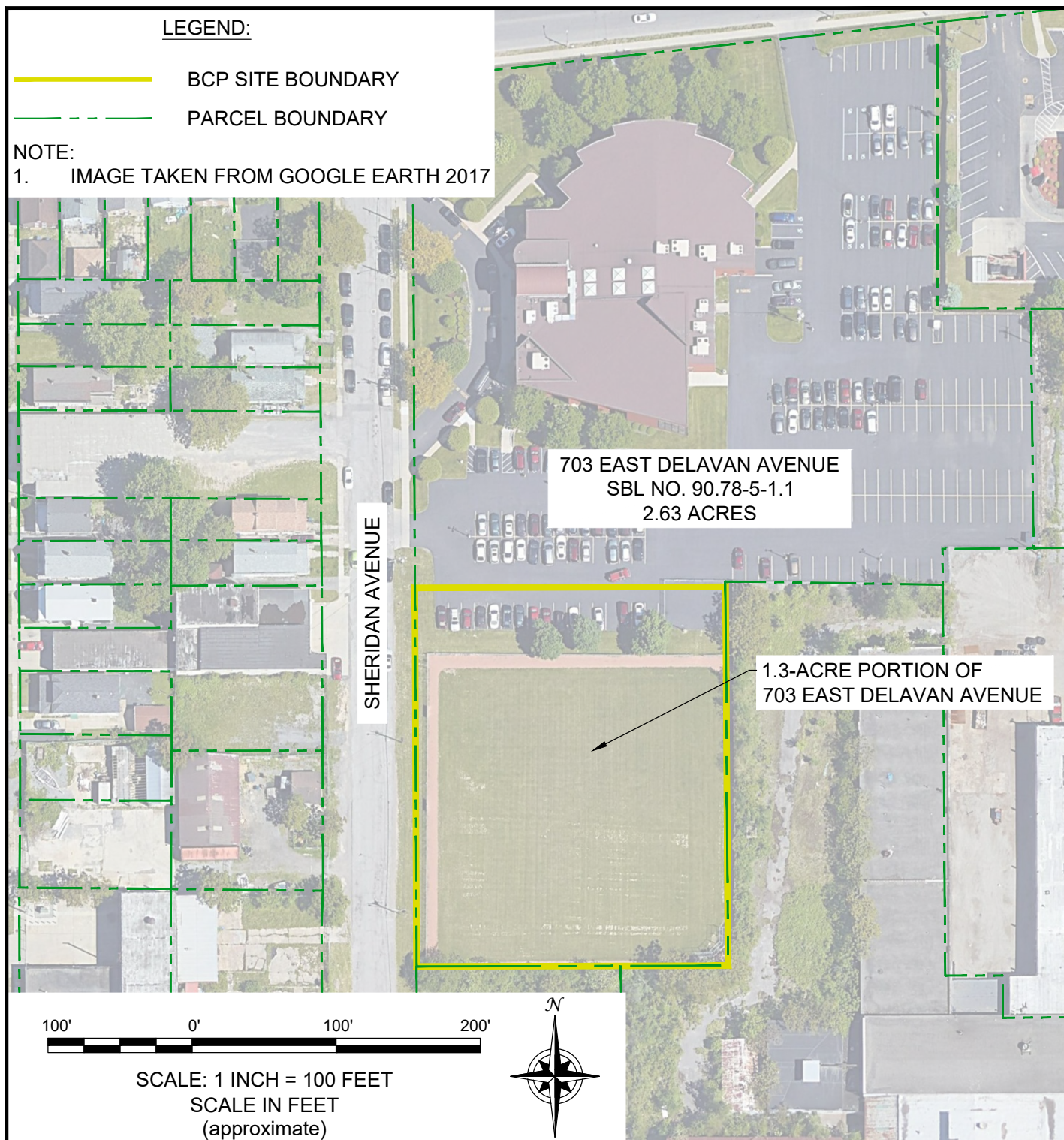
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FIGURE 2



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

PROJECT NO.: B0408-021-003

DATE: APRIL 2021

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

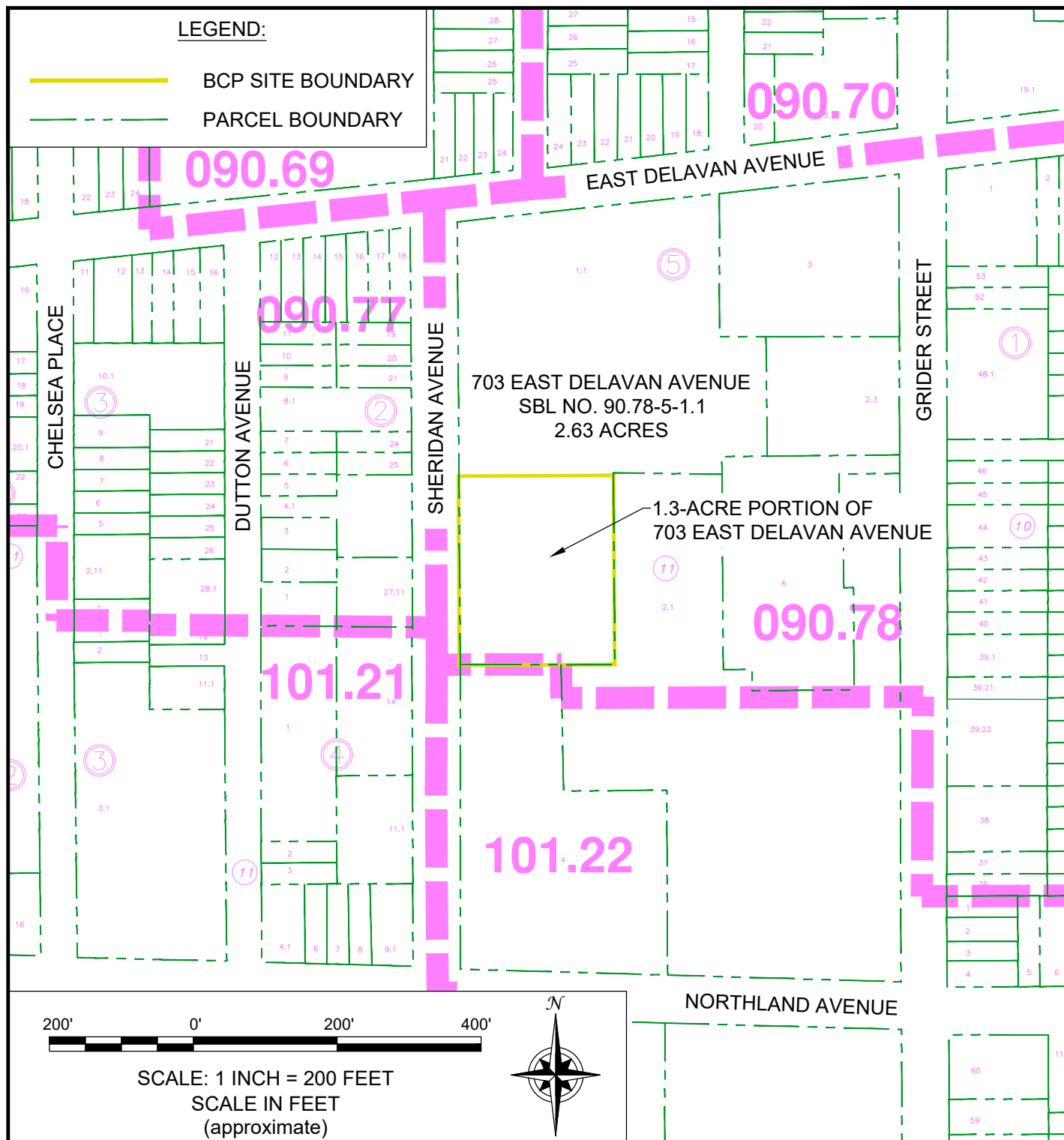
MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR

MT. OLIVE SENIOR MANOR LLC

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FIGURE 3



TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

**MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK**

PREPARED FOR

MT. OLIVE SENIOR MANOR LLC



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

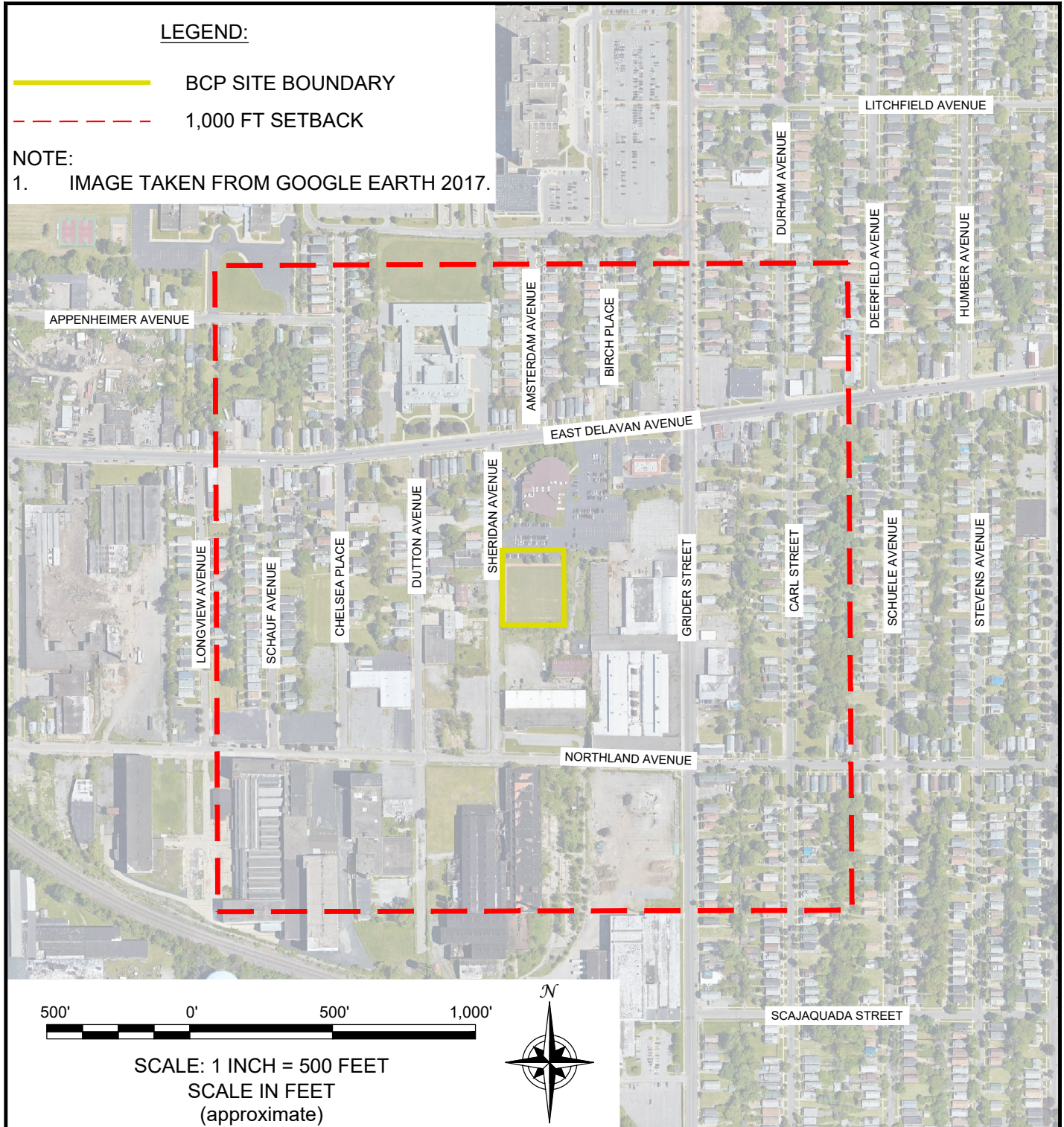
PROJECT NO.: B0408-021-003


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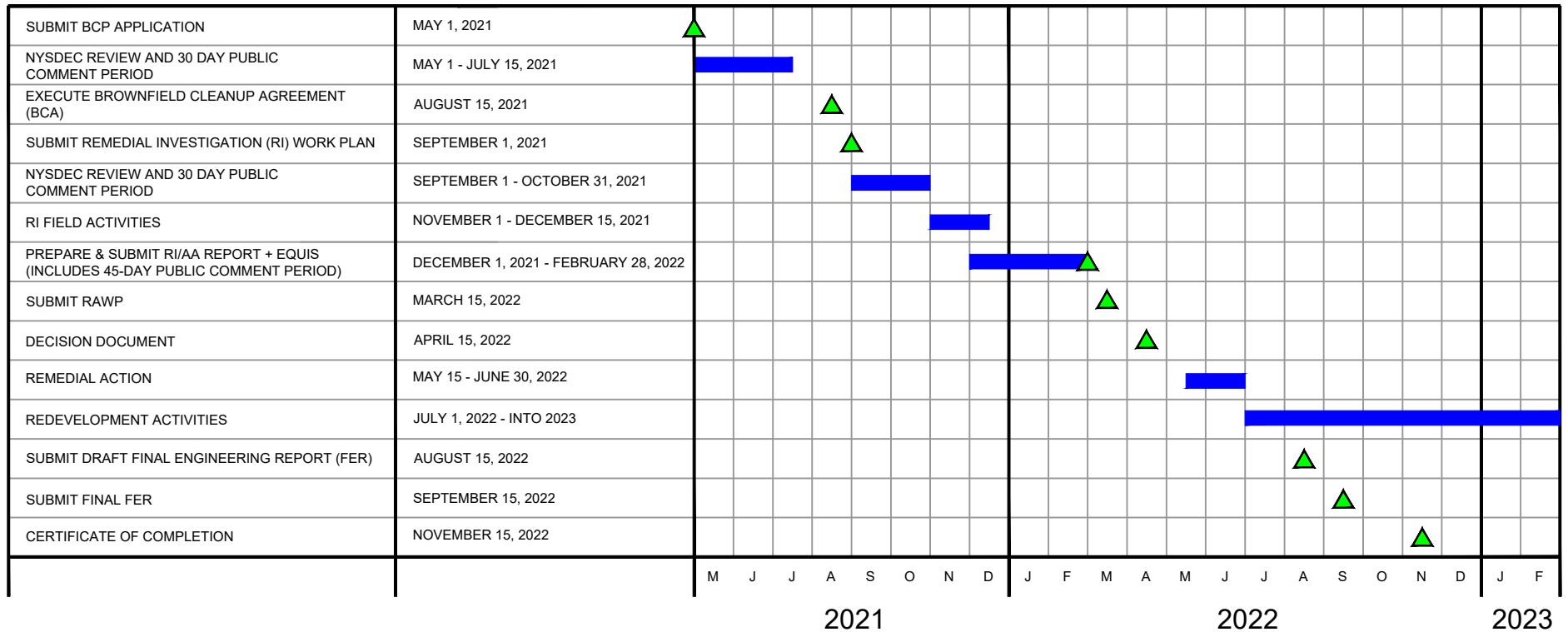
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FIGURE 4



 <p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599</p>	<p>SITE PLAN (AERIAL)</p> <p>BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p>MT. OLIVE SENIOR MANOR SITE 703 EAST DELAVAN AVENUE BUFFALO, NEW YORK</p> <p>PREPARED FOR MT. OLIVE SENIOR MANOR LLC</p>
<p>PROJECT NO.: B0408-021-003</p>	
<p>DATE: APRIL 2021</p>	
<p>DRAFTED BY: CNK</p>	

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PROJECT TASKS:**TIME FRAME(S):**

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

PROJECT NO.: B0408-021-003

DATE: APRIL 2021

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR
MOUNT OLIVE SENIOR MANOR LLC

FIGURE 5

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MT. OLIVE SENIOR MANOR

PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR
MOUNT OLIVE SENIOR MANOR LLC

FIGURE 6



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

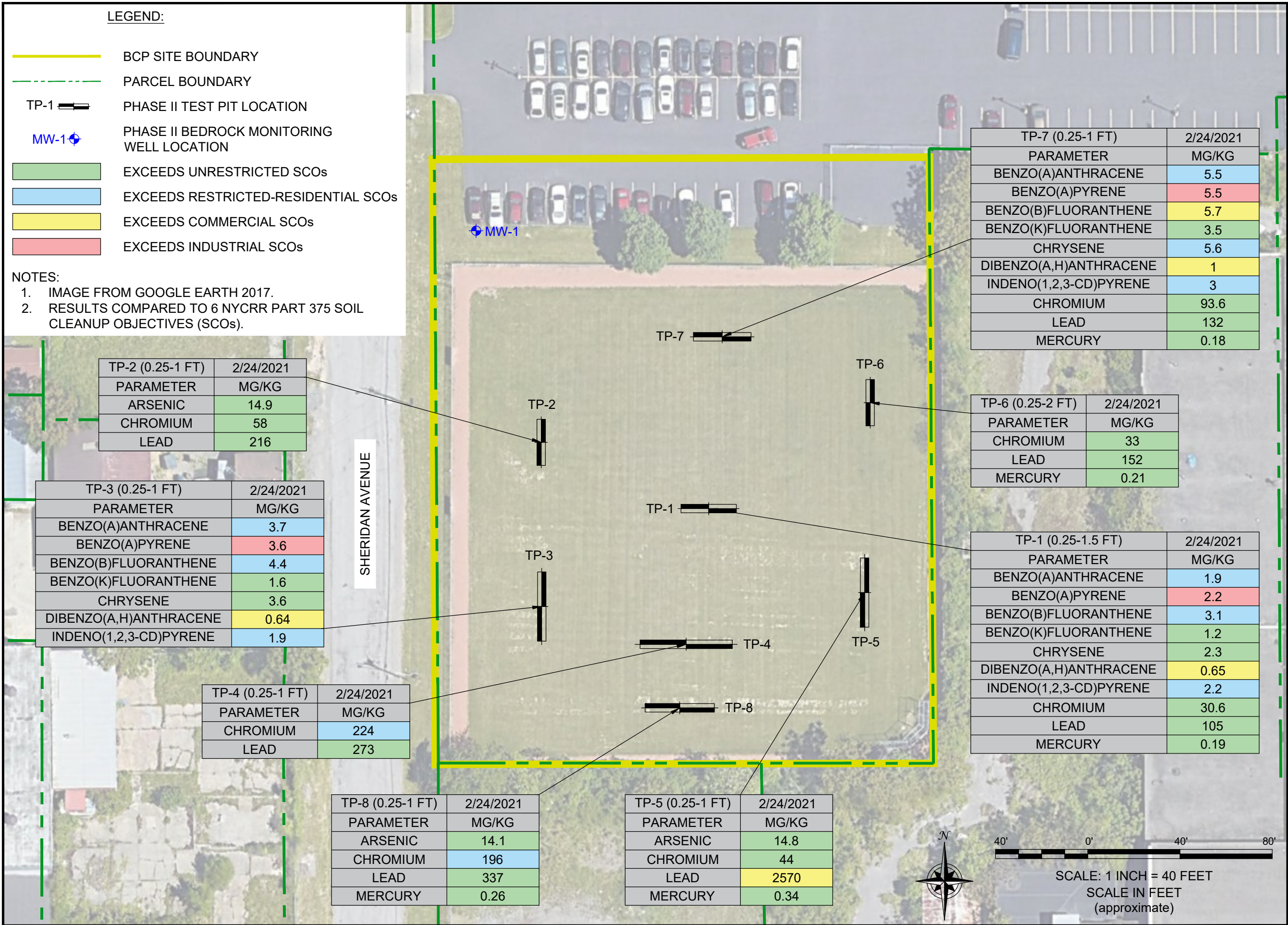
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**PREVIOUS INVESTIGATION LOCATIONS
AND AREAS OF CONCERN**

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR
MT. OLIVE SENIOR MANOR LLC

FIGURE 7

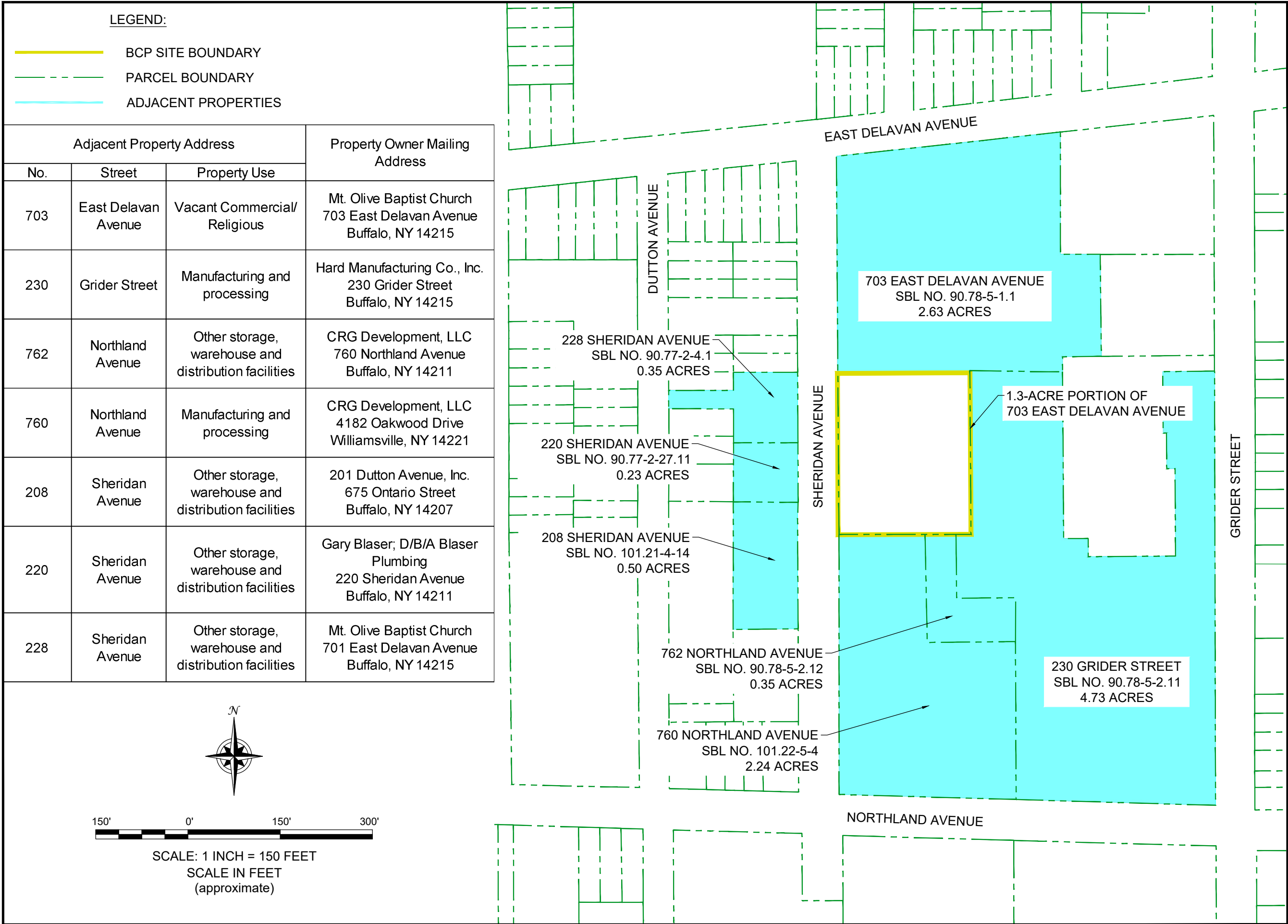
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ENVIRONMENTAL
ENGINEERING &
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2558 HAMBURG TURNPIKE
SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: B0408-021-003

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

PREPARED FOR
MT. OLIVE SENIOR MANOR LLC

FIGURE 8

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FIGURE 9

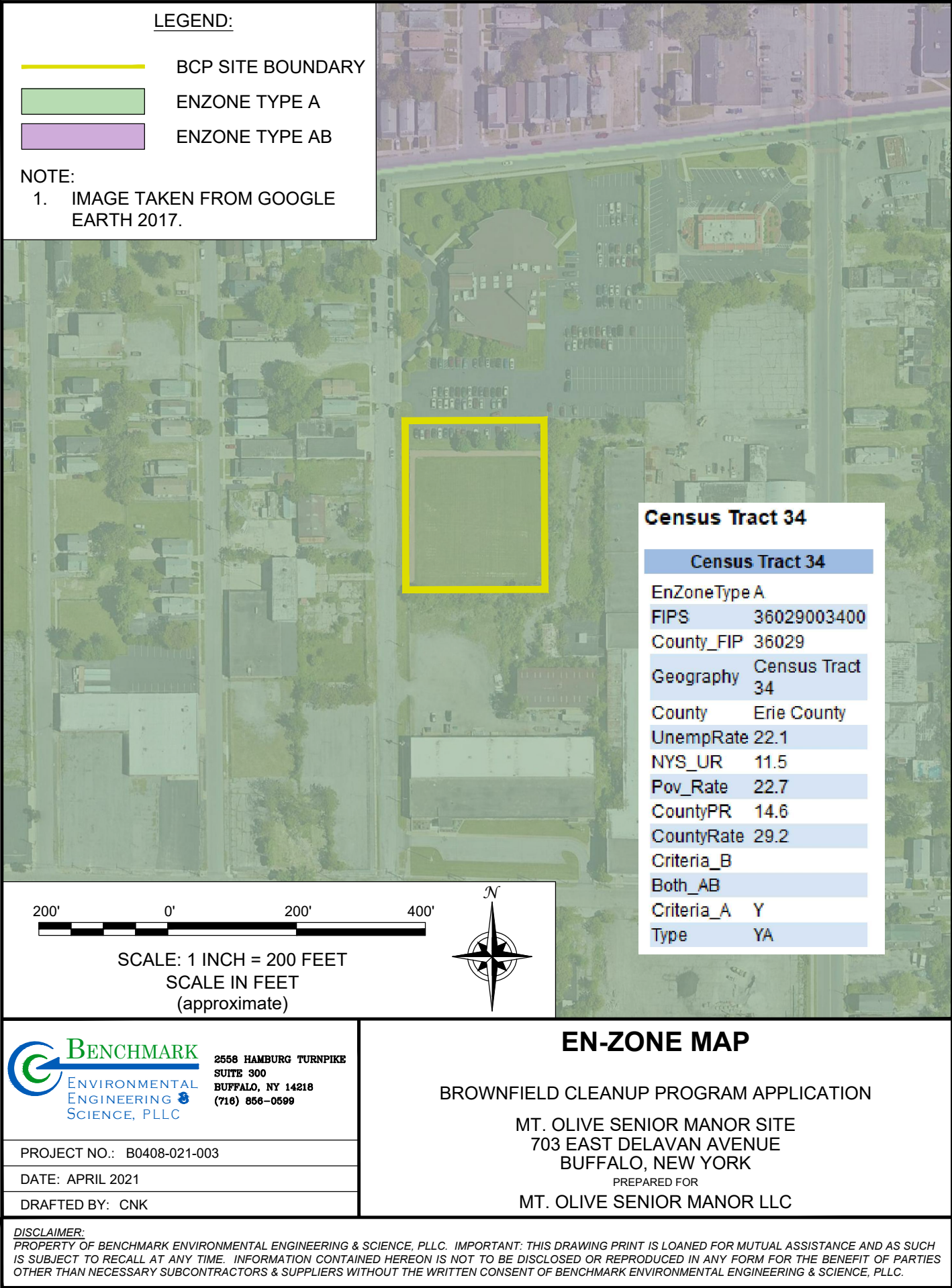
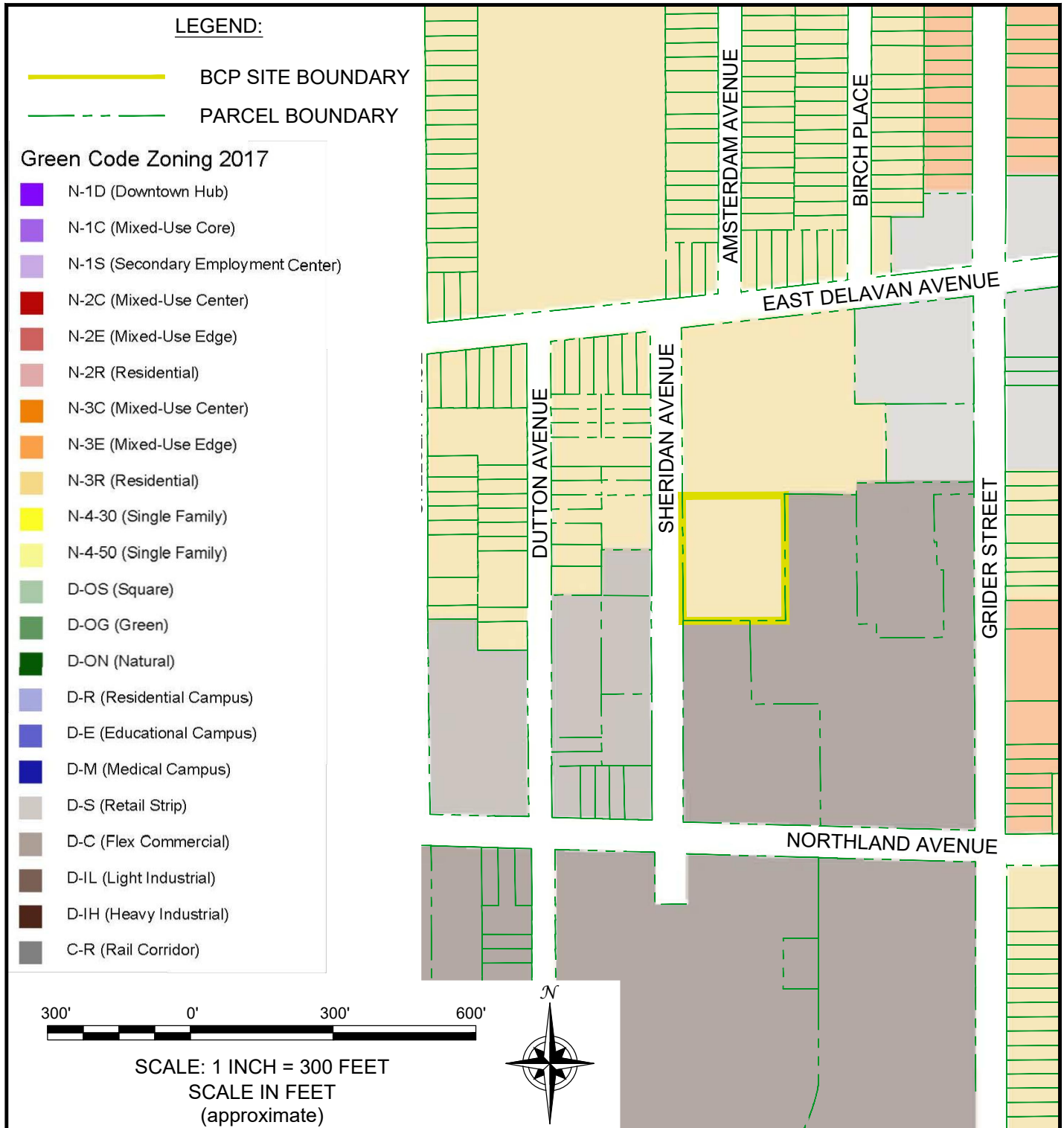


FIGURE 10



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

PROJECT NO.: B0408-021-003

DATE: APRIL 2021

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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MT. OLIVE SENIOR MANOR SITE
703 EAST DELAVAN AVENUE
BUFFALO, NEW YORK

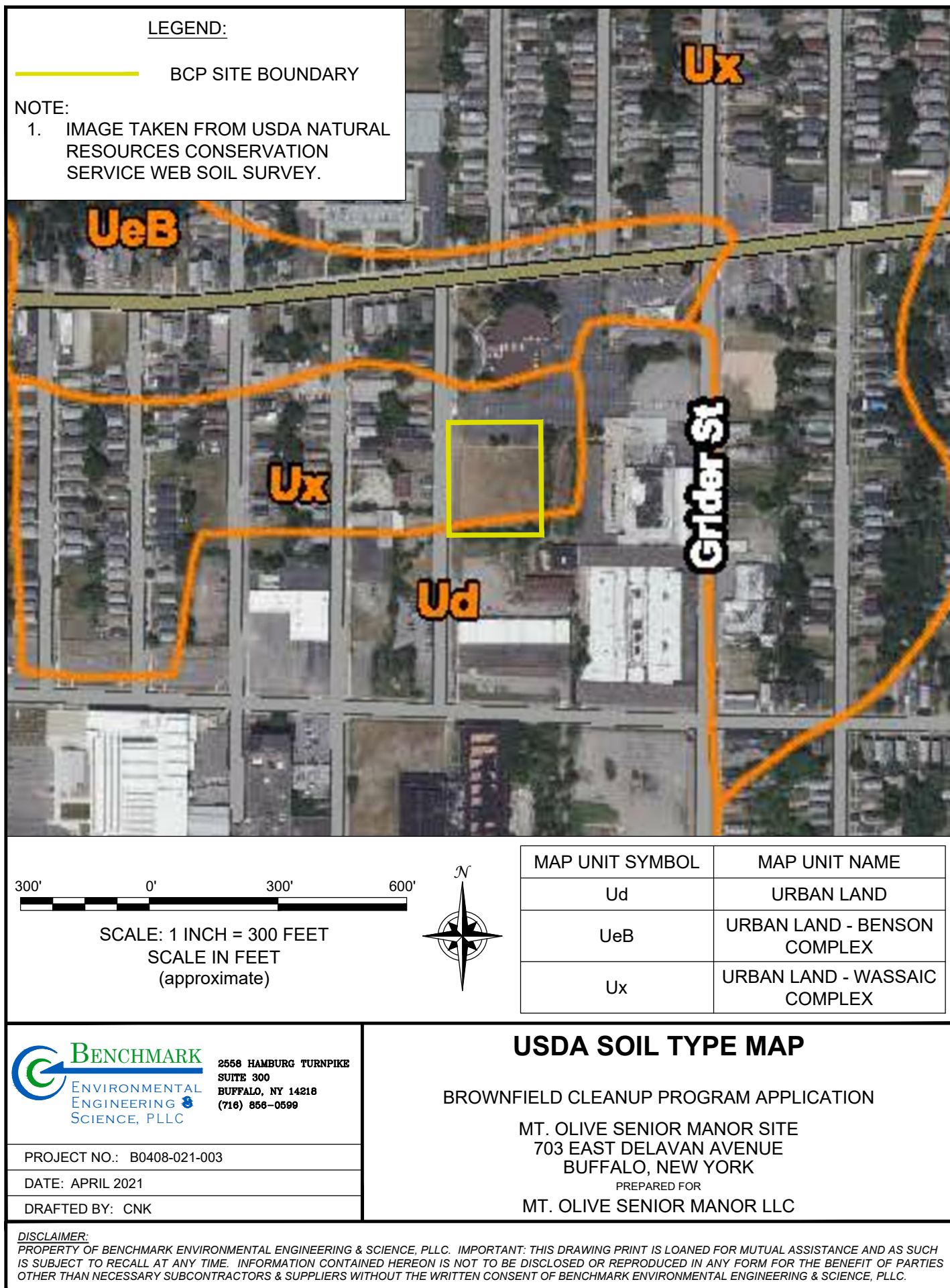
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FIGURE 11



APPENDIX A

BCP APPLICATION PART A – SECTIONS I - IV

SECTION I – REQUESTOR INFORMATION

SECTION II – PROJECT DESCRIPTION

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION IV – PROPERTY INFORMATION

**EXHIBIT A1 – NYS CORPORATION & BUSINESS ENTITY DATABASE
INFORMATION**

EXHIBIT A2 – SIGNATURE CONSENT

EXHIBIT A3 – SITE SURVEY AND METES AND BOUNDS

EXHIBIT A4 – ERIE COUNTY PARCEL DETAIL REPORT

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

SECTION I – REQUESTOR INFORMATION

Requestor, Mt. Olive Senior Manor LLC, a New York State limited liability company, is authorized to conduct business in New York State (NYS). A copy of the NYS Corporation and Business Entity Database printout for Mt. Olive Senior Manor LLC is attached as Exhibit A1.

Attached as Exhibit A2 are (a) the resolution of Mt. Olive Senior Manor LLC authorizing specified persons (Ms. Jocelyn S. Bos) to execute documents or agreements necessary under the NYS Brownfield Cleanup Program (BCP); (b) the resolution of Mt. Olive Senior Manor MM LLC, the managing member of Mt. Olive Senior Manor LLC, authorizing the same persons to execute documents or agreements necessary under the BCP; and (c) the resolution of People Inc., the managing member of Mt. Olive Senior Manor MM LLC, authorizing the same persons to execute documents or agreements necessary under the BCP. A copy of the NYS Corporation and Business Entity Database printout for Mt. Olive Senior Manor MM LLC is also included in Exhibit A1.

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

Mt. Olive Senior Manor LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1 through 4) under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the ±1.3-acre property Site with a 3-story affordable housing development on the Site that will serve seniors age 55 and up, including some seniors who are frail elderly and meet the definition of homeless under the Empire State

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

Supportive Housing Initiative (ESSHI). The conceptual redevelopment plan is shown on Figure 6. The Site redevelopment plan estimates a project value of \$24 million.

The Project will result in the remediation, redevelopment, and reuse of an idle, environmentally impacted property located on the southern portion of 703 East Delavan Avenue in the City of Buffalo, New York.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigations completed for the Mt. Olive Senior Manor Site (hereinafter, the “Project Site” or the “Site”) are provided below.

Geotechnical Engineering Report, 3 Story Senior Housing, Buffalo, New York (Terracon Consultants-NY, Inc., February 2021)

A geotechnical engineering report was completed by Terracon Consultants-NY, Inc. on the southern 1.3-acre portion of 703 East Delavan Avenue subject to this BCP application. The assessment included the advancement of seventeen (17) test borings to depths ranging from approximately 1.6 to 6 feet below ground surface (fbgs). Findings of the report are summarized below:

- The Site is developed with a grass-covered athletic field with associated paved areas in the northern portion of the Site.
- Fill materials consisting of a mixture of red-brown and black silt and sand with rock, brick, concrete fragments, and cinders was encountered at depths varying from 0.5 to 4 fbgs at the 17 test borings completed throughout the property.
- Bedrock was encountered at varying depths between 2 to 4 fbgs.
- Groundwater was generally not observed in the borings during the assessment.
- Regarding the presence of fill materials on the Site the report stated that “if the owner elects to leave existing fills in place beneath new building floor slabs, proof-rolling and stabilization of the subgrades as described herein will lessen but cannot eliminate the risk of settlement. If this risk cannot be accepted, the existing fills should be removed and replaced in their entirety as part of the site preparation.”

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

Phase I Environmental Site Assessment (Benchmark, March 2021)

Benchmark completed a Phase I Environmental Site Assessment (ESA) on the southern 1.3-acre portion of 703 East Delavan subject to this BCP application. Benchmark identified the following Recognized Environmental Conditions (REC):

- A previous geotechnical report completed by Terracon Consultants identified fill materials across the Site consisting of mixtures of red-brown and black silt and sand with cinders and fragments of rock, brick, and concrete. Miscellaneous urban fill materials from unknown sources are considered a REC due to the potential for impacts.
- The Site is located in a historically industrial area with fuel oil and gasoline storage tanks and an oil storage area identified in close proximity to the Site. In addition, historic automobile repair and rug/furniture cleaning, possibly with dry-cleaning operations, were identified adjacent to the Site. these adjacent and nearby operations represent RECs and a potential Vapor Encroachment Condition (VEC) at the Site.
- The “closed” and “inactive” spill incidents identified for adjacent/nearby properties are considered historical RECs (HRECs) as such have been addressed to the satisfaction of the NYSDEC.

Limited Phase II Environmental Investigation Report (Benchmark Environmental Engineering and Science, PLLC, March 2021)

Benchmark completed a Phase II Environmental Investigation on the southern 1.3-acre portion of 703 East Delavan subject to this BCP application. The Phase II activities consisted of eight (8) test pits designated as TP-1 through TP-8 within the footprints of the proposed redevelopment area and installation of one (1) bedrock monitoring well (MW-1). The test pits were advanced to the top of bedrock which was encountered at a depth of 1 to 2 fbs. Eight (8) soil/fill samples were selected for laboratory analysis, which included semi-volatile organic compounds (SVOCs) and metals. One (1) groundwater sample was collected from the bedrock well for laboratory analysis for volatile organic compounds (VOCs).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

The Phase II investigation locations and a summary of analytical results are shown on Figure

7. Findings of the Phase II are summarized below:

- The Site is currently used as an athletic field in an area that is mixed commercial, industrial, and residential in the City of Buffalo.
- Fill materials consisting of black fines, brick, concrete debris, slag, ciders, wood, glass, and coal were observed across the Site. Bedrock was present underlying the fill material at depths of 1 to 2 fbs. Bedrock underlying the Site is limestone from the Onondaga Formation.
- Polycyclic aromatic hydrocarbons (PAHs) were detected in three (3) of the four (4) samples analyzed for SVOCs at concentrations above their respective 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs), including Unrestricted SCOs (USCOs), Restricted-Residential SCOs (RRSCOs), Commercial SCOs (CSCOs), and Industrial SCOs (ISCOs).
- Metals were detected in seven (7) of the eight (8) samples above their respective USCOs, RRSCOs, and/or CSCOs.
- TCE was the only VOC detected in the groundwater sample collected from bedrock well, MW-1, above method detection limits. The detected concentration was 0.36 ug/l which is below its respective GWQS/GVs of 5 ug/l.

Complete copies of the previous investigation reports are provided as separate PDF files on the enclosed CD.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The Mt. Olive Senior Manor Site, subject to this BCP application, is in a highly developed residential, commercial, and industrial use area in the City of Buffalo (see Figures 1 and 2). The BCP Site consists of a ± 1.3 -acre portion of a greater 4.63-acre parcel located at 703 East Delavan Avenue, Buffalo, Erie County, New York (SBL No. 90.78-5-1.1). A Site survey and metes and bounds description of the Site is included as Exhibit A3.

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

The Erie County tax parcel detail report for the 703 East Delavan Avenue parcel is provided for reference in Exhibit A4.

Easements and Permits

Mt. Olive Senior Manor 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 right-of-way along East Delavan Avenue and Sheridan Avenue. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Mt. Olive Senior Manor LLC is not aware of any other easements or restrictions on the Site.

Location

The Site is located at the southeast corner of East Delavan Avenue and Sheridan Avenue in a highly developed residential, commercial, and industrial area of the City of Buffalo, Erie County, New York. The Site is bordered by the remaining area of 703 East Delavan to the north, commercial and industrial properties to the south, an industrial property to the west, and Sheridan Avenue to the east. Adjacent property owners are identified on Figure 8.

According to NYSDEC Environmental Zone (En-Zone) mapping, the Site is located within En-Zone Type A. En-Zone areas are shown on Figure 9.

Site Features

The Site currently consists of a grass covered athletic field and a small portion of an adjacent asphalt parking lot to the north.

Zoning and Land Use

The redevelopment plan for the Site is a 3-story affordable housing development for seniors and is consistent with the City of Buffalo zoning assigned to the Site (see Figure 10). The current zoning for the Site is N-3R (Residential), defined as moderately compact residential

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

blocks, which occasionally include small mixed-use buildings. Surrounding properties are zoned N-3R, D-C (Flex Commercial), D-S (Strip Retail), and D-IL (Light Industrial).

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

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

Planned redevelopment of the Site is a 3-story affordable housing development for seniors, which is consistent with the City of Buffalo Land Use for the area.

Past Use of the Site

The greater property including the Site is currently and has historically been developed with a church building, associated parking lot and athletic field. Miscellaneous urban fill materials from unknown sources were observed in the subsurface across the Site. In addition, the Site is located in a historically industrial area with fuel oil and gasoline storage tanks and an oil storage area identified in close proximity to the Site. In addition, historic automobile repair and rug/furniture cleaning, possibly with dry-cleaning operations, were identified adjacent to the Site.

Impacted fill materials containing SVOCs and metals are present and may be associated with historic fill material import. The Site is impacted as evidenced by SVOCs and metals exceeding USCOs, RRSCOs, CSCOs and/or ISCOs.

The previous investigation reports are provided electronically on the enclosed CD.

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

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud) and Urban Land Wassaic Complex (Ux). Soils associated with Urban Land are characterized as miscellaneous areas in which 80% or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures. Urban Land Wassaic Complex soils are composed of 60% urban land, 35% Wassaic or similar soils, and 5% minor components. Wassaic Complex soils are classified as well drained with a slope of 0 to 3 percent (see Figure 11).

The previous investigation identified the Site geology as primarily vegetative topsoil cover over varying types of fill materials ranging in depth from 3 inches to 2 fbs. Evidence of fill materials were observed at all test pit locations with the exception of TP-6. Silty sand and/or fine sand were encountered at TP-6, TP-7, and TP-8 underlying the fill.

The Site is situated over the Onondaga Formation. The Onondaga Formation is comprised of a limestone of varying texture, from coarse to very finely crystalline, with a dark gray to tan color and chert and fossils within. The unit has an approximate thickness of 150 feet. The depth to bedrock was identified at approximately 1 to 2 fbs.

Regional groundwater is anticipated to flow westerly towards the Niagara River. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions. Groundwater was not encountered during previous investigations and is likely present in the underlying bedrock.

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

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

Environmental Assessment Narrative

Phase II analytical data (discussed below and in Section III of Appendix A) indicate that the Site has PAH and/or metal contaminants present above their respective RRSCOs, CSCOs, and/or ISCOs in the soil/fill at the Site. PAH and metal contamination may be associated with urban fill material identified across the Site. Figure 7 summarizes the environmental impacts identified in the previous investigation.

Semi-Volatile Organic Compounds

SVOCs were detected above method detection limits (MDLs) in the four (4) samples analyzed for SVOCs. SVOCs, specifically PAHs, were detected above their respective RRSCOs, CSCOs, and/or ISCOs at three (3) of the four (4) investigation locations, TP-1 (0.25-1.5 ft), TP-3 (0.25-1 ft), and TP-7 (0.25-1 ft).

- Benzo(a)anthracene exceeded its RRSCO (1 mg/kg) at three (3) locations: TP-1 (1.9 mg/kg), TP-3 (3.7 mg/kg), and TP-7 (5.5 mg/kg).
- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) at three (3) locations: TP-1 (2.2 mg/kg), TP-3 (3.6 mg/kg), and TP-7 (5.5 mg/kg).
- Benzo(b)fluoranthene exceeded its RRSCO (1 mg/kg) at two (2) locations: TP-1 (3.1 mg/kg) and TP-3 (4.4 mg/kg) and its CSCO (5.6 mg/kg) at one (1) location: TP-7 (5.7 mg/kg).
- Chrysene exceeded its RRSCO (3.9 mg/kg) at one (1) location: TP-7 (5.6 mg/kg).
- Dibenzo(a,h)anthracene exceeded its CSCO (0.56 mg/kg) at three (3) locations: TP-1 (0.65 mg/kg), TP-3 (0.64 mg/kg), and TP-7 (1 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at three (3) locations: TP-1 (2.2 mg/kg), TP-3 (1.9 mg/kg), and TP-7 (3 mg/kg).

Metal Analytes

Metal analytes were detected above MDLs in the eight (8) samples analyzed for Resource Conservation and Recovery Act (RCRA) metals. Metal analytes were detected above their respective RRSCOs or CSCOs at three (3) investigation locations, TP-4 (0.25-1 ft), TP-5 (0.25-1 ft), and TP-8 (0.25-1 ft).

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mt. Olive Senior Manor Site

- Chromium exceeded is RRSCO (180 mg/kg) at two (2) locations: TP-4 (224 mg/kg) and TP-8 (196 mg/kg).
- Lead exceeded its CSCO (1,000 mg/kg) at one (1) location: TP-5 (2,570 mg/kg).

The previous investigation reports are provided electronically on the enclosed CD.

EXHIBIT A1

NYS Department of State

Division of Corporations

Entity Information

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

Selected Entity Name: MT. OLIVE SENIOR MANOR LLC

Selected Entity Status Information

Current Entity Name: MT. OLIVE SENIOR MANOR LLC

DOS ID #: 5980148

Initial DOS Filing Date: APRIL 02, 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)

MT. OLIVE SENIOR MANOR LLC

C/O PEOPLE INC.

1219 NORTH FOREST ROAD

WILLIAMSVILLE, NEW YORK, 14221

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 20, 2021	Actual	MT. OLIVE SENIOR MANOR LLC
APR 02, 2021	Actual	MOUNT OLIVE SENIOR MANOR 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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[Homepage](#) | [Contact Us](#)

NYS Department of State

Division of Corporations

Entity Information

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

Selected Entity Name: MT. OLIVE SENIOR MANOR MM LLC

Selected Entity Status Information

Current Entity Name: MT. OLIVE SENIOR MANOR MM LLC

DOS ID #: 5980139

Initial DOS Filing Date: APRIL 02, 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)

MT. OLIVE SENIOR MANOR MM LLC

C/O PEOPLE INC.

1219 NORTH FOREST ROAD

WILLIAMSVILLE, NEW YORK, 14221

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 20, 2021	Actual	MT. OLIVE SENIOR MANOR MM LLC
APR 02, 2021	Actual	MOUNT OLIVE SENIOR MANOR MM 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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[Homepage](#) | [Contact Us](#)

EXHIBIT A2

WRITTEN CONSENT
OF THE
MANAGING MEMBER
OF
MT. OLIVE SENIOR MANOR LLC

The undersigned, being the managing member of Mt. Olive Senior Manor LLC, a limited liability company duly organized and existing under the laws of the State of New York (the “**Company**”), hereby consents to the adoption of the following resolutions, such action to have the same force and effect as if taken at a meeting duly called and held for such purpose:

RESOLVED, that Jocelyn Bos and Rhonda Frederick (each, 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 referred to as the Mt. Olive Senior Manor Site; 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; and be it further

RESOLVED, that the aforesaid resolutions may be executed by facsimile, .pdf, or such other form of electronic signature.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has executed this instrument on the 19 day of April, 2021.

MT. OLIVE SENIOR MANOR MM LLC,
a New York limited liability company

By: People Inc.,
Its Managing Member

By: _____

Name: Jocelyn Bos

Title: Authorized Person

WRITTEN CONSENT
OF THE
MANAGING MEMBER
OF

MT. OLIVE SENIOR MANOR MM LLC

The undersigned, being the managing member of Mt. Olive Senior Manor MM LLC, a limited liability company duly organized and existing under the laws of the State of New York (the “**Managing Member**”), which Managing Member is the managing member of Mt. Olive Senior Manor LLC (the “**Company**”), hereby consents to the adoption of the following resolutions, such action to have the same force and effect as if taken at a meeting duly called and held for such purpose:

RESOLVED, that Jocelyn Bos and Rhonda Frederick (each, an “**Authorized Person**”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Managing Member or 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 referred to as the Mt. Olive Senior Manor Site; and be it further

RESOLVED, that the Authorized Person is hereby authorized, empowered and directed to take all such action on behalf of the Managing Member 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 Managing Member and of any persons designated and authorized to act by any such officer of the Managing Member, 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 Managing Member; and be it further

RESOLVED, that the aforesaid resolutions may be executed by facsimile, .pdf, or such other form of electronic signature.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has executed this instrument on the 19 day of April, 2021.

PEOPLE INC.

a New York not-for-profit corporation

By:  _____

Name: Jocelyn Bos

Title: Authorized Person

UNANIMOUS WRITTEN CONSENT

OF THE

BOARD OF DIRECTORS

OF

PEOPLE INC.

The undersigned, being all of the directors of People Inc., a not-for-profit corporation duly organized and existing under the laws of the State of New York (the "**Corporation**"), which Corporation is the managing member of Mt. Olive Senior Manor MM LLC, a limited liability company duly organized and existing under the laws of the State of New York (the "**Managing Member**"), the managing member of Mt. Olive Senior Manor LLC (the "**Company**"), hereby consent to the adoption of the following resolutions, such action to have the same force and effect as if taken at a meeting duly called and held for such purpose:

RESOLVED, that Jocelyn Bos and Rhonda Frederick (each, an "**Authorized Person**") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, the Managing Member or 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 referred to as the Mt. Olive Senior Manor Site; and be it further

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

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

RESOLVED, that the aforesaid resolutions may be executed by facsimile, .pdf, or such other form of electronic signature, and in any number of identical counterparts, each of which for all purposes is to be deemed and original, and all of which constitute, collectively, one document.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.


Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank



JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the 21
day of April, 2021.

Lynne R. Frank

JoAnne Hudecki



Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro



Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer



Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.


Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst



William M. Collins

Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins



Tony DeSimone

Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki


Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone


Nancy R. Dobson

Dennis Horrigan

Brenda McDuffie

send 9

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

Nancy R. Dobson



Dennis Horrigan

Brenda McDuffie

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the ____ day of April, 2021.

Lynne R. Frank

JoAnne Hudecki

Elizabeth Mauro

Robert T. Mayer

Randall E. Borst

William M. Collins

Tony DeSimone

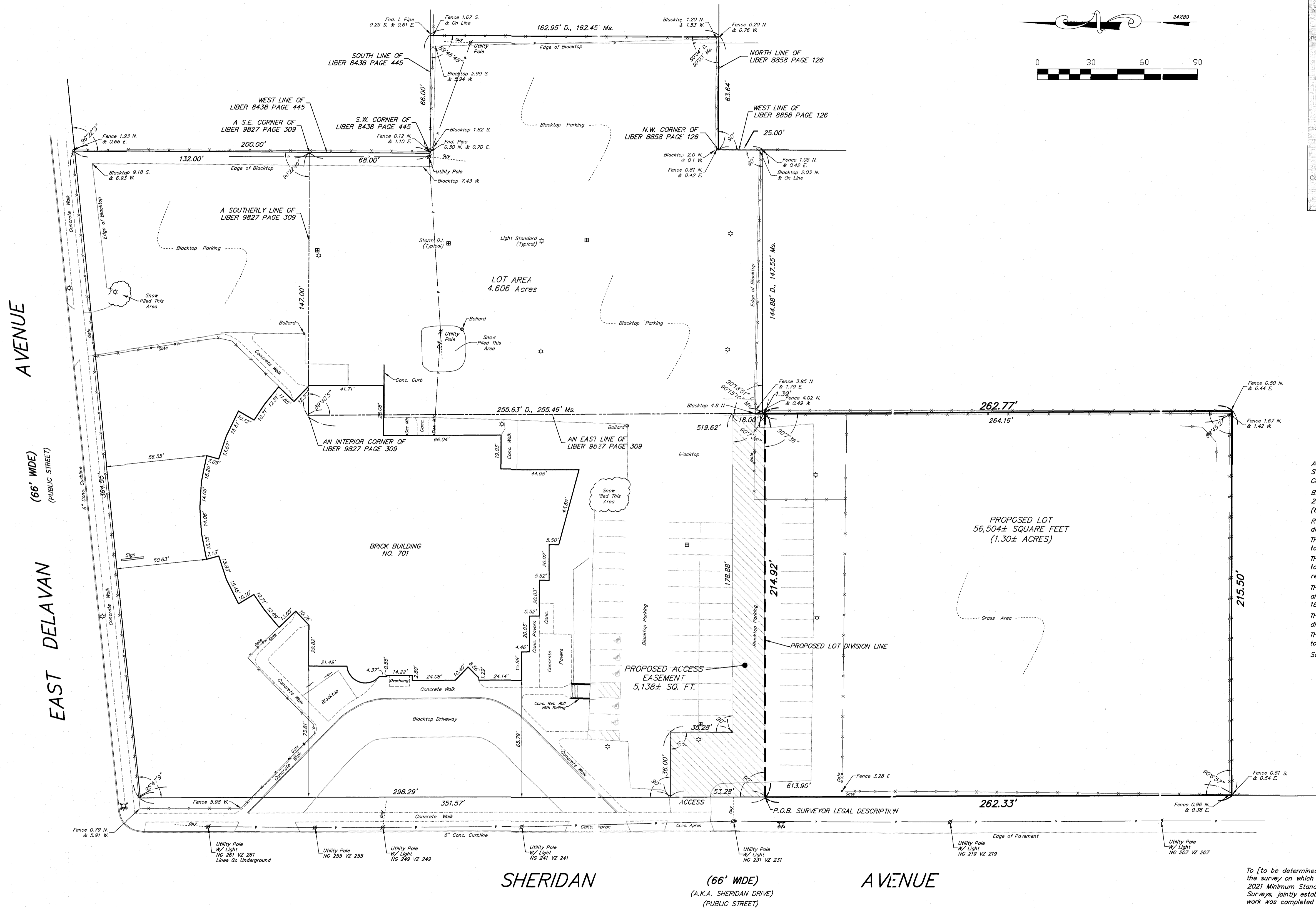
Nancy R. Dobson

Dennis Horrigan

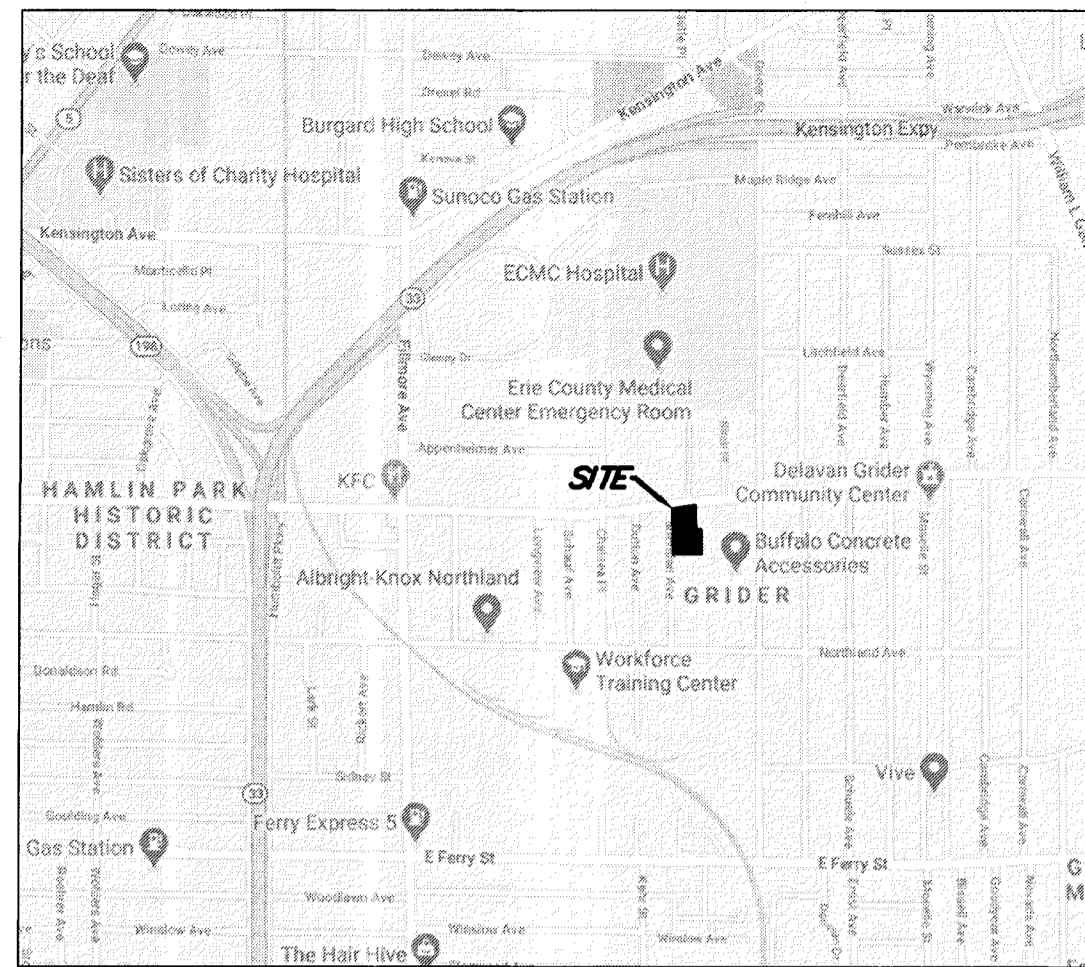
Brenda McDuffie



EXHIBIT A3



VICINITY MAP



SURVEYOR LEGAL DESCRIPTION (PROPOSED 1.30 ACRE LOT)

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 11, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the easterly line of Sheridan Avenue (66 feet wide), distant 351.37 feet southerly from its intersection with the southerly line of East Delavan Avenue (66 feet wide);

RUNNING THENCE SOUTHERLY along said easterly line of Sheridan Avenue, a distance of 262.33 feet to the southwest corner of lands conveyed to Mt. Olive Baptist Church by deed recorded in the Erie County Clerk's Office in Liber 9827 of Deeds at page 309;

THENCE EASTERLY at an interior angle of 90°06'57" with the last mentioned line and along the southerly line of said lands conveyed to Mt. Olive Baptist Church, a distance of 215.50 feet to the southeast corner thereof;

THENCE NORTHERLY at an interior angle of 89°45'27" and along the easterly line of said lands conveyed to Mt. Olive Baptist Church, a distance of 262.77 feet to its intersection with a line drawn at right angles to said easterly line of Sheridan Avenue from the point of beginning;

THENCE WESTERLY along said line drawn at right angles to the easterly line of Sheridan Avenue, a distance of 214.92 feet to the point of beginning.

Said parcel containing an area of 56,504 square feet (1.30 acres), more or less.

PROPOSED ACCESS EASEMENT

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot 11, Township 11 and Range 8 of the Holland Land Company's Survey, bounded and described as follows:

BEGINNING at a point on the easterly line of Sheridan Avenue (66 feet wide), distant 298.29 feet southerly from its intersection with the southerly line of East Delavan Avenue (66 feet wide);

RUNNING THENCE EASTERLY at right angles to the easterly line of Sheridan Avenue, a distance of 36.00 feet to a point;

THENCE SOUTHERLY at right angles to the last mentioned line, a distance of 35.28 feet to a point;

THENCE EASTERLY at right angles to the last mentioned line, a distance of 178.88 feet to a point on the easterly line of lands conveyed to Mt. Olive Baptist Church by deed recorded in the Erie County Clerk's Office in Liber 9827 of Deeds at page 309;

THENCE SOUTHERLY at an interior angle of 90°07'36" with the last mentioned line and along said easterly line of lands conveyed to Mt. Olive Baptist Church, a distance of 18.00 feet to a point;

THENCE WESTERLY at an exterior angle of 90°07'36" with the last mentioned line, a distance of 214.92 feet to a point on said easterly line of Sheridan Avenue;

THENCE NORTHERLY along said easterly line of Sheridan Avenue, a distance of 53.28 feet to the point of beginning.

Said parcel containing an area of 5,138 square feet (0.12 acre), more or less.

CERTIFICATION

To [to be determined] This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on 2-1-21.

Date of Plat or Map: 4-19-21

PRELIMINARY

Francis C. Dallas Registration No. 050477

NOTE: SURVEYOR HAS NOT RECEIVED TITLE INFORMATION WHICH MAY AFFECT THE PROPERTY.

LEGEND

UTILITY / SERVICE POLE	R.O.W. RIGHT OF WAY
WATER LINE VALVE	CONCR. TE
FIRE HYDRANT	INV. INVERT
D.I. (DROP INLET - STORM)	M.H. MANHOLE
MANHOLE (STORM)	GAS LINE
MANHOLE (ELECTRIC)	WATER LINE
MANHOLE (TRAFFIC)	TELEPHONE LINE
MANHOLE (SANITARY)	ELECTRIC LINE
MANHOLE (TELEPHONE)	UTILITY LINES
GASLINE MARKER	CABLE LINES
GAS LINE VALVE	D. DEED
MEASURED	M. MEASURED
L. LIBER	L. LIBER
P. PAGE	P. PAGE

INSTRUMENT(S) UTILIZED IN DETERMINING LOCATION OF BOUNDARY LINES: LIBER 10370 PAGE 688 & LIBER 9827 PAGE 309
THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED IN SAID ABSTRACT.
NOTE: PROPERTY CORNER MONUMENTS WERE NOT PLACED AS PART OF THIS SURVEY. NOTE: THIS SURVEY WAS PERFORMED UNDER SEVERE SNOW AND ICE CONDITIONS.

COPYRIGHT 2021 BY:
Millard, MacKay & Delles
LAND SURVEYORS, LLP
150 AERO DRIVE
BUFFALO, NEW YORK 14225
PHONE (716) 631-5140 ~ FAX 631-3811

AMEND:
SURVEY DATE: 2-1-21
DRAWING DATE: 4-19-21
SCALE: 1" = 30'
"ALL RIGHTS RESERVED"

ALTA/NSPS LAND TITLE SURVEY
PART OF LOT 11 SECTION 11 TOWNSHIP 11 RANGE 8 OF THE:
Holland Land Company's SURVEY - Erie COUNTY, N.Y.
SURVEY OF: 70.3 East Delavan Avenue, City of Buffalo

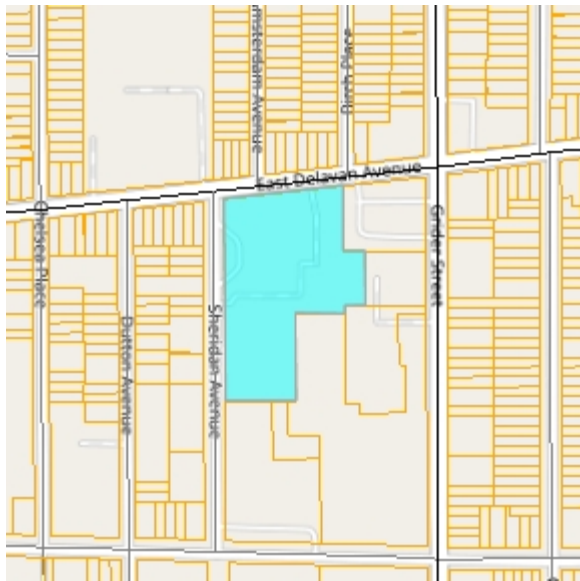
THIS MAP VOID UNLESS
EMBOSSED
WITH NEW YORK STATE LICENSED LAND
SURVEYOR'S SEAL. ALTERING ANY ITEM
ON THIS MAP IS A VIOLATION OF THE
LAW EXCEPT AS PROVIDED IN SECTION
7209, PART 2 OF THE NEW YORK
STATE EDUCATION LAW.
SBL No. 90.78-5-1.1

Erie County On-Line Mapping System

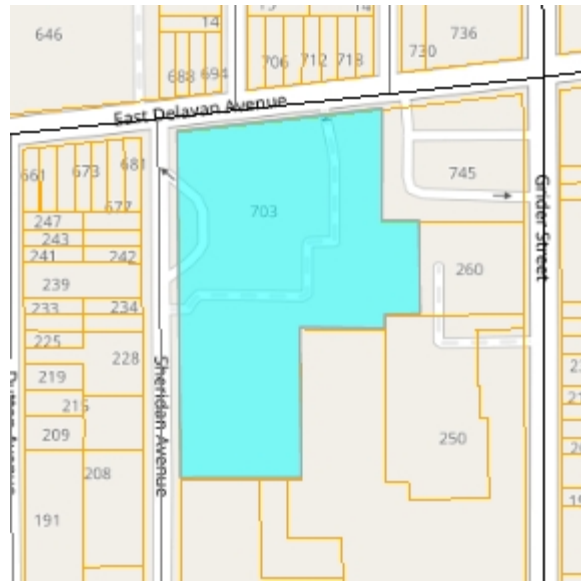
Parcel Detail Report

Report generated:
4/5/2021 5:23:55 PM

EXHIBIT A4



Parcel Overview Map



Parcel Detail Map

PIN: 1402000907800005001100

SBL: 90.78-5-1.1

Address: 703 DELAVAN EAST

Owner 1: MT. OLIVE BAPTIST CHURCH

Owner 2:

Mailing Address: 703 E DELAVAN AVE

City/Zip: BUFFALO NY 14215

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 364

Depth: 0

Deed Roll: 8

Deed Book: 09827

Deed Page: 00309

Deed Date:

Acreage: 4.63241933

Total Assessment: \$100,400

Land Assessment: \$100,400

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

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 LETTER

EXHIBIT B2 - DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
703 East Delavan Avenue (previously 701 East Delavan Avenue)			
Current Owner/Operator			
Mt. Olive Baptist Church 703 East Delavan Avenue Buffalo, NY 14215 Contact: Robert Mootry Phone: (716) 895-7595 Email: rmootry@modcbuffalo.org	Religious/ Vacant Commercial	February 16, 1988 to Present	Current Owner None – No relationship
Previous Owners/Operators			
Hard Manufacturing Company 230 Grider Street Buffalo, NY 14215 716-893-1800	Vacant	1980 to 1988	Previous Owner(s)/Operator(s) None – No relationship
Otis Elevator Company 354 Sonwil Drive Cheektowaga, New York 14225 716-686-5370	Vacant	Pre-1917 to 1980	Previous Owner(s)/Operator(s) None – No relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, Mt. Olive Senior Manor LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

Semi-volatile organic compound (SVOC) and metal impacts are present at the Site. The presence of urban fill has likely impacted the Site. The Applicant does not currently own the property and does not plan on purchasing the property. The Applicant will become involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators at the Site. Therefore, Mt. Olive Senior Manor LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

The Applicant has approval from the current property owner, Mt. Olive Baptist Church, to access the Site in order to complete the Site investigation and remediation under the BCP. The Site Access Agreement is 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.

Erie County Contacts:

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

Honorable Howard Johnson
Erie County Legislator District 1
1367 Fillmore Avenue
Buffalo, NY 14211

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

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

Mr. Robert M. Graber
Erie County Legislature Clerk
25 Delaware Avenue
Buffalo, NY 14202

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

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

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

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

City of Buffalo Contacts:

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

Ulysees O. Wingo, Sr.
Masten District Councilmember
65 Niagara Sq, Rm 1414
Buffalo, NY 14202

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

Supplier of Potable Water:

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

Local News Media:

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

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

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

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

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

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

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

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:

Natasha Hendricks, Principal
PS 89 Dr. Lydia T. Wright School
106 Appenheimer Avenue
Buffalo, NY 14214

Jennifer Kapsiak, Principal
PS 84 Health Care Center for Children at ECMC
462 Grider Street
Buffalo, NY 14215

Patrick Cook, Principal
PS 74 Hamlin Park Claude & Ouida
Clapp Academy
126 Donaldson Road
Buffalo, NY 14208

Denisca Thompson, Principal
PS 53 Community School
329 Roerher Avenue
Buffalo, NY 14208

Tamaira Coleman, Executive Director
King Center Charter School
156 Newburgh Avenue
Buffalo, NY 14211

Document Repository:

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

Leroy R. Coles, Jr. Branch Director
Buffalo & Erie County Public Library
1187 East Delavan Avenue
Buffalo, NY 14215

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 8).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
703	East Delavan Avenue	Vacant Commercial/ Religious	Mt. Olive Baptist Church 703 East Delavan Avenue Buffalo, NY 14215
230	Grider Street	Manufacturing and processing	Hard Manufacturing Co., Inc. 230 Grider Street Buffalo, NY 14215
762	Northland Avenue	Other storage, warehouse and distribution facilities	CRG Development, LLC 760 Northland Avenue Buffalo, NY 14211
760	Northland Avenue	Manufacturing and processing	CRG Development, LLC 4182 Oakwood Drive Williamsville, NY 14221
208	Sheridan Avenue	Other storage, warehouse and distribution facilities	201 Dutton Avenue, Inc. 675 Ontario Street Buffalo, NY 14207
220	Sheridan Avenue	Other storage, warehouse and distribution facilities	Gary Blaser; D/B/A Blaser Plumbing 220 Sheridan Avenue Buffalo, NY 14211
228	Sheridan Avenue	Other storage, warehouse and distribution facilities	Mt. Olive Baptist Church 701 East Delavan Avenue Buffalo, NY 14215

APPENDIX B
BCP Application – Part B
Section V – Section X
Mt. Olive Senior Manor Site

Document Repository

The Buffalo and Erie County Library (Leroy R. Coles, 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-3R (Residential – moderately compact residential blocks, which occasionally include small mixed-use buildings) according to the City of Buffalo Unified Development Ordinance (see Figure 10). The planned redevelopment is consistent with the City of Buffalo Green Code and Land Use plans.

2 – Current Use

The Site currently consists of a grass covered athletic field and a small portion of an adjacent asphalt parking lot to the north.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the ±1.3-acre property Site with a 3-story affordable housing development on the Site that will serve seniors age 55 and up, including some seniors who are frail elderly and meet the definition of homeless under the Empire State Supportive Housing Initiative (ESSHI). The conceptual redevelopment plan is shown on Figure 6. The Site redevelopment plan estimates a project value of \$24 million.

The planned redevelopment (residential) is consistent with the historic and recent development patterns within the City of Buffalo. Historically, the Site and surrounding areas have included residential, commercial, and industrial uses. The current zoning for the Site is N-3R, which is Residential. Surrounding properties are zoned N-3R, D-C (Flex Commercial), D-S (Strip Retail), and D-IL (Light Industrial). The proposed redevelopment supports recent development patterns and current land use requirements.

701 East Delavan Avenue
Buffalo, NY 14215



Phone: (716) 895-7595

Fax: (716) 895-7519

Mt. Olive Development Corporation

April 1, 2021

EXHIBIT B1

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

Re: *Property Access Authorization*
NYS Brownfield Cleanup Program
Mt. Olive Senior Manor Project – Southern Portion of 703 East Delavan Avenue
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that Mt. Olive Baptist Church is the current owner of the portion of 703 East Delavan Avenue New York parcels (the "Site"), subject to the BCP Application. As owner of the Site, we are aware of and acknowledge that Mt. Olive Senior Manor LLC will be filing an application to enter the NYS BCP and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

As owner of the Site, we authorize Mt. Olive Senior Manor LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,

Mt. Olive Baptist Church

EXHIBIT B2



April 9, 2021

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

Re: Document Repository for Brownfield Cleanup Program
Mt. Olive Senior Manor Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Environmental Engineering & Science, PLLC would like to request the Buffalo & Erie County Public Library – Leroy R. Coles, 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,
Benchmark Environmental Engineering & Science, PLLC

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

Chelsea Kanaley
Geologist

File: B0408-021-003

Strong Advocates, Effective Solutions, Integrated Implementation

www.benchmarkturnkey.com

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

From: [April Tompkins](#)
To: [Chelsea N. Kanaley](#)
Subject: RE: Document Repository Request - Mt. Olive Senior Manor Site
Date: Friday, April 9, 2021 11:14:16 AM
Attachments: [Document Repository Request - Mt. Olive Senior Manor Site.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 **Mt. Olive Senior Manor Site**. These documents will be made available for public viewing at the **Leroy R. Coles, Jr. Branch 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(s) 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

From: Chelsea N. Kanaley <ckanaley@bm-tk.com>
Sent: Friday, April 9, 2021 11:00 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - Mt. Olive Senior Manor Site

Dear Ms. Tompkins,

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

Thank you,
Chelsea Kanaley

DISCLAIMERS:

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

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PREVIOUS ENVIRONMENTAL INVESTIGATIONS (PROVIDED ELECTRONICALLY)

**GEOTECHNICAL ENGINEERING REPORT, 3 STORY SENIOR HOUSING,
BUFFALO, NEW YORK. TERRACON CONSULTANTS-NY, INC. FEBRUARY
2021.**

**PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA), A PORTION OF 703
EAST DELAVAN AVENUE, BUFFALO, NEW YORK. BENCHMARK
ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. MARCH 2021.**

**LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT,
SOUTHERN PORTION OF 703 EAST DELAVAN AVENUE, BUFFALO, NEW
YORK. BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.
APRIL 2021.**