

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION - Revised



BABY'S IN BLACK, LLC
26 & 46 CLARENCE AVENUE
BUFFALO, NEW YORK
AEG PROJECT NO. 3219-01
March 14, 2023

PREPARED FOR:

Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PREPARED BY:



F.W. WEBB COMPANY

Dedicated to Responsive and Resourceful Solutions

832 Dyer Avenue
Cranston, Rhode Island 02920
401.732.7600

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BCP Application Form (signed)

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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: C915383 Yes No

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SECTION I: Property Information

PROPOSED SITE NAME: F.W. Webb Company - Buffalo, NY
 ADDRESS/LOCATION: 26 and 46 Clarence Avenue
 CITY/TOWN: Buffalo ZIP CODE 14215
 MUNICIPALITY (LIST ALL IF MORE THAN ONE):
 COUNTY: Erie SITE SIZE (ACRES) 1.16
 LATITUDE: 42 ° 56 ' 06 " LONGITUDE: 78 ° 49 ' 23 "

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
26 Clarence Avenue	90.39	2	8.1	1.08
46 Clarence Avenue	90.39	2	7	.08

	Y	N
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.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
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: <u>42</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>
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.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)		
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/> Y	<input checked="" type="radio"/> N
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>
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: ____	<input type="radio"/>	<input checked="" type="radio"/>
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. <u>Easement/Right-of-Way Holder</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <u>Type</u> <u>Issuing Agency</u> <u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input checked="" type="radio"/>	<input type="radio"/>
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 10-12 of this form.	<input type="radio"/> Y	<input type="radio"/> N
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	<input type="radio"/>	<input type="radio"/>
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?	<input type="radio"/>	<input type="radio"/>
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: _____		

SECTION II: Project Description	
1. The project will be starting at:	<input checked="" type="radio"/> Investigation <input type="radio"/> 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)?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A
3. Have any draft work plans been submitted with the application (select all that apply)?	<input type="checkbox"/> RIWP <input type="checkbox"/> RAWP <input type="checkbox"/> IRM <input checked="" type="checkbox"/> 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?	<input checked="" type="radio"/> Yes <input type="radio"/> No

SECTION III: Land Use Factors		
1. What is the property's current municipal zoning designation?	<u>D-IL and N-3R</u>	
2. What uses are allowed by the property's current zoning (select all that apply)?	Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input checked="" type="checkbox"/>	
3. Current use (select all that apply):	Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Recreational <input type="checkbox"/> Vacant <input type="checkbox"/>	
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 <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> If residential, does it qualify as single-family housing? <input checked="" type="radio"/> N/A	<input checked="" type="radio"/>	<input type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation and additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
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 and additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

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 (**please submit 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 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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other VOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

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

Other: Machine shop, automobile repair and grinding operations

SECTION V: Requestor Information		
NAME: Baby's In Black, LLC		
ADDRESS: 160 Middlesex Turnpike		
CITY/TOWN: Bedford, Massachusetts		ZIP CODE 01730
PHONE: (781) 272-6600	EMAIL:	
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
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 that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
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.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	<input type="radio"/>	<input type="radio"/>
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
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.	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (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?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)		
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?	Y <input type="radio"/>	N <input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
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:		
<input type="checkbox"/> 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.	<input checked="" type="checkbox"/> 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 <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):		
<input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> 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? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> 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: Felix A. Perriello

ADDRESS: 832 Dyer Avenue

CITY: Cranston, Rhode Island

ZIP CODE: 02920

PHONE: (401) 732-7600

EMAIL: felix.perriello@fwwebb.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Timothy F. Nevins

COMPANY: Alliance Environmental Group

ADDRESS: 832 Dyer Avenue

CITY: Cranston, Rhode Island

ZIP CODE: 02920

PHONE: (401) 732-7600

EMAIL: Tim.Nevins@fwwebb.com

REQUESTOR'S ATTORNEY (CONTACT NAME): Robert J. Diettrich

COMPANY: Davis Malm

ADDRESS: One Boston Place, 37th Floor

CITY: Boston, MA

ZIP CODE: 02108

PHONE: (617) 367-2500

EMAIL: rdiettrich@davismalm.com

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?	<input type="radio"/>	<input checked="" type="radio"/>
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 <input checked="" type="radio"/>	<input type="radio"/> <input type="radio"/>

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: Baby's IN Black, LLC

CONTACT NAME: Robert A. Mucciarone

ADDRESS: 160 Middlesex Turnpike

CITY: Bedford, MA

ZIP CODE: 01730

PHONE: (781) 272-6600

EMAIL: ram@fwwebb.com

OWNERSHIP START DATE: January 26, 2022

CURRENT OPERATOR: F.W. Webb Company

CONTACT NAME: Derek Reynolds

ADDRESS: 26 Clarence Avenue

CITY: Buffalo

ZIP CODE: 14215

PHONE: (716) 306-5984

EMAIL: derek.reynolds@fwwebb.com

OPERATION START DATE: January 26, 2022

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.	<input type="radio"/>	<input checked="" type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
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 <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
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: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

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 Manager (title) of Baby's in Black, 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: 1-3-23 Signature: Robert Muciarone

Print Name: ROBERT MUCCIARONE

SUBMITTAL INFORMATION

- Two (2) copies, one unbound 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, 11th Floor
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: _____

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.

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Please respond to the questions below and provide additional information and/or documentation as required.	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<input type="radio"/>	<input type="radio"/>
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	<input type="radio"/>	<input type="radio"/>
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	<input type="radio"/>	<input type="radio"/>
4. Is the property upside down or underutilized as defined below?		
	Upside down	<input type="radio"/>
	Underutilized	<input type="radio"/>

From ECL 27-1405(31):

“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.

From 6 NYCRR 375-3.2(l) 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:

- (l) “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
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (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
 - (c) there are no structures.

“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.

5. 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*

*Selecting this option 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’ household’s 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 homeowners 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.

6. Is the site a planned renewable energy facility site as defined below?

Yes – planned renewable energy facility site with documentation

Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation 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.

No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) “renewable energy systems” means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

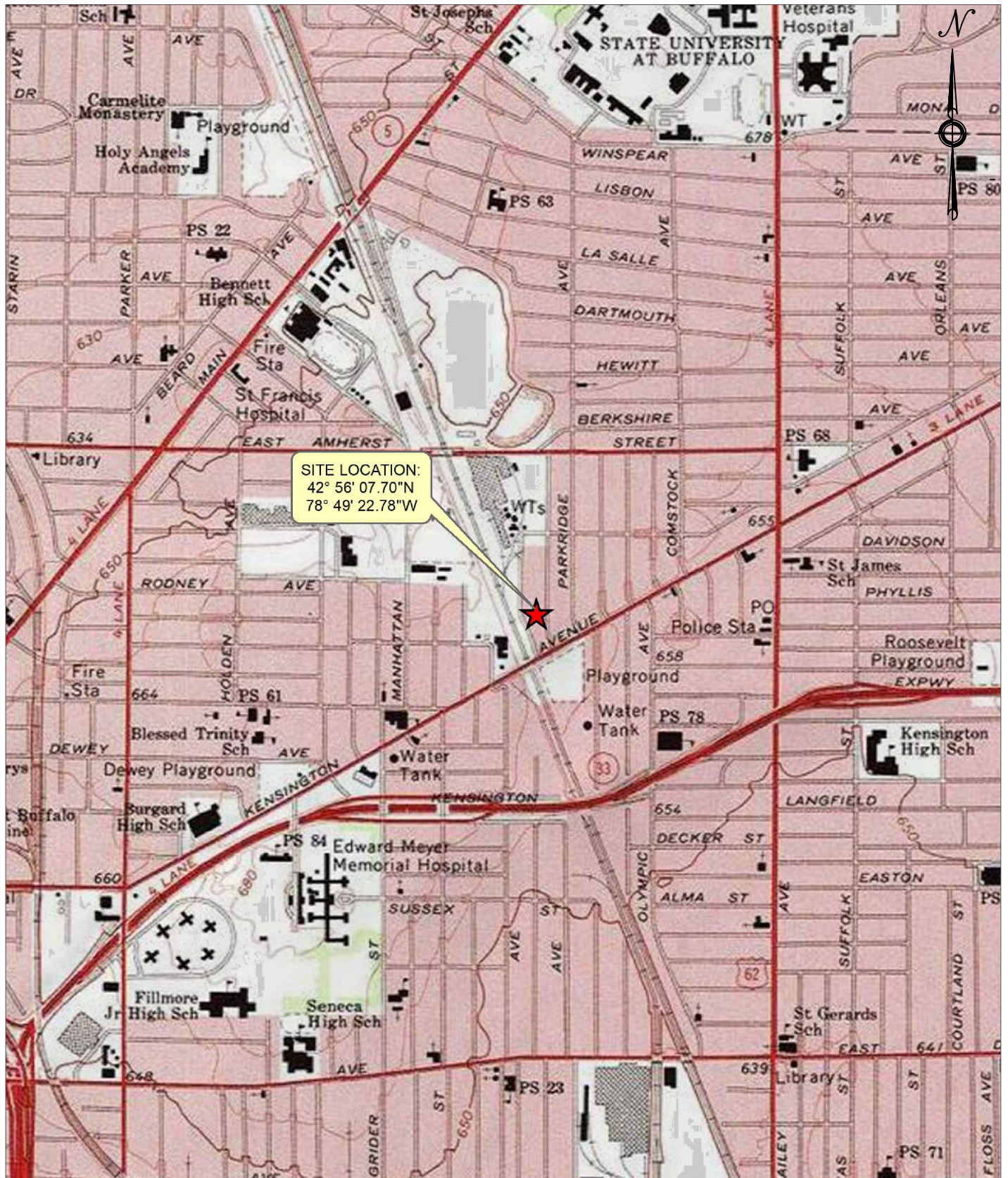
Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

No

From ECL 75-0111 as of April 9, 2022:

(5) “Disadvantaged communities” means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

Attachment A
Tax Maps



SITE LOCATION:
 42° 56' 07.70"N
 78° 49' 22.78"W



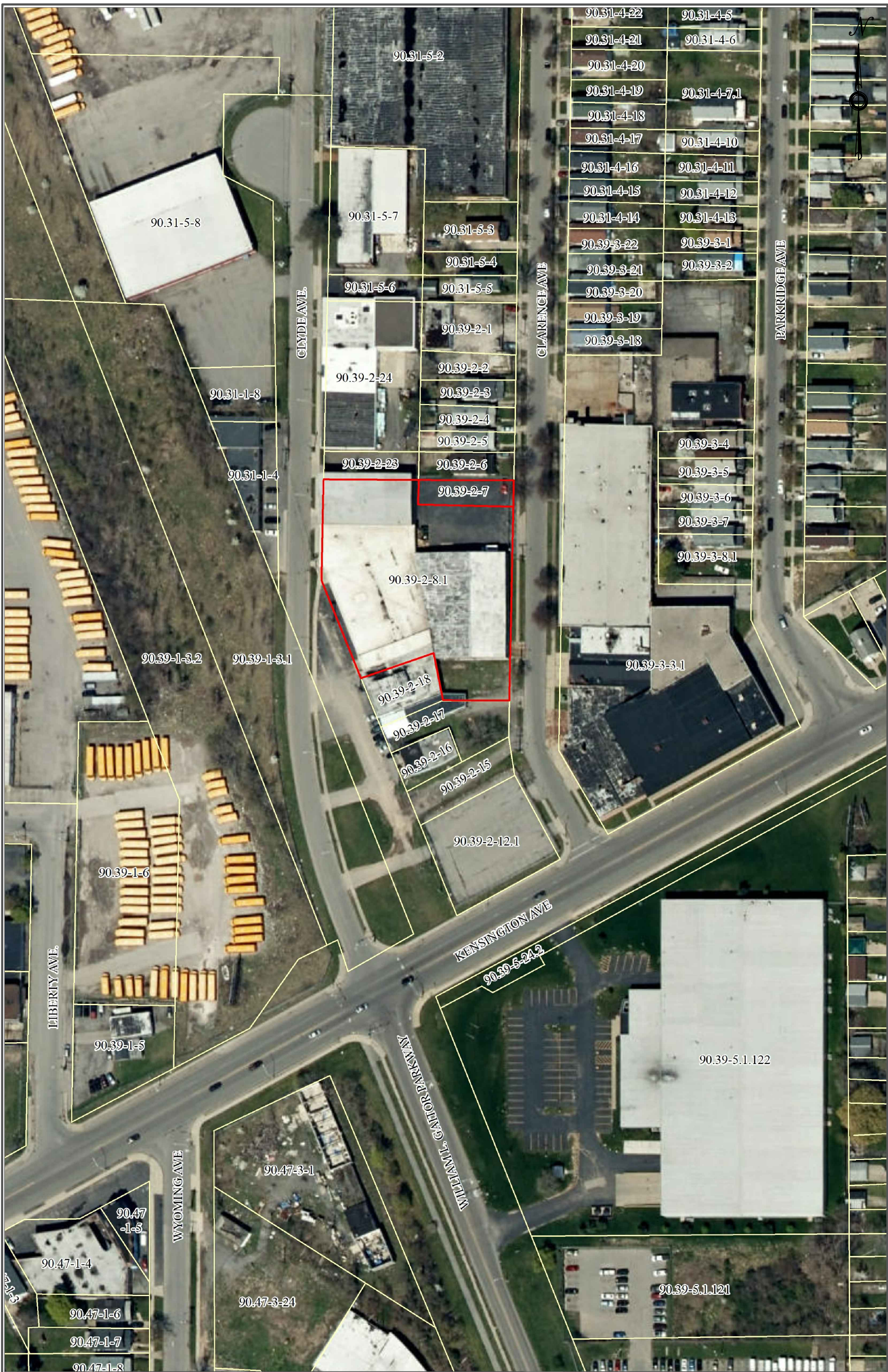
100 JEFFERSON BLVD., SUITE 220
 WARWICK, RI 02888
 PHONE: (401) 732-7600
 FAX: (401) 732-7670
 ALLIANCEENVIRONMENTALGROUP.COM

FIGURE 1
 SITE LOCUS MAP
 26 & 46 CLARENCE AVE
 BUFFALO, NY

PROJECT No: 3162-01	FIGURE	DRAWN BY:	ROV
DATE: 09/11/2021	1	REVIEWED BY:	TN
SCALE: 1" = 2,000'			

NOTES:

1. IMAGERY CREDITS: COPYRIGHT: © 2013 NATIONAL GEOGRAPHIC SOCIETY, I-CUBED
2. SCALE IS APPROXIMATE



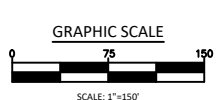
Alliance
 Environmental Group
 An F.W. Webb Company
 100 JEFFERSON BLVD., SUITE 220
 WARWICK, RI 02888
 PHONE: (401) 732-7600
 FAX: (401) 732-7670
 ALLIANCEENVIRONMENTALGROUP.COM

FIGURE 2 - PLOT PLAN
 26 & 46 CLARENCE AVE
 BUFFALO, NY

PROJECT No.: 3162-01	FIGURE 2	DRAWN BY:	ROV
DATE: SEPTEMBER 12, 2021		REVIEWED BY:	TN

LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE SITE BOUNDARY



NOTES:
 1. ALL FEATURE LOCATIONS ARE APPROXIMATE. PROPERTY BOUNDARIES SHOULD NOT BE USED TO DETERMINE LEGAL OWNERSHIP.
 2. SCALE IS APPROXIMATE.



Erie County On-Line Mapping Application



Legend

Parcels

0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 1,128





Source: Esri, Maxar, Earthstar Geographics, IGN, and the GIS User Com



Alliance Environmental Group
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 832 DYER AVENUE
 CRANSTON, RI 02920
 PHONE: (401) 732-7600
 FAX: (401) 732-7670
 ALLIANCEENVIRONMENTALGROUP.COM

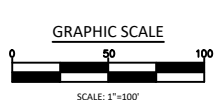
**FIGURE 3
 ADJACENT PROPERTIES AND OWNERS**

**26 & 46 CLARENCE AVE
 BUFFALO, NY**

PROJECT No.: 3162-01	FIGURE 3	DRAWN BY:	ROV
DATE: MARCH 13, 2023		REVIEWED BY:	TN

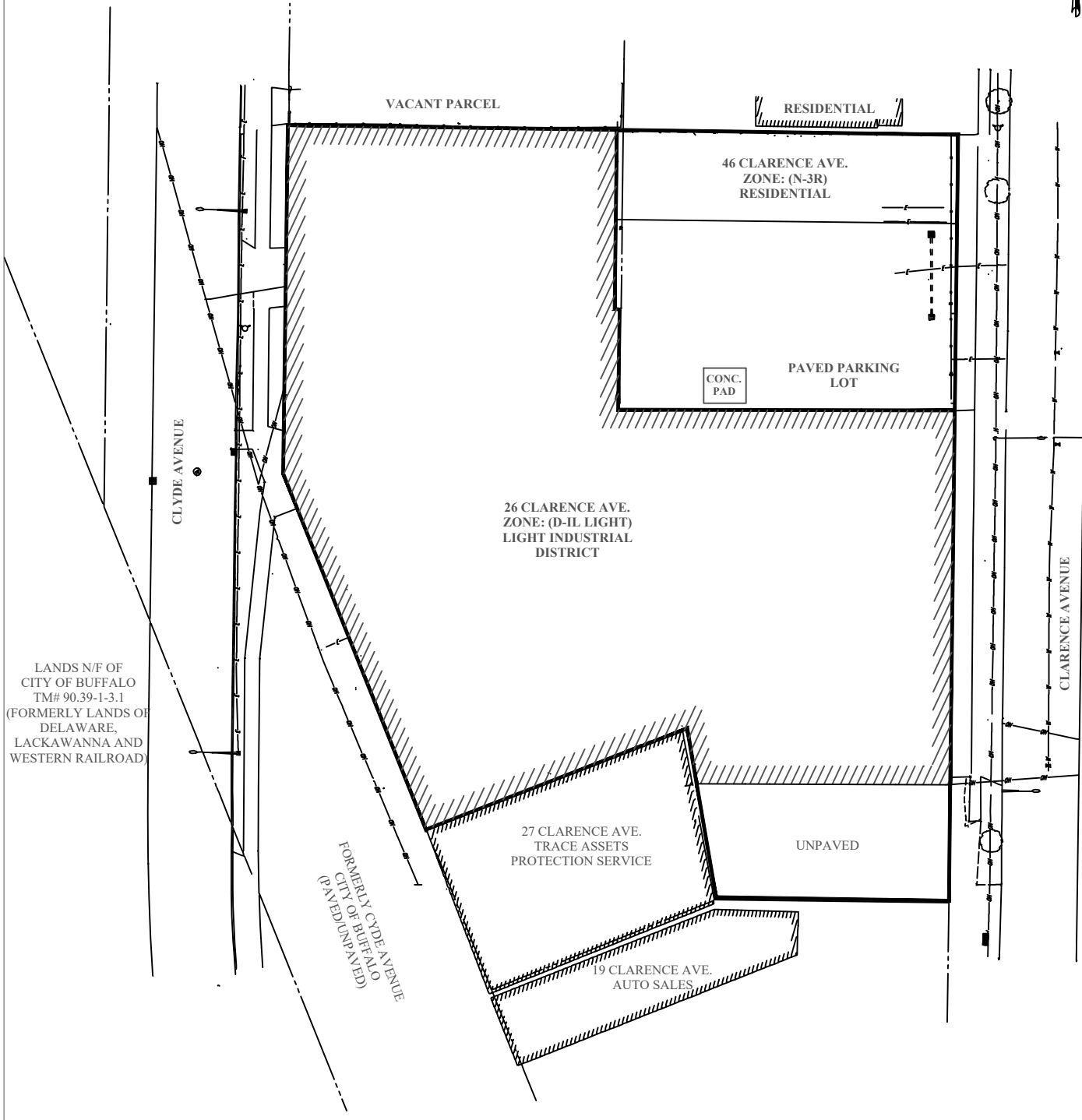
LEGEND

- APPROXIMATE PROPERTY BOUNDARY
- APPROXIMATE SITE BOUNDARY



- NOTES:**
1. ALL FEATURE LOCATIONS ARE APPROXIMATE. PROPERTY BOUNDARIES SHOULD NOT BE USED TO DETERMINE LEGAL OWNERSHIP.
 2. SCALE IS APPROXIMATE.

Attachment B
Site Map



Alliance
Environmental Group
An F.W. Webb Company

832 DYER AVENUE
CRANSTON, RHODE ISLAND 02920
PHONE: (401) 732-7600
FAX: (401) 732-7670
ALLIANCEENVIRONMENTALGROUP.COM

ATTACHMENT B
SITE PLAN
26 & 46 CLARENCE AVE
BUFFALO, NY

PROJECT No: 3162-01	FIGURE 3	DRAWN BY: ROV
DATE: 07/27/2022		REVIEWED BY: TN
SCALE: 1" = 50'		

LEGEND

— APPROXIMATE PROPERTY BOUNDARY

GRAPHIC SCALE

SCALE: 1"=50'

NOTES:

- ALL FEATURE LOCATIONS ARE APPROXIMATE. PROPERTY BOUNDARIES ARE FOR REFERENCE ONLY AND SHOULD NOT BE USED TO DETERMINE LEGAL OWNERSHIP.
- SCALE IS APPROXIMATE

Attachment C
Property Description and Environmental Assessment

Attachment C

Property Description and Environmental Assessment Narrative

Location

The Site is located at 26 and 46 Clarence Avenue in Buffalo, New York, in an urban area of mixed industrial/commercial and residential use. The Site is comprised of two parcels of land, identified by the City of Buffalo as.

Site Features

The Site is developed with a single industrial/commercial use building and a paved parking lot. The majority of the Site (approximately 80-90%) is either paved or covered by the building foundation.

Current Zoning and Land Use

The Site is currently active, is utilized for commercial/industrial operations and is zoned D-IL (Light Industrial). The surrounding parcels are currently utilized for commercial/industrial or residential use.

Past Use of Site

From circa 1916 through 1986, the Site was comprised of multiple, smaller parcels of land. Previous uses of these parcels included residential dwellings, a machine shop/grinding service, auto repair, valve repair and assembly, and automobile parts manufacturing.

Site Geology and Hydrogeology

During the investigation, evidence of an overburden aquifer was not encountered at the Site. Shallow bedrock is present at the Site at a maximum depth of approximately five (5) feet below the ground surface. Consequently, groundwater flow direction is dependent upon the orientation and location of water bearing fractures in the bedrock.

Overburden soils at the Site primarily consist of layers of sand/gravel or clay. Photoionization detector (PID) readings of soil samples ranged from 0.2 to 62.4 parts per million by volume (ppmv).

The mapped bedrock unit beneath the Site is described as belonging to the Onondaga Limestone Group with different limestone members including Nedrow, Moorehouse, Edgecliff, and Seneca limestone formations. Bedrock in the vicinity of the Site is from the Devonian Era.

Environmental Assessment

Based upon the investigations conducted to date, the primary contaminants of concern at the Site consist of metals, semi-volatile organic compounds (SVOCs) and chlorinated VOCs.

Soil

SVOCs were reported in soil at concentrations above the New York Industrial Criteria – Restricted Use at soil boring B-10. The soil sample was collected from a depth of approximately two to three feet.

Metals (Arsenic and Mercury) were reported in soil at concentrations above the New York Industrial Criteria – Restricted Use at soil boring B-14. The soil sample was collected from a depth of approximately three to four feet.

No VOCs were identified in soil at concentrations above the New York Industrial Criteria – Restricted.

Groundwater

Total metals (Chromium and Lead) were reported in groundwater at concentrations above the NY-AWQS. Specifically, Chromium and Lead were reported at maximum concentrations of 63.28 and 31.56 micrograms per liter, respectively.

Various volatile organic compounds (VOCs) were reported in groundwater above the NY-AWQS and/or NY-TOGA-GA. Specifically, the following VOCs were reported at the following maximum concentrations (micrograms per liter)

Analyte	Maximum Concentration
1,1-Dichloroethane	140
PCE	1700
1,2-DCE	1.5
1,1,1-TCE	1500
Chrysene	0.1
Vinyl Chloride	430
Chloroethane	17
1,1-Dichloroethene	28
Trans-1,2-dichloroethene	11
TCE	160
Cis-1,2-dichloroethene	640

Various Semi-volatile organic compounds (SVOCs) were reported in groundwater at concentrations above the NY-AWQS and/or NY-TOGA-GA. Specifically, the following SVOCs were reported at the following maximum concentrations (micrograms per liter)

Analyte	Maximum Concentration
Benzo(a) anthracene	0.25
Benzo(a) pyrene	0.19
Benzo(b) fluoranthene	0.29
Benzo(k) fluoranthene	0.1
Chrysene	0.1
Indeno (1,2,3-cd) pyrene	0.16

The elevated concentrations of VOCs in groundwater were reported in samples collected from monitoring wells MW-1 and MW-2. The elevated concentrations of SVOCs in groundwater were reported in samples collected from monitoring wells MW-1, MW-2 and MW-3. The elevated concentrations of Lead and Chromium in groundwater were reported in samples collected from monitoring wells MW-2 and MW-3.

Soil Vapor

Chlorinated VOCs (PCE, TCE, DCE and 1,1,1-TCE) were reported in soil vapor samples collected from beneath the building slab at concentrations above the NYSDOH Sub-Slab Vapor Concentrations Criteria. Specifically, PCE, TCE, DCE and 1,1,1-TCE were reported at maximum concentrations of 57,600, 25,900, 3,810 and 15,000 micrograms per cubic meter, respectively. The elevated concentrations of VOCs in soil vapor were reported in samples collected from Vapor Monitoring Points (VMP) VMP-1, VMP-3 and VMP-4.

Attachment D
Overall Project Development

Attachment D

Overall Development Project Description

Purpose

The purpose of the project is to continue to operate the Site for Commercial/Industrial purposes (i.e., the service, sales and repairs of industrial valves, pipes and fittings) while protecting Site workers from any exposure to environmental contamination. No significant redevelopment or repurposing of the Site is anticipated.

Start Date of Remedial Program

The estimated start date of the remedial program is July 31, 2023.

Anticipated Certificate of Completion (COC) Date

The estimated date that a COC would be received for the project is on or before December 31, 2024.

Attachment E
Summary of Current Business Operations/Anticipated Use

Attachment E

Summary of Current Business Operations/Anticipated Use

The current use of the property is as a business for the supply, service and repair of industrial valves. Specific business operations conducted at the property include, but are not limited to, the following:

- Industrial valve sales;
- Industrial valve service and repair;
- Office support;
- Shipping and transportation;
- Warehouse operations;
- Pipe storage and cutting;
- Painting;
- Sandblasting;
- Welding;
- Metal cutting; and,
- Parts cleaning.

Post-remediation, the specific proposed use of the property is as a business for the supply, service and repair of industrial valves. The specific business operations outlined above will still apply.

Currently, the property is zoned as D-IL - Light Industrial (26 Clarence Avenue) and Residential (46 Clarence Avenue). The 46 Clarence Avenue parcel was formerly utilized as a residence, is currently vacant, with no building structures, and is part of the parking lot for 26 Clarence Avenue. The 26 Clarence Avenue property is currently being utilized for light industrial operations as described above. Consequently, the proposed use of the property is consistent with applicable zoning maps.

According to the City of Buffalo's Four-Year Strategic Plan, one of the four priorities is to create economic opportunities and mobility for residents. The current and future operation of the property as a business is consistent with the Strategic Plan. Please note that, given the inland location of the Site, local waterfront revitalization plans are not applicable.

Attachment F
Investigation Report (Separate Electronic File)

Attachment G

Data Summary Tables

Attachment G-1 - Soil Table

Analytes > RESI SCOs	Detections > RESI SCOs	Maximum Detection (mg/kg)	RESI SCO	Depth (ft bgs)
Benzo(a)anthracene	1	34	11	2-3
Benzo(a)pyrene	1	25	1.1	2-3
Benzo(b)fluoranthene	1	36	11	2-3
Dibenzo(a,h)anthracene	1	3.6	1.1	2-3
Indeno(1,2,3-cd)pyrene	1	14	11	2-3
Arsenic, Total	1	16.9	16	3-4
Nickel, Total	1	29,400	10,000	3-4

Notes:

SCO = Soil Cleanup Objective

RESI = Restricted Use - Industrial Criteria

mg/kg = milligrams per kilogram (parts per million)

ft bgs - feet below ground surface

Attachment G-2 - Groundwater Table

Analytes > AWQS	Detections > AWQs	Maximum Detection (ug/L)	AWQS (ug/L)
1,1-Dichloroethane	2	140	5
Tetrachloroethene	1	1700	5
1,2-Dichloroethane	1	1.5	0.6
1,1,1-Trichloroethane	1	1500	5
Vinyl Chloride	2	430	2
Chloroethane	1	17	5
1,1-Dichloroethene	1	28	5
trans-1,2-Dichloroethene	2	11	5
Trichloroethene	2	160	5
cis-1,2-Dichloroethene	2	640	5
Benzo(a)anthracene	3	0.25	0.002
Benzo(a)pyrene	2	0.19	0.002
Benzo(b)fluoranthene	3	0.29	0.002
Benzo(k)fluoranthene	2	0.1	0.002
Chrysene	3	0.2	0.002
Indeno(1,2,3-cd)pyrene	2	0.16	0.002
Chromium, Total	1	63.28	50
Lead, Total	2	31.16	25

Notes:

AWQS= Class GA Ambient Water Quality Standards

ug/L= micrograms per liter (parts per billion)

ft bgs - feet below ground surface

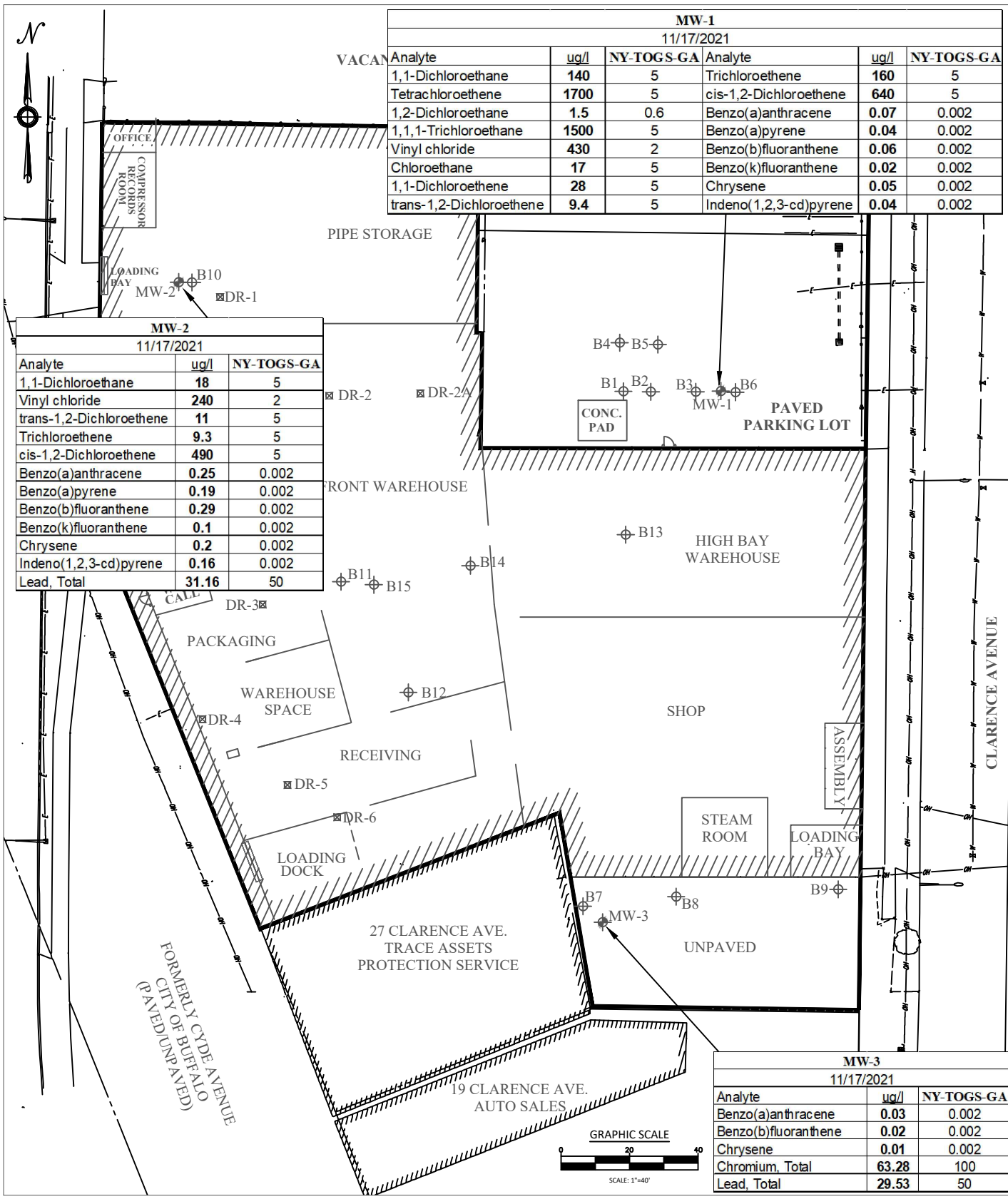
Attachment G-3 - Sub-Slab Soil Vapor Table

Analytes	Total Detections	Maximum Detection (ug/m3)	Type
Ethanol	1	667	Sub-slab
Isopropanol	3	6880	Sub-slab
1,1-Dichloroethene	1	56.3	Sub-slab
Dichlorodifluoromethane	1	36.7	Sub-slab
Freon-113	3	1920	Sub-slab
trans-1,2-Dichloroethene	3	235	Sub-slab
1,1-Dichloroethane	3	4780	Sub-slab
Cis-1,2-Dichloroethene	3	3810	Sub-slab
Chloroform	3	391	Sub-slab
1,1,1-Trichloroethane	3	15,000	Sub-slab
Cyclohexane	1	66.1	Sub-slab
Trichloroethene	3	25,900	Sub-slab
Toluene	1	83	Sub-slab
Heptane	2	167	Sub-slab
Tetrachloroethene	3	57,600	Sub-slab

Notes:

ug/m3= micrograms per cubic meter (parts per billion)

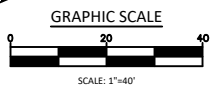
Attachment H
Site Drawings



MW-1					
11/17/2021					
Analyte	ug/l	NY-TOGS-GA	Analyte	ug/l	NY-TOGS-GA
1,1-Dichloroethane	140	5	Trichloroethene	160	5
Tetrachloroethene	1700	5	cis-1,2-Dichloroethene	640	5
1,2-Dichloroethane	1.5	0.6	Benzo(a)anthracene	0.07	0.002
1,1,1-Trichloroethane	1500	5	Benzo(a)pyrene	0.04	0.002
Vinyl chloride	430	2	Benzo(b)fluoranthene	0.06	0.002
Chloroethane	17	5	Benzo(k)fluoranthene	0.02	0.002
1,1-Dichloroethene	28	5	Chrysene	0.05	0.002
trans-1,2-Dichloroethene	9.4	5	Indeno(1,2,3-cd)pyrene	0.04	0.002

MW-2		
11/17/2021		
Analyte	ug/l	NY-TOGS-GA
1,1-Dichloroethane	18	5
Vinyl chloride	240	2
trans-1,2-Dichloroethene	11	5
Trichloroethene	9.3	5
cis-1,2-Dichloroethene	490	5
Benzo(a)anthracene	0.25	0.002
Benzo(a)pyrene	0.19	0.002
Benzo(b)fluoranthene	0.29	0.002
Benzo(k)fluoranthene	0.1	0.002
Chrysene	0.2	0.002
Indeno(1,2,3-cd)pyrene	0.16	0.002
Lead, Total	31.16	50

MW-3		
11/17/2021		
Analyte	ug/l	NY-TOGS-GA
Benzo(a)anthracene	0.03	0.002
Benzo(b)fluoranthene	0.02	0.002
Chrysene	0.01	0.002
Chromium, Total	63.28	100
Lead, Total	29.53	50



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FAX: (401) 732-7670
ALLIANCEENVIRONMENTALGROUP.COM

ATTACHMENT H-1
SITE LAYOUT WITH
GROUNDWATER DATA
26 & 46 CLARENCE AVE
BUFFALO, NY

PROJECT No: 3219-01
DATE: 03/12/2023
SCALE: 1" = 40'

FIGURE H-1
DRAWN BY: ROV
REVIEWED BY: TN

LEGEND

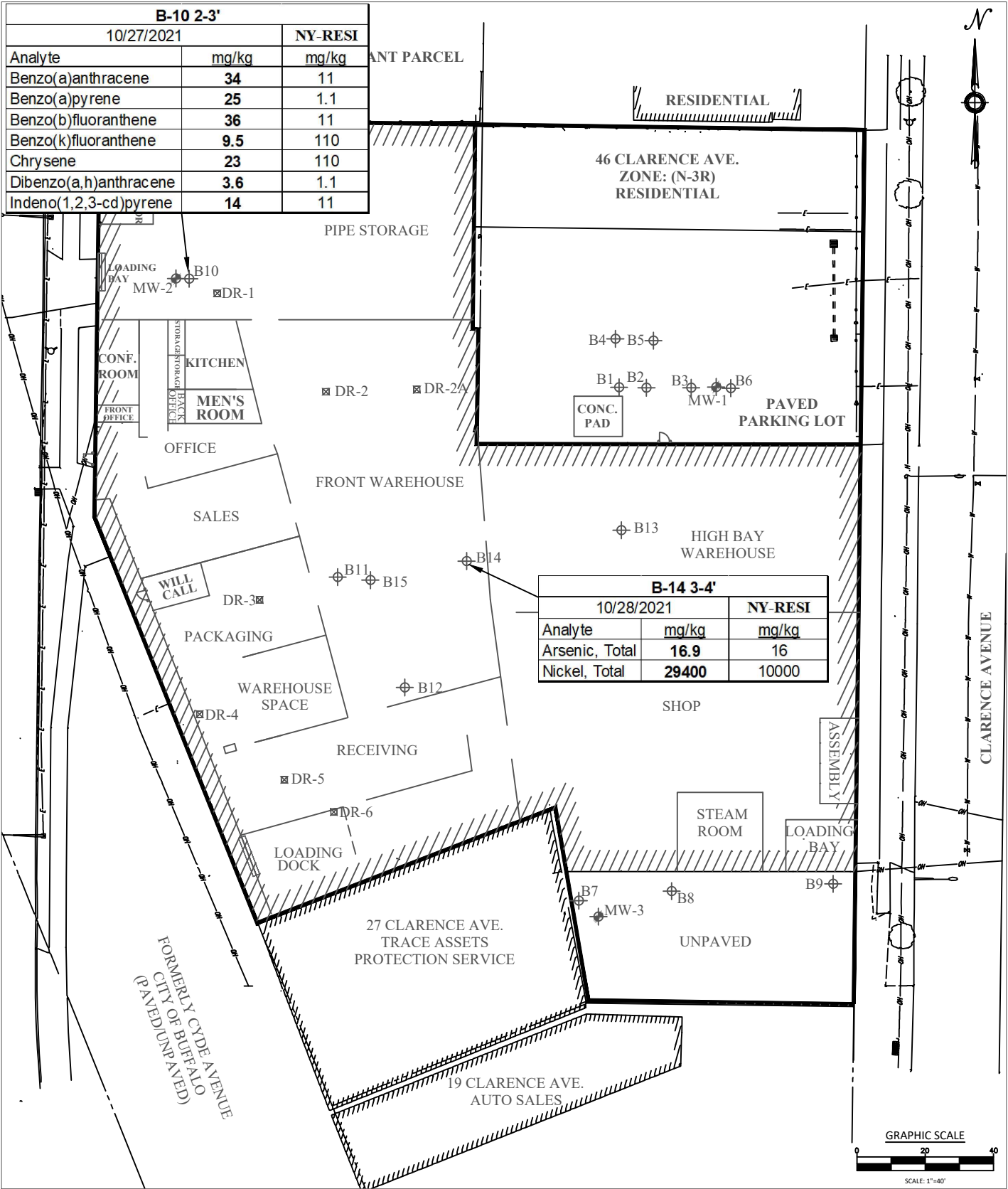
- MW-1 MONITORING WELL
- B1 SOIL BORING
- DR-1 FLOOR DRAIN
- APPROXIMATE PROPERTY BOUNDARY

NOTES:

- FLOOR PLAN MEASUREMENTS ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY.
- FEATURE LOCATIONS ARE APPROXIMATE.
- TABLES SHOW DETECTED ANALYTES OVER NYSDEC GROUNDWATER CRITERIA. FOR MORE DETAILS OR TO SEE ALL DETECTIONS OR NON DETECTION VALUES, PLEASE REFER TO THE TABLES AND/OR LABORATORY REPORTS.

B-10 2-3'		
10/27/2021		NY-RESI
Analyte	mg/kg	mg/kg
Benzo(a)anthracene	34	11
Benzo(a)pyrene	25	1.1
Benzo(b)fluoranthene	36	11
Benzo(k)fluoranthene	9.5	110
Chrysene	23	110
Dibenzo(a,h)anthracene	3.6	1.1
Indeno(1,2,3-cd)pyrene	14	11

B-14 3-4'		
10/28/2021		NY-RESI
Analyte	mg/kg	mg/kg
Arsenic, Total	16.9	16
Nickel, Total	29400	10000



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FAX: (401) 732-7670
ALLIANCEENVIRONMENTALGROUP.COM

ATTACHMENT H-2
SITE LAYOUT WITH
SOIL DATA
26 & 46 CLARENCE AVE
BUFFALO, NY

PROJECT No: 3219-01
DATE: 03/13/2023
SCALE: 1" = 40'

FIGURE H-2
DRAWN BY: ROV
REVIEWED BY: TN

LEGEND

MW-1 ● MONITORING WELL
B1 ⊕ SOIL BORING
DR-1 ☒ FLOOR DRAIN
— APPROXIMATE PROPERTY BOUNDARY

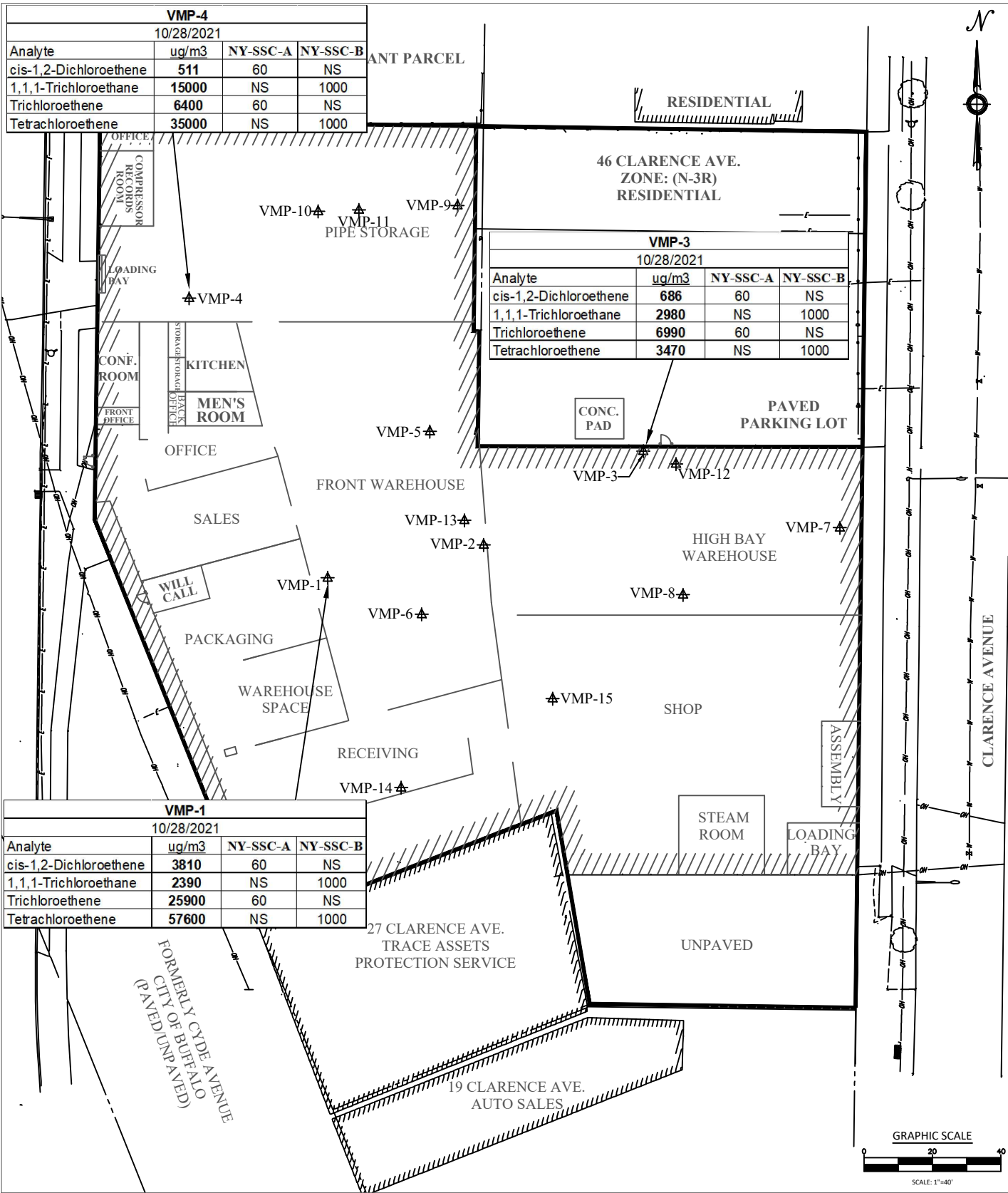
NOTES:

- FLOOR PLAN MEASUREMENTS ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY.
- FEATURE LOCATIONS ARE APPROXIMATE.
- TABLES SHOW DETECTED ANALYTES OVER NYSDEC SOIL CRITERIA. FOR MORE DETAILS OR TO SEE ALL DETECTIONS OR NON DETECTION VALUES, PLEASE REFER TO THE TABLES AND/OR LABORATORY REPORTS.

VMP-4			
10/28/2021			
Analyte	ug/m3	NY-SSC-A	NY-SSC-B
cis-1,2-Dichloroethene	511	60	NS
1,1,1-Trichloroethane	15000	NS	1000
Trichloroethene	6400	60	NS
Tetrachloroethene	35000	NS	1000

VMP-3			
10/28/2021			
Analyte	ug/m3	NY-SSC-A	NY-SSC-B
cis-1,2-Dichloroethene	686	60	NS
1,1,1-Trichloroethane	2980	NS	1000
Trichloroethene	6990	60	NS
Tetrachloroethene	3470	NS	1000

VMP-1			
10/28/2021			
Analyte	ug/m3	NY-SSC-A	NY-SSC-B
cis-1,2-Dichloroethene	3810	60	NS
1,1,1-Trichloroethane	2390	NS	1000
Trichloroethene	25900	60	NS
Tetrachloroethene	57600	NS	1000



Alliance
Environmental Group
An FW, Webb Company

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CRANSTON, RHODE ISLAND 02920
PHONE: (401) 732-7600
FAX: (401) 732-7670
ALLIANCEENVIRONMENTALGROUP.COM

ATTACHMENT H-3
SITE LAYOUT WITH
SOIL VAPOR DATA
26 & 46 CLARENCE AVE
BUFFALO, NY

PROJECT No: 3219-01
DATE: 03/13/2023
SCALE: 1" = 40'

FIGURE H-3

DRAWN BY: ROV
REVIEWED BY: TN

LEGEND

VMP-1 SOIL VAPOR POINT

APPROXIMATE PROPERTY BOUNDARY

NOTES:

- FLOOR PLAN MEASUREMENTS ARE APPROXIMATE AND FOR ILLUSTRATIVE PURPOSES ONLY.
- FEATURE LOCATIONS ARE APPROXIMATE.
- TABLES SHOW DETECTED ANALYTES OVER NYSDOH SOIL VAPOR CRITERIA. FOR MORE DETAILS OR TO SEE ALL DETECTIONS OR NON DETECTION VALUES, PLEASE REFER TO THE TABLES AND/OR LABORATORY REPORTS.

Attachment I

Requestor Information

Department of State Division of Corporations

Entity Information

[Return to Results](#)

[Return to Search](#)

Entity Details ^

ENTITY NAME: BABY'S IN BLACK, LLC

DOS ID: 6352126

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 12/17/2021

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 12/17/2021

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ERIE

NEXT STATEMENT DUE DATE: 12/31/2023

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: ROBERT A. MUCCIARONE

Address: F.W. WEBB COMPANY, 160 MIDDLESEX TURNPIKE, BEDFORD, MA, UNITED STATES, 01730

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
<hr/>		



F.W. WEBB COMPANY

Memorandum

Date: 1/3/2023
To: NYDEC - BROWNFIELD CLEANUP PROGRAM
From: Alliance Environmental Group
RE: BCP FORM - SECTION V: Requestor Information – ITEM #3

If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? YES

The sole member/owner is the F.W. Webb Company.

Attachment J
Historical Owners and Operators

Attachment J- Previous Property Owners and Operators

Property Address	Owner	Operators	Book	Page	Date	Last Known Address	Requestor's Relationship
26 Clarence Avenue	37 Clyde Avenue, LLC	Stritt and Priebe	11130	3969	6/11/2007	37 Clyde Avenue, Buffalo, NY	None
	Priebe, Edgar S.	Stritt and Priebe	11128	2695	4/24/2007	Unknown	None
	Erie County IDA	Stritt and Priebe	10636	170	4/20/1993	95 Perry Street, Suite 403, Buffalo, NY	None
	Clarence Avenue Partner	Stritt and Priebe	10636	167	4/20/1993	Unknown	None
	Miller Mary Ann (Trustee)	LD McCauley, Inc.	10327	446	9/11/1991	Unknown	None
	LD McCauley, Inc.	LD McCauley, Inc.	10327	441	9/11/1991	3875 California Road, Orchard Park, NY	None
	LD McCauley, Inc.	Buffalo Grinding Service, Inc.	8814	602	8/1/1979	3875 California Road, Orchard Park, NY	None
	LD McCauley, Inc.	Buffalo Grinding Service, Inc.	8750	103	2/1/1979	3875 California Road, Orchard Park, NY	None
	LD McCauley, Inc.	Buffalo Grinding Service, Inc.	8689	491	9/22/1978	3875 California Road, Orchard Park, NY	None
	LD McCauley, Inc.	Buffalo Grinding Service, Inc.	8691	569	9/6/1978	3875 California Road, Orchard Park, NY	None
LD McCauley, Inc.	Buffalo Grinding Service, Inc.	7474	229	6/3/1968	3875 California Road, Orchard Park, NY	None	
46 Clarence Avenue	37 Clyde Avenue, LLC	Stritt and Priebe	11130	3969	6/11/2007	37 Clyde Avenue, Buffalo, NY	None
	Priebe, Edgar S.	Stritt and Priebe	11128	2695	4/24/2007	Unknown	None
	Erie County IDA	Stritt and Priebe	10636	170	4/20/1993	95 Perry Street, Suite 403, Buffalo, NY	None
	Clarence Avenue Partner	Stritt and Priebe	10636	167	4/20/1993	Unknown	None
	Miller Mary Ann (Trustee)	LD McCauley, Inc.	10327	446	9/11/1991	Unknown	None
	LD McCauley, Inc.	LD McCauley, Inc.	9570	616	5/19/1986	3875 California Road, Orchard Park, NY	None
	Varner Lewis Jr	John Chadkowski, Adeline Parquet	9076	318	10/30/1981	Unknown	None
	Chodkowski, Ruby L	John Chadkowski, A.M. Emrich	7930	289	6/28/1972	46 Clarence Avenue, Buffalo, NY	None

Attachment K
Brownfield Site Contact List

Attachment K

Brownfield Site Contact List and Repository Information

Mayor Byron W. Brown
City of Buffalo
65 Niagra Square
Room 201
Buffalo, NY 14202

Mr. Brendan R. Mehaffy
Executive Director – Office of Strategic Planning
City of Buffalo
65 Niagra Square
Room 901
Buffalo, NY 14202

Mr. Mark Poloncarz
Erie County Executive
95 Franklin Street
16th Floor
Buffalo, NY 14202

Mr. Daniel Castle
Erie County Commissioner of Environment and Planning
95 Franklin Street
10th Floor
Buffalo, NY 14202

Trace Assets Protection
27 Clyde Avenue
Buffalo, NY14215

Mr. George Smith (Owner – 19 Clyde Avenue)
395 Woodlawn Avenue
Buffalo, NY 14208

Brownfield Site Contact List (continued)

MJ Concepts Inc (Owner - 59 Clyde Avenue - vacant parcel)
PO Box 501
Buffalo, NY 14231

62 Clyde Avenue, LLC
140 North Street
Buffalo, NY 14201

Willie and Mary Handley (Owners -50 Clarence Avenue)
30 Jewett Parkway
Buffalo, NY 14214

852 Kensington Avenue LLC
852 Kensington Avenue
Buffalo, NY 14215

Buffalo Water
281 Exchange Street
Buffalo, NY 14204

The Buffalo News
One News Plaza
Buffalo, NY 14240

Buffalo and Erie County Library – Leroy R. Coles Jr. Branch
Ms. Danielle Ptak, Branch Manager
1187 East Delavan Avenue
Buffalo, NY 14215

Tim Nevins

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Monday, September 12, 2022 9:59 AM
To: Tim Nevins
Subject: RE: Document Repository Request

Good morning Timothy,

The reply email below, which has been accepted by all other agencies requesting permission, should serve as sufficient documentation in replacement of your request on Library letterhead.

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents submitted by your company for the Brownfield Cleanup Program for a site/property located at **26 and 46 Clarence Avenue in Buffalo**. These documents will be made available for public viewing at the **Leroy R. Coles Branch Library** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your documents and cover letter to the Central Library. We will process according to our procedure and distribute to the location(s) of your choice. **If you would like a confirmation that your documents were 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 documents 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 in some type of 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 (ex: print and disk), 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 disk 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

April Tompkins, Sr. Library Clerk
Office of Chief Operating Officer
Buffalo and Erie County Public Library
1 Lafayette Square | Buffalo, NY 14203
Voice: 716-858-7129 | Fax: 716-845-9053
E-mail: tompkinsa@buffalolib.org

From: Tim Nevins <Tim.Nevins@fwwebb.com>
Sent: Monday, September 12, 2022 9:31 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request

CAUTION: This email originated from outside of the Library. Attachment and links may not be safe!

Hello April,

I spoke with Danielle at the Leroy Coles library branch, and she directed me to you.

My firm will be submitting a NYS DEC Brownfield Cleanup Program (BCP) application for a property located at 26 and 46 Clarence Avenue in Buffalo. As part of the BCP process, we need a public document repository for the project, and we were hoping to use the Leroy Coles branch as the repository. This branch appears to be the closest one to Clarence Avenue.

If this is acceptable, could you send me a brief correspondence on Library letterhead stating that your branch agrees to act as the document repository for the site? Please make reference to the property address.

Please feel free to contact me with any questions.

Sincerely,

Timothy F. Nevins, LSP, CHMM
Senior Principal Scientist

Alliance Environmental Group/ An F.W. Webb Company
Phone: 401-732-7600
Email: tim.nevins@fwwebb.com
Web: www.allianceenvironmentalgroup.com



CT – MA – ME – NH – NJ – NY – PA – RI – VT

NOTICE: This email is from Alliance Environmental Group/An F.W. Webb Company ("AEG"), and is provided solely for the use of the individual(s) whom the sender intended to address. If you are not the intended recipient of this email, AEG hereby instructs you: (i) to refrain from disseminating, distributing or copying the information contained in or attached to this message, (ii) to notify the sender immediately, and (iii) to destroy all copies of the original message and attachments. If you receive this email (and any attachments) under a non-disclosure or confidentiality agreement or other confidential relationship with AEG, you must treat this email (and its attachments) in accordance with the terms and conditions of that relationship. Thank you.

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>.

Attachment L
Requestor Volunteer Consideration

Attachment L

Requestor Volunteer Consideration

The soil, groundwater and soil vapor contamination were discovered during a due-diligence environmental assessment of the property, prior to its acquisition by Baby's in Black, LLC. Prior to acquiring the property, Baby's in Black, LLC did not have any ownership interest in the property or occupant companies, and had no involvement in site operations.

Baby's in Black, LLC's liability arises solely as a result of property ownership, which began in January 6, 2022.

Since taking ownership, Baby's in Black, LLC has taken steps to continue with the assessment and remediation of the property, beginning with the New York State Brownfield Cleanup Program application process. Baby's in Black, LLC's operations and ownership have not exacerbated the existing soil, groundwater and/or soil vapor contamination.

Based on this information, it is our opinion that Baby's in Black, LLC meets the definition of a Volunteer.