

Brownfield Cleanup Program Application

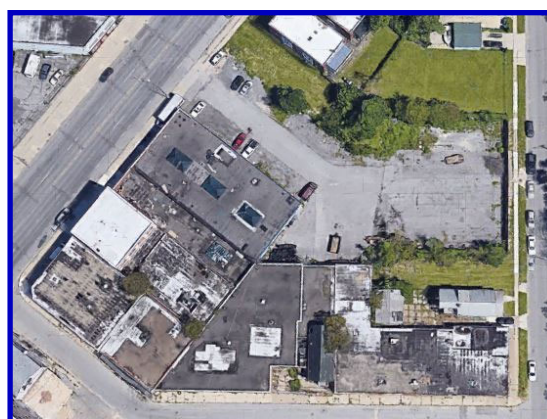
*1681-1689 Main Street Site
Buffalo, New York*

Revised November 2021

0546-020-001

Prepared For:

1681-1689 Main Street LLC



Prepared By:



**Brownfield Cleanup Program Application
1681-1689 Main Street Site**

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Copies of the previous investigation(s) are provided in a separate folder on the full electronic submittal CD.



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 1681-1689 Main Street LLC
ADDRESS 9100 Centre Pointe Drive, Suite 210
CITY/TOWN West Chester Ohio ZIP CODE 45069
PHONE 513-964-1140 FAX E-MAIL trey.barbour@mvapartners.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

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

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

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?* Yes No
 (*answering No will result in an incomplete application)

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

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

Other: Commercial operations (bakery) with loading docks, fuel pump(s), USTs; in-ground hydraulic lifts

Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME 1681-1689 Main Street Site

ADDRESS/LOCATION 1681-1707 Main Street

CITY/TOWN Buffalo ZIP CODE 14208

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

COUNTY Erie SITE SIZE (ACRES) 2.04

LATITUDE (degrees/minutes/seconds) N42 ° 55 ' 6.52 " LONGITUDE (degrees/minutes/seconds) W78 ° 51 ' 38.52 "

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. See Attached

Parcel Address	Section No.	Block No.	Lot No.	Acreage
1681 Main Street	100.24	4	20	0.74
1689 Main Street	100.24	4	21	1.085

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

2. Is the required property map attached to the application? See Figures 2, 3, & 4 Yes 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 No

If yes, identify census tract : 168

Percentage of property in En-zone (check one): 0-49% 50-99% 100%

4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No

If yes, identify name of properties (and site numbers if available) in related BCP applications: _____

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

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

If yes, attach relevant supporting documentation.

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

Section IV. Property Information (continued)

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

Easement/Right-of-way Holder

Description

None/unknown

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)

Section V. Additional Requestor Information See Instructions for Further Guidance	DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____
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NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Brian McGeady		
ADDRESS 9100 Centre Pointe Drive, Suite 210		
CITY/TOWN West Chester Ohio		ZIP CODE 45069
PHONE 513-964-1140	FAX _____	E-MAIL brian.mcgeady@mvaahpartners.com
NAME OF REQUESTOR'S CONSULTANT Mr. Thomas Forbes, Benchmark Environmental Engineering and Science, PLLC		
ADDRESS 2558 Hamburg Turnpike		
CITY/TOWN Buffalo		ZIP CODE 14218
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL tforbes@bm-tk.com
NAME OF REQUESTOR'S ATTORNEY Mr. Christopher Babcock (Cannon Heyman and Weiss)		
ADDRESS 54 State Street 5th Floor		
CITY/TOWN Albany		ZIP CODE 12207
PHONE 518-465-1500	FAX _____	E-MAIL cbabcock@chwattys.com

Section VI. Current Property Owner/Operator Information – if not a Requestor See Appendix B; Section VII

CURRENT OWNER'S NAME see attached		OWNERSHIP START DATE: _____
ADDRESS _____		
CITY/TOWN _____		ZIP CODE _____
PHONE _____	FAX _____	E-MAIL _____
CURRENT OPERATOR'S NAME see attached		
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.

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? Yes No
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes 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. Yes 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? TBD 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:

PARTICIPANT

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

VOLUNTEER

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

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

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

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

- Previous Owner Current Owner Potential /Future Purchaser Other _____

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

- Yes No

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

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

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

Section IX. Contact List Information **See Appendix B; Section IX**

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information. **See Figure 9**
4. The public water supplier which services the area in which the property is located.
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-2C

What uses are allowed by the current zoning? (Check boxes, below)

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

See Appendix B, Section X.

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

Redevelopment for affordable housing is consistent with the City of Buffalo Master Plan and Buffalo Green Code.

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

Redevelopment for affordable housing is consistent with the City of Buffalo Master Plan and Buffalo Green Code.

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (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: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Authorized Signer (title) of 1681-1689 Main Street 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: April 1, 2021 Signature: 

Print Name: Brian McGeady

SUBMITTAL INFORMATION:

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

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

FOR DEC USE ONLY

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

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

BCP App Rev 11 Not Applicable

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

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

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

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

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

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

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

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

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

BCP Application Summary (for DEC use only)

Site Name: 1681-1689 Main Street Site
City: Buffalo

Site Address: 1681-1707 Main Street
County: Erie **Zip:** 14208

Tax Block & Lot

Section (if applicable): 100.24 **Block:** 4 **Lot:** 20

Requestor Name: 1681-1689 Main Street LLC
City: West Chester Ohio

Requestor Address: 9100 Centre Pointe Drive, Suite 210
Zip: 45069 **Email:** trey.barbour@mvahpartners.com

Requestor's Representative (for billing purposes)

Name: Mr. Brian McGeady
City: West Chester Ohio

Address: 9100 Centre Pointe Drive, Suite 210
Zip: 45069

Email: brian.mcgeady@mvahpartners.com

Requestor's Attorney

Name: Mr. Christopher Babcock (Cannon Heyman and Weiss)
City: Albany

Address: 54 State Street 5th Floor
Zip: 12207

Email: cbabcock@chwattys.com

Requestor's Consultant

Name: Benchmark Environmental Engineering and Science, PLLC
City: Buffalo

Address: 2558 Hamburg Turnpike
Zip: 14218

Email: tforbes@bm-tk.com

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

DER Determination: Agree Disagree

Requestor's Requested Status: Volunteer Participant

DER/OGC Determination: Agree Disagree
Notes:

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

Does Requestor Claim Property is Upside Down: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

Does Requestor Claim Property is Underutilized: Yes No

DER/OGC Determination: Agree Disagree Undetermined

Notes:

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

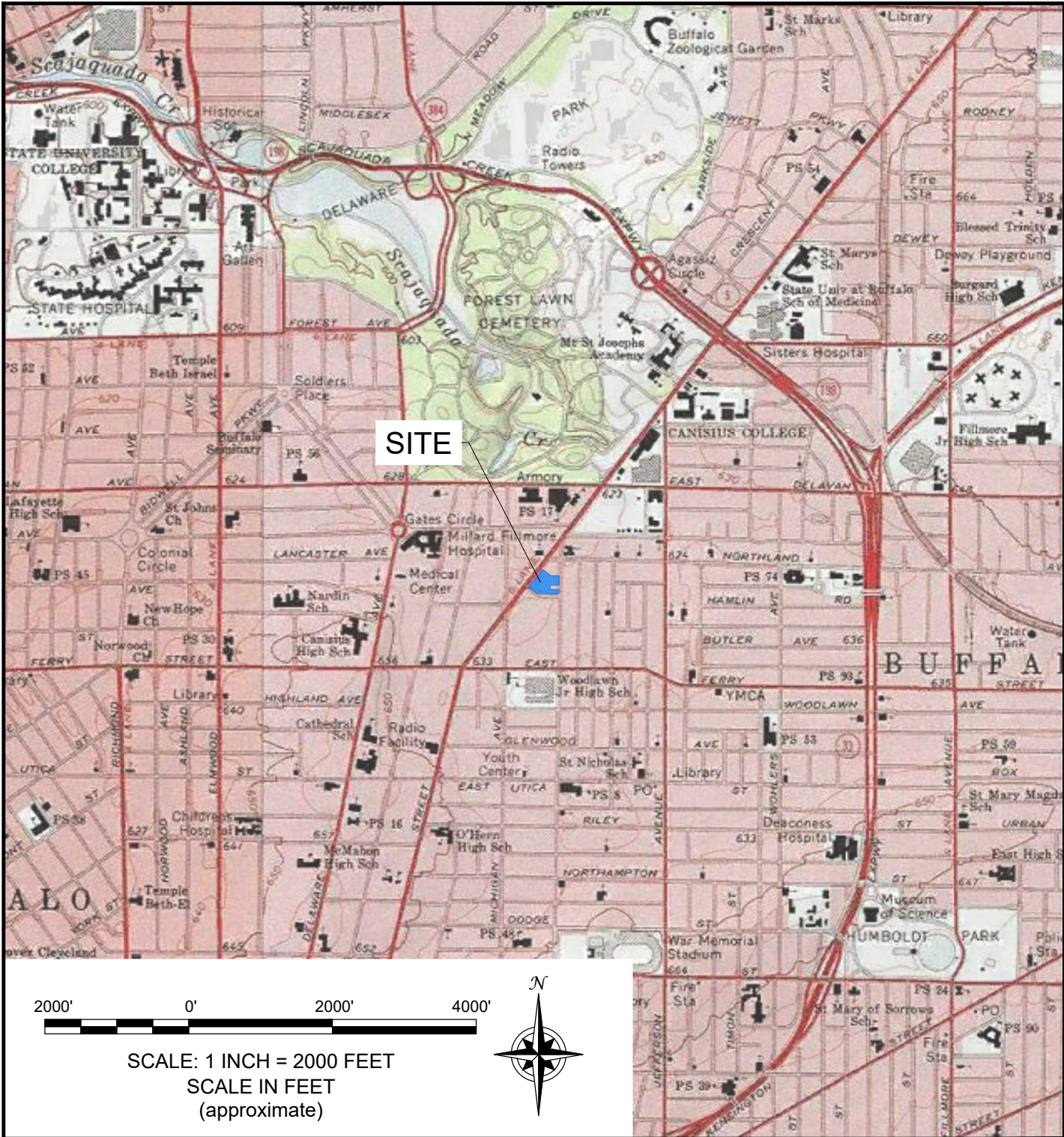
DER/OGC Determination: Agree Disagree Undetermined

Notes:

FIGURES

- Figure 1 Site Location & 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 Investigation Locations & Areas of Concern
- Figure 7 New York State Enzone Map
- Figure 8 Zoning Map
- Figure 9 Adjacent Property Owners
- Figure 10 Soil Map

FIGURE 1



BENCHMARK
 ENVIRONMENTAL
 ENGINEERING &
 SCIENCE, PLLC

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

PROJECT NO.: 0546-020-001

DATE: MARCH 2021

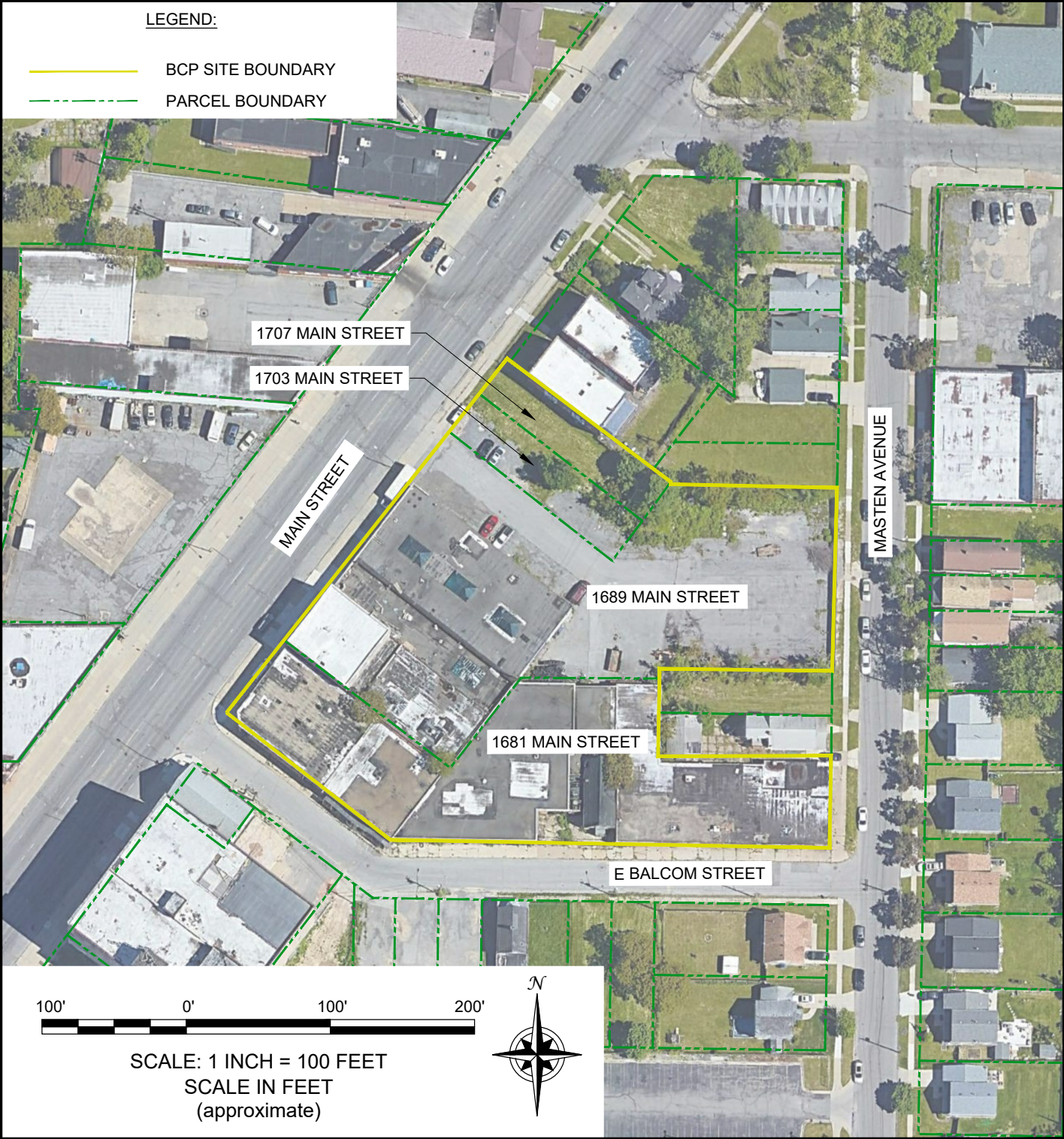
DRAFTED BY: CEH

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
 1681-1689 MAIN STREET SITE
 BUFFALO, NEW YORK
 PREPARED FOR
 1681-1689 MAIN STREET, LLC

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FIGURE 2



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 SUITE 300
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 (716) 856-0599

PROJECT NO.: 0546-020-001

DATE: MARCH 2021

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE

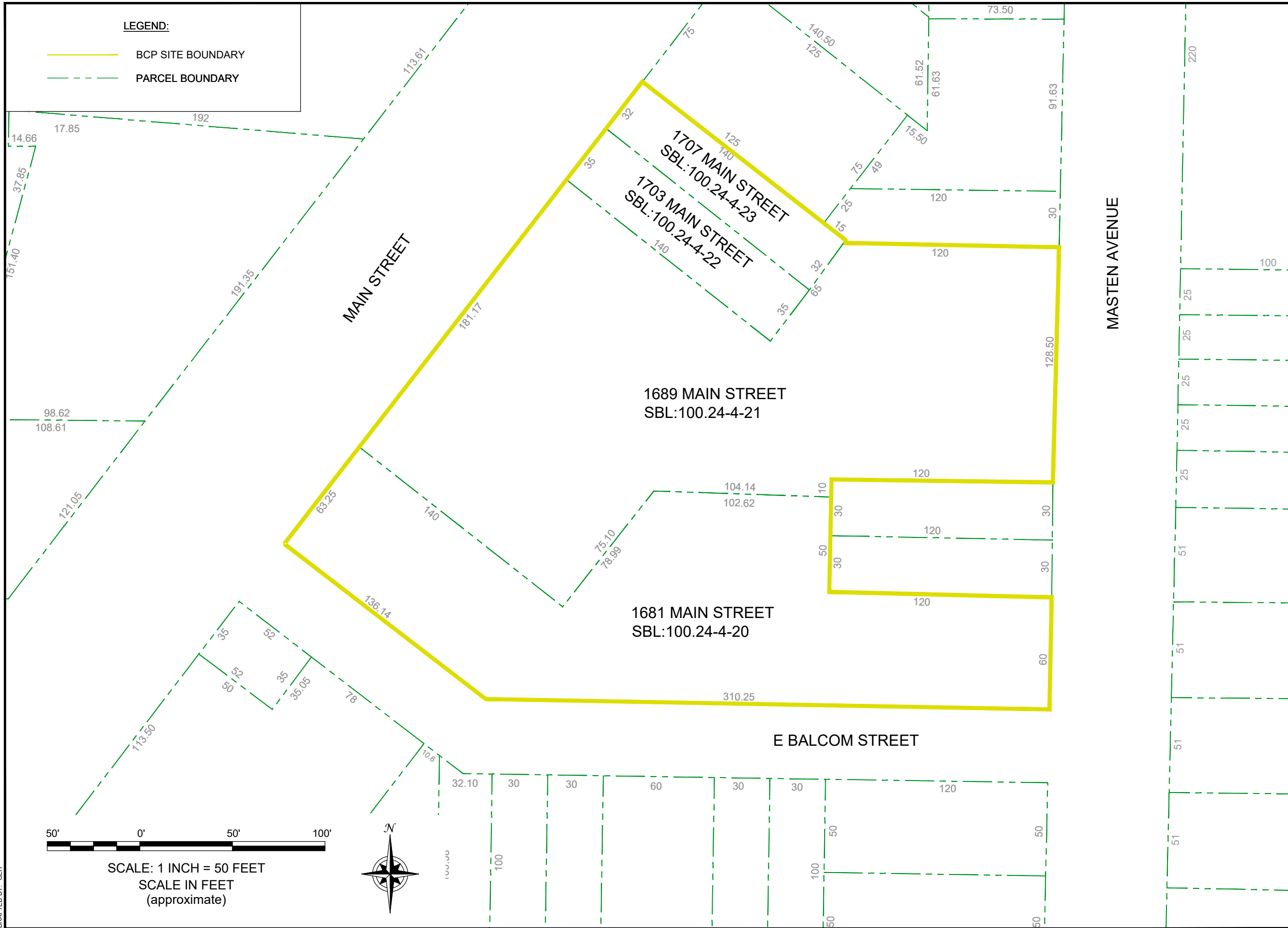
BUFFALO, NEW YORK

PREPARED FOR

1681-1689 MAIN STREET, LLC

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JOB NO.: 0546-020-001

TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

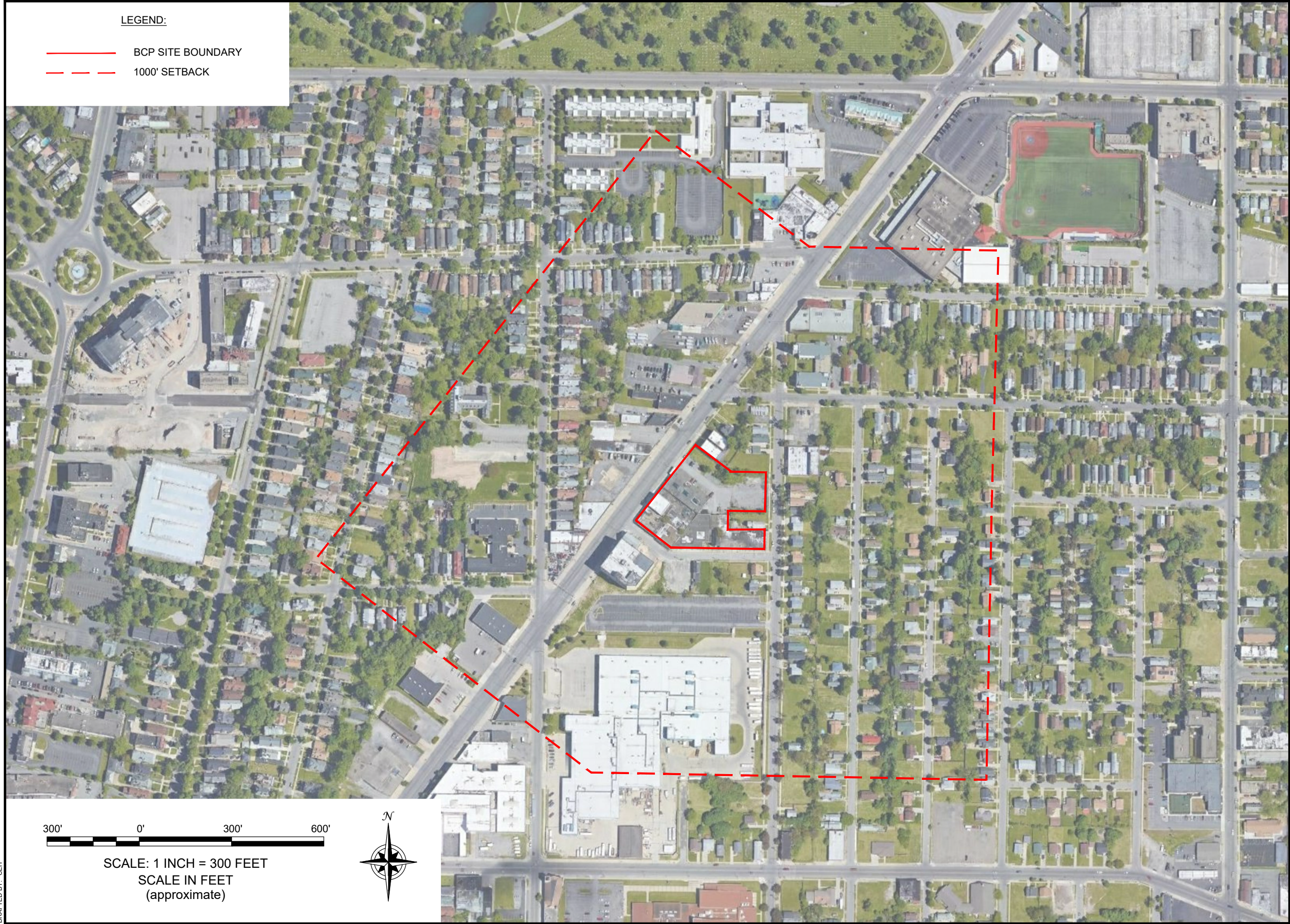
1681-1689 MAIN STREET SITE
 BUFFALO, NEW YORK

PREPARED FOR
 1681-1689 MAIN STREET, LLC

FIGURE 3

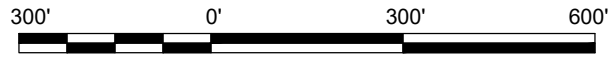
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LEGEND:

- BCP SITE BOUNDARY
- - - 1000' SETBACK



SCALE: 1 INCH = 300 FEET
SCALE IN FEET
(approximate)



PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION
1681-1689 MAIN STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
1681-1689 MAIN STREET, LLC



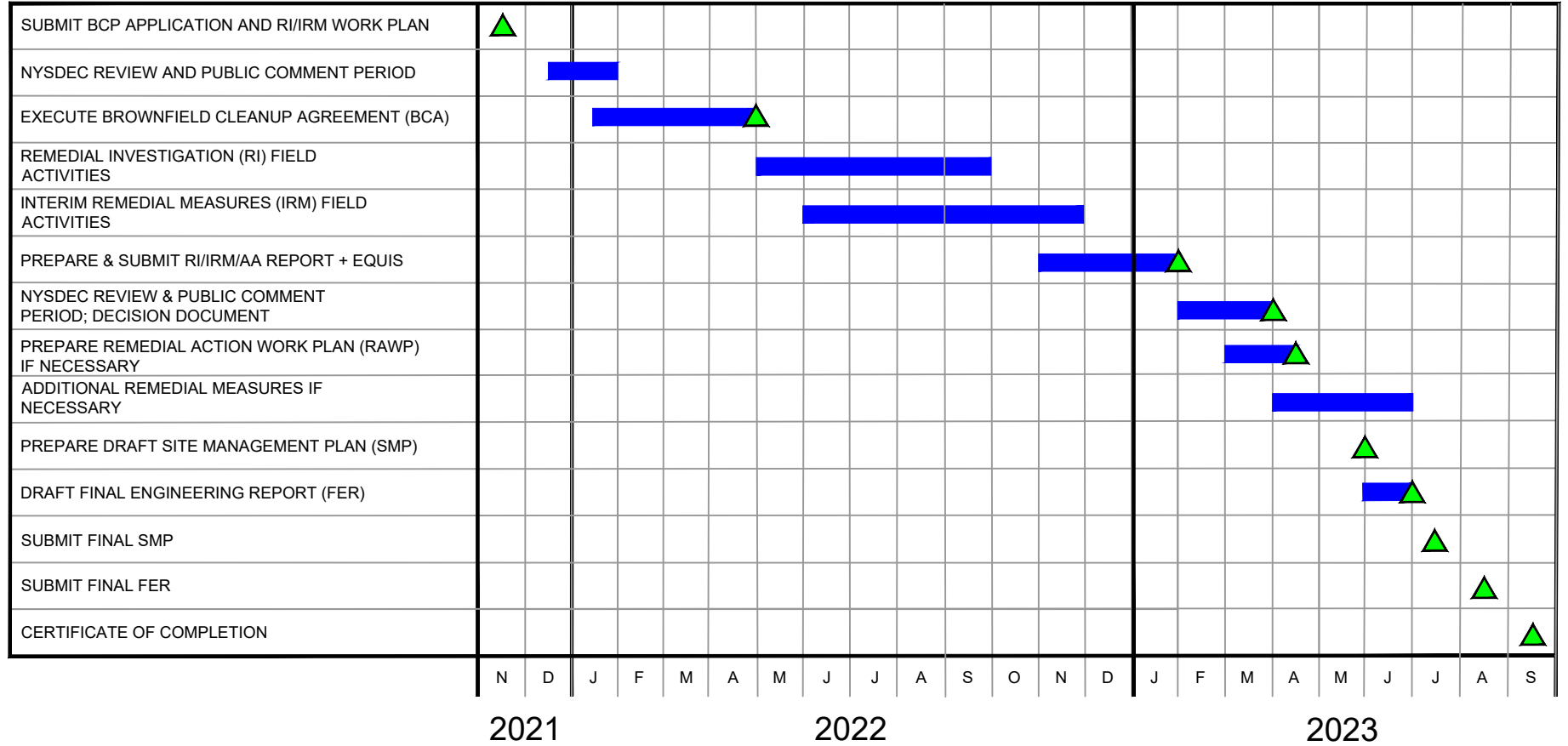
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SUITE 300
BUFFALO, NY 14218
(716) 856-0599

JOB NO.: 0546-020-001

FIGURE 4

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PROJECT TASKS:



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

PROJECT NO.: 0573-021-001

DATE: NOVEMBER 2021

DRAFTED BY: TJM

PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE

BUFFALO, NEW YORK

PREPARED FOR





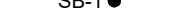


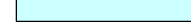
1681-1689 MAIN STREET, LLC

FIGURE 5


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LEGEND:

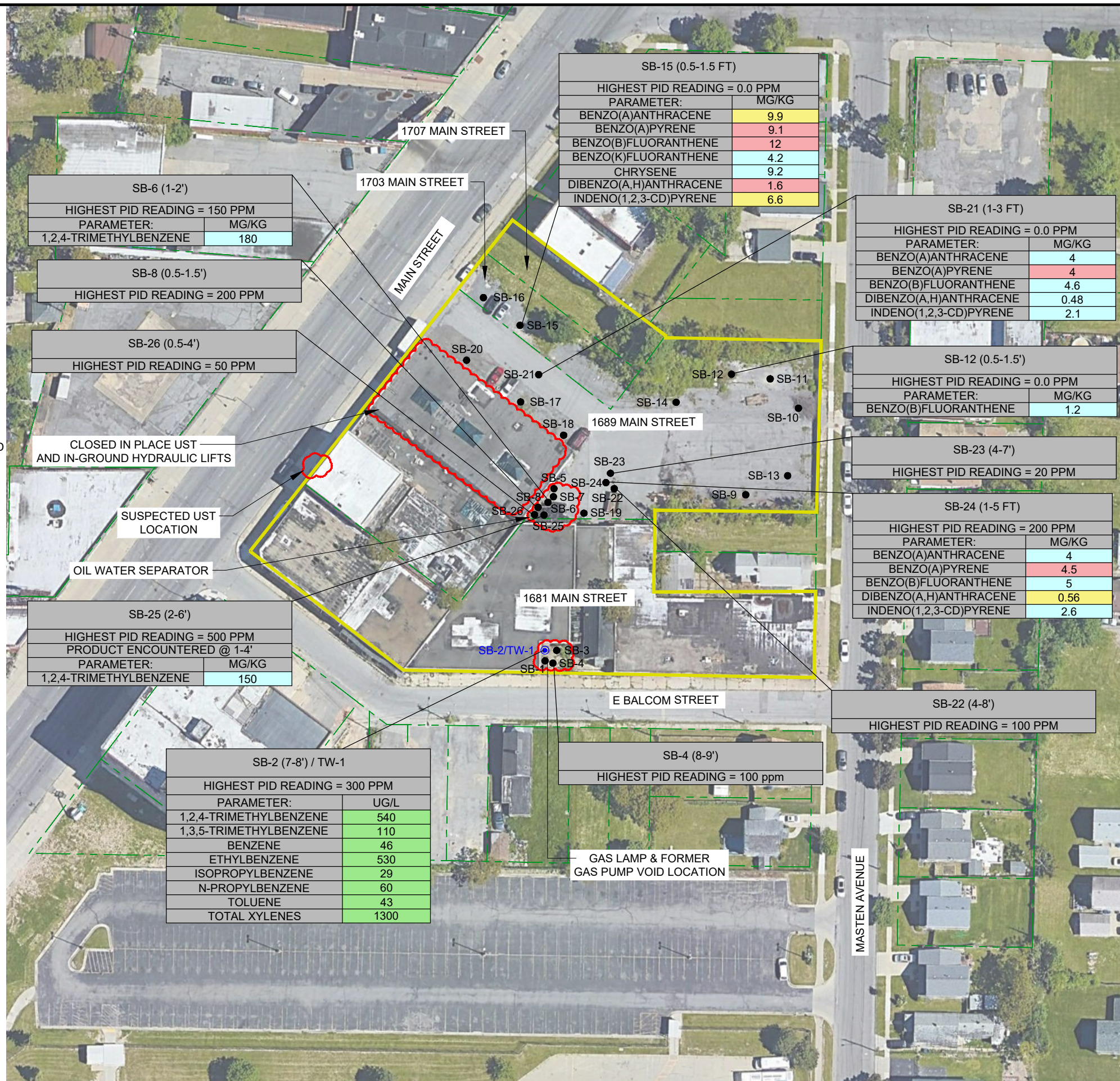
-  PROPERTY BOUNDARY
 -  PARCEL BOUNDARY
 -  AREAS OF CONCERN
 -  SB-1 ● SOIL BORING
 -  SB-2/TW-1 ● SOIL BORING & TEMPORARY MONITORING WELL
- VALUES PER 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs):
-  EXCEEDS PART 375 RRSCOs
 -  EXCEEDS PART 375 CSCOs
 -  EXCEEDS PART 375 ISCOs

- NOTES:**
- TOTAL CONCENTRATIONS IN MG/KG, TCLP IN MG/L.
 - IMAGE FROM GOOGLE EARTH 2017.

 EXCEEDS NYSDEC DIVISION OF WATER AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES AND GROUNDWATER EFFLUENT LIMITATIONS - CLASS GA



SCALE: 1 INCH = 80 FEET
SCALE IN FEET (approximate)



SB-6 (1-2')

HIGHEST PID READING = 150 PPM	
PARAMETER:	MG/KG
1,2,4-TRIMETHYLBENZENE	180

SB-8 (0.5-1.5')

HIGHEST PID READING = 200 PPM

SB-26 (0.5-4')

HIGHEST PID READING = 50 PPM

CLOSED IN PLACE UST AND IN-GROUND HYDRAULIC LIFTS

SUSPECTED UST LOCATION

OIL WATER SEPARATOR

SB-25 (2-6')

HIGHEST PID READING = 500 PPM	
PRODUCT ENCOUNTERED @ 1-4'	
PARAMETER:	MG/KG
1,2,4-TRIMETHYLBENZENE	150

SB-2 (7-8') / TW-1

HIGHEST PID READING = 300 PPM	
PARAMETER:	UG/L
1,2,4-TRIMETHYLBENZENE	540
1,3,5-TRIMETHYLBENZENE	110
BENZENE	46
ETHYLBENZENE	530
ISOPROPYLBENZENE	29
N-PROPYLBENZENE	60
TOLUENE	43
TOTAL XYLENES	1300

SB-15 (0.5-1.5 FT)

HIGHEST PID READING = 0.0 PPM	
PARAMETER:	MG/KG
BENZO(A)ANTHRACENE	9.9
BENZO(A)PYRENE	9.1
BENZO(B)FLUORANTHENE	12
BENZO(K)FLUORANTHENE	4.2
CHRYSENE	9.2
DIBENZO(A,H)ANTHRACENE	1.6
INDENO(1,2,3-CD)PYRENE	6.6

SB-21 (1-3 FT)

HIGHEST PID READING = 0.0 PPM	
PARAMETER:	MG/KG
BENZO(A)ANTHRACENE	4
BENZO(A)PYRENE	4
BENZO(B)FLUORANTHENE	4.6
DIBENZO(A,H)ANTHRACENE	0.48
INDENO(1,2,3-CD)PYRENE	2.1

SB-12 (0.5-1.5')

HIGHEST PID READING = 0.0 PPM	
PARAMETER:	MG/KG
BENZO(B)FLUORANTHENE	1.2

SB-23 (4-7')

HIGHEST PID READING = 20 PPM

SB-24 (1-5 FT)

HIGHEST PID READING = 200 PPM	
PARAMETER:	MG/KG
BENZO(A)ANTHRACENE	4
BENZO(A)PYRENE	4.5
BENZO(B)FLUORANTHENE	5
DIBENZO(A,H)ANTHRACENE	0.56
INDENO(1,2,3-CD)PYRENE	2.6

SB-22 (4-8')

HIGHEST PID READING = 100 PPM

SB-4 (8-9')

HIGHEST PID READING = 100 ppm

GAS LAMP & FORMER GAS PUMP VOID LOCATION

INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION
1681-1689 MAIN STREET SITE
BUFFALO, NEW YORK

FIGURE 6

BENCHMARK
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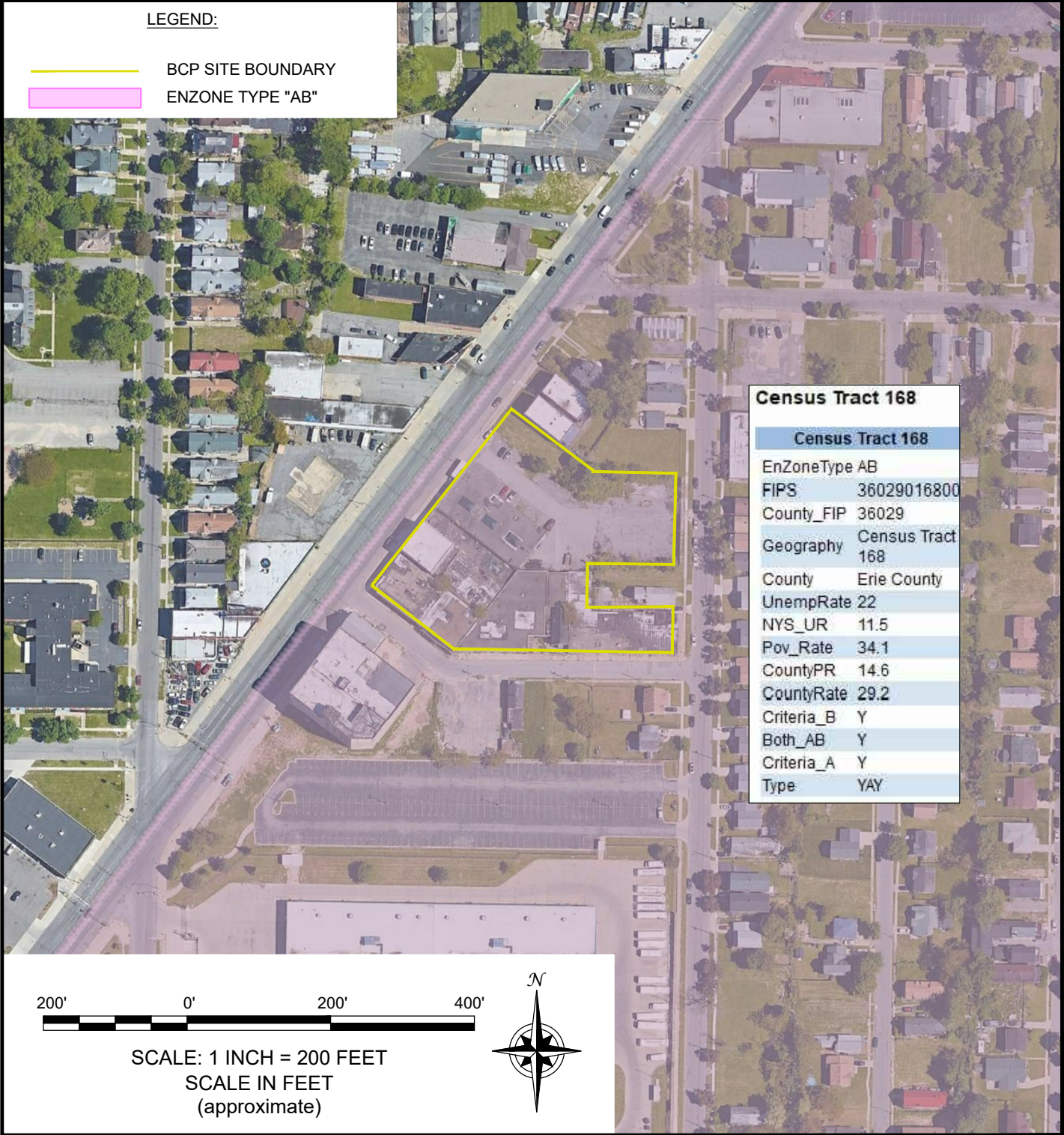
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BUFFALO, NY 14218
(716) 856-0599

PREPARED FOR
1681-1689 MAIN STREET, LLC

JOB NO.: 0546-020-001

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FIGURE 7



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 SUITE 300
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 (716) 856-0599

PROJECT NO.: 0546-020-001

DATE: MARCH 2021

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NEW YORK STATE ENZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE

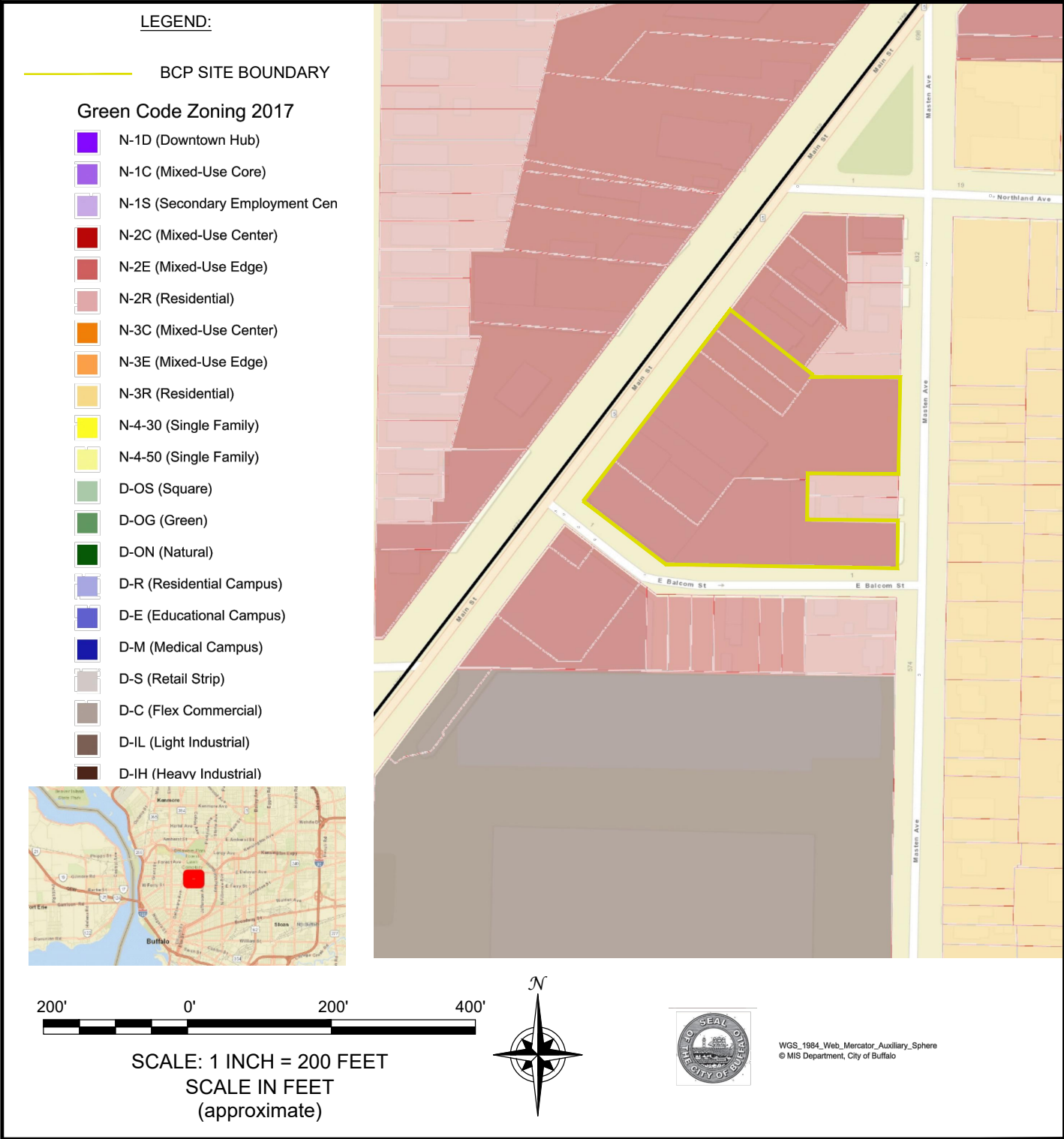
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FIGURE 8



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

PROJECT NO.: 0546-020-001

DATE: MARCH 2021

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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE

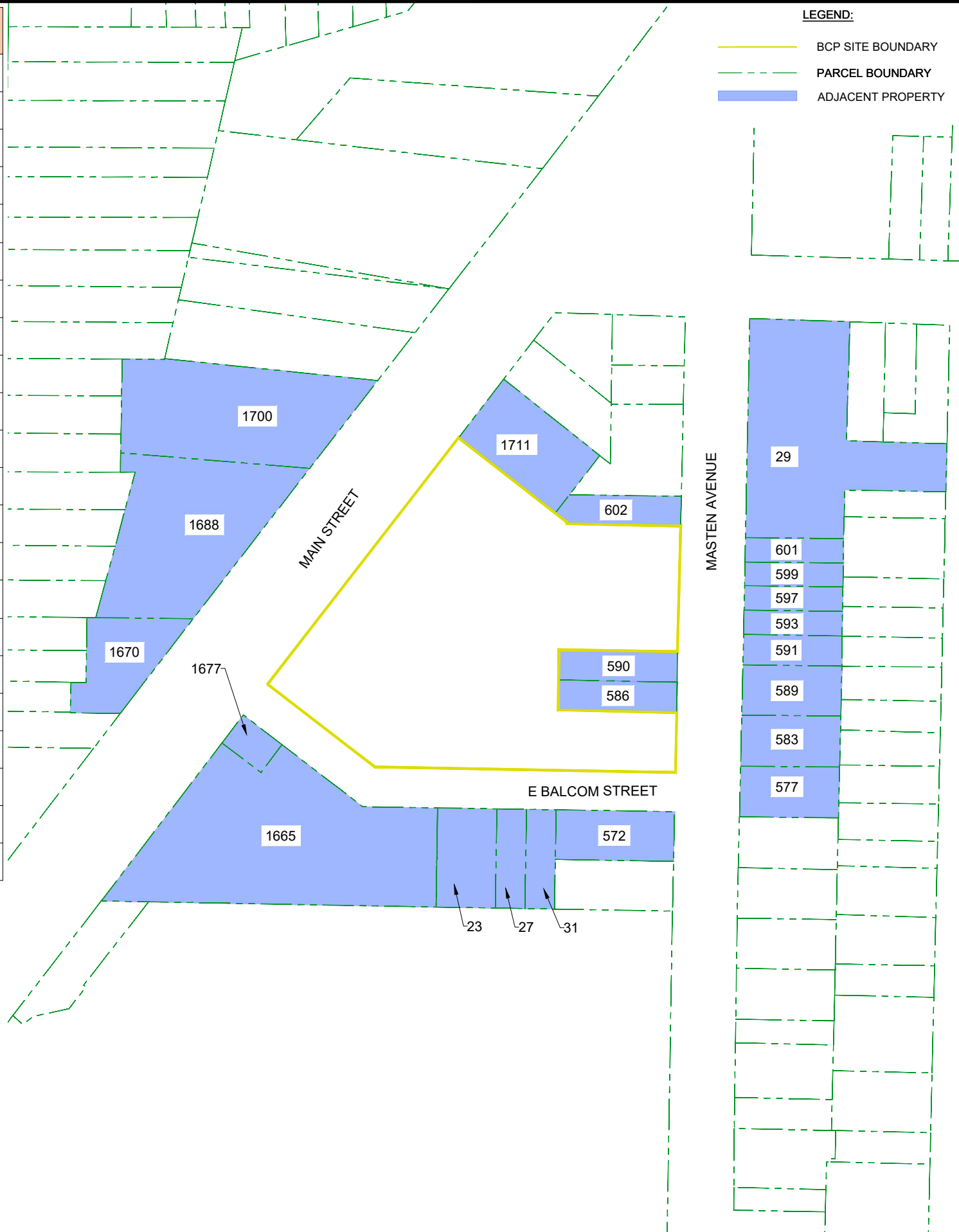
BUFFALO, NEW YORK

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Adjacent Property Address				Property Owner/Mailing Address
No	Street	S.B.L.	Property Description	
23	East Balcom Street	100.24-4-12.1	Vacant Residential	1665 Main Street Group LLC/ 617 Main Street Buffalo, NY 14203
27	East Balcom Street	100.24-4-11	Vacant Residential	Niagara Frontier 181 Ellicott Street, Buffalo, NY 14203
31	East Balcom Street	100.24-4-10	Vacant Residential	Niagara Frontier 181 Ellicott Street, Buffalo, NY 14203
1665	Main Street	100.24-4-14.1	Residential/Commercial	1665 Main Street Group LLC/ 617 Main Street Buffalo, NY 14203
1670	Main Street	100.24-3-38.1	Commercial	City of Buffalo 65 Niagara Square Buffalo, NY 14202
1677	Main Street	100.24-4-19	Commercial	Eddie Davis & Vanessa Rowe 1677 Main Street Buffalo, NY 14209
1688	Main Street	100.24-3-37	Vacant Commercial	Raymond McKnight Jr. 19 Hecla Street Buffalo, NY 14216
1700	Main Street	100.24-3-36	Warehouse	Leonard Silver 5221 Main Street Williamsville, NY 14221
1711	Main Street	100.24-4-24	Residential	TJS Development LLC 9155 Main Street Clarence, NY 14031
572	Masten Avenue	100.24-4-9.1	Residential	Joseph Medley 572 Masten Avenue Buffalo, NY 14209
577	Masten Avenue	100.25-1-39.15	Residential	Leslie M Ireland 577 Masten Avenue Buffalo, NY 14209
583	Masten Avenue	100.25-1-39.16	Residential	Julian Hayashi 583 Masten Avenue Buffalo, NY 14209
586	Masten Avenue	100.24-4-8	Residential	Willie R Moore & Ondre Foster 597 Masten Avenue Buffalo, NY 14209
589	Masten Avenue	100.25-1-39.17	Residential	Arie M Barber 589 Masten Avenue Buffalo, NY 14209
590	Masten Avenue	100.24-4-7	Vacant Residential	City of Buffalo 65 Niagara Square Buffalo, NY 14202
591	Masten Avenue	100.25-1-52	Residential	Andre L Foster 206 Windemere Boulevard Amherst, NY 14226
593	Masten Avenue	100.25-1-53	Residential	Tiffany Searcy 593 Masten Avenue Buffalo, NY 14209
597	Masten Avenue	100.25-1-54	Residential	Willie Ruth Foster 597 Masten Avenue Buffalo, NY 14209
599	Masten Avenue	100.25-1-55	Residential	Willie Ruth Foster 597 Masten Avenue Buffalo, NY 14209
601	Masten Avenue	100.25-1-56	Residential	Willie Ruth Foster 599 Masten Avenue Buffalo, NY 14209
602	Masten Avenue	100.24-4-6	Vacant Residential	Willie Ruth Foster 599 Masten Avenue Buffalo, NY 14209
29	Northland Avenue	100.25-1-1	Funeral Home	Linde R Parker 605 Masten Avenue Buffalo, NY 14209



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JOB NO.: 0546-020-001

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE
 BUFFALO, NEW YORK

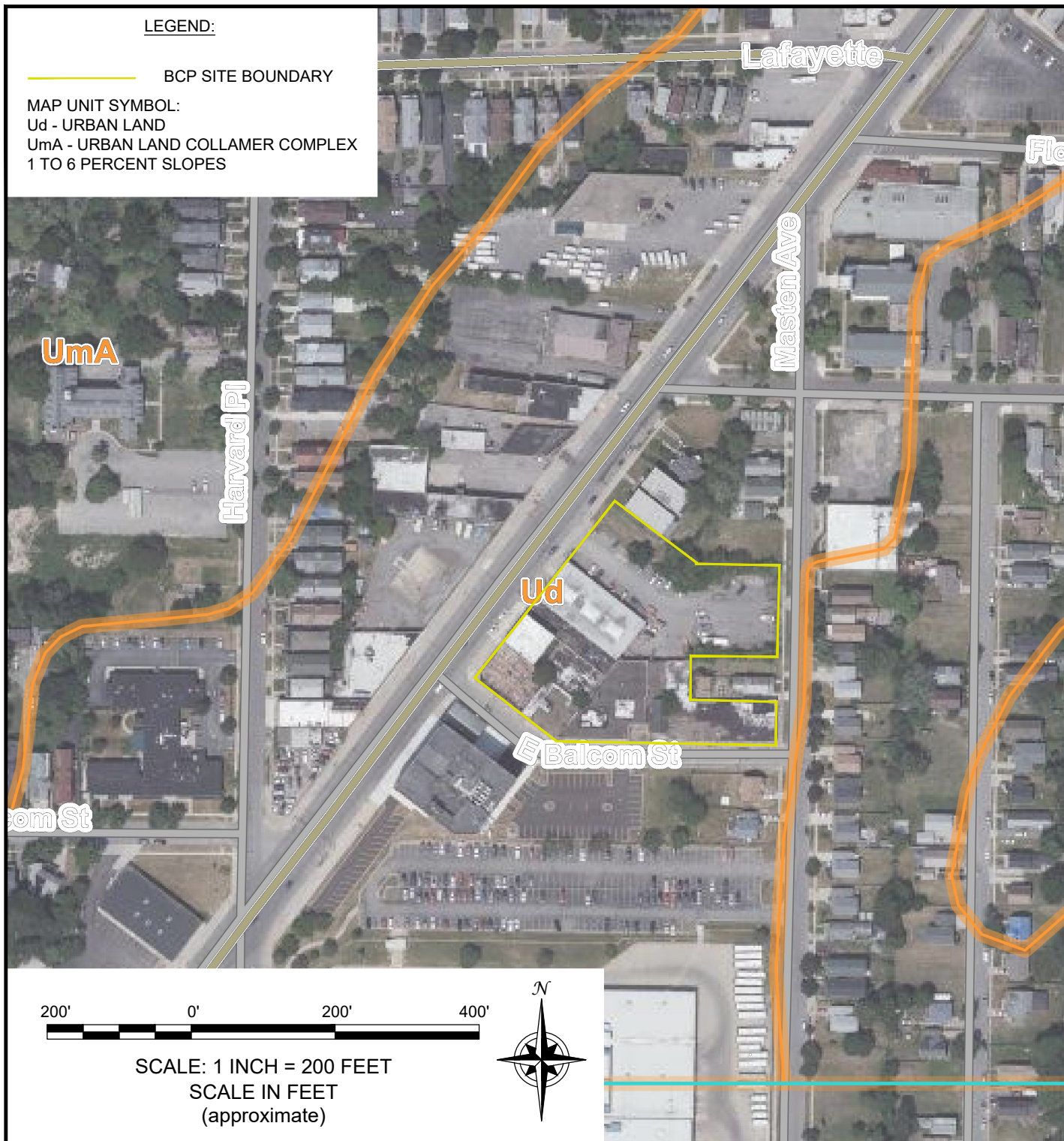
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 1681-1689 MAIN STREET, LLC

FIGURE 9

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DATE: MARCH 2021
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FIGURE 10



<p>BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC</p> <p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0599</p>	PROJECT NO.: 0546-020-001
	DATE: MARCH 2021
	DRAFTED BY: CEH

SOIL MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1681-1689 MAIN STREET SITE

BUFFALO, NEW YORK

PREPARED FOR

1681-1689 MAIN STREET, LLC

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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

NYSDOS CORPORATION & BUSINESS ENTITY DATABASE PRINTOUT

APPLICANT INFORMATION AND AUTHORIZATION TO EXECUTE

ERIE COUNTY PARCEL DETAIL REPORTS

BCP Application – Part A
Section I – Section IV
1681-1689 Main Street Site

SECTION I – REQUESTOR INFORMATION

The New York State Department of State’s (NYSDOS) Corporation & Business Entity Database print-out for 1681-1689 Main Street LLC is attached.

1681-1689 Main Street LLC member information is attached.

Benchmark Civil/Environmental Engineering and Geology, PLLC (Benchmark), is a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this Brownfield Cleanup Program (BCP) project.

SECTION II – PROJECT DESCRIPTION

1681-1689 Main Street LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the 1681-1689 Main Street Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (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 remediate and redevelop the entire 2.04-acre Site as a residential affordable housing development.

The Project will result in the remediation and redevelopment of an environmentally impacted Site located in the City of Buffalo, Erie County, New York.

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings completed for the 1681-1689 Main Street Site (hereinafter, the “Project Site” or the “Site”) are provided below.

BCP Application – Part A
Section I – Section IV
1681-1689 Main Street Site

September 2020 - Phase I Environmental Site Assessment (ESA)

Benchmark Environmental Engineering and Science, PLLC (Benchmark) completed a Phase I Environmental Site Assessment, dated September 2020, for the subject Site.

The Phase I ESA identified the following recognized environmental conditions (RECs):

- The long history of former commercial operations (i.e., automotive repair, battery service, automotive painting, clothes cleaning, commercial bakery with loading docks and suspect former pump island), and the storage/use of petroleum and/or solvents, are considered RECs as subsurface conditions are unknown.
- Current use of the Site for automotive repair, with closed in-place in-ground hydraulic lifts and tank(s); floor drains and sumps discharging to on-Site oil water separator.
- NYS Spill incident noting dumping of waste oil into a floor drain, are considered RECs due to the potential for subsurface environmental impacts.
- Review of historical sources revealed the presence of at least two USTs installed at the Site at 1681-1685 Main Street. In addition, a site contact indicated that a UST may be located in front of Building 2 along Main Street. The USTs identified for the Site are considered RECs as tank closure documentation is unavailable.
- During the site reconnaissance, Benchmark observed a gasoline lamp and an apparent former gasoline pump void at the southeast corner of Building 3 proximate to an overhead garage door along E. Balcom Street.
- The black staining noted within Building 1 and in the parking lot during the Site reconnaissance is considered a REC due to the potential for soil impacts in these areas.
- The round wall penetration and asphalt disturbances along the north exterior wall of Building 1 is considered a REC as the exact nature of the penetrations are unknown. Similarly, the unknown pipe protruding from the ground in the vegetated area north of the parking lot is considered a REC as the nature is unknown.
- Fill and miscellaneous materials such as vehicles, tires, fuel containers, etc. are considered RECs as such will require proper handling during the redevelopment project.

BCP Application – Part A

Section I – Section IV

1681-1689 Main Street Site

March 2021 - Ltd. Phase II Environmental Investigation

Benchmark completed a Limited Phase II Environmental Investigation for the 1681-1689 Main Street Site in March 2021. The investigation consisted of twenty-six soil borings (SB-1 through SB-26) excavated across the Site. One SB location, SB-2, was converted into a temporary monitoring well (TMW-1).

Findings of the Ltd. Phase II are detailed below:

- Elevated PID readings (highest of 500 ppm) and odors were noted in nine (9) boring locations, with product and black stained soil-fill noted at several locations.
- Suspected fill materials consisting of ash, cinders, and brick was identified at multiple locations across the Site.
- Elevated PAHs exceeding the RRSCO, CSCO and ISCO were detected in 5 of the 10 soil sample locations.
- Elevated VOCs exceeding the RRSCOs were detected at two (2) soil locations.
- Elevated VOCs exceeding the GWQS were detected at TMW-1.
- Based on the field evidence and analytical results, the NYS Spill hotline was notified, and Spill No. 2009476 was assigned to the Site.

Investigation locations and findings are shown on Figure 6.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The 2.04 +/- acre 1681-1689 Main Street 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 1-4) and the tax parcels further identified as:

- 1681 Main Street, SBL No. 100.24-4-20, +/- 0.74 acres
- 1689 Main Street, SBL No. 100.24-4-21, +/- 1.08 acres
- 1703 Main Street, SBL No. 100.24-4-22, +/- 0.11 acres
- 1707 Main Street, SBL No. 100.24-4-23, +/- 0.10 acres

BCP Application – Part A
Section I – Section IV
1681-1689 Main Street Site

The applicant intends to combine the four (4) adjoining parcels into one tax parcel for redevelopment purposes. Subdivision information will be provided to the Department.

A tax map is provided as Figure 3. The boundaries of the BCP Site corresponds with the tax parcel boundaries.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located within an EN-Zone Type AB designated census tract 168 (Figure 7).

Easements and Permits

Existing easements are currently being investigated. Electric power poles with transformers are located along and within the property boundaries, and overhead power lines do cross the Site. The redevelopment is currently evaluating modification of the existing electrical services on-Site.

Utilities are located in the right-of-way along Main Street, East Balcom Street and Masten Avenue bordering the Site. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. 1681-1689 Main Street LLC is not aware of any other easements or restrictions on the Site.

An address potentially associated with the Site, 1699 Main Street, was identified in the NYSDEC Spill database No. 1700808. Spill was closed on April 26, 2017.

Based on the findings of the Ltd. Phase II which identified petroleum contamination on Site, a NYSDEC Spill file - No. 2009476 was opened and is currently still active. Petroleum contamination will be remediated under the BCP.

BCP Application – Part A
Section I – Section IV
1681-1689 Main Street Site

Property Description Narrative

Location

The Site is located on the northeast corner of Main Street and East Balcom Street, in a highly developed mixed use commercial and residential area of the City of Buffalo, Erie County New York.

The Site is bordered by Main Street to the west, Masten Avenue to the east, East Balcom Street to the south, and vacant land and residences to the north. Adjacent property owners are identified on Figure 9.

Site Features

The Site is developed with four (4) adjoining buildings, which are currently used for automotive repair, tire storage, and office space with multiple vacant areas, associated asphalt and gravel covered parking areas. Portions of the buildings are vacant with sections structurally compromised.

Zoning and Land Use

According to the City of Buffalo Unified Development Ordinance (Buffalo Green Code 2017), the Site is zoned as N-2E mixed-use, which allows residential use (see Figure 10). The planned redevelopment is consistent with the current zoning.

The surrounding parcel uses are as follows:

- north – commercial, residential, and vacant land;
- south – mixed use commercial and residential;
- east – residential and commercial beyond;
- west – mixed use commercial and residential.

Past Use of the Site

Based on historic records and previous investigations, the Site has been used for automobile repair and service from at least the 1930s to present. A portion of the Site (1689 Main) was

BCP Application – Part A

Section I – Section IV

1681-1689 Main Street Site

used as a commercial bakery from the 1940s to the 1980s with associated loading docks, fuel pump, and suspected UST(s). Multiple former commercial and residential buildings were present on-Site and subsequently demolished for construction of the current structures.

Due to historic auto repair operations, a commercial bakery, and multiple former buildings the Site's previous investigations have identified elevated VOCs and PAHs at concentrations exceeding RRSCOs, CSCOs, and ISCOs. Redevelopment of the Site for restricted residential use will require remediation prior to Site development.

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 slope westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban land (Ud). Urban land is characterized where 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (Figure 10).

Previous investigations have identified fill material on-Site ranging from approximately 0.5-3 fbgs, generally described as consisting of ash, cinders, brick, and concrete underlain by assumed native (potentially reworked) sandy lean clay to at least 16 fbgs. Bedrock was not encountered during previous investigations.

Regional and local groundwater likely flow north and west towards Scajaquada Creek and Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

Additional work is required to investigate groundwater flow direction and quality at the Site.

BCP Application – Part A

Section I – Section IV

1681-1689 Main Street Site

Environmental Assessment Narrative

Past use of the Site as automotive repair, commercial baking, and demolished former buildings have impacted the Site. Figure 6 summarizes the environmental impacts identified in the previous investigations.

Soil – Contaminated petroleum soils were identified on-Site. Black stained soil and petroleum odors were noted in 9 boring locations ranging from 0.5-17.5 fbgs. Highest PID readings were detected in SB-2 (300 ppm), SB-8 (200 ppm), SB-24 (200ppm) and SB-25 (500 ppm). Suspect petroleum product was identified on the drilling sleeve at SB-25. Additionally, fill materials consisting of ash, cinders, brick, and concrete were identified Site wide at varying depths ranging from 0.5 fbgs to 3 fbgs.

Laboratory analytical results indicate elevated PAHs exceeding RRSCOs, CSCOs, and ISCOs. Specifically, elevated benzo(a)anthracene exceeding its CSCO of 5.6 ppm (9.9 ppm), benzo(a)pyrene exceeding its ISCO of 1.1 ppm (9.1 ppm), benzo(b)fluoranthene exceeding its ISCO of 11 ppm (12 ppm), dibenzo(a,h)anthracene detected exceeding its ISCO of 1.1 ppm (1.6 ppm), and indeno(1,2,3-cd)pyrene was detected exceeding its CSCO of 5.6 ppm (6.6 ppm). Elevated VOCs exceeding RRSCOs were detected in two (2) locations. Specifically, 1,2,4-trimethylbenzene was detected exceeding its RRSCO of 52 ppm (180 ppm), and (150 ppm).

Elevated laboratory soil analytical results exceeding the Restricted Residential Use SCOs (most likely reuse) were detected in 6 of the 10 analyzed sample locations.

Groundwater - Laboratory analytical results indicate elevated VOCs exceeding NYSDEC Class GA Groundwater Quality Standards (GWQS) at TMW-1. Specifically, 1,2,4-trimethylbenzene was detected exceeding its GWQS of 5 ug/L (540 ug/L), 1,3,5-trimethylbenzene exceeding its GWQS of 5 ug/L (110 ug/L), benzene exceeding its GWQS of 1 ug/L (46 ug/L), ethylbenzene exceeding its GWQS of 5 ug/L (530 ug/L), isopropylbenzene exceeding its GWQS of 5 ug/L (29 ug/L), n-propylbenzene exceeding its

BCP Application – Part A
Section I – Section IV
1681-1689 Main Street Site

GWQS of 5 ug/L (60 ug/L), toluene exceeding its GWQS of 5 ug/L (43 ug/L) and xylene exceeding its GWQS of 5 ug/L (1300 ug/L).

Historic documents and previous investigation reports are provided electronically on the enclosed CD.

NYS Department of State

Division of Corporations

Entity Information

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

Selected Entity Name: 1681-1689 MAIN STREET LLC

Selected Entity Status Information

Current Entity Name: 1681-1689 MAIN STREET LLC

DOS ID #: 5966076

Initial DOS Filing Date: MARCH 17, 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)

CORPORATION SERVICE COMPANY

80 STATE ST.

ALBANY, NEW YORK, 12207

Registered Agent

NONE

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

***Stock Information**

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

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
MAR 17, 2021	Actual	1681-1689 MAIN STREET 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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1681-1689 MAIN STREET SITE

ORGANIZATIONAL CHART



1681-1689 MAIN STREET LLC

UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER

April 1, 2021

MVAH Holding LLC (the "*Sole Member*"), being the sole member of 1681-1689 Main Street LLC (the "*Company*"), a New York limited liability company, hereby consents to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

RESOLVED, that Brian McGeady (an "*Authorized Person*"), as Authorized Signer of the Sole Member, be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Sole Member 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 located at 1681-1707 Main Street, 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 Sole Member of the Company as the Authorized Person 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 the Authorized Person of the Company and of any persons designated and authorized to act by any such Authorized Person 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 Unanimous Written Consent of the member as of the date first set forth above.

MVAH Holding LLC,
a Georgia limited liability company,
Sole Member of 1681-1689 Main Street LLC

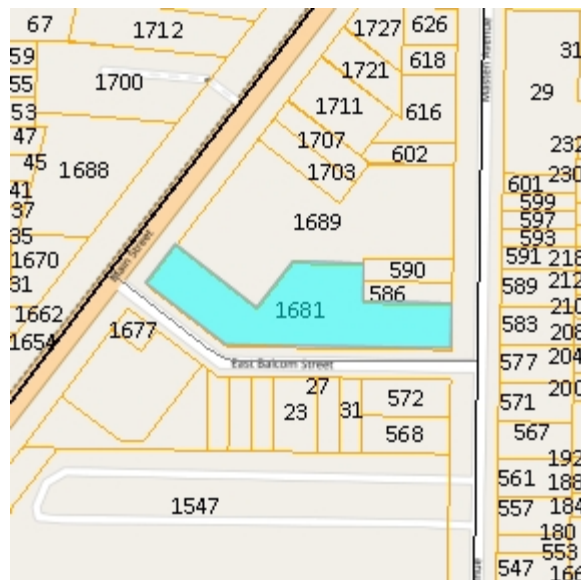
By:



Brian McGeady, Authorized Signer



Parcel Overview Map



Parcel Detail Map

PIN: 1402001002400004020000

SBL: 100.24-4-20

Address: 1681 MAIN

Owner 1: BINISZKIEWICZ ROBERT F

Owner 2:

Mailing Address: 404 AMHERST ST

City/Zip: BUFFALO NY 14207

Municipality: City of Buffalo

Property Class: 710

Class Description: C - Manufacture

Front: 63.25

Depth: 140

Deed Roll: 1

Deed Book: 11114

Deed Page: 8903

Deed Date:

Acreage: 0.74009533

Total Assessment: \$70,000

Land Assessment: \$15,200

County Taxes: \$70,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

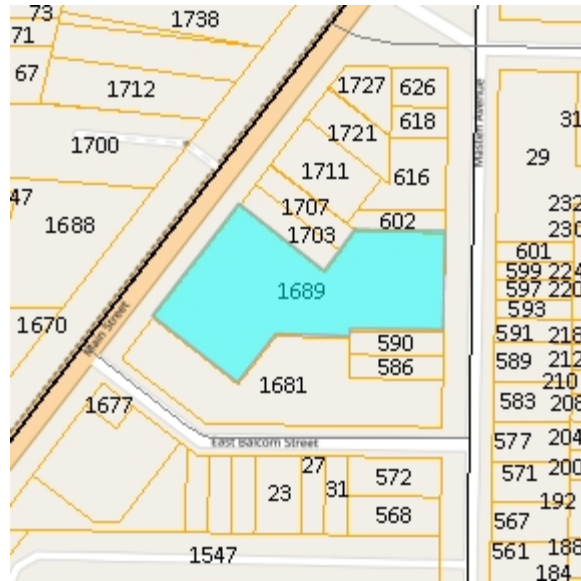
Fireplace: 0

Beds: 0

Baths: 0



Parcel Overview Map



Parcel Detail Map

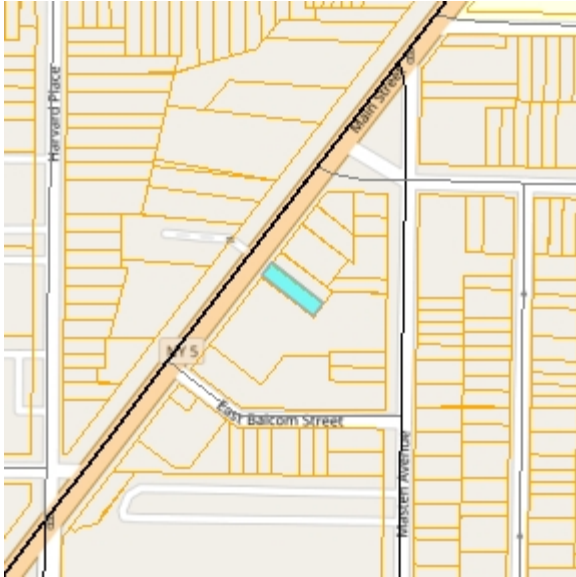
PIN: 1402001002400004021000
SBL: 100.24-4-21
Address: 1689 MAIN
Owner 1: BINISZKIEWICZ ROBERT F
Owner 2:
Mailing Address: 404 AMHERST ST
City/Zip: BUFFALO NY 14207
Municipality: City of Buffalo
Property Class: 482
Class Description: C - Det row bldg
Front: 181.74000549
Depth: 140
Deed Roll: 1
Deed Book: 11114
Deed Page: 8903
Deed Date:

Acreage: 1.08102866
Total Assessment: \$135,000
Land Assessment: \$119,800
County Taxes: \$135,000
Town Taxes: \$0
School Taxes: \$0
Village Taxes: \$0
School District: CITY OF BUFFALO
Year Built: 0
Sqft Living Area: 0
Condition: 0
Heating: 0
Basement: 0
Fireplace: 0
Beds: 0
Baths: 0

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
8/4/2020 9:41:43 AM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001002400004022000

SBL: 100.24-4-22

Address: 1703 MAIN

Owner 1: CITY OF BUFFALO

Owner 2: PERFECTING TITLE

Mailing Address: 1703 MAIN

City/Zip: BUFFALO NY 14209

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 35

Depth: 140

Deed Roll: 8

Deed Book: 09648

Deed Page: 00301

Deed Date:

Acreage: 0.11200354

Total Assessment: \$19,600

Land Assessment: \$19,600

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



Parcel Overview Map



Parcel Detail Map

PIN: 1402001002400004023000

SBL: 100.24-4-23

Address: 1707 MAIN

Owner 1: CITY OF BUFFALO

Owner 2: PERFECTING TITLE

Mailing Address: 1707 MAIN

City/Zip: BUFFALO NY 14209

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 32

Depth: 140

Deed Roll: 8

Deed Book: 8997

Deed Page: 543

Deed Date:

Acreage: 0.1045161

Total Assessment: \$17,900

Land Assessment: \$17,900

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

BCP APPLICATION PART B – SECTION V - XI

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

SITE ACCESS LETTERS

DOCUMENT REPOSITORY CONFIRMATION

BCP Application – Part B

Section V – Section X

1681-1689 Main Street Site

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1681 Main Street (Historic Addresses Include 1681-1685 Main Street, 22-30 E. Balcom, & 580 – 584 Masten Avenue)			
Current Owner/Operator			
Robert Biniszekwicz 404 Amherst Street Buffalo NY 14207	Commercial/Vacant	2013 to Current	None
Previous Owners/Operators			
Platinum Night Club	Commercial	2008 ~ 2013	None
Pink Flamingo Bar & Grill	Commercial	2001 ~ 2008	None
Institute for Peoples Enterprise (Warehouse)	Commercial	1985 ~ 2001	None
Weather Shield Manufacturing, Higgins Material Handling Corps	Commercial	1980 ~ 1985	None
Paul's Pies Inc. (1683-1685 Main), Residential	Commercial/Residential	1946 ~1975	None
Freddie's Doughnut Co., 1681- 1685 Main), Residential	Commercial/Residential	1935 ~1946	None
Safety Tread Inc. Tires (1681 Main)	Auto Repair/ Commercial	1935	None
Krome Radio Service, Alvin A Krome Battery Service, Residential	Commercial/ Residential	1930 ~1935	None
Residential	Residential	1890's ~ 1930	None

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1689 Main Street (Historic addresses include 1687-1701 Main Street & 590 – 600 Masten Avenue)			
Current Owner/Operator			
Owner – Robert Biniszkwicz 404 Amherst Street Buffalo NY Operator – Main Street Used Tires, Earl's Best Paint & Body 1689 Main Street Buffalo NY	Auto repair/Office Space/ Vacant	2013 to Current	None
Previous Owners/Operators			
Earl's Best Paint & Body,	Auto Repair/ Commercial	2008 ~ 2013	None
Earl Scheib Paint & Auto Body,	Auto repair/ Commercial	2001 ~ 2008	None
Earl Scheib Auto Painting,	Auto repair/ Commercial	1992 ~ 2001	None
All Auto Service & Collision,	Auto repair/ Commercial	1985 ~ 1992	None
Higgins Material Handling Corp, Weather Shield Manufacturing, Wheelchair Mobile, Residential with individual tenants	Commercial/Residential	1975 ~ 1985	None
Joseph Auto Co. Auto Accessories, Residential	Auto repair/ Commercial/ Residential	1935 ~ 1970	None

BCP Application – Part B

Section V – Section X

1681-1689 Main Street Site

Main Highstreet Garage, Residential	Auto repair/ Commercial/ Residential	1925 ~ 1930	None
Unknown, Residential with individual tenants	Commercial/Residential	At Least 1893 ~ 1925	None

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1703 Main Street			
Current Owner/Operator			
City of Buffalo Perfecting Title Real Estate Division 65 Niagara Square Buffalo NY 14202	Vacant	1985 to Current	None
Previous Owners/Operators			
Residential with individual tenants	Residential	At least 1893 ~ 1985	None

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1707 Main Street (Historic address includes 1709 Main Street)			
Current Owner/Operator			
City of Buffalo Perfecting Title Real Estate Division 65 Niagara Square Buffalo NY 14202	Vacant	1985 to Current	None
Previous Owners/Operators			
Larry's Pizza Parlor, Terry's Pizza House	Commercial	1964 ~ 1975	None

BCP Application – Part B

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1681-1689 Main Street Site

Vacant / Residential with individual tenants	Residential	1960 ~ 1964	None
Louise Sarkisian Clothes Cleaners, Residential	Clothes Cleaners / Residential	1950 ~ 1960	None
Arrow Radio and Appliance Co., Residential with individual tenants	Commercial/Residential	1946 ~ 1950	None
Control Equipment Corp. Machinery	Commercial	1935 ~ 1940	None
Electric Service Co.	Commercial	At least 1925 ~ 1930	None

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, 1681-1689 Main Street LLC qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2).

The Applicant is in the process of acquiring the Site from the current owners. Any liability for the Site will arise solely as a result of taking ownership.

1681-1689 Main Street LLC acted in due care with regard to the Site, by completing their environmental due diligence prior to purchase, which identified contamination due to historic use of the Site by others, notified the NYSDEC Spill hotline related to those findings, and are now applying to the NYS BCP for eligibility to further investigate and remediate the Site.

Based on the information above, 1681-1689 Main Street LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

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

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1681-1689 Main Street Site

Erie County Contacts:

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

Erie County Legislator Howard Johnson
District 1
92 Franklin Street
Buffalo, NY 14202

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
Buffalo, NY 14202

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

Mr. Steve Weathers
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

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

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1681-1689 Main Street Site

Supplier of Potable Water:

Erie County Water Authority
295 Main Street #350
Buffalo, NY 14203

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
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
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
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Document Repository:

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

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1681-1689 Main Street Site

Adjacent Property Owners

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

Adjacent Property Address				Property Owner/Mailing Address
No	Street	S.B.L.	Property Description	
23	East Balcom Street	100.24-4-12.1	Vacant	1665 Main Street Group LLC/ 617 Main Street Buffalo, NY 14203
27	East Balcom Street	100.24-4-11	Vacant	Niagara Frontier 181 Ellicott Street, Buffalo, NY 14203
31	East Balcom Street	100.24-4-10	Vacant	Niagara Frontier 181 Ellicott Street, Buffalo, NY 14203
1665	Main Street	100.24-4-14.1	Residential/Commercial	1665 Main Street Group LLC/ 617 Main Street Buffalo, NY 14203
1670	Main Street	100.24-3-38.1	Commercial	City of Buffalo 65 Niagara Square Buffalo, NY 14202
1677	Main Street	100.24-4-19	Commercial	Eddie Davis & Vanessa Rowe 1677 Main Street Buffalo, NY 14209
1688	Main Street	100.24-3-37	Vacant Commercial	Raymond McKnight Jr. 19 Hecla Street Buffalo, NY 14216
1700	Main Street	100.24-3-36	Warehouse	Leonard Silver 5221 Main Street Williamsville, NY 14221
1711	Main Street	100.24-4-24	Residential	TJS Development LLC 9155 Main Street Clarence, NY 14031
1681-1689	Main Street	100.24-4-21	Commercial	Robert Biniszkiwicz 404 Amherst Street, Buffalo NY 14207
1689	Main Street	100.24-4-21	Commercial (tenant)	Main Street Tire and Repair 1689 Main Street Buffalo NY 14209
572	Masten Avenue	100.24-4-9.1	Residential	Joseph Medley 572 Masten Avenue Buffalo, NY 14209
577	Masten Avenue	100.25-1-39.15	Residential	Leslie M Ireland 577 Masten Avenue Buffalo, NY 14209
583	Masten Avenue	100.25-1-39.16	Residential	Julian Hayashi 583 Masten Avenue Buffalo, NY 14209
586	Masten Avenue	100.24-4-8	Residential	Willie R Moore & Ondre Foster 597 Masten Avenue Buffalo, NY 14209
589	Masten Avenue	100.25-1-39.17	Residential	Arie M Barber 589 Masten Avenue Buffalo, NY 14209
590	Masten Avenue	100.24-4-7	Vacant Residential	City of Buffalo 65 Niagara Square Buffalo, NY 14202
591	Masten Avenue	100.25-1-52	Residential	Andre L Foster 206 Windemere Boulevard Amherst, NY 14226
593	Masten Avenue	100.25-1-53	Residential	Tiffany Searcy 593 Masten Avenue Buffalo, NY 14209
597	Masten Avenue	100.25-1-54	Residential	Willie Ruth Foster 597 Masten Avenue Buffalo, NY 14209
599	Masten Avenue	100.25-1-55	Residential	Willie Ruth Foster 597 Masten Avenue Buffalo, NY 14209
601	Masten Avenue	100.25-1-56	Residential	Willie Ruth Foster 599 Masten Avenue Buffalo, NY 14209

BCP Application – Part B

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1681-1689 Main Street Site

602	Masten Avenue	100.24-4-6	Vacant Residential	Willie Ruth Foster 599 Masten Avenue Buffalo, NY 14209
29	Northland Avenue	100.25-1-1	Funeral Home	Linde R Parker 605 Masten Avenue Buffalo, NY 14209

Document Repository

The Buffalo and Erie County Library – Central Branch has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is attached.

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is N-2C (Neighborhood Center - mixed use commercial and residential areas at a neighborhood scale) consistent with the Buffalo Green Code Unified Development Ordinance (see Figure 8). The planned residential affordable housing development is consistent with the City of Buffalo Zoning and Land Use plans.

2 – Current Use

The Site is developed with four (4) adjoining buildings, with portions of the 1689 Main Street building currently used for automotive repair, tire storage, and office space; and, vacant areas of the building, with associated asphalt and gravel covered parking areas.

Portions of the 1681 Main Street buildings are used for commercial office space, with the majority of the building being vacant with sections structurally compromised.

1703 and 1707 Main Street are currently grass covered vacant parcels.

Historic operations on-Site including automobile repair with multiple in-ground hydraulic lifts and suspect historic USTs; and bakery operations including a former pump island and assumed UST(s) have impacted the Site.

BCP Application – Part B
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1681-1689 Main Street Site

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire 2.04 +/- acre Site as a residential affordable housing development.

March 30, 2021

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

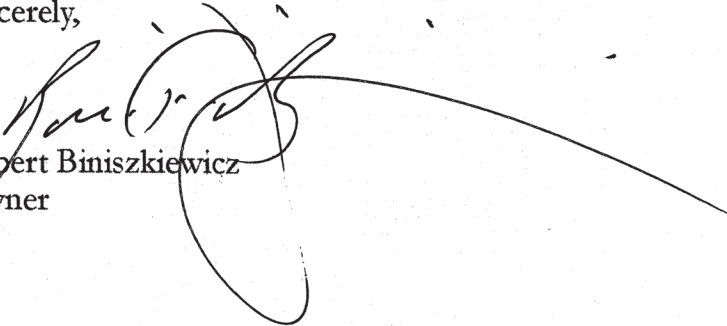
Re: *Property Access Authorization*
NYS Brownfield Cleanup Program
Main Street Lofts Project - 1681-1689 Main Street Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that I, Robert Biniszkiewicz, am the current owner of 1681 Main Street and 1689 Main Street Buffalo New York parcels (the "Site"). As owner of the Site, I am aware of and acknowledge that 1681-1689 Main Street 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, I authorize 1681-1689 Main Street 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,



Robert Biniszkiewicz
Owner



BYRON W. BROWN
Mayor

CITY OF BUFFALO
OFFICE OF STRATEGIC PLANNING
DIVISION OF REAL ESTATE



HOPE R. YOUNG-WATKINS
Director of Real Estate

November 16, 2021

Trey Barbour
MVAH
9100 Centre Pointe Drive, Suite 310
West Chester, OH 45069

Re: Properties Located at 1703 and 1707 Main Street

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 MVAH.

This letter is to acknowledge that the City of Buffalo remains in ownership of 1703 and 1707 Main Street, authorizing MVAH site control of the above-mentioned properties. The City of Buffalo, Office of Strategic Planning, through Common Council proceedings on October 19, 2021 approved MVAH as the Designated Developer and/or a corporation, partnership, or other legal entity, for 1703 and 1707 Main Street 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 MVAH submitting application and registering the MVAH 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, appearing to read "Hope Young-Watkins", written over a horizontal line.

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

From: [April Tompkins](#)
To: [Chester E. Hochreiter](#)
Subject: RE: Document Repository Request - 1681-1689 Main Street Site
Date: Friday, March 26, 2021 11:08:33 AM
Attachments: [02 - Document Repository Request.pdf](#)

Good morning Chester,

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 **1681-1689 Main Street 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

From: Chester E. Hochreiter <chochreiter@bm-tk.com>
Sent: Thursday, March 25, 2021 1:58 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - 1681-1689 Main Street Site

Dear Ms. Tompkins,

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

Thank you,
Chester Hochreiter

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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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