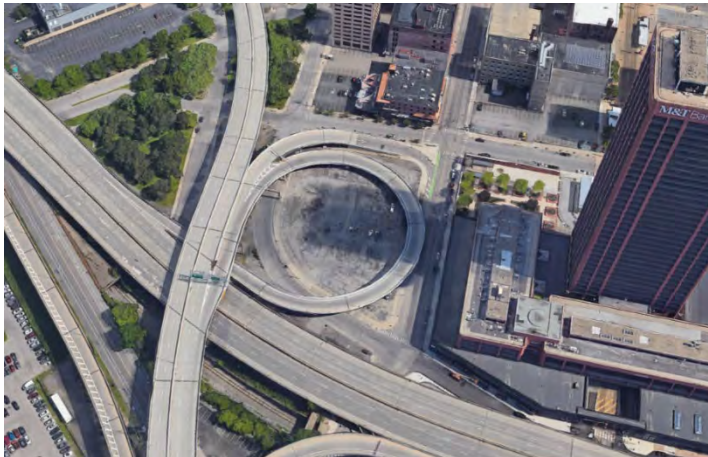


NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM , Revision 15

61 TERRACE
CITY OF BUFFALO, ERIE COUNTY, NEW
YORK



Submitted For:

Douglas Development
655 New York Avenue, Suite 830
Washington, DC 20001

Prepared by:



960 Busti Avenue, Suite B-150
Buffalo, New York 14213

September 2024

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- C – Section III: Land Use Factors
- D – Section IV: Property's Environmental History
- E – Section V: Requestor Information
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- H – Section XI: Site Contact List & Document Repository Letter

PREVIOUS ENVIRONMENTAL REPORTS – INCLUDED AS SEPARATE INDIVIDUAL PDF FILES

2021 Phase I ESA by BE3

2021 Phase II ESA by BE3





SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
 - b. one individual file (PDF) of each previous environmental report; and,
 - c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both email and ground mail.

a. VIA EMAIL:

- Upload the compressed folder to the NYSDEC File Transfer Service.
(<http://fts.dec.state.ny.us/fts>) or another file-sharing service.
- Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
- Subject line of the email: “*BCP Application NEW - *Proposed Site Name**”
- Email your submission to DESiteControl@dec.ny.gov – do NOT copy Site Control staff.

b. VIA GROUND MAIL:

- Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
- Mail the external storage device to the following address:
Chief, Site Control Section
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PROPOSED SITE NAME:

Is this an application to amend an existing BCA with a major modification? Please refer to the application instructions for further guidance related to BCA amendments.

If yes, provide existing site number: _____

Yes

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: _____

Yes

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME

ADDRESS/LOCATION

CITY/TOWN

ZIP CODE

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY

SITE SIZE (ACRES)

LATITUDE

LONGITUDE

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, 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 acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage		
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.					Y	N
2. Is the required property map included with the application? (Application will not be processed without a 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) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% 1-49% 50-99% 100%						
4. Is the project located within a disadvantaged community? See application instructions for additional information.						
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.						
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____						

SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			
8. 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? If yes, attach relevant supporting documentation.			
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____			
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____			
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>			
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>			
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?			
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		Y	N
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?			
17. If you have answered YES to Question 16 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?			
NOTE: If a tangible property tax credit determination is not being requested at the time of application, 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 I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.			
Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

1. The project will be starting at:	Investigation	Remediation	
NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (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, does it meet the requirements in ECL Article 27-1415(2)?	Yes	No	
		N/A	
3. Have any draft work plans been submitted with the application (select all that apply)?	RIWP	RAWP	IRM
			No
4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.			
Is this information attached?	Yes	No	

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? _____		
2. What uses are allowed by the property's current zoning (select all that apply)?	Residential	Commercial
		Industrial
3. Current use (select all that apply):	Residential	Commercial
		Industrial
		Recreational
		Vacant
4. Please provide 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 by which the site became vacant. Is this summary included with the application?	Y	N
5. Reasonably anticipated post-remediation use (check all that apply):		
Residential	Commercial	Industrial
If residential, does it qualify as single-family housing?		N/A
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?		
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.		
8. Do current and/or recent development patterns support the proposed use?		
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.		
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.		

SECTION IV: Property's Environmental History

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

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 ANY supporting documents.**
2. **SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
PFAS			
1,4-dioxane			
Other – indicated below			

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
 - Sample location
 - Date of sampling event
 - Key contaminants and concentration detected
 - For soil, highlight exceedances of reasonably anticipated use
 - For groundwater, highlight exceedances of 6 NYCRR part 703.5
 - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

These drawings are to be representative of all data being relied upon to determine if the site requires remediation under the BCP. Drawings should be no larger than 11"x17" and should only be provided electronically. These drawings should be prepared in accordance with any guidance provided.

Are the required drawings included with this application? YES NO

4. Indicate Past Land Uses (check all that apply):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-Op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other:

SECTION V: Requestor Information

NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

PHONE

EMAIL

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

Y

N

2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS 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 with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?

3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A

4. Individuals that will be certifying BCP documents, as well as their employers, must 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. Do all individuals that will be certifying documents meet these requirements?

Documents that are not properly certified will not be approved under the BCP.

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

Y

N

1. Are any enforcement actions pending against the requestor regarding this site?

2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?

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.

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 or regulation of the State or Federal government?

5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.

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?

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved 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?	Y	N
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 a false statement in connection with any document or application submitted to DEC?		
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?		
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?		
11. Are there any unregistered bulk storage tanks on-site which require registration?		
12. 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 selecting this option, 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; and, (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.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes	No	N/A

SECTION VI: Requestor Eligibility (CONTINUED)

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

Previous Owner Current Owner Potential/Future Purchaser Other: _____

If the requestor is not the current owner, **proof of site access sufficient to complete remediation must be provided.** 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 environmental easement on the site.

Is this proof attached? Yes No N/A

Note: A purchase contract or lease agreement does not suffice as proof of site access.

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

REQUESTOR'S CONSULTANT (CONTACT NAME)

COMPANY

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

REQUESTOR'S ATTORNEY (CONTACT NAME)

COMPANY

ADDRESS

CITY STATE ZIP CODE

PHONE EMAIL

SECTION VIII: Program Fee

Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?		
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A		

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OWNERSHIP START DATE

CURRENT OPERATOR

CONTACT NAME

ADDRESS

CITY

STATE

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information as an attachment.		
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____		

SECTION X: Property Eligibility Information (continued)

<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____</p>	<p>Y</p>	<p>N</p>
<p>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? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A</div></p>		
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____</p>		
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information as an attachment.</p>		

SECTION XI: Site Contact List

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 mailing addresses of the following:

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- 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 XII: Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hereby 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 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 Head of Development (title) of JEMAL'S Loop LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby 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 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.

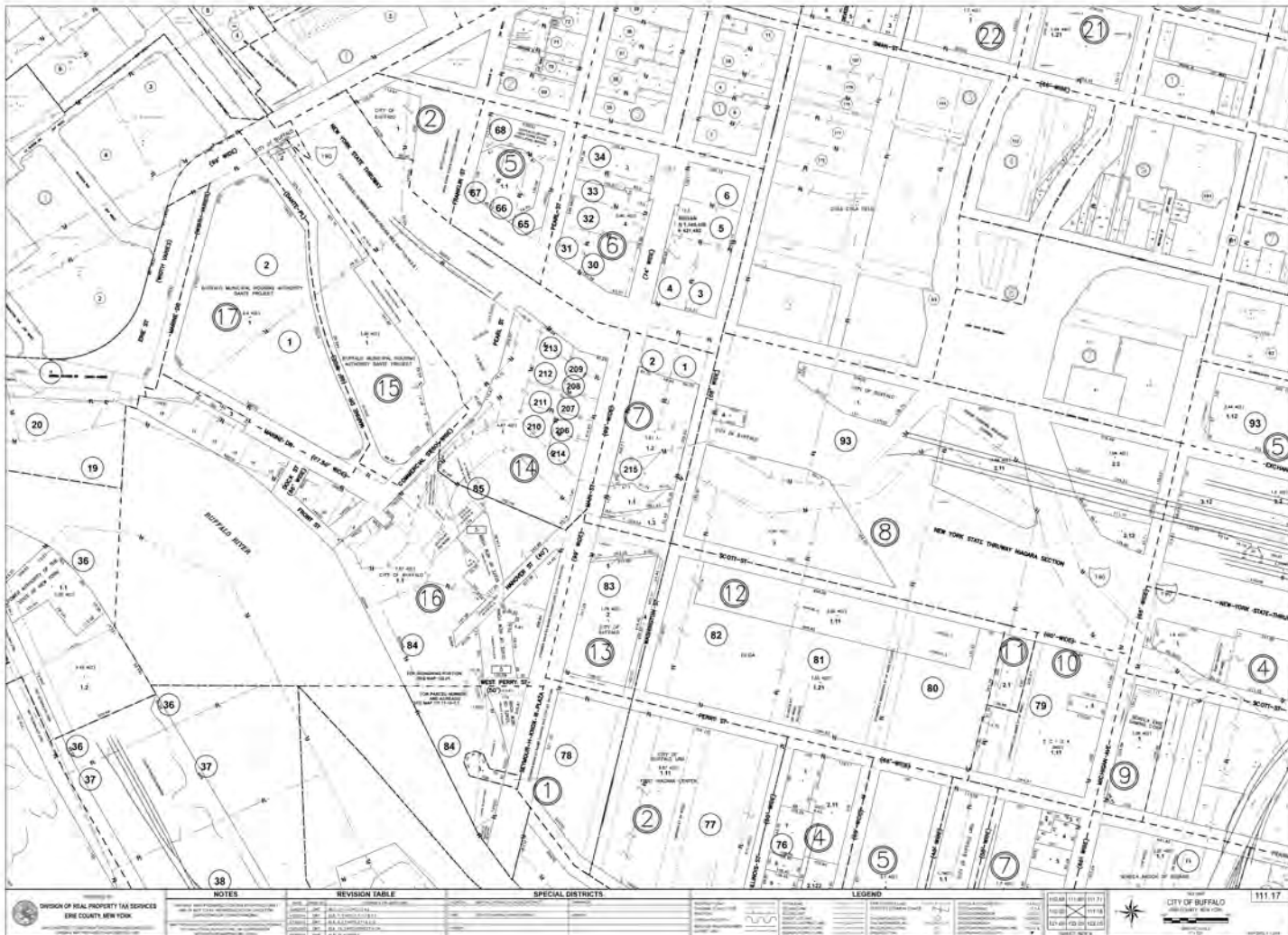
Date: 11-18-2024 Signature: [Signature]

Print Name: PAUL MILSTEIN

PLEASE REFER TO THE APPLICATION COVER PAGE AND BCP APPLICATION INSTRUCTIONS FOR
DETAILS OF PAPERLESS DIGITAL SUBMISSION REQUIREMENTS.

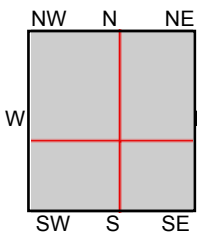
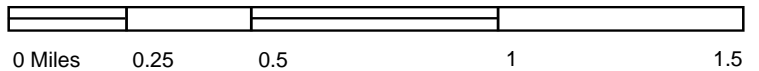
FIGURES

Figure 1 - Property Tax Map





This report includes information from the following map sheet(s).



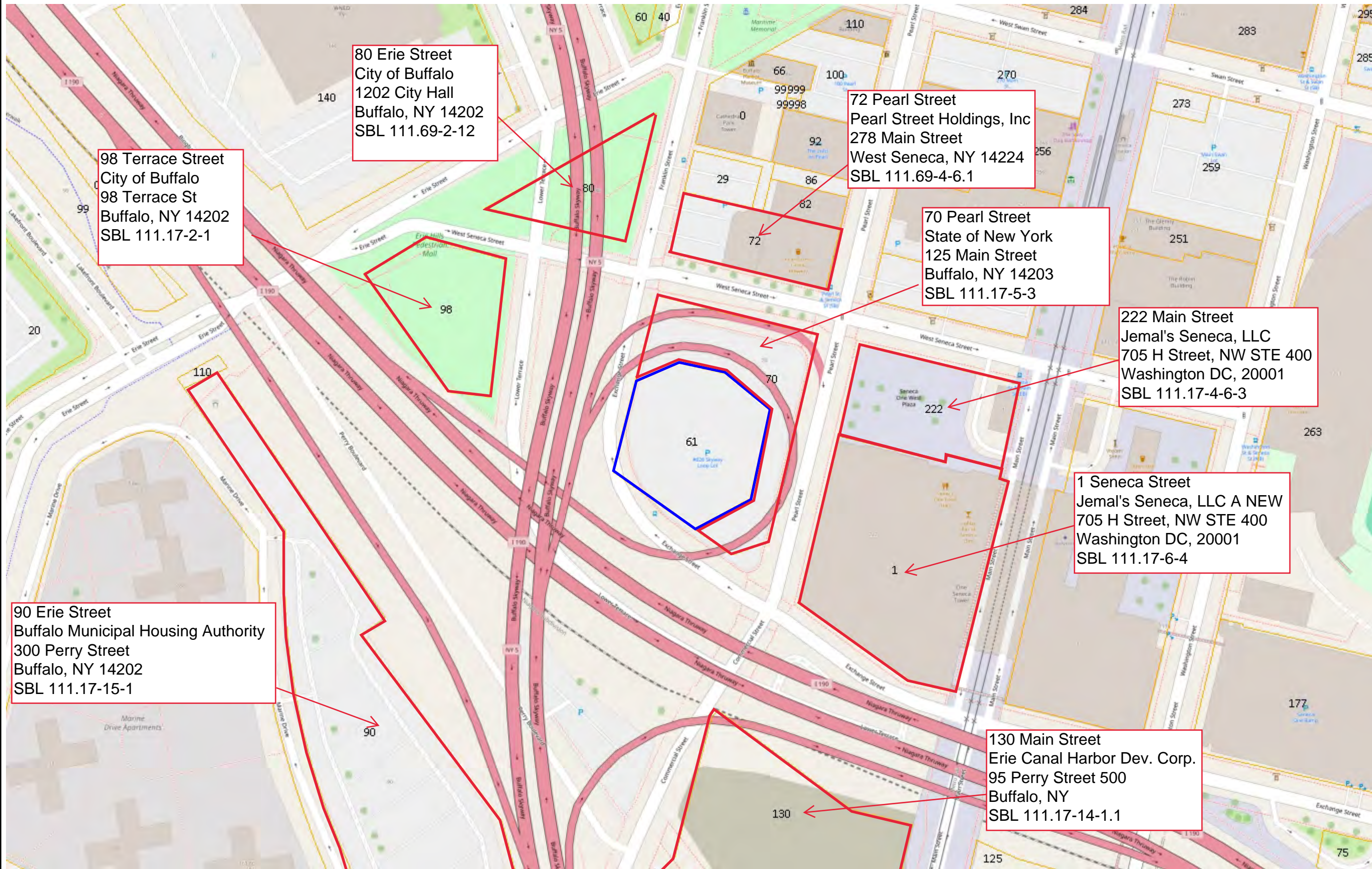
TP, Buffalo NW, 2013, 7.5-minute
NE, Buffalo NE, 2013, 7.5-minute
SE, Buffalo SE, 2013, 7.5-minute
SW, Buffalo SE OE W, 2013, 7.5-minute

SITE NAME: Skyway Loop
ADDRESS: 61 Terrace
Buffalo, NY 14202
CLIENT: BE3





Figure 3 - Erie County Map with Adjacent Property Owners



Legend

Parcels

1: 2,257

Figure 4 -
En-zone Map

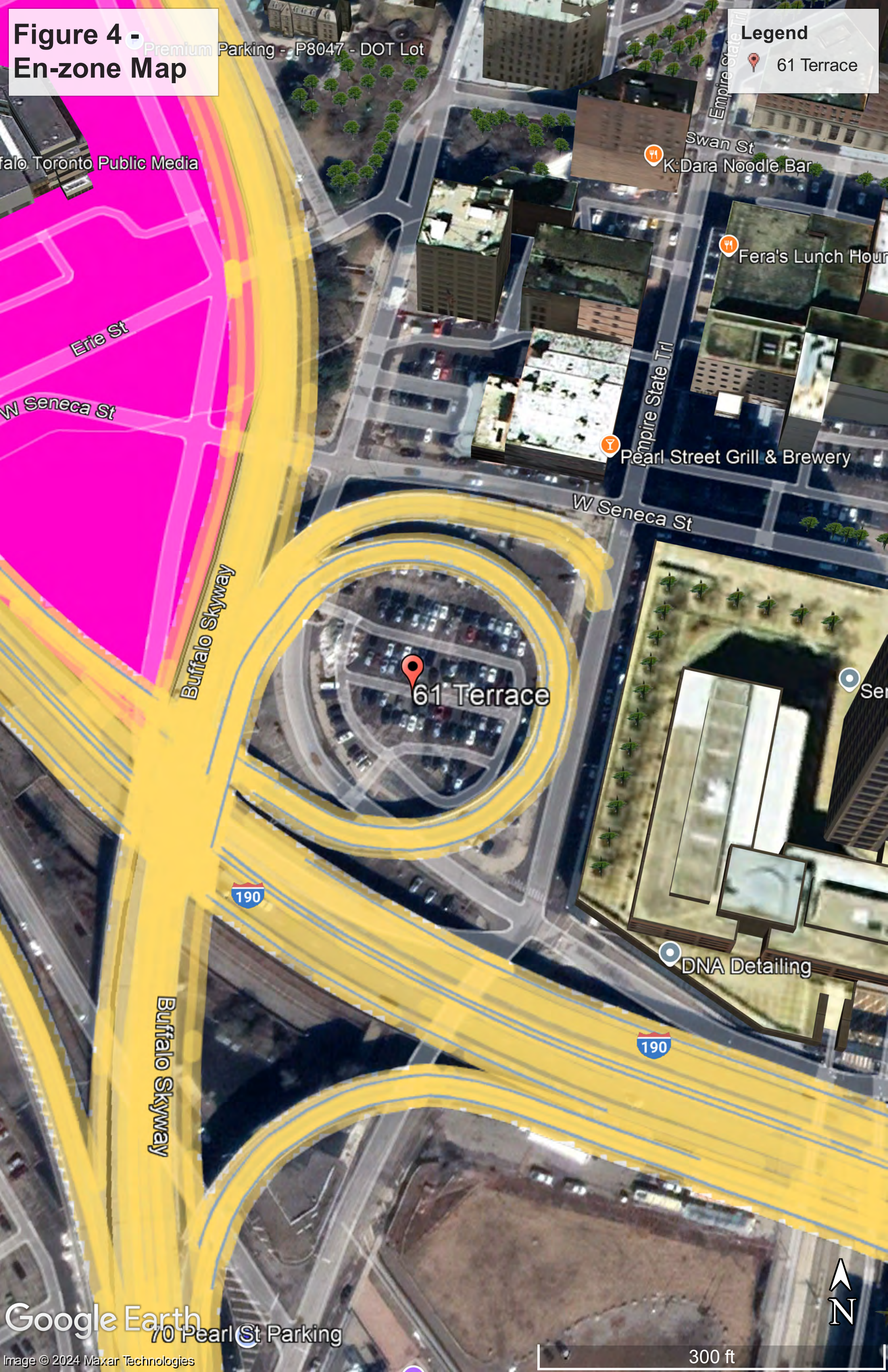
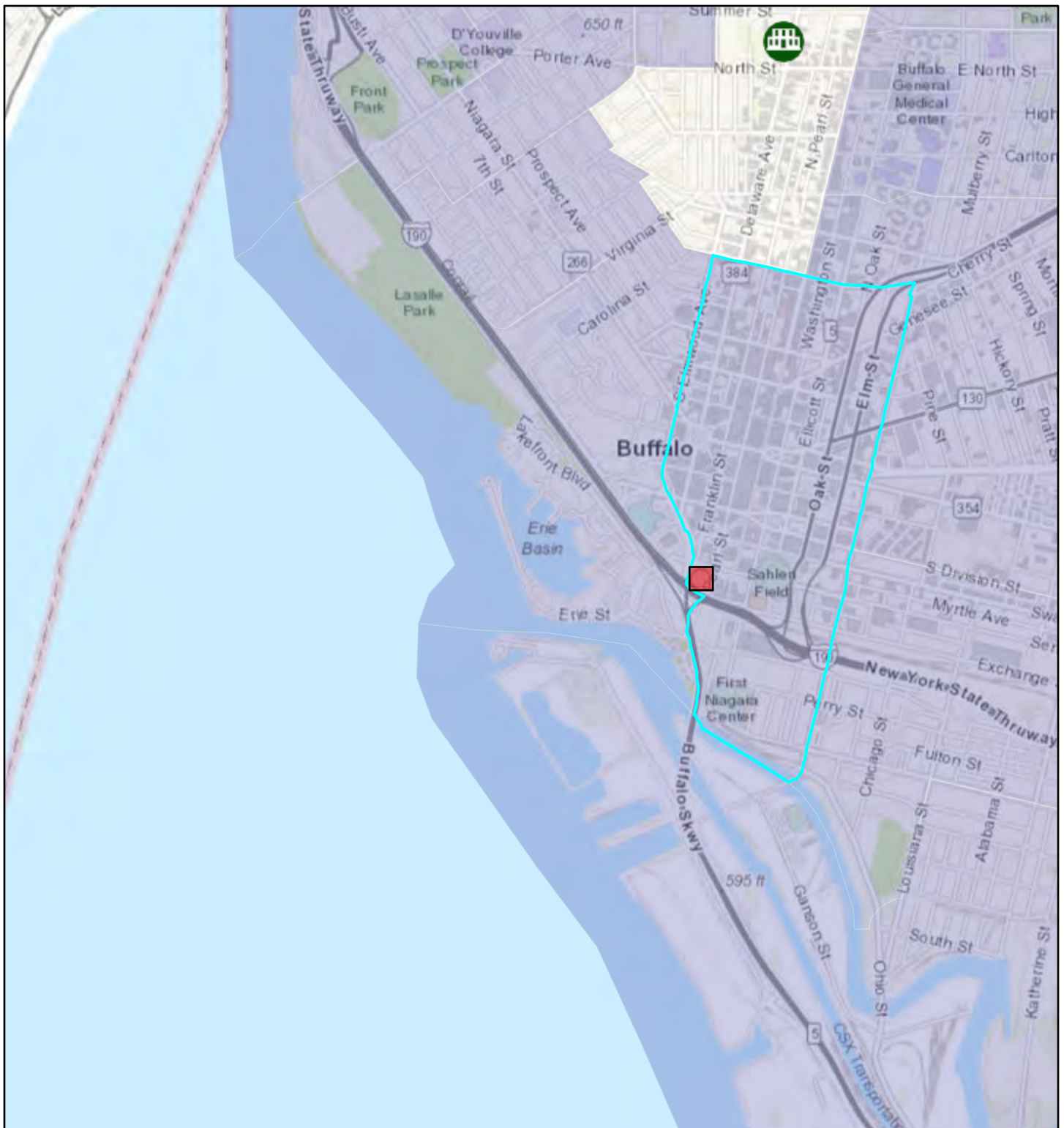
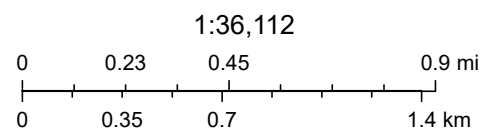


Figure 5 - Disadvantaged Communities



September 9, 2024



Province of Ontario, Ontario MNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA, AAFC, NRCan

Author: Jacob Cox - BE3
Not a legal document

FIGURE 6 - Brownfield Opportunity Area (BOA) Map

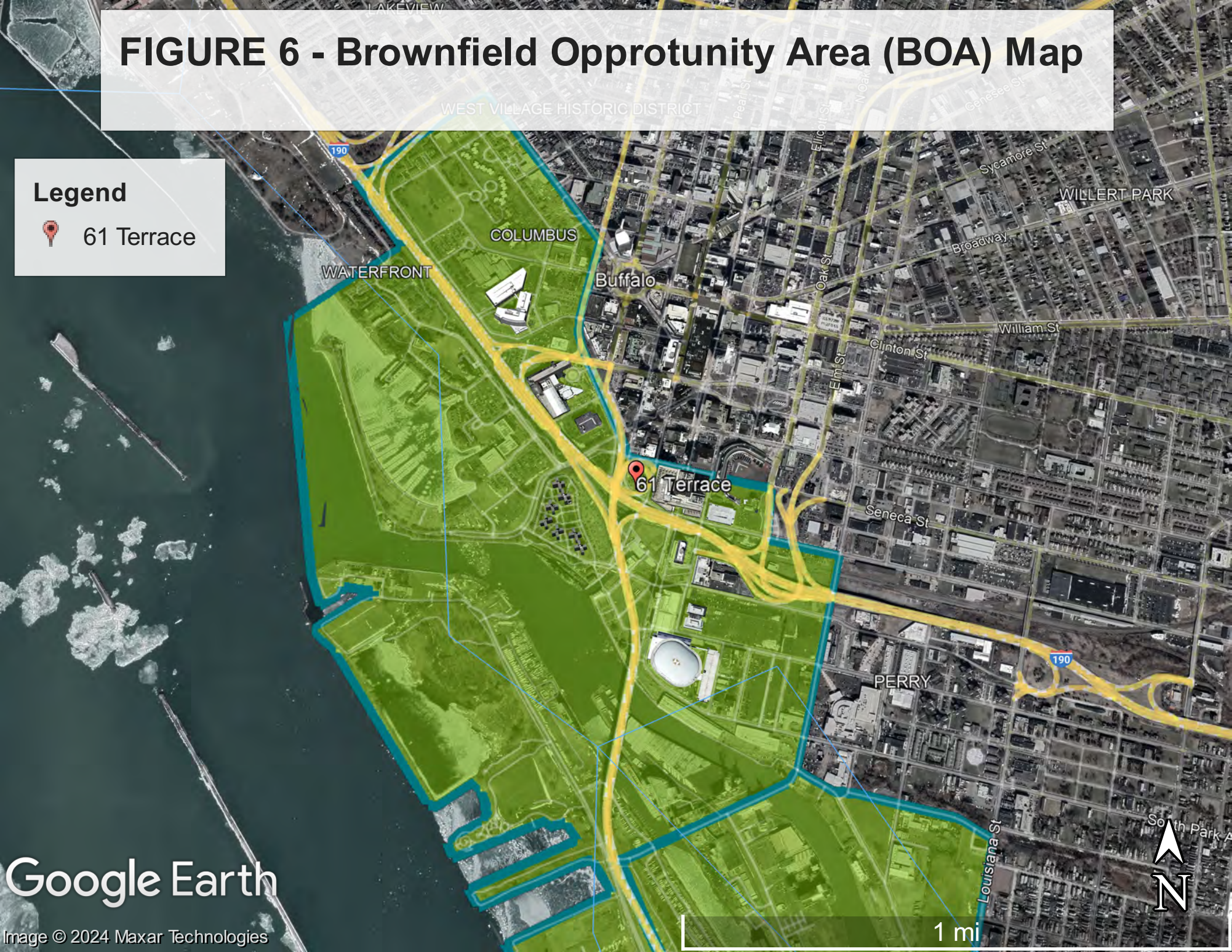
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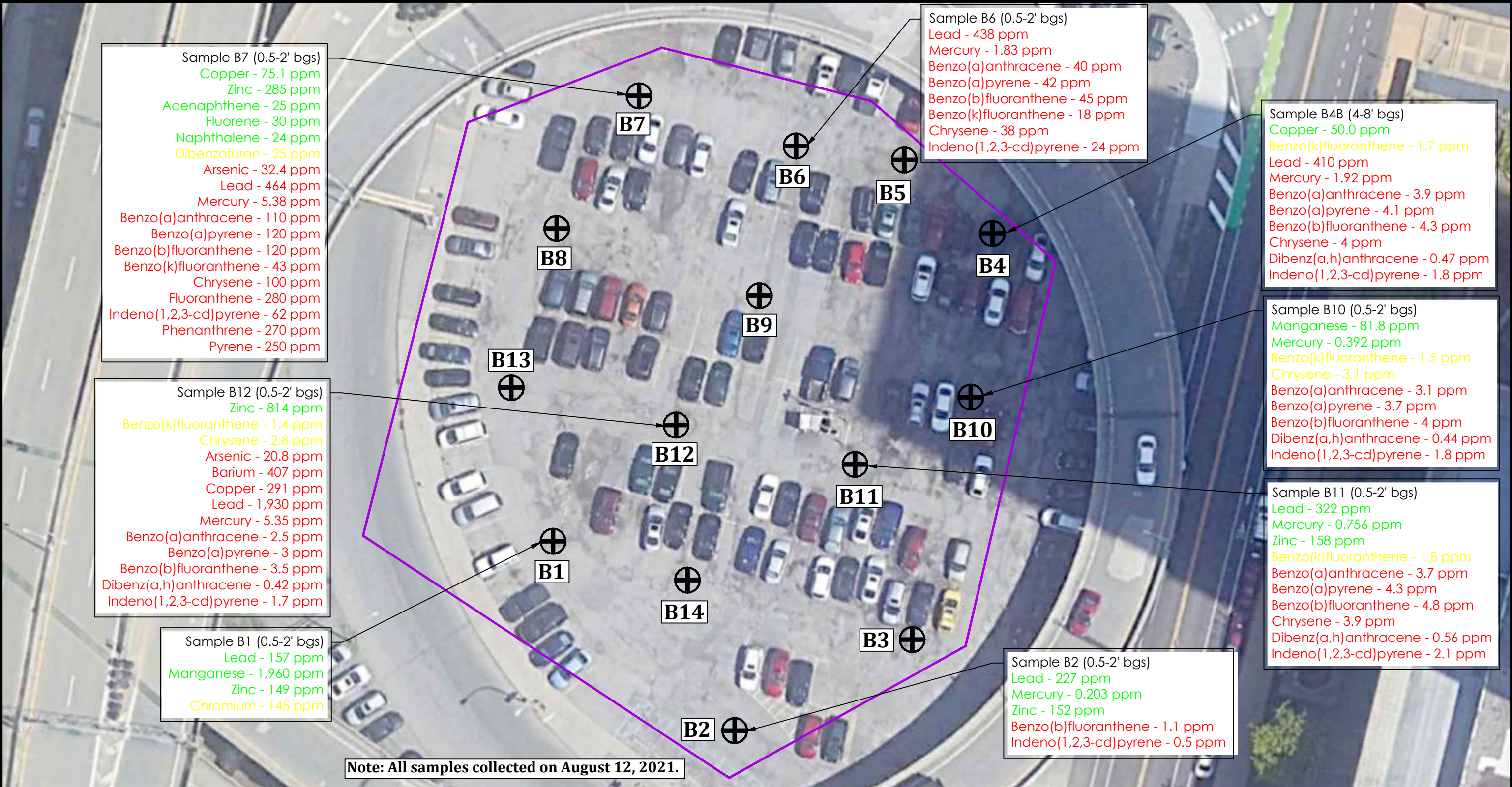


61 Terrace

Google Earth

Image © 2024 Maxar Technologies





MAP ADAPTED FROM GOOGLE EARTH PRO®

LEGEND

- APPROXIMATE LOCATION OF BORING B7 ADVANCED BY BE3 IN AUGUST 2021.
- ANALYTE EXCEEDS NYSDEC UNRESTRICTED SOIL CLEANUP OBJECTIVE (SCO).
- ANALYTE EXCEEDS NYSDEC RESIDENTIAL SCO.
- ANALYTE EXCEEDS NYSDEC RESTRICTED RESIDENTIAL SCO.
- APPROXIMATE BCP PROPERTY BOUNDARY.



 960 Busti Avenue Suite B150 Buffalo, NY 14213 P: 716-362-6532	Figure 7 - Previous Investigation Locations		Revisions	
	BCP Application 61 Terrace Buffalo, New York			
December 2021	SCALE: 1" = 32' (Approximate)		SHEET 1 OF 1	

Figure 7 - Zoning Map
City of Buffalo, Unified Development Ordinance



TABLES

TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	Sample Address and Identification, Approximate Sample Depth in Feet Below Ground Surface, and Sample Date								NYSDEC Soil Cleanup Objectives (SCOs)		
	B1	B2	B4B	B6	B7	B10	B11	B12	Unrestricted	Residential	Restricted Residential
	0.5-2	0.5-2	4-8	0.5-2	0.5-2	0.5-2	0.5-2	0.5-2			
	8/12/2021										
METALS/INORGANICS											
Arsenic, Total	11.9	5.5	9.4	7.7	32.4	10.8	6.4	20.8	13	16	16
Barium, Total	126	139	149	197	132	198	140	407	350	350	400
Beryllium, Total	0.75	0.72	0.70	0.50	0.36	0.81	0.49	0.48	7.2	14	72
Cadmium, Total	0.77	0.65	0.68	0.79	0.60	ND	ND	1.70	2.5	2.5	4.3
Chromium, Total	145	9.8	15.1	19.1	28.4	11.4	14.1	28.4	30	36	180
Copper, Total	46.6	44.8	50.0	32.2	75.1	37.0	30.9	291	50	270	270
Lead, Total	157	227	410	438	464	81.8	322	1,930	63	400	400
Manganese, Total	1,960	579	432	330	209	292	324	346	1,600	2,000	2,000
Mercury, Total	0.110	0.203	1.92	1.83	5.38	0.392	0.756	5.35	0.18	0.81	0.81
Nickel, Total	19.7	7.7	14.9	13.2	9.0	10.7	11.1	11.3	30	140	310
Selenium, Total	ND	ND	ND	ND	1.6	ND	ND	1.9	3.9	36	180
Silver, Total	ND	ND	ND	ND	ND	ND	ND	1.2	2	36	180
Zinc, Total	149	152	180	292	285	63.8	158	814	109	2,200	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)											
Acenaphthene	ND	ND	0.82	ND	25	ND	0.52	ND	20	100	100
Anthracene	ND	ND	2	12	66	0.99	1.6	0.79	100	100	100
Benzo(a)anthracene	0.57	0.81	3.9	40	110	3.1	3.7	2.5	1	1	1
Benzo(a)pyrene	0.56	0.94	4.1	42	120	3.7	4.3	3	1	1	1
Benzo(b)fluoranthene	0.69	1.1	4.3	45	120	4	4.8	3.5	1	1	1
Benzo(g,h,i)perylene	ND	0.46	1.6	22	56	1.6	1.9	1.5	100	100	100
Benzo(k)fluoranthene	ND	0.39	1.7	18	43	1.5	1.8	1.4	0.8	1	3.9
Chrysene	0.58	0.85	4	38	100	3.1	3.9	2.8	1	1	3.9
Dibenz(a,h)anthracene	ND	ND	0.47	ND	ND	0.44	0.56	0.42	0.33	0.33	0.33
Dibenzofuran	ND	ND	0.680	ND	25	ND	ND	ND	7	14	59
Fluoranthene	1.4	1.6	9.7 D	86	280	6.2	7.8	4.9	100	100	100
Fluorene	ND	ND	1.2	ND	30	ND	0.52	ND	30	100	100
Indeno(1,2,3-cd)pyrene	ND	0.5	1.8	24	62	1.8	2.1	1.7	0.5	0.5	0.5
Naphthalene	ND	ND	2.1	ND	24	ND	2.4	ND	12	100	100
Phenanthrene	1.2	0.89	7.4	48	270	4	5.9	3.1	100	100	100
Pyrene	1.2	1.5	8	74	250	6.3	7.4	5	100	100	100
Other SVOCs	ND	ND	ND	ND	ND	ND	ND	ND	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

11.9 Analyte detected

157 Reported concentration greater than or equal to the NYSDEC Unrestricted SCO

145 Reported concentration greater than or equal to the NYSDEC Residential SCO

410 Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

D Concentration is a result of dilution

TABLE 2
SUMMARY OF GROUNDWATER RESULTS

Parameter Tested	Sample Identification, Approximate Groundwater Depth Below Top of Casing (Ft), and Sample Date	NYSDEC TOGS 1.1.1 GA
	B7GW	
	10.6	
	8/12/21	
VOLATILE ORGANIC COMPOUNDS (VOCs)		
Benzene	ND	1
Chloroform	ND	7
Tetrachloroethene (PCE)	ND	5
Trichloroethene (TCE)	ND	5
Vinyl Chloride	ND	2
cis-1,2-Dichloroethene	ND	5
trans-1,2-Dichloroethene	ND	5
Other VOCs	ND	Various
Total TICs	ND	-
Notes: All units in micrograms per liter (µg/L) NYSDEC New York State Department of Environmental Conservation TOGS Technical and Operational Guidance Series ND Analyte not detected		

ATTACHMENTS

ATTACHMENT A

SECTION I – PROPERTY INFORMATION

Location

The 0.87-acre site encompasses one parcel located at 61 Terrace, City of Buffalo, Erie County, New York (refer to **Figure 2** - Site Location Map).

Address	Tax ID (SBL)	Acreage
61 Terrace	111.17-5-1.1	0.87

The site boundary encompassing the above parcel is depicted on **Figure 1** tax parcel map and **Figure 3** site boundary map with adjacent property owners. The site is in an intensely mixed-use area of the City of Buffalo, New York, less than one mile northeast of Lake Erie and about one mile east of the mouth of the Niagara River. The general middle of the site is located at latitude 42° 52' 49.11" N; Longitude 78° 52' 40.66" W. The immediate area around the site is mainly parking areas and roadway complexes. According to New York State Environmental Zone (En-Zones) mapping, the Site is not located within an En-Zone (see **Figure 4**) however is in a Disadvantaged Community and Brownfield Opportunity Area (BOA) (see **Figures 5 and 6**).

Site Features

The 61 Terrace (SBL #111.17-5-1.1) is 0.87 acres in size and is currently used as a parking lot surrounded by the Buffalo Skyway Loop to Interstate 190. The site is gently sloping southwest towards the Buffalo River and Lake Erie. Surface and shallow flow most likely has been impacted over time by the various developments and fills as well as foundations, street beds, and utility lines. Surface water is directed to adjacent streets and low spots in properties with storm drains. In general groundwater most likely flows southwest.

Current Zoning and Land Use

The site is currently an asphalt parking area and according to the City of Buffalo online property and zoning information system, the current zoning for the Site is defined as N-1D Downtown/Regional Hub. The N-1D District is meant to facilitate development of substantial scale with an intense mix of uses. Typical building types include civic buildings, commercial blocks, stacked units, and towers. The surrounding parcels are as follows: north – N-1D Pearl Street Grill and Brewery; east – N-1D Seneca One Tower; and south and west – N-1C mixed use residential housing and parking. See **Figure 8** for Site zoning.

Past Use of the Site

Historically, the Site contained manufacturing facilities and was converted into a parking lot sometime in the 1960's after the construction of the Buffalo Skyway in 1953. Multiple uses across the property include auto parking, a gasoline service in the southeast portion of the property, a fire station in the northwest portion, a welding and machine shop in the southwest, and mill supply stores and lofts. One underground storage tank (UST) was identified in association with the fire station located on the Site.



Site Geology and Hydrogeology

No surface water bodies, or wetland areas are located within the site area. The nearest waterbody is Lake Erie approximately a half a mile southwest. Topography also suggests runoff generally flows towards the southwest and to adjacent streets and low spots on the site. Bedrock was not encountered during investigation activities. Groundwater was encountered at a depth of approximately 14 feet below ground surface (bgs). Based on local topography, groundwater likely flows in a southwest direction towards Lake Erie. Subsurface conditions generally consist of fill layers primarily associated with black poorly graded sand with some construction and demolition debris (brick with some cement). Fill depths range from 6 to 10 feet bgs in most locations across the site. Below the fill is brown silty clay or red-brown stiff silty-clay.

Environmental Assessment

Environmental assessments have occurred on the property including the following:

- A Phase I ESA (June 2021) and Phase II ESA (September 2021) were performed by BE3 for the Site.

Based on the above investigations, the primary contaminants of concern at the site include soils only, which identified metals and semi-volatile organic compounds (SVOCs) above NYSDEC unrestricted, residential and restricted residential Soil Cleanup Objectives (SCOs). No impacts were identified in the groundwater. A summary of soil exceedances is as follows:

- Primary metals include arsenic, barium, chromium, copper, lead, manganese, mercury, and zinc.
- Primary SVOCs were identified as mostly polycyclic aromatic hydrocarbons (PAHs) which include acenaphthylene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene).

Adjacent Property Owners

A list of Adjacent property owners is provided below in Attachment H and on **Figure 3**.

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

The purpose of the project is to redevelop the Site through the construction of a 9-story mixed use building. The top four floors will be residential spaces, and the remaining lower floors will contain associated parking. The project will create 297 parking spaces and 148 residential units. The perimeter of the building is intended for greenspace.

Jemal's Loop LLC, acting as a Volunteer, will complete additional investigation and remediate the site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

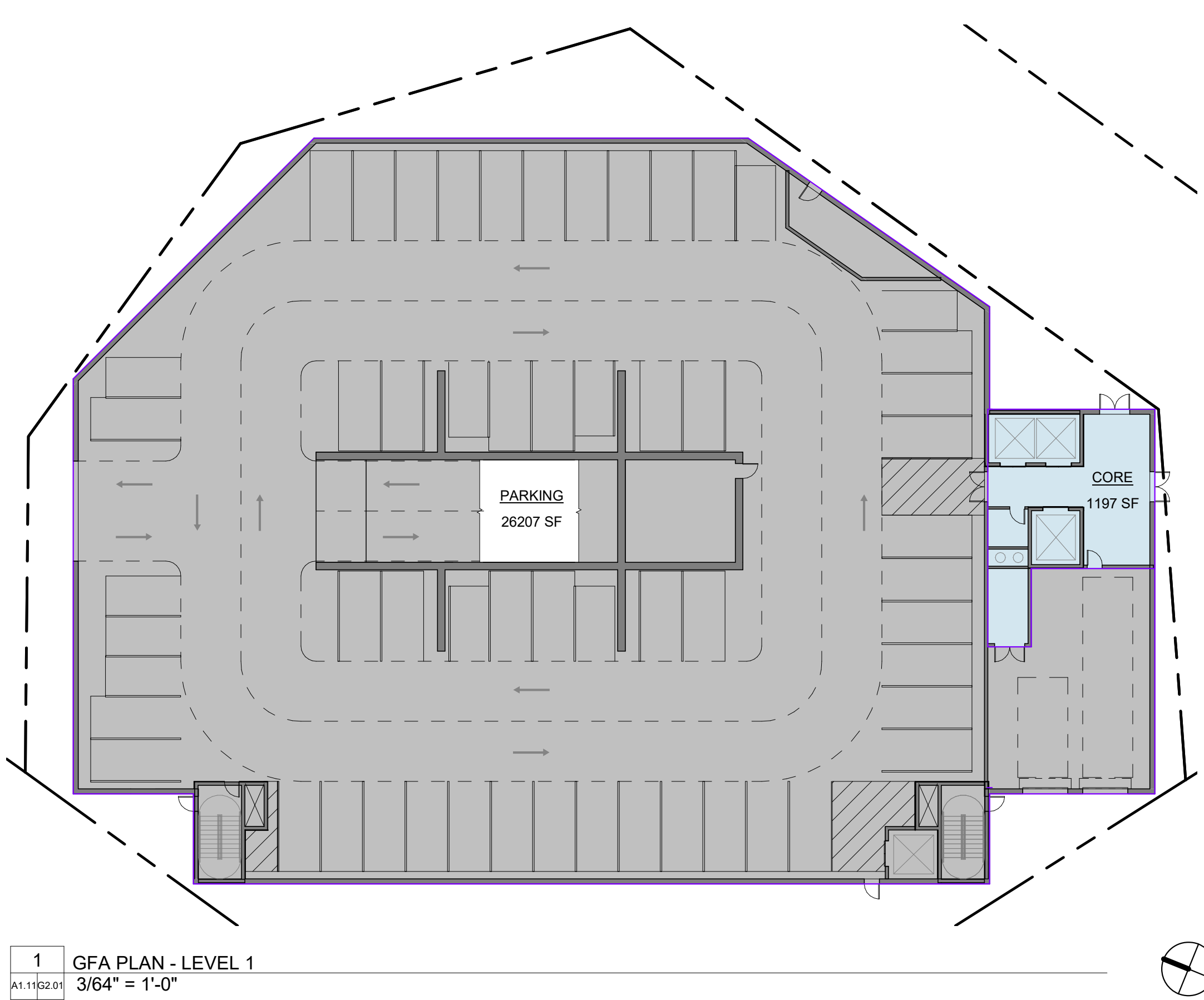
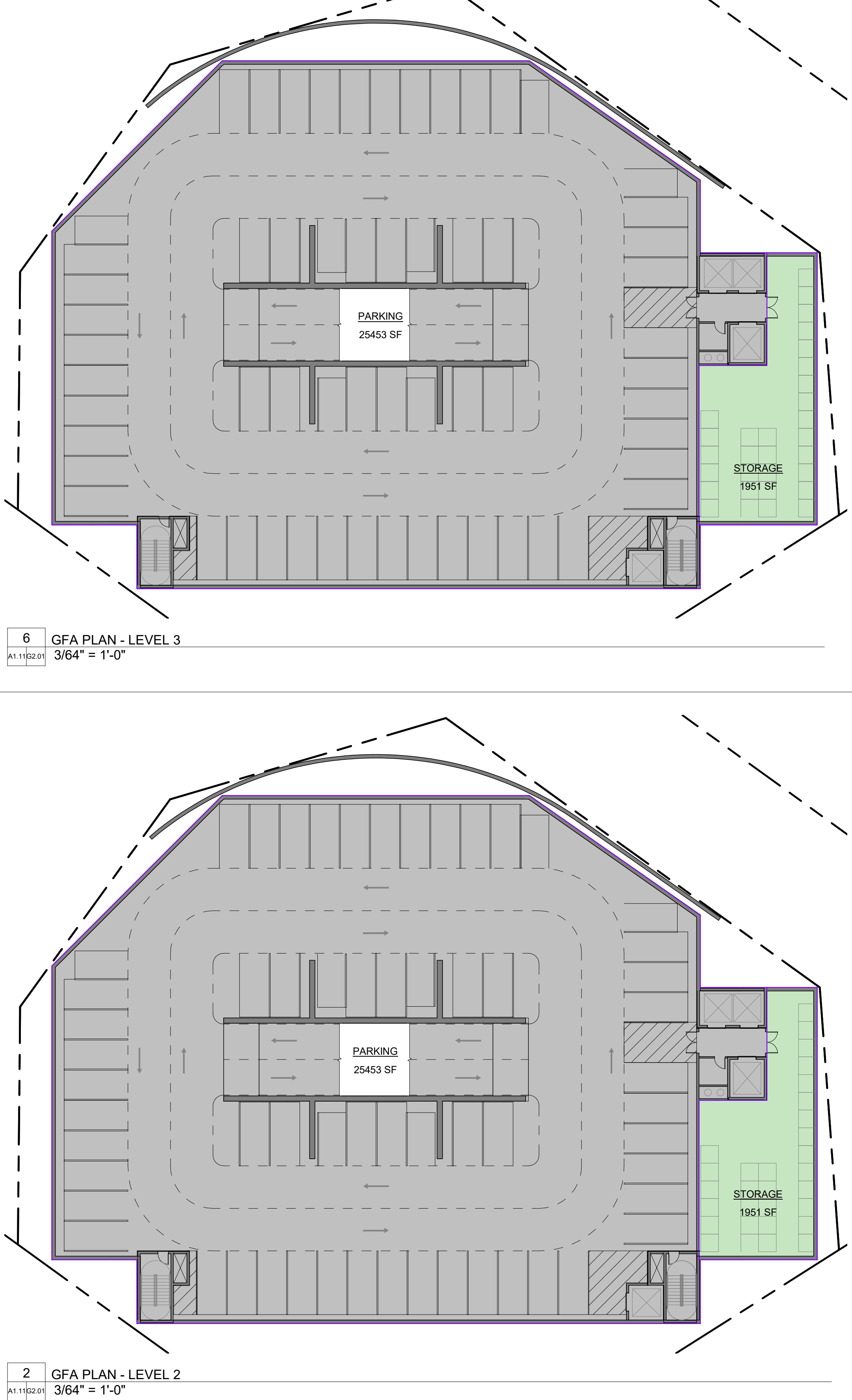
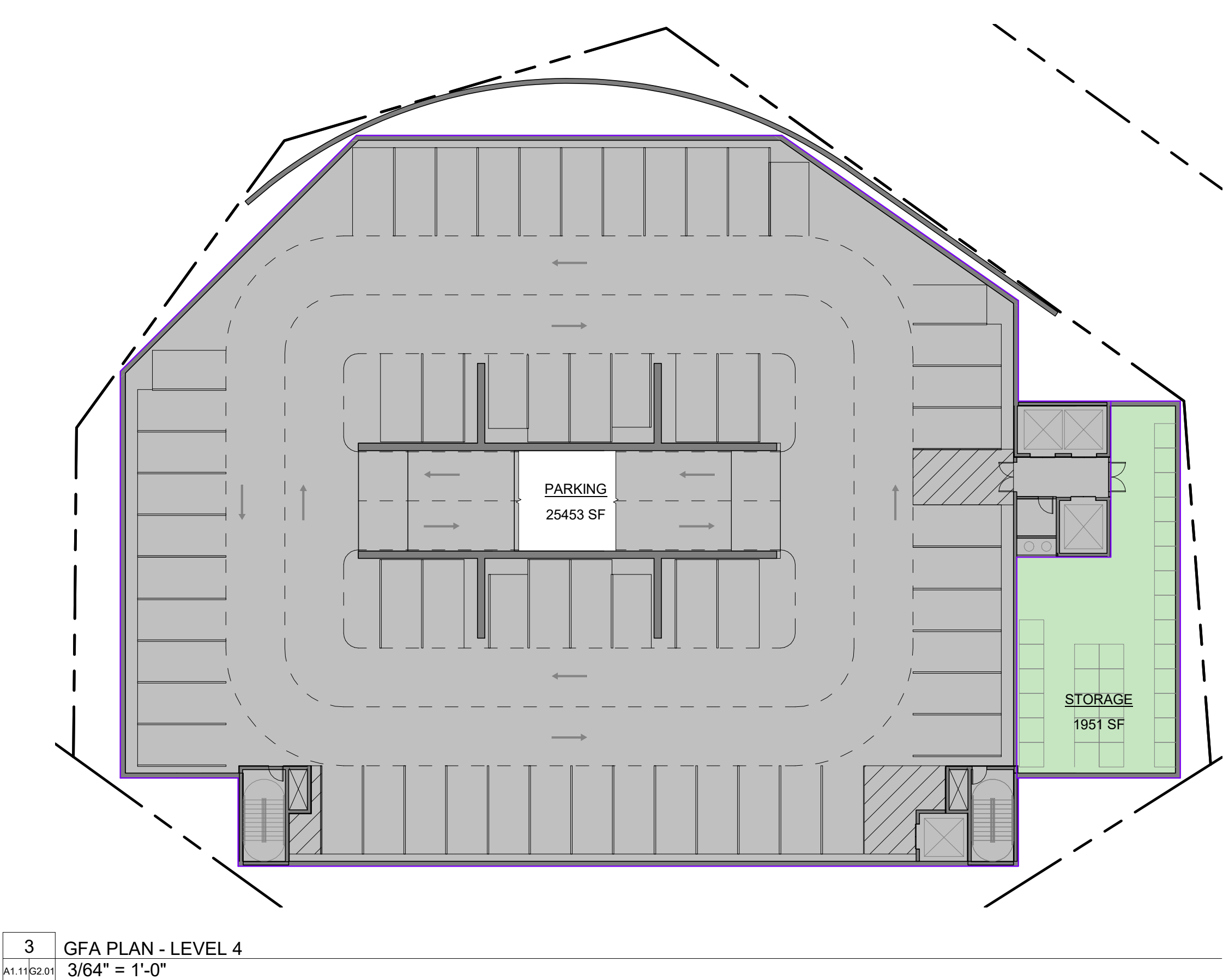
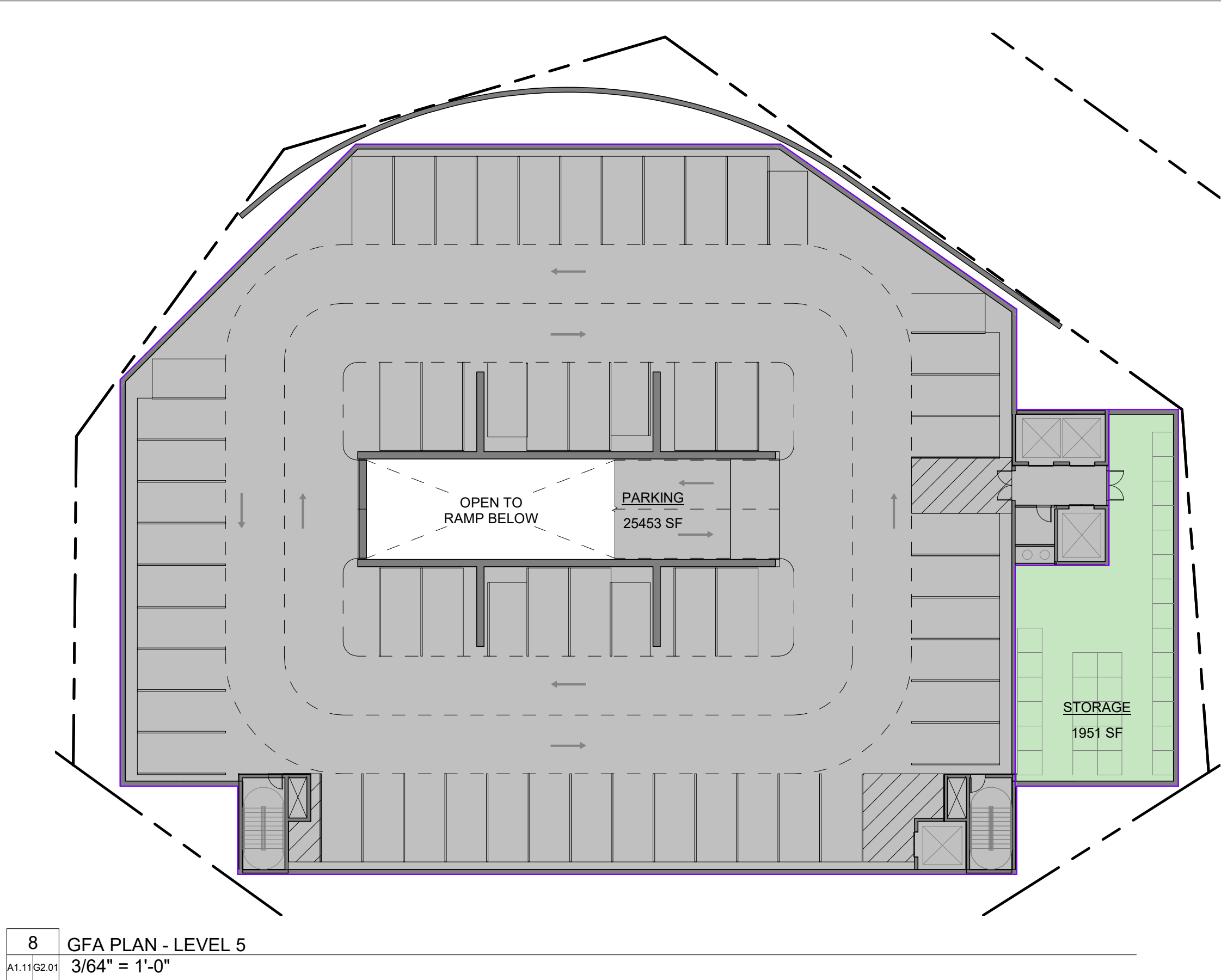
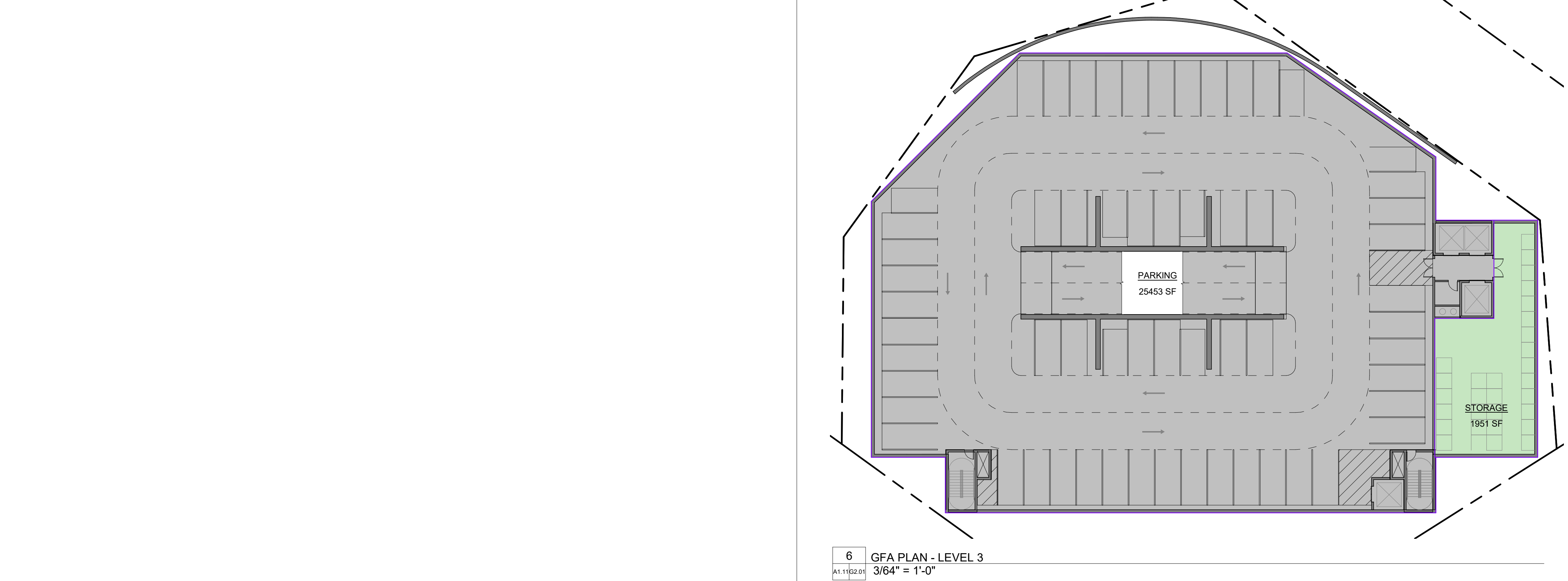
Project Start Date & Anticipated Certificate of Completion

The project will **start work** with the preparation of a Remedial Investigation (RI) Work Plan and complete an RI upon acceptance into the BCP **during calendar year 2025** and will complete remediation for an **anticipated Certificate of Completion (COC)** in early 2026.



PARKING TABULATIONS (BY LEVEL)			
USE	TYPE	MARK	COUNT
MEAN GRADE			
BUSINESS	ADA	B-ADA	1
BUSINESS	ADA VAN	B-ADA VAN	1
BUSINESS	COMPACT	B-C	10
BUSINESS	STANDARD	B-S	45
			57
LEVEL 2			
BUSINESS	ADA	B-ADA	2
BUSINESS	COMPACT	B-C	7
BUSINESS	STANDARD	B-S	51
			60
LEVEL 3			
BUSINESS	ADA	B-ADA	2
BUSINESS	COMPACT	B-C	7
BUSINESS	STANDARD	B-S	51
			60
LEVEL 4			
RESIDENTIAL	ADA	R-ADA	2
RESIDENTIAL	COMPACT	R-C	7
RESIDENTIAL	STANDARD	R-S	51
			60
LEVEL 5			
RESIDENTIAL	ADA	R-ADA	2
RESIDENTIAL	COMPACT	R-C	7
RESIDENTIAL	STANDARD	R-S	51
			60
PARKING TOTAL			297

PARKING TABULATIONS (BY TYPE)			
USE	TYPE	MARK	COUNT
BUSINESS			
BUSINESS	ADA	B-ADA	5
BUSINESS	ADA VAN	B-ADA VAN	1
BUSINESS	COMPACT	B-C	24
BUSINESS	STANDARD	B-S	147
			177
RESIDENTIAL			
RESIDENTIAL	ADA	R-ADA	4
RESIDENTIAL	COMPACT	R-C	14
RESIDENTIAL	STANDARD	R-S	102
			120
PARKING TOTAL			297



APPROVAL STAMPS:

NOT FOR CONSTRUCTION

DRAFT

1	12.18.20	SCHEMATIC DESIGN
No.	Date	Description
SUBMISSIONS & REVISIONS		
OWNER		
DOUGLAS DEVELOPMNENT CORPORATION		
702 H STREET NW, #400		
WASHINGTON, DC 20001		
202.638.6300		
DOUGLASDEVELOPMENT.COM		
ARCHITECT		
ANTUNOVICH ASSOCIATES		
ARCHITECTURE - PLANNING - INTERIOR DESIGN		
1144 3RD STREET NE		
WASHINGTON, DC 20002		
MAIN: 202.540.1144		
ANTUNOVICH.COM		
STRUCTURAL ENGINEER		
TREDO ENGINEERS		
755 SENECA STREET, #202		
BUFFALO, NY 14210		
716.875.7147		
TREDOENGINEERS.COM		
M.E.P. & F.P. ENGINEERS		
TRAUTMAN ASSOCIATES		
37 FRANKLIN STREET, #100		
BUFFALO, NY 14202		
716.883.4400		
716.883.4268		
TRAUTMANASSOCIATES.COM		
CIVIL ENGINEER		
TRAUTMAN ASSOCIATES		
37 FRANKLIN STREET, #100		
BUFFALO, NY 14202		
716.883.4400		
716.883.4268		
TRAUTMANASSOCIATES.COM		
LANDSCAPE ARCHITECT		
TRAUTMAN ASSOCIATES		
37 FRANKLIN STREET, #100		
BUFFALO, NY 14202		
716.883.4400		
716.883.4268		
GENERAL CONTRACTOR		
BUFFALO CONSTRUCTION		
496 KENNEDY ROAD		
BUFFALO, NY 14227		
716.302.4040		
716.302.4040		
BUFFALOCONSTRUCT.COM		
PROJECT LOCATION		
61 TERRACE		
61 UPPER TERRACE STREET		
BUFFALO, NY 14203		
DRAWING TITLE		
AREA & PARKING TABULATIONS		
SEAL	DATE:	12.18.20
DRAFT	DRAWN BY:	AP
	CHECKED BY:	MD
	PROJECT NO:	
	DRAWING NO:	G2.01

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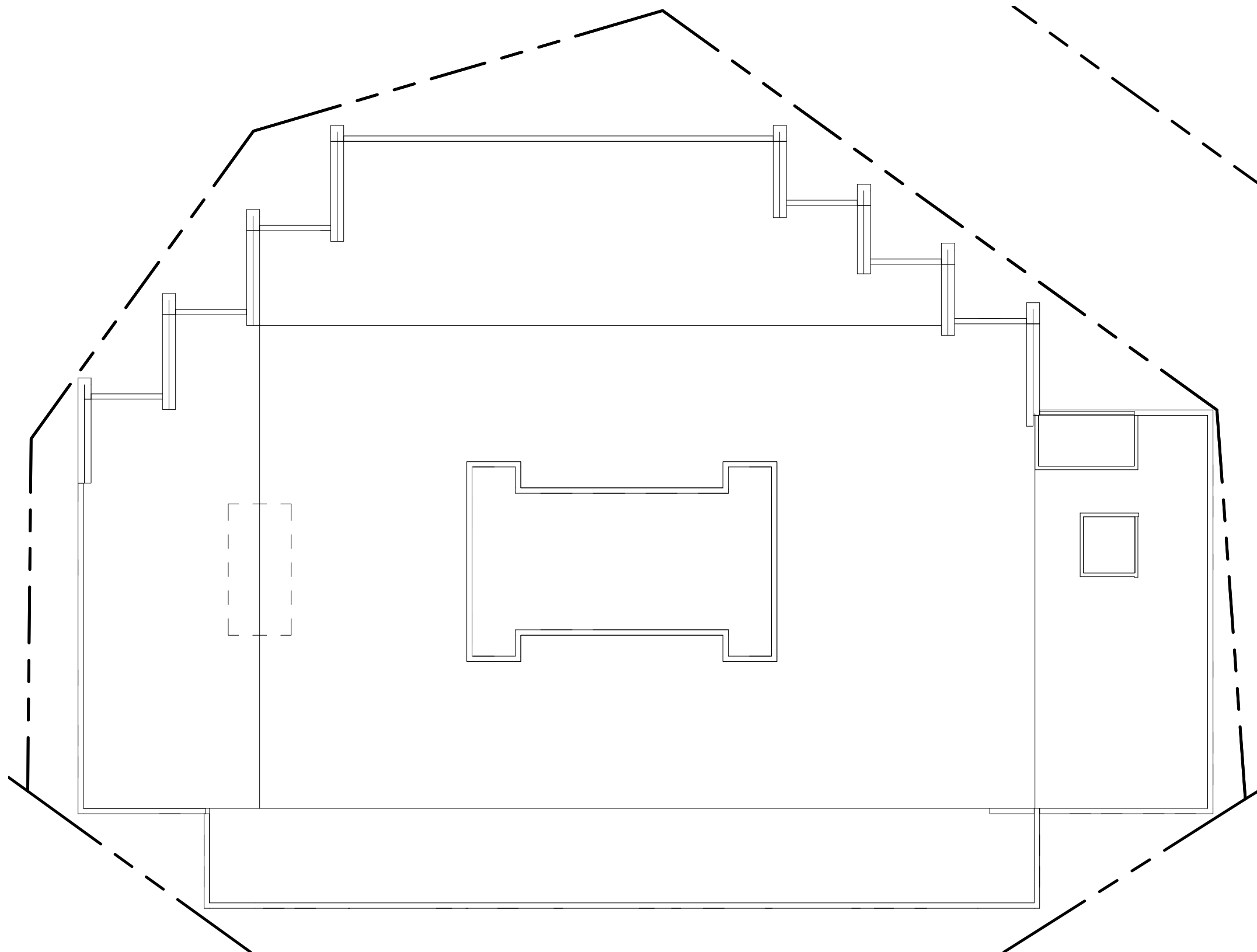
UNIT TABULATIONS (BY LEVEL)		
UNIT TYPE	COUNT	TOTAL AREA
LEVEL 6		
1BR	18	10343 SF
3BR	1	967 SF
JR1BR	7	3410 SF
JR2BR	4	2835 SF
STUDIO	7	2898 SF
	37	20443 SF
LEVEL 7		
1BR	18	10343 SF
2BR	1	856 SF
3BR	1	967 SF
JR1BR	8	3931 SF
JR2BR	3	2118 SF
STUDIO	6	2493 SF
	37	20698 SF
LEVEL 8		
1BR	18	10343 SF
2BR	1	856 SF
3BR	1	967 SF
JR1BR	8	3931 SF
JR2BR	3	2118 SF
STUDIO	6	2493 SF
	37	20698 SF
LEVEL 9		
1BR	18	10343 SF
2BR	1	856 SF
3BR	1	967 SF
JR1BR	8	3931 SF
JR2BR	3	2118 SF
STUDIO	6	2493 SF
	37	20698 SF
TOTAL	148	82536 SF

AREA TABULATIONS (FULL BUILDING BY LEVEL)	
USE	TOTAL AREA
LEVEL 1	
CORE	1197 SF
PARKING	26207 SF
	27404 SF
LEVEL 2	
CORE	1951 SF
PARKING	25453 SF
	27404 SF
LEVEL 3	
CORE	1951 SF
PARKING	25453 SF
	27404 SF
LEVEL 4	
CORE	1951 SF
PARKING	25453 SF
	27404 SF
LEVEL 5	
CORE	1951 SF
PARKING	25453 SF
	27404 SF
LEVEL 6	
CORE	4196 SF
RESIDENTIAL	20443 SF
	24637 SF
LEVEL 7	
CORE	3940 SF
RESIDENTIAL	20698 SF
	24637 SF
LEVEL 8	
CORE	3940 SF
RESIDENTIAL	20698 SF
	24637 SF
LEVEL 9	
CORE	3940 SF
RESIDENTIAL	20698 SF
	24637 SF
TOTAL	235570 SF

UNIT TABULATIONS (BY TYPE)		
UNIT TYPE	COUNT	TOTAL AREA
1BR	72	41372 SF
2BR	3	2568 SF
3BR	4	3827 SF
JR1BR	31	15204 SF
JR2BR	13	9189 SF
STUDIO	25	10376 SF
TOTAL	148	82536 SF

AREA TABULATIONS (FULL BUILDING TOTALS)	
USE	TOTAL AREA
CORE	25016 SF
PARKING	129017 SF
RESIDENTIAL	82536 SF
TOTAL	235570 SF

AREA TABULATIONS (TYPICAL RESIDENTIAL LEVEL CORE FACTOR)		
USE	TOTAL AREA	CORE FACTOR
CORE	3940 SF	16%
RESIDENTIAL	20698 SF	84%
TOTAL	24637 SF	100%



14 GFA PLAN - ROOF
3/64" = 1'-0"



2 GFA PLAN - LEVEL 9
3/64" = 1'-0"



11 GFA PLAN - LEVEL 8
3/64" = 1'-0"



10 GFA PLAN - LEVEL 7
3/64" = 1'-0"



9 GFA PLAN - LEVEL 6
3/64" = 1'-0"

APPROVAL STAMPS:

NOT FOR
CONSTRUCTION

DRAFT

1 12.18.20 SCHEMATIC DESIGN
No. Date Description

SUBMISSIONS & REVISIONS

OWNER
DOUGLAS DEVELOPMENT
CORPORATION
702 H STREET NW, #400
WASHINGTON, DC 20001
202.638.6300
DOUGLASDEVELOPMENT.COM

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ASSOCIATES
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LANDSCAPE ARCHITECT

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BUFFALO, NY 14202
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GENERAL CONTRACTOR

BUFFALO CONSTRUCTION
496 KENNEDY ROAD
BUFFALO, NY 14227
716.302.4040
716.302.4040
BUFFALOCONSTRUCT.COM

PROJECT LOCATION

61 TERRACE
61 UPPER TERRACE STREET
BUFFALO, NY 14203

DRAWING TITLE

AREA & PARKING
TABULATIONS

SEAL

DATE: 12.18.20
DRAWN BY: AP
CHECKED BY: MD
PROJECT NO:

DRAWING NO:

G2.02

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ATTACHMENT C

SECTION III: LAND USE FACTORS

Application Section III #4 – Summary of Current Business Operations or Uses – possible contaminant source areas and date site became vacant

The current zoning for the Site is N-1D Downtown/Regional Hub and has been an asphalt parking space since the 1960's. Refer to **Figure 9**. The immediate area around the site is highly developed mixed use commercial and residential.

Historical records indicate several past uses prior to the 1960's including auto parking, a gasoline service station, a fire station, a welding and machine shop, mill supplies and lofts, and storefronts. One UST is associated with the fire station located in the northwestern portion of the Site.

Based on the findings of the Phase II ESA, contamination is primarily associated with a black poorly graded sand material containing construction and demolition debris which exists from 6 to 10 feet below ground surface across the Site. The contaminants in the soils include metals, PAHs and possible solvents/petroleum products are most likely due to the above historical operations and subsequent redevelopments on the Site.

Application Section III #6 – Proposed Post-Remediation Use

The proposed post-remediation use includes the construction of a nine-story building with residential units on the top four floors and the remaining floor spaces reserved for parking. New utilities will be installed, and green space is to be included on the perimeter of the building.

Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?

The proposed use is consistent with local zoning (see **Figure 9**). The N-1D District is meant to facilitate development of substantial scale with an intense mix of uses. Typical building types include civic buildings, commercial blocks, stacked units, and towers.

Application Section III #10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The Site is in a Disadvantaged Community Tract (see **Figure 6**) and in the Buffalo Harbor Brownfield Opportunity Area (BOA) boundary (see **Figure 7**). The proposed project is consistent with adopted land use plans.

ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

Electronic copies (**Portable Document Format (PDF)**) of Phase I ESA (June 2021) and Phase II ESA (September 2021) Reports completed by BE3 (per ECL 27-1407(1)) are included with this application. These reports establish that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site. Attached **Figures 8 & 8a** and **Tables 2 & 3** provide levels of contamination of environmental media (soil) above SCGs detected as of the submission of this application.

While the Site is currently paved with asphalt for parking and has been since the 1960's, prior uses include auto parking, a gasoline service station, a fire station, a welding and machine shop, mill supplies and lofts, and storefronts. One UST is associated with the fire station located in the northwestern portion of the Site. These past uses and redevelopment appear to have led to site contamination including impacted fill materials and soil detected during Phase II ESA. No remedial activities were undertaken on the Site prior to the BCP application.

The primary contaminants found during the BE3 Phase II ESA which focused on site soils and groundwater are associated with impacted fill or urban fill including SVOCs, mainly PAHs and metal compounds including arsenic, lead, mercury and copper. Historic UST use at the Site indicates the potential for petroleum, PCBs and chlorinated solvents, though the groundwater sample collected indicated no elevated VOCs. This will be further assessed during the remedial investigation (RI).



ATTACHMENT E

SECTION V – Requester Information

The Requestor, Jemal's Loop LLC is a corporation authorized by the NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by a New York State licensed professional engineer.



Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: JEMAL'S LOOP LLC
DOS ID: 6367272
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 01/05/2022
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 01/05/2022
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: PAST DUE
COUNTY: ERIE
NEXT STATEMENT DUE DATE: 01/31/2024
JURISDICTION: NEW YORK, UNITED STATES
NFP CATEGORY:

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: C/O THE COMPANY
Address: 655 NEW YORK AVENUE NW, SUITE 830, WASHINGTON, DC, UNITED STATES, 20001

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

OPERATING AGREEMENT

OF

JEMAL'S LOOP LLC

This Operating Agreement ("Agreement"), effective as of January 5, 2022, is entered into by the undersigned (the "Members").

WHEREAS, the Members have formed a limited liability company known as Jemal's Loop LLC (the "Company") pursuant to the New York Limited Liability Company Law, as amended from time to time (the "Act"), for the purpose of holding interests in various entities and other securities and to conduct any other lawful business or activity whatsoever as is permitted by applicable law and is determined from time to time by the Members.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Members agree as follows:

ARTICLE I

Definitions

1.1 *Definitions.* Except as otherwise defined herein, the following terms used herein shall have the meanings set forth below: "*Act*" shall have the meaning ascribed to it in the recitals hereof.

- b. "*Agreement*" shall mean this Operating Agreement of Jemal's Loop LLC.
- c. "*Articles of Organization*" shall mean the Articles of Organization of the Company filed or to be filed with the New York Department of State, as they may from time to time be amended.
- d. "*Capital Contribution*" means any cash, cash equivalents and any other property, real or personal, which the Members contribute to the Company pursuant to Sections 5.1 or 5.2 hereof.
- e. "*Company*" shall have the meaning ascribed to it in the recitals hereof.
- f. "*Distribution*" means any cash and other property distributed to the Members by the Company from the operations of the Company or from capital.
- g. "*Fiscal Year*" shall mean the fiscal year of the Company, which shall be the year ending December 31.
- h. "*Members*" shall mean those Persons set forth on Schedule A.

i. “*Manager*” shall mean the Person elected as a Manager in Section 4.1 of this Agreement to manage the business of the Company.

j. “*Person*” shall mean any natural person or any corporation, governmental authority, limited liability company, partnership, trust, unincorporated association or other entity.

ARTICLE II

Organization

2.1 *Formation.* The Members have caused the formation of the Company pursuant to the Act by directing that Phillips Lytle LLP, as organizer, prepare and file Articles of Organization with the New York Department of State. *Operating Agreement.* This Agreement, including any schedules and exhibits attached hereto from time to time, shall constitute the “Operating Agreement” of the Company as such term is used in the Act. *Amendments.* This Agreement and the Articles of Organization may be amended from time to time in writing signed or authorized by all of the Members.

Members

3.1 *Name and Address.* The name and address of the Members are as set forth on Schedule A to this Agreement. *Additional Members.* The Company may admit additional members only after appropriate amendments to this Agreement have been made. *Books and Records.* The Company shall keep books and records of accounts and minutes of all actions of the Members. Such books and records shall be maintained on either the cash or accrual basis as determined by the Manager.

Management and Extraordinary Transactions

4.1 *Management.* Douglas Jemal is hereby elected as the initial Manager of the Company. The Company’s business shall be managed by the Manager. The Manager may designate one or more employees of the Company to carry out the management decisions made in accordance with this Section 4.1. The Manager’s approval of any action to be taken by the Company shall be evidenced by a written consent setting forth the action and executed by the Manager. *Duty of Manager.* The Manager shall perform his or her duties as a Manager in good faith with that degree of care which an ordinary prudent person in like position would use under similar circumstances. In performing his or her duties, the Manager shall be entitled to rely on information, reports and statements, including, without limitation, financial statements and other financial data, in each case prepared by any Person as to matters the Manager reasonably believes are within such Person’s professional or expert competence.

4.3 *Number; Tenure; Qualification of Manager.* The Company shall initially have one (1) Manager. The number of Managers of the Company may be amended from time to time in writing signed or authorized by all of the Members. The Manager shall hold office until a

successor shall have been elected and qualified, or until such Manager's earlier death, resignation, or removal.

4.4 *Powers of the Manager.* Except as otherwise set forth in this Agreement, the Manager shall have the power and authority, on behalf of the Company to (a) purchase, lease or otherwise acquire from, or sell, lease or otherwise dispose of to, any Person any property, (b) open bank accounts and otherwise invest funds of the Company, (c) purchase insurance on the business assets of the Company, (d) commence lawsuits and other proceedings, (e) enter into any agreement, instrument, or other writing, (f) retain accountants, attorneys, or other agents and (g) take any lawful action that the Manager considers necessary, convenient or advisable in connection with any business of the Company.

4.5 *No Exclusive Duty to Company.* The Manager shall not be required to manage the Company as his or her sole and exclusive function and the Manager may have other business interests and may engage in other activities in addition to those relating to the Company. Neither the Company nor the Members shall have any right pursuant to this Agreement to share or participate in such other business interests or activities or to the income or proceeds derived therefrom. The Manager shall incur no liability to the Company or any Members as a result of engaging in any other business interests or activities.

4.6 *Limitation of Liability.* The Manager shall not be liable to the Company for any loss or damage sustained by the Company or the Members except as otherwise required by the Act.*Indemnification.* The Company shall indemnify and hold harmless the Manager from and against all claims and demands to the maximum extent permitted under the Act.*Resignation.* The Manager may resign at any time by providing notice to the Company and such resignation shall take effect upon receipt of such notice by the Company, or, if later, upon the time specified in the notice.

4.9 *Removal.* The Manager may be removed or replaced at any time with or without cause by a unanimous vote of the Members.

4.10 *Vacancies.* Any vacancy occurring for any reason shall be filled by the written consent of all of the Members. A Manager elected to fill a vacancy shall hold office until such Manager's successor has been elected and qualified or until such Manager's earlier death, resignation or removal.

4.11 *Salaries.* The salaries and other compensation of the Manager shall be fixed from time to time by the Members.

ARTICLE V

Capital Contributions and Distributions

5.1 *Capital Contributions.* At the time of the execution of this Agreement, the Members shall make the Capital Contribution(s) set forth on Schedule A to this Agreement. The

Members shall have no obligation to make any additional Capital Contribution or loan to the Company. *Voluntary Additional Capital Contributions.* The Members may, but are not obligated to, make additional Capital Contributions to the Company. Any such additional Capital Contribution shall be noted on Schedule A to this Agreement. *Loans by Member.* The Members may, but are not obligated to, loan or cause to be loaned to the Company such additional sums as the Members deem appropriate, necessary or convenient for the conduct of the Company's business. *Distributions.* The Members shall determine the timing and amount of any Distribution of the Company's net income or capital to the Members.

Transferability

6.1 *Transfer.* The Members may transfer all or a portion of the Members' interest in the Company to another Person and this Agreement shall be amended accordingly.

Dissolution

7.1 *Dissolution.* The Company shall be dissolved and its affairs shall be wound up upon the first to occur of the following: The action of the Member; or


b. The entry of a decree of judicial dissolution under Section 702 of the Act.

7.2 *Winding Up and Liquidation.* Upon the dissolution of the Company in accordance with Section 7.1, the Company shall continue solely for the purposes of winding up its affairs in an orderly manner, liquidating its assets and satisfying the claims of its creditors and the Members. *Articles of Dissolution.* Within ninety (90) days following the dissolution and the commencement of winding up of the Company, or at any other time there is no Member, Articles of Dissolution shall be filed with the New York Department of State pursuant to the Act.

IN WITNESS WHEREOF, the Members have executed this Agreement as of the date first written above.



Douglas Jemal, Member



Norman Jemal, Member



Matthew Jemal, Member

SCHEDULE A

<u>Member's Name and Address</u>	<u>Capital Contribution</u>	<u>Percent Ownership</u>
Douglas Jemal 655 New York Avenue Suite 830 Washington, DC 20001		5%
Norman Jemal 655 New York Avenue Suite 830 Washington, DC 20001		47.5%
Matthew Jemal 655 New York Avenue Suite 830 Washington, DC 20001		47.5%

ATTACHMENT F

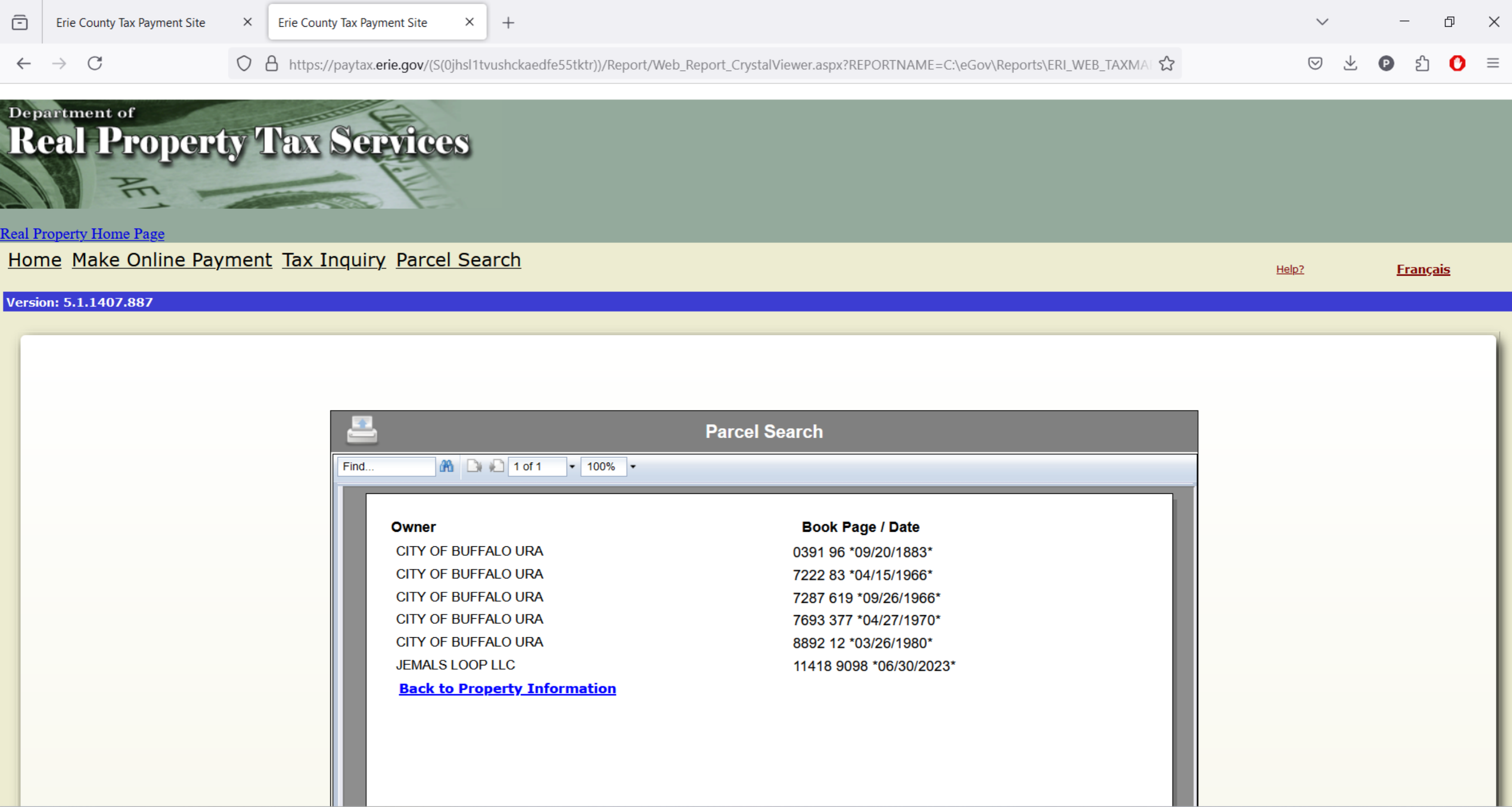
SECTION VI: REQUESTOR ELIGIBILITY INFORMATION

The Requestor, Jemal's Loop LLC., qualifies as a "Volunteer" in accordance with NY ECL27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). Jemal's Loop LLC took ownership of the Site in June 2023. The Volunteer Requestor had no relationship to the former series of owners and operators and has never utilized the premises other than developing re-development concepts for the property. Jemal's Loop LLCs liability for the property arises solely as a result of taking ownership of the Site.

The Requestor became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site; and is entitled to Volunteer status under NY ECL27-1405(1)(b).

As the requestor is the current owner of the site, they will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site.





Department of Real Property Tax Services

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Version: 5.1.1407.887

Parcel Search	
Find...	1 of 1 100%
Owner	Book Page / Date
CITY OF BUFFALO URA	0391 96 *09/20/1883*
CITY OF BUFFALO URA	7222 83 *04/15/1966*
CITY OF BUFFALO URA	7287 619 *09/26/1966*
CITY OF BUFFALO URA	7693 377 *04/27/1970*
CITY OF BUFFALO URA	8892 12 *03/26/1980*
JEMALS LOOP LLC	11418 9098 *06/30/2023*
Back to Property Information	

Party Name Date Range Instr# Book/Page DocType Index, Ref, Case, Misc Numbers Cou ◀ ▶

Enter Party Name:

Enter Last-Name First-Name (e.g., SMITH AL) or Company Name (e.g. GULF UTILITY).

Select: ☐ Grantor ☐ Grantee ☒ Both

☐ New Tab

[My Account](#)
[Help](#)



Michael P. Kearns, County Clerk
92 Franklin Street
Buffalo, NY 14202
(716) 858-8865

Search Criteria --> None

▲ ▼

Search 1

Search Criteria:

Search Results: 5 Records - VERIFIED AS OF 10-31-2024

	Party Code	Name ▲	Date	Type	Book Type	Book	Page	Legal	Instr#	Status	#Pages
▶	R	JEMALS LOOP LLC	6/30/2023	DEED	D	11418	9098	4P CTY	2023112282	V	48
	R	JEMALS LOOP LLC	6/30/2023	DEED	D	11418	9144	6P CTY	2023112283	V	47
*	D	JEMALS LOOP LLC	6/30/2023	MTG	M	14095	5863	10P CTY	2023112284	V	19
*	D	JEMALS LOOP LLC	6/30/2023	2R	M	14095	5882	10P CTY	2023112285	V	10
*	D	JEMALS LOOP LLC	6/30/2023	72L	D	11418	9189	10P CTY	2023112286	V	10
	End of List										

Records In Color: **Not Verified Record**, **Corrected Record**
Press [F2] to See Detail. Press [F5] to See Image.

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION

Information regarding current ownership was adapted from Erie County Geographic Information System (GIS) and LightBox Environmental Data Resources (EDR), which identified the current owner as Buffalo Urban Renewal Agency/City of Buffalo since 1966. The environmental lien and title search performed by EDR indicates no deeds or change of title prior to 1980. The requestor has no relationship to any previous owner.

Current Property Ownership			
Property Address	Owner	Operator	Ownership Start Date
61 Terrace	Jemal's Loop, LLC	Allpro Parking, LLC	6/30/2023

Historical Operators		
Date	Operator	Requestor Relationship
1925-1955	Cromwell David J – Tool Manufacturers	None
1925	Whitehead Geo – Contractor's Equipment	None
1925-1955	Gilmore Tube Scraper Wks	None
1940	K K Specialty Co Metals	None
1940-1960	Buffalo Acetylene Welding and Manufacturing Company	None
1964	Filling Equipment Company	None

ATTACHMENT H

SECTION XI – Site Contact List and Doc Repository Letter Site Contact List

The following is the contact list for the Site. Each contact will be sent fact sheets throughout the project's duration.

Contact	Address
Erie County	
Honorable Mark Poloncarz Erie County Executive	95 Franklin Street Buffalo, NY 14202
Daniel Castle, AICP County Environment and Planning Commissioner .	Edward A. Rath County Office Building 95 Franklin Street, 16th Floor Buffalo, NY 14202
Lisa Chimera - District 3 Erie County Legislator	1701 Hertel Avenue Buffalo, NY 14216
Mr. Paul Kranz Erie Co. Environment & Plan.	95 Franklin Street Buffalo, NY 14202
Ms. Karen M. McCarthy 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	
Byron Brown, Mayor City of Buffalo	65 Niagara Sq Buffalo, NY 14219
Brendan R. Mehaffy - Director of Planning	65 Niagara Sq Buffalo, NY 14219
Joesph Golombek Jr. Council Member North District	65 Niagara Sq., Rm. 1502 Buffalo, NY 14202
Supplier of Potable Water	
Buffalo Water Department Veolia Water	2 Porter Avenue Buffalo, NY 14201
Erie County Water Authority	295 Main Street #350 Buffalo, NY 14203
Local News Media	
Buffalo News	1 News Plaza Buffalo, NY 14240
WGRZ TV - Ch. 2	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	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
Nearby Schools and Day Cares	
Precious Little Hearts WeeCare Child Care & Day Care	116 Rano St, Buffalo · (716) 215-2803 Director - Youleidy Vega
Munchkin Land Daycare Center Child Care & Day Care	902 Tonawanda St, Buffalo · (716) 875-9630 Director – Kim Pickersgill
Riverside High School/ Riverside Academy High school	51 Ontario St, Buffalo · (716) 816-4360 Principle Mrs. Teena Jones
Grabiarz Campus School 79	225 Lawn Ave, Buffalo, NY 14207 (716) 816-4040 Principle - Mr. Marlon P. Lee
West Hertel Elementary School	489 Hertel Ave, Buffalo, NY 14207 Phone: (716) 816-4150 Principle – Cecelie Owens
Document Repository	
Buffalo & Erie County Public Library	Buffalo & Erie County Public Library 1 Lafayette Square Buffalo, NY 14203



Adjacent Property Owners		
Property Address	Owner	Owner Address
90 Erie Street	Buffalo Municipal Housing Authority	300 Perry Street Buffalo, NY 14202 SBL 111.17-15-1
98 Terrace Street	City of Buffalo	98 Terrace Street Buffalo, NY 14202 SBL 111.17-2-1
80 Erie Street	City of Buffalo	98 Terrace Street Buffalo, NY 14202 SBL 111.69-2-12
72 Pearl Street	Pearl Street Holdings, Inc	278 Main Street West Seneca, NY 14224 SBL 111.69-4-6.1
222 Main Street	Jemal's Seneca, LLC	705 High Street, NW Suite 400 Washington, DC, 20001 SBL 111.17-6-3
1 Seneca Street	Jemal's Seneca, LLC A NEW	705 High Street, NW Suite 400 Washington, DC, 20001 SBL 111.17-6-4
130 Main Street	Erie Canal Harbor Dev. Corp.	95 Perry Street 500 Buffalo, NY 14203 SBL 111.17-14-1.1

Jake Tracy

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Monday, November 1, 2021 10:56 AM
To: Jake Tracy
Subject: FW: Brownfield Repository
Attachments: BE3 Library Repository Letter 61 Terrace.pdf; BE3 Library Repository Letter 64-144 Exchange Street.pdf

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jake,

Per your request to Jeannine Doyle, 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 following locations/sites:

- **61 Terrace, Buffalo, New York**
- **64-144 Exchange Street, Buffalo, New York.**

These documents will be made available for public viewing at the **Central Branch Public Library (downtown)** 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 usually 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 or a list 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 or flash drive) you wish to submit. If submitting in more than one format, 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. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

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

Regards,
April

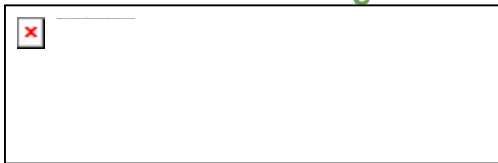
From: Jake Tracy <jtracy@be3corp.com>
Sent: Friday, October 29, 2021 3:29 PM
To: Jeannine Doyle <doylejm@buffalolib.org>
Subject: Brownfield Repository

Hi Jeannine,

I am looking to use Buffalo & Erie County Public Library as a repository for two Brownfield sites that I will be working on. I have attached the letters for the two sites that we need. Please let me know if you have any questions.

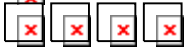
Thank you,

Jake Tracy, EIT
Environmental/Civil Engineer



960 Busti Avenue
Suite B-150
Buffalo, New York, 14213
Office: 716.249.6880
Direct: 716.293.1300
Cell: 907.575.2005

 be3corp.com



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