

NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM, Revision 15

SIMON PROPERTIES - NORTHEAST
BUFFALO, ERIE COUNTY, NEW YORK



Submitted For:
Douglas Development, Inc.
655 New York Avenue NW Suite 830
Washington, D.C. 20001

Prepared By:



Brydges Engineering in Environment & Energy, DPC

Prepared By: Alexis Palumbo-Compton	Signature: 	Date: 08/23	Title: BE3 – Project Engineer
Reviewed By: Jason Brydges	Signature: 	Date: 08/23	Title: BE3 – Professional Engineer

August 2023 Revision

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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 DERSiteControl@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



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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

	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. Please see attached tax map & survey; Figures 1&3 in Attachment A		
2. Is the required property map included with the application? (Application will not be processed without a map) Refer to Attachment A, Figures 1,2,3&4		
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) See Attachment A, Figure 5 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. See Attachment A, Figure 6		
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: See Attachment A						
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. <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;"><u>Easement/Right-of-Way Holder</u></td> <td style="width: 50%;"><u>Description</u></td> </tr> </table>		<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>					
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;"><u>Type</u></td> <td style="width: 30%;"><u>Issuing Agency</u></td> <td style="width: 40%;"><u>Description</u></td> </tr> </table>		<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>		
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>				
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? Refer to Attachment A & Figs 7 and 8						
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. N/A - site not in NYC						
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: _____						

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	Please Refer to Attachment B	

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	See Attachment C - Figure 9	
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?	Please refer to Attachment C			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?	Please refer to Attachment C				
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.	Refer to Attachment C				
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.	Refer to Attachment C				

SECTION IV: Property's Environmental History

See Attachment D

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

Please refer to Attachment D - Figure 7 - Table 1 and electronic reports provided separately

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? Please refer to Attachment E - DOS printout				
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? Please refer to Attachment E 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? Please refer to Attachment E 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)

	Y	N
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?		
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

Please refer to Attachment F

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

Please refer to Attachment I

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

Please refer to Attachment J

	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)

Please refer to Attachment J

	Y	N
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: _____		
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. <p style="text-align: right;">N/A</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: _____		
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.		

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: **Please refer to Attachment K**

- 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)

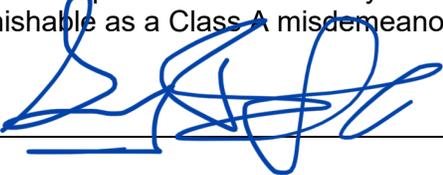
If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) 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 _____ (title) of _____ (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: _____ Signature:  _____

Print Name: _____

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

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

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(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application):

375-3.2:

- (I) “Underutilized” means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

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.

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)

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

SECTION I: PROPERTY INFORMATION

- Figure 1 – Tax Map
- Figure 2 – Site Location Map
- Figure 3 – Site Plan
- Figure 4 – Adjacent Property Owners
- Figure 5 – En-zone Map
- Figure 6 – Disadvantaged Communities Map
- Figure 7 – Investigation Locations with results
- Figure 8 – Soil Map
- Table 1&2 – Soil & Groundwater Sample Results

SECTION I – PROPERTY INFORMATION

Location

The Simon Properties Northeast is located at 367 Ellicott Street (SBL: 111.46-5-20.1) and is approximately 1.38-acres. It is important to note that the property was formerly composed of the following seven (7) parcels:

Simon Properties Northeast		
Address	Tax ID	Parcel Size (acres)
264 Oak Street	111.46-5-9	0.1
357 Ellicott Street	111.46-5-19	0.08
367 Ellicott Street	111.46-5-20	0.06
375 Ellicott Street	111.46-5-15.1	0.53
379 Ellicott Street	111.46-5-23	0.17
383 Ellicott Street	111.46-5-24	0.26
391 Ellicott Street	111.46-5-25	0.18
Total:		1.38

The consolidation has been fully approved by the City of Buffalo and will appear on the December 1st, 2023 City's Tentative Tax Roll.

Note: Parcel acreage was obtained from the Erie County NY Interactive Mapping Viewer at

https://gis.erie.gov/Html5Viewer133/index.html?viewer=ErieCountyNY.HTML5_2_11_0

The property is located in a highly developed commercial and residential use area in the downtown district of the City of Buffalo, Erie County, New York (refer to attached Figures 1, 2, 3, and 4). The property is located in a block bounded by Genesee Street to the north; Oak Street to the east; East Huron Street to the south; and Ellicott Street to the west. The property is about 0.5 miles east-northeast of Buffalo City Hall located at 65 Niagara Square, Buffalo, New York. According to New York State Environmental Zone (En-Zones) mapping, the Site is not located within an En-Zone (see Figure 5) and is located in a Disadvantaged Community (see Figure 6).

Site Features

The BCP property is irregularly shaped and only covers some of the parcels within the City block described above.- refer to attached Figures. A description of individual portions of the property are described below:

Former 264 Oak Street -The former 264 Oak Street property is approximately 0.10-acres and is located east of the former 383 Ellicott Street parcel. The property is currently a one-story storage warehouse. In 1899 this property was home to the Buffalo Turn Verein INC which hosted gymnastics. The 1925 Sanborn map shows the property as a sign making and printing company.

Former 357 Ellicott Street -The former 357 Ellicott Street property is approximately 0.08-acres and is located just south of the former 367 Ellicott Street parcel. The property is currently a two-story building used for storage of electrical equipment for the Simon Electric Co located at the former 367 Ellicott Street parcel.

Former 367 Ellicott Street -The former 367 Ellicott Street property is approximately 0.06-acres and is located north of the former 357 Ellicott Street parcel and south of the former 375 Ellicott Street parcel. The property is currently a two-story building known as Simon Electric Company. Historic street directories identify this property as Simon Electric Construction Co Electric Controllers starting in 1935.

Former 375 Ellicott Street -The former 375 Ellicott Street property is approximately 0.53-acres and is located north of the former 367 Ellicott Street parcel and south of the former 379 Ellicott Street parcel. The property is currently a vacant asphalt covered parking lot. The property was identified as an Auto Parking Lot from at least 1951 on historic Sanborn maps.

Former 379 Ellicott Street -The former 379 Ellicott Street property is approximately 0.17-acres and is located north of the former 375 Ellicott Street property and is south of the former 383 Ellicott Street parcel. The property is currently occupied by a one-story brick building. A service station/possible gas station (Ellicott Simonizing & Service Station) was identified on this property in historic street directories in 1935 and 1940. City records indicate that the former 379 Ellicott Street parcel had one 1,200- and one 1,100-gallon steel tank for gasoline storage.

Former 383 Ellicott Street -The former 383 Ellicott Street property is approximately 0.26-acres and is located north of the former 379 Ellicott Street parcel, south of the former 391 Ellicott Street parcel, and directly west of the former 264 Oak Street parcel. The property is currently a stone and asphalt covered lot. A service station/possible gas station (Market Service Station) was identified on this property in historic street directories from 1935 through 1960. City records indicate that the former 383 Ellicott Street parcel had three 1,000 and two 550-gallon steel tanks for gasoline storage.

Former 391 Ellicott Street -The former 391 Ellicott Street property is approximately 0.18-acres and is located at the most northern end of the current property boundary, just north

of the former 383 Ellicott Street parcel. The property is currently occupied by the former Eden Lounge Nightclub building.

Local area topography is generally level with a gradual slope to the west, southwest.

Current Zoning and Land Use

The Site is currently zoned N-1C Mixed-Use Core. Zone N-1C is located in downtown Buffalo and addresses mixed-use centers of high intensity, in strategic locations such as on the edges of downtown or proximate to light rail rapid transit, and often featuring mid-rise buildings. The property is immediately adjacent to the west of Zone N-1D which allows a variety of uses including civic building, commercial block, stack units, and towers.

Past Use of the Site

The past use of each of the former seven parcels that make up the subject property is as follows:

Former 264 Oak Street

YEAR	USE
1889	Residential
1899	Buffalo Turnvearin – gymnastics
1925	Residential and Sign Making & Painting
1930	Residential
1935	Residential & News Distributing Company
1940-1985	Residential & Storage
1985-1992	Vacant

Former 357 Ellicott Street

YEAR	USE
1889-1899	Store fronts & residential
1925-1955	Huron Inn & Stores/church
1964	Vacant
Current	Electrical Equipment Storage

Former 367 Ellicott Street

YEAR	USE
1889-1899	Residential & Stores
1925	Loft buildings; Union Gas Burner Co, Inc; Rudolph Mfrs of Burners for ranges
1930	Old Homestead Mere Corp - hosiery
1935-2017	Simon Electric
1960-1985	Metallizing Co of Buffalo
1964-1992	Huronell Corp – auto parking

1975-1994	Wilbert Construction Corp
-----------	---------------------------

Former 375 Ellicott Street

YEAR	USE
1889	Millers Brothers Carriage Manufacture
1925	Buffalo Specialty Company – printing and liquid veneer
1935	Liquid Veneer Corp – polish manufacturers
1940	Earl C McCurdy – auto parking
1946-1955	Joseph Wiggins Auto parking
1955	Mel Ott – auto parking
1960-1985	Huronell Corp – auto parking
1992	Empark inc - parking

Former 379 Ellicott Street

YEAR	USE
1889-1899	Livery
1925-1930	Indiana Garage – capacity 35 cars
1935-1940	Ellicott Simonizing & Service Station
1946	Eastern Cab Co. Inc
1955	Mel Ott auto parking
1964	Huronell Corp parking
1992-1998	Cellular One Service Center

Former 383 Ellicott Street

YEAR	USE
1889	Ender's Hotel & Turn Hall/Girard's Family Theater
1925	Union Taxi Line
1930	The Hanna Garage Co Ltd
1935-1960	Market Service Station
1964	Johns Parking Lot
1970-1980	Bert Simon Parking Lot
1985-1992	Huronell Corp Parking

Former 391 Ellicott Street

YEAR	ADDRESS
1930-1955	Schwegler Brothers electrical appliances
1930-1955	Mary Cullen/Bessie Eckels – room furnishings
1960-1970	Salvation Army – general store
1985-1992	Appco plumbing & Heating
2004	Variant Enterprise

2008	Buffalo Icon Entertainment - concerts
current	Eden Lounge Nightclub building

Site Geology and Hydrogeology

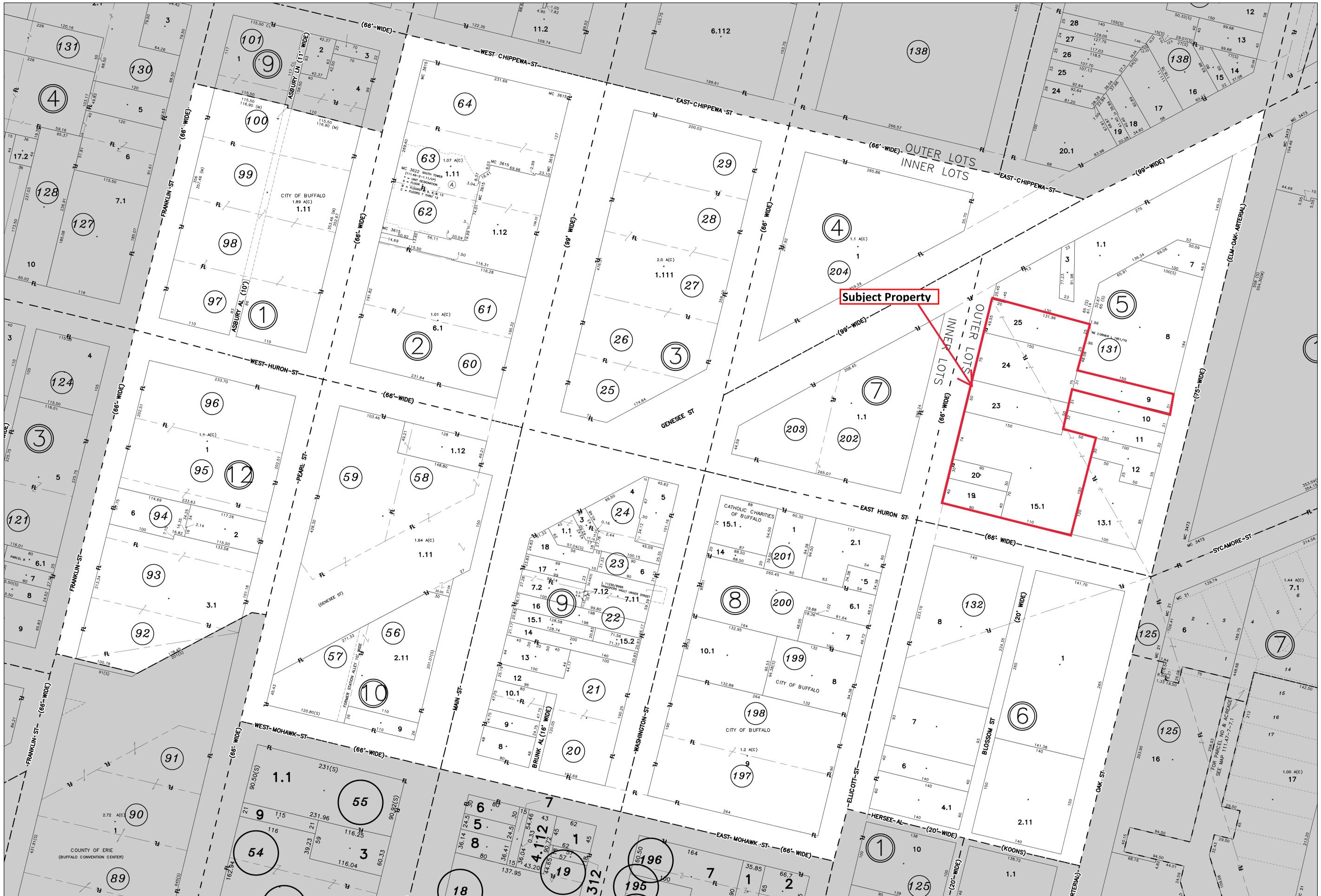
The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards the Niagara River, except in the immediate vicinity of major drainage ways. The surficial geology of the Lake Erie Plain consists of a thin glacial till, glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (see Figure 8). Based on recent investigations, on-site overburden soil-fill consists of concrete, brick, cinders, ash, wood, and gravelly silt to depths averaging approximately 1-4 feet below ground surface (fbgs). Regional groundwater would be assumed to flow southwest towards Lake Erie located approximately 0.75 miles southwest of the Site. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

Environmental Assessment

The recent site assessment results (further described in the attached BE3 Phase II ESA Report) indicated that near surface fill materials have been impacted with metals, SVOCs, and VOCs above NYSDEC unrestricted, residential, and restricted residential SCOs. Contaminants of concern for soil are metals (arsenic, cadmium, copper, lead, mercury, and zinc), SVOCs (acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene), and VOCs (xylenes). The contaminants in the soil were mostly in shallow subsurface depths. VOCs were not detected in the temporary groundwater monitoring wells (see Figure 7 and attached table).

Previous BCP Applications

It is important to note that the Site has been the subject of a previous BCP application (Site # C915388). The property is not currently in the program as the DEC has requested additional changes be made to the application prior to acceptance.



Subject Property

PREPARED BY
DIVISION OF REAL PROPERTY TAX SERVICES
 ERIE COUNTY, NEW YORK

NOTES
 THIS MAP WAS PREPARED FOR TAX PURPOSES ONLY
 AND IS NOT TO BE REPRODUCED OR USED FOR
 SURVEYING OR CONVEYANCING.
 MAP PREVIOUSLY CONVERTED TO AUTOCAD DIGITAL FORMAT
 BY ANALYTICAL SURVEYS INC. IN COOPERATION
 WITH WELER MAPPING INC. (1999)

REVISION TABLE		CHANGES OR ADDITIONS
DATE	MADE BY	
8/19/2021	DRT	BLK 9, 17 & 18 ADJ TO MATCH DEEDS
12/30/2020	DRT	BLK 6, 4 & 5 INTO 4.1
12/21/2017	DRT	BLK 9, 1 & 2 INTO 1.1
7/28/2017	DRT	BLK 5, 15, 16, 17, 18, 21, & 22 INTO 15.1
7/21/2017	DRT	BLK 8, 2, 3 & 4 INTO 2.1

SPECIAL DISTRICTS	
SCHOOL	BUFFALO PUBLIC SCHOOL DISTRICT
FIRE	CITY OF BUFFALO FIRE DISTRICT
WATER	
DRAINAGE	SEWER

LEGEND	
PROPERTY LINE	TOWN LINE
ORIGINAL SUBLOT LINE	VILLAGE LINE
RAILROAD	BLOCK LIMIT
STREAM OR DITCH	GREAT LOT LINE
ROAD OR RAILROAD BNDY	SCHOOL DISTRICT LINE
COUNTY LINE	WATER DISTRICT LINE
	SEWER DISTRICT LINE
	FIRE DISTRICT LINE
	DEEDS COMMON OWNER
	TAX MAP BLOCK NO.
	TAX MAP PARCEL NO.
	FILED PLAN LOT NO.
	GREAT LOT NO.

LEGEND	
CALCULATED ACREAGE	7.5 A(C)
DEED ACREAGE	17.5 A(C)
SCALED DIMENSION	225 (S)
SCALED DIMENSION (CHECKED)	743.25(S)
DEED DIMENSION	173.33
DEED DIMENSION (CENTER LINE)	173.33 Q
COORDINATE LOCATOR	

111.37	111.38	111.39
111.45	111.47	
111.53	111.13	111.55

TAX MAP
CITY OF BUFFALO
 ERIE COUNTY, NEW YORK

GRAPHIC SCALE
 1" = 50'

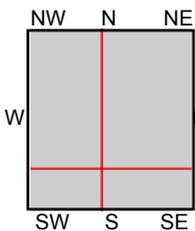
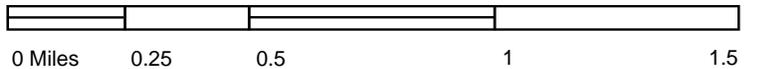
TOWNSHIP 11
 RANGE 08

MAP DATE: 6/22/2022

FIGURE 1: Tax Map
 Note: Subject property outlined in red



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



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

FIGURE 2: Property Location





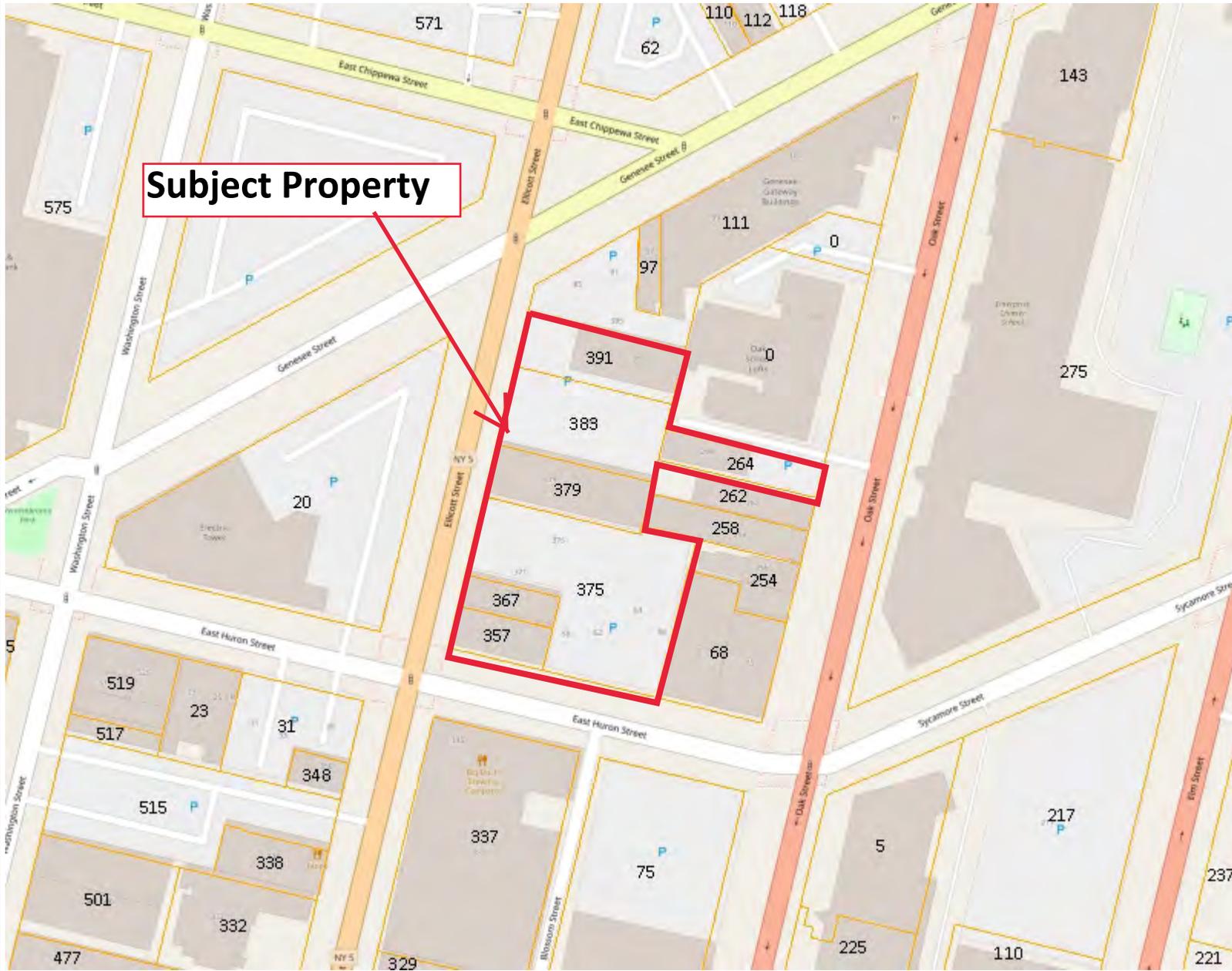
FIGURE 3a: Site Plan (Aerial)

Simon Properties -Northeast
Buffalo, New York

10/5/2022
Douglas Development



Erie County On-Line Mapping Application



Legend

Parcels

0 0.04 0.1 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.

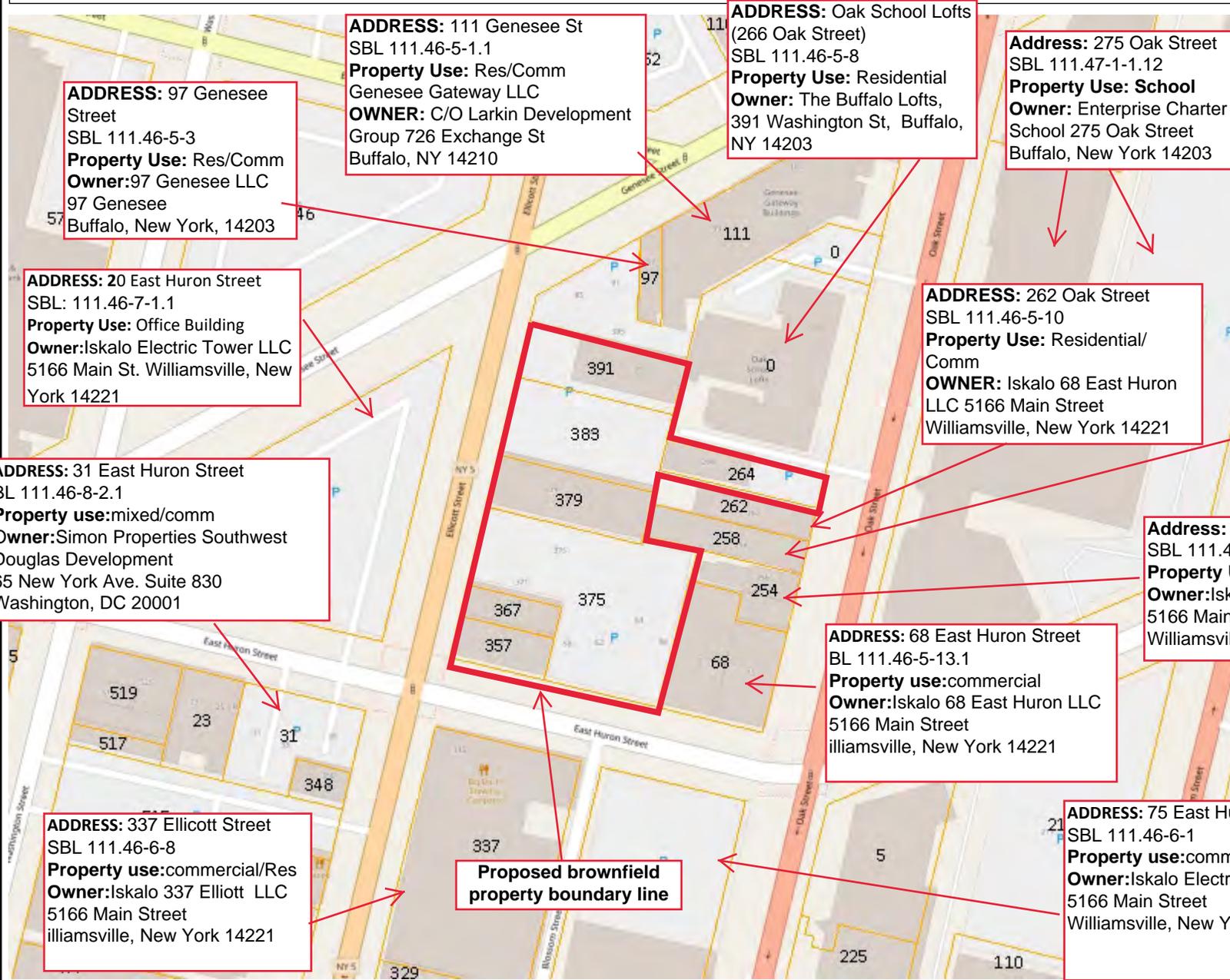
1: 2,257



FIGURE 3b- Site Plan - Parcel Map



Erie County On-Line Mapping Application



Legend

□ Parcels

ADDRESS: 258 Oak Street
SBL 111.46-5-11
Property Use: Manufacturing
OWNER: Iskalo 68 East Huron LLC
5166 Main Street Williamsville, New York 14221

0 0.04 0.1 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: 2,257

FIGURE 4 - Adjacent Property Owners

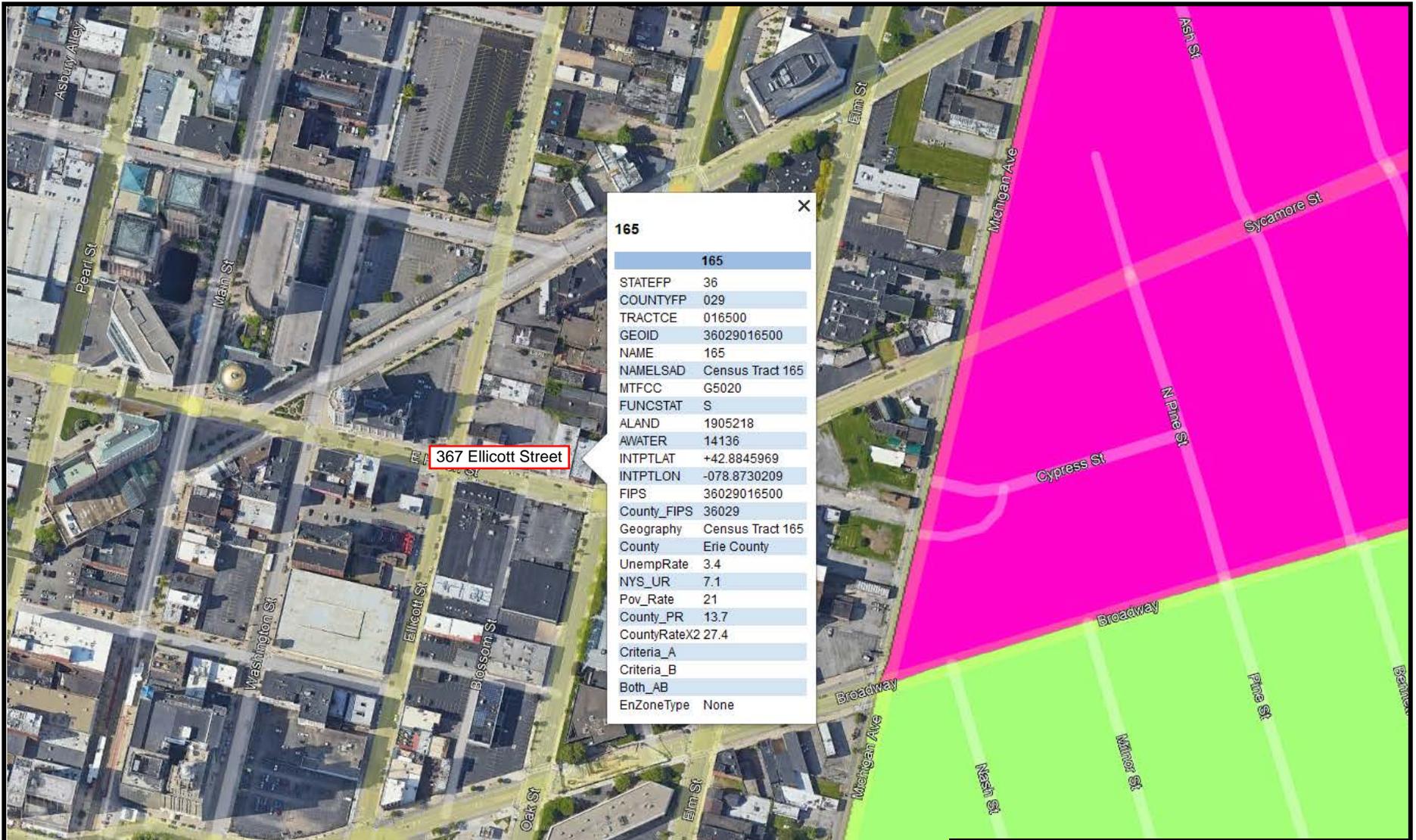


	Figure 5 - En-Zone Map	Revisions
	Simon Properties - Northeast Buffalo, New York	1
08-10-2023	SCALE: N/A	SHEET 1 of 1

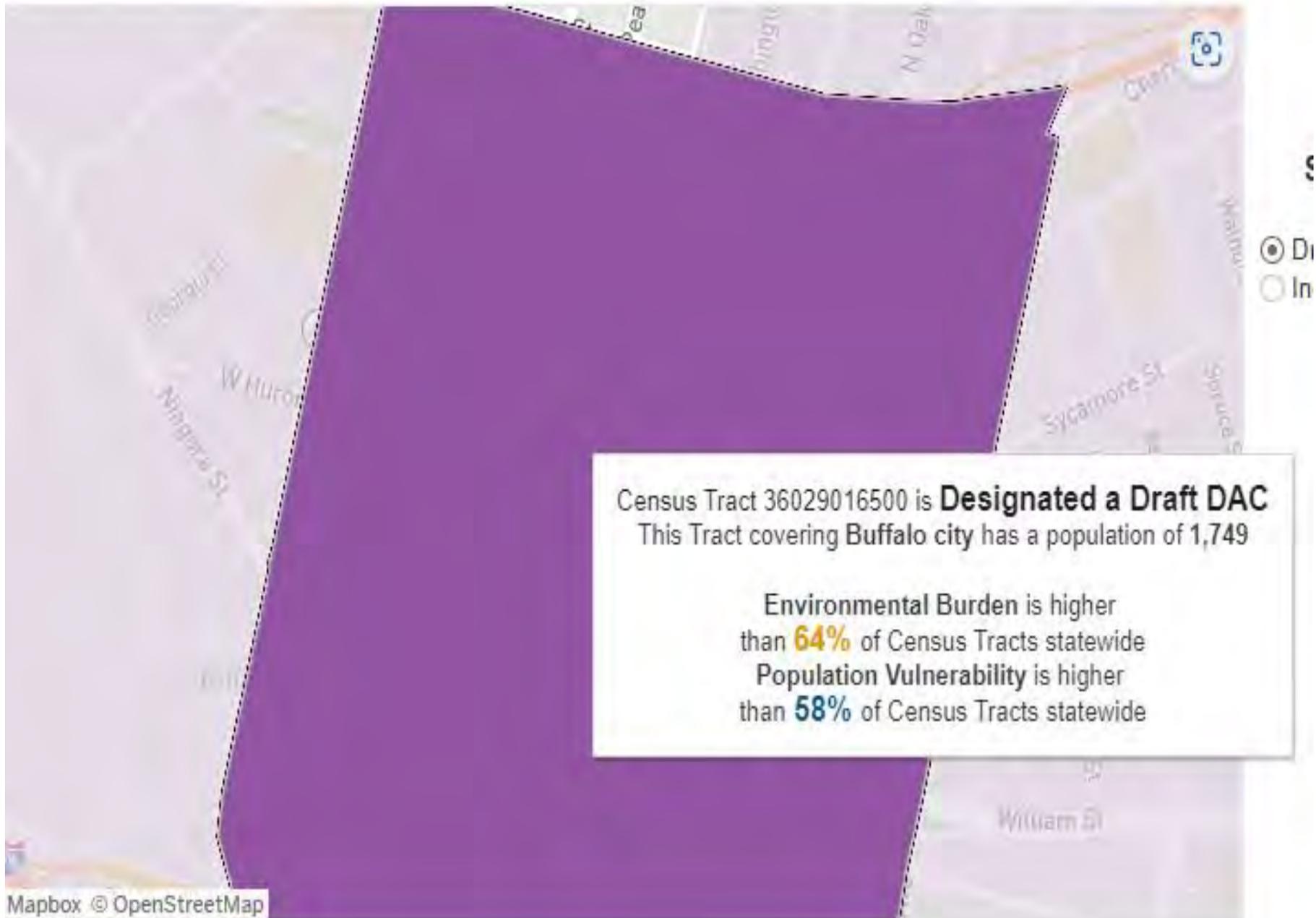


FIGURE 6: Disadvantaged Communities Map

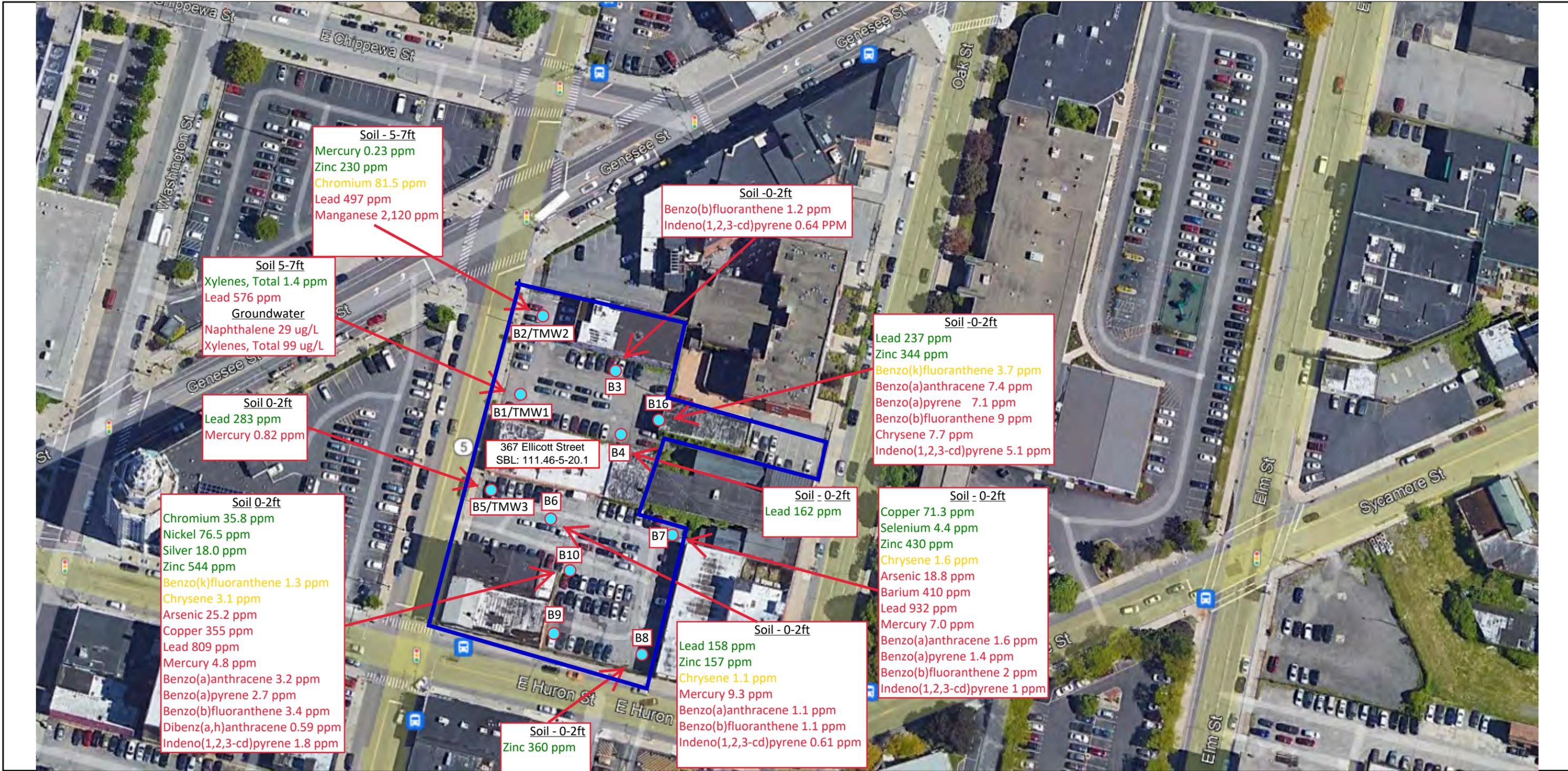


FIGURE 7: North Soil Boring Locations With Results

Simon Properties
 Buffalo, New York

1/11/2022
 Douglas Development



Note: Site Boundary Shown in Blue

- Green-Above unrestricted SCOs
- Yellow-Above residential SCOs
- Red-Above restricted residential SCOs
- Blue Circle Boring Locations

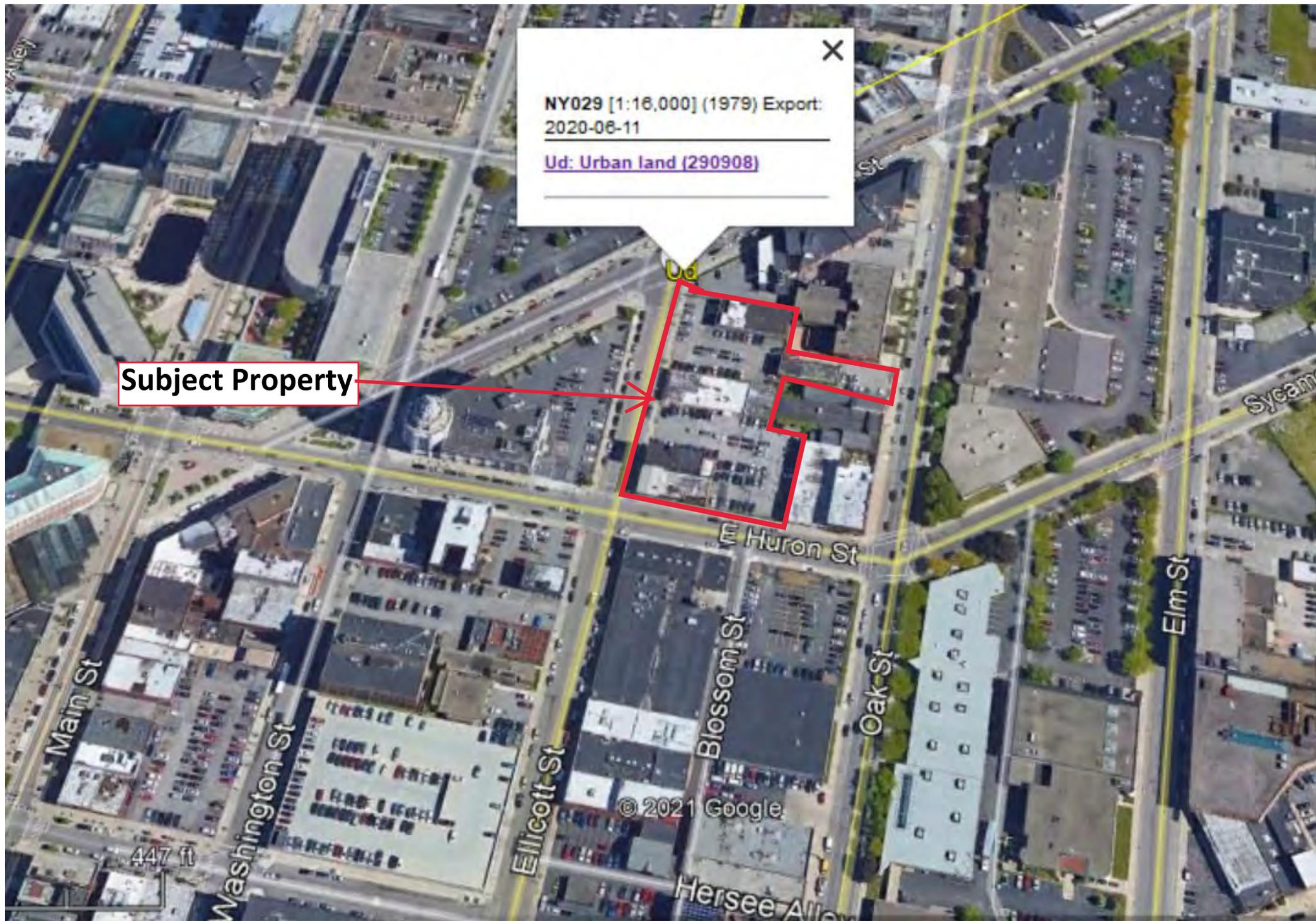


FIGURE 8: Soils Map

**TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)		
	B1S2	B1S3	B2S2	B3S1	B3S3	B4S1	B5S1	B6S1	B7S1	Unrestricted	Residential	Restricted Residential
	5-7	10-12	5-7	0-2	10-12	0-2	0-2	0-2	0-2			
12/21/2021												
METALS/INORGANICS												
Aluminum	9,580	-	11,300	4,250	-	11,900	8,610	11,800	11,000	-	-	-
Antimony	1.3 J	-	8.9 J	0.87 J	-	0.88 J	1.5 J	0.70 J	2.7 J	-	-	-
Arsenic	4.8	-	10.4	1.4 J	-	5.5	5.8	4.5	18.8	13	16	16
Barium	79.4	-	264	22.8	-	107	69.3	58.2	410	350	350	400
Beryllium	0.51	-	0.76	0.22 J	-	1.1	0.46	0.62	0.62	7.2	14	72
Cadmium	0.31	-	0.82	0.14 J	-	1.2	0.68	0.36	0.81	2.5	2.5	4.3
Calcium	56,700 B	-	77,100 B	42,700 B	-	55,500 B	34,700 B	14,300 B	17,100 B	-	-	-
Chromium	14.6	-	81.5	6.4	-	14.6	17.5	16.0	24.4	30	36	180
Cobalt	5.6	-	6.6	2.3	-	5.5	4.3	4.8	9.8	-	-	-
Copper	17.1	-	42.1	4.4	-	19.7	32.2	23.2	71.3	50	270	270
Iron	14,300 B	-	30,000 B	7,200 B	-	13,500 B	13,400 B	11,900 B	21,800 B	-	-	-
Lead	576	-	497	14.4	-	162	283	158	932	63	400	400
Magnesium	7,430	-	9,190	18,100	-	15,700	10,600	5,990	6,030	-	-	-
Manganese	380	-	2,120 B	194 B	-	577 B	447 B	106 B	405 B	1,600	2,000	2,000
Mercury	0.067	-	0.23	0.021	-	0.064	0.82	9.3	7.0	0.18	0.81	0.81
Nickel	14.9	-	22.6	5.2 J	-	19.1	28.3	13.6	19.6	30	140	310
Potassium	2,390	-	1,710	1,280	-	2,600	1,380	1,170	1,980	-	-	-
Selenium	1.3 J	-	3.2 J	ND	-	1.2 J	1.1 J	0.88 J	4.4 J	3.9	180	1,500
Silver	ND	-	0.53 J	ND	-	ND	0.43 J	0.27 J	0.77 J	2	180	1,500
Sodium	380 B	-	383 B	226 B	-	353 B	390 B	280 B	421 B	-	-	-
Vanadium	22.4	-	48.7	14.2	-	21.4	19.0	21.8	26.3	-	-	-
Zinc	103	-	230	34.3	-	97.3	90.6	157	430	109	2,200	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)												
2-Methylnaphthalene	ND	-	ND	ND	-	ND	ND	0.059 J	ND	-	-	-
Acenaphthene	ND	-	ND	ND	-	ND	ND	0.26	0.35 J	20	100	100
Acenaphthylene	ND	-	ND	ND	-	ND	ND	0.039 J	ND	100	100	100
Anthracene	ND	-	ND	ND	-	ND	ND	0.6	0.74 J	100	100	100
Benzo(a)anthracene	ND	-	ND	0.87 J	-	0.21 J	ND	1.1	1.6	1	1	1
Benzo(a)pyrene	ND	-	ND	0.91 J	-	ND	ND	0.95	1.4	1	1	1
Benzo(b)fluoranthene	ND	-	ND	1.2 J	-	ND	ND	1.1	2	1	1	1
Benzo(g,h,i)perylene	ND	-	ND	0.76 J	-	0.24 J	ND	0.62	1.1	100	100	100
Benzo(k)fluoranthene	ND	-	ND	0.41 J	-	ND	ND	0.46	0.58 J	0.8	1	3.9
Carbazole	ND	-	ND	ND	-	ND	ND	0.24	0.31 J	-	-	-
Chrysene	ND	-	ND	0.91 J	-	ND	ND	1.1	1.6	1	1	3.9
Dibenz(a,h)anthracene	ND	-	ND	ND	-	ND	ND	0.2 J	0.3 J	0.33	0.33	0.33
Dibenzofuran	ND	-	ND	ND	-	ND	ND	0.18 J	0.16 J	7	14	59
Fluoranthene	0.22 J	-	3.4 J	1.5 J	-	0.39 J	ND	2.4	4	100	100	100
Fluorene	ND	-	ND	ND	-	ND	ND	0.26	0.3 J	30	100	100
Indeno(1,2,3-cd)pyrene	ND	-	ND	0.64 J	-	ND	ND	0.61	1 J	0.5	0.5	0.5
Naphthalene	ND	-	ND	ND	-	ND	ND	0.083 J	ND	12	100	100
Phenanthrene	0.17 J	-	ND	0.61 J	-	ND	ND	2.3	3	100	100	100
Pyrene	0.17 J	-	2.9 J	1.3 J	-	0.31 J	ND	2	3.1	100	100	100
Other SVOCs	ND	-	ND	ND	-	ND	ND	ND	ND	Various	Various	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)												
Acetone	ND	ND	0.0096 J	-	0.0098 J	-	-	-	-	0.05	100	100
Isopropylbenzene	1 J	2.1 J	ND	-	ND	-	-	-	-	-	-	-
Methylcyclohexane	17	59	ND	-	ND	-	-	-	-	-	-	-
Xylenes, Total	1.4 J	ND	0.0013 J	-	ND	-	-	-	-	0.26	100	100
Other VOCs	ND	ND	ND	-	ND	-	-	-	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

9,580 Analyte detected

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

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

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

**TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)		
	B8S1	B9S1	B10S1	B11S1	B12S1	B13S1	B14S1	B15S1	B16S1	Unrestricted	Residential	Restricted Residential
	0-2	0-2	0-2	0-2	0-2	0-2	0-2	0-2	0-2			
12/21/2021												
METALS/INORGANICS												
Aluminum	5,280	4,290	9,970	13,700	7,750	8,890	4,500	3,120	9100	-	-	-
Antimony	0.71 J	0.70 J	4.3 J	2.8 J	1.7 J	0.94 J	0.64 J	0.47 J	2.6 J	-	-	-
Arsenic	2.7	4.6	25.2	11.6	6.2	5.1	1.5 J	1.5 J	7.7	13	16	16
Barium	43.5	23.0	289	235	50.2	49.1	15.8	8.8	246	350	350	400
Beryllium	0.23 J	0.20 J	0.72	1.7	0.42	0.36	0.21	0.15 J	0.85	7.2	14	72
Cadmium	0.19 J	0.25	2.1	1.2	0.26	0.16 J	0.17 J	0.10 J	0.77	2.5	2.5	4.3
Calcium	107,000 B	171,000 B	35,900 B	48,500 B	94,700 B	94,300 B	41,000 B	112,000 B	41,900 B	-	-	-
Chromium	8.3	9.0	35.8	18.0	10.5	11.7	6.3	5.7	12.8	30	36	180
Cobalt	2.4	2.5	7.9	5.6	4.9	4.9	2.2	1.4	3.8	-	-	-
Copper	11.8	12.2	355	36.4	58.6	9.3	5.6	4.7	18.1	50	270	270
Iron	7,980 B	5,480 B	25,300 B	28,500 B	10,500 B	11,400 B	6,490 B	4,130 B	28,900 B	-	-	-
Lead	46.3	44.4	809	183	601	13.4	13.2	8.3	237	63	400	400
Magnesium	56,400	14,600	13,600	7,500	20,600	15,800	23,200	7,810	12,400	-	-	-
Manganese	278 B	141 B	374 B	1,480 B	302 B	317 B	253 B	88.1 B	453 B	1,600	2,000	2,000
Mercury	0.096	0.12	4.8	0.48	0.14	0.017 J	0.027	0.036	0.098	0.18	0.81	0.81
Nickel	8.2	12.5	76.5	18.6	15.2	13.3	5.9	5.6	12.3	30	140	310
Potassium	2,050	1,150	2,060	1,940	1,940	2,510	1,260	1,030	1,300	-	-	-
Selenium	ND	ND	3.2 J	3.1 J	0.82 J	0.69 J	0.51 J	ND	3.0 J	3.9	180	1,500
Silver	ND	ND	18.0	0.34 J	ND	ND	ND	ND	ND	2	180	1,500
Sodium	225 B	272 B	382 B	610 B	344 B	288 B	254 B	183 B	327 B	-	-	-
Vanadium	12.7	13.7	30.2	23.2	19.7	20.3	11.2	8.6	17.7	-	-	-
Zinc	360	56.7	544	266	83.7	43.9	36.5	35.3	344	109	2,200	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)												
2-Methylnaphthalene	ND	ND	ND	0.21 J	ND	ND	0.79 J	ND	ND	-	-	-
Acenaphthene	ND	ND	0.39 J	0.38 J	ND	ND	2.8 J	ND	ND	20	100	100
Acenaphthylene	ND	ND	0.27 J	ND	ND	ND	1.1 J	ND	ND	100	100	100
Anthracene	ND	ND	1.2	0.8 J	ND	ND	6.9	ND	ND	100	100	100
Benzo(a)anthracene	ND	ND	3.2	1.7	ND	ND	14	ND	7.4 J	1	1	1
Benzo(a)pyrene	ND	ND	2.7	1.6	ND	ND	12	ND	7.1 J	1	1	1
Benzo(b)fluoranthene	ND	ND	3.4	1.9	ND	ND	16	ND	9 J	1	1	1
Benzo(g,h,i)perylene	ND	ND	1.8	1.4	ND	ND	8.5	ND	5 J	100	100	100
Benzo(k)fluoranthene	ND	ND	1.3	0.84 J	ND	ND	5.4	ND	3.7 J	0.8	1	3.9
Carbazole	ND	ND	0.75 J	0.48 J	ND	ND	3.2 J	ND	ND	-	-	-
Chrysene	ND	ND	3.1	1.6	ND	ND	13	ND	7.7 J	1	1	3.9
Dibenz(a,h)anthracene	ND	ND	0.59 J	0.42 J	ND	ND	2 J	ND	ND	0.33	0.33	0.33
Dibenzofuran	ND	ND	0.31 J	0.3 J	ND	ND	2.1 J	ND	ND	7	14	59
Fluoranthene	ND	ND	7.2	3.9	ND	ND	36	ND	18 J	100	100	100
Fluorene	ND	ND	0.49 J	0.39 J	ND	ND	2.3 J	ND	ND	30	100	100
Indeno(1,2,3-cd)pyrene	ND	ND	1.8	1.3	ND	ND	7.6	ND	5.1 J	0.5	0.5	0.5
Naphthalene	ND	ND	0.15 J	0.24 J	ND	ND	1 J	ND	ND	12	100	100
Phenanthrene	ND	ND	5.4	3.5	ND	ND	32	ND	13 J	100	100	100
Pyrene	ND	ND	5.2	2.7	ND	ND	29	ND	13 J	100	100	100
Other SVOCs	ND	ND	ND	ND	ND	ND	ND	ND	ND	Various	Various	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)												
VOCs	-	-	-	-	-	-	-	-	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

5,280 Analyte detected

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

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

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

**TABLE 2
SUMMARY OF GROUNDWATER RESULTS**



Parameter Tested	Sample Identification, Approximate Groundwater Depth Feet Below Ground Surface, and Sample Date				NYSDEC TOGS 1.1.1 GA
	TMW1	TMW2	TMW3	TMW4	
	-	7.42	7.45	9.3	
	12/21/2021				
VOLATILE ORGANIC COMPOUNDS (VOCs)					
2-Butanone (MEK)	ND	ND	ND	1.6 J	50
Acetone	ND	4.4 J	3.2	7.7 J	50
Benzene	ND	0.51 J	0.54 J	0.41 J	1
Cyclohexane	360	1.0	0.35 J	0.21 J	-
Methylcyclohexane	810	2.0	0.27 J	ND	-
Toluene	ND	0.84 J	0.57 J	ND	5
Xylenes, Total	99 J	0.71 J	ND	ND	5
Other VOCs	ND	ND	ND	ND	Various
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)					
Fluoranthene	8.8 J	ND	-	-	50
Naphthalene	29 J	ND	-	-	10
Pyrene	7.7 J	ND	-	-	50
Other SVOCs	ND	ND	-	-	Various

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

- Not Applicable or sample not tested for this analyte

360 Analyte Detected

99 Reported Concentration Exceeds NYSDEC TOGS Value

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

SECTION II – PROJECT DESCRIPTION

The proposed project for the property will include new mixed-use buildings with retail space on the ground floor and as many as 200 apartments ranging from studio to 3-bedroom apartment options in a new multi-story structure. Project development will include some demolition and some re-use of existing structures. The project is scheduled to start around November 2023 and have a construction duration of 18 months with a COC in December-2024.

This property is located approximately 0.5 miles from the NY-33 entrance and is adjacent to the Ellicott and East Huron bus stop, offering residents accessible public transportation around the area.

The tentative schedule for the Simon Northeast Property Project is 2 months of remediation followed by 18 months of construction with the estimated Certificate of Completion to be awarded in **December-2024**.

ATTACHMENT C

SECTION III: LAND USE FACTORS

Figure 9 – Zoning Map

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-1C Mixed-Use Core. Zone N-1C is located in downtown Buffalo and addresses mixed-use centers of high intensity, in strategic locations such as on the edges of downtown or proximate to light rail rapid transit, and often featuring mid-rise buildings consistent with the Buffalo Green Code (see Figure 9).

Current use of the property is as follows:

Former 264 Oak Street -The former 264 Oak Street property is approximately 0.10-acres and is located east of the former 383 Ellicott Street parcel. The property is currently a one-story storage warehouse.

Former 357 Ellicott Street -The former 357 Ellicott Street property is approximately 0.08-acres and is located just south of the former 367 Ellicott Street parcel. The property is currently a two-story building used for storage of electrical equipment for the Simon Electric Co located at the former 367 Ellicott Street parcel.

Former 367 Ellicott Street -The former 367 Ellicott Street property is approximately 0.06-acres and is located north of the former 357 Ellicott Street parcel and south of the former 375 Ellicott Street parcel. The property is currently a two-story building known as Simon Electric Company.

Former 375 Ellicott Street -The former 375 Ellicott Street property is approximately 0.53-acres and is located north of the former 367 Ellicott Street parcel and south of the former 379 Ellicott Street parcel. The property is currently a vacant asphalt covered parking lot.

Former 379 Ellicott Street -The former 379 Ellicott Street property is approximately 0.17-acres and is located north of the former 375 Ellicott Street property and is south of the former 383 Ellicott Street parcel. The property is currently occupied by a one-story brick building.

Former 383 Ellicott Street -The former 383 Ellicott Street property is approximately 0.26-acres and is located north of the former 379 Ellicott Street parcel, south of the former 391 Ellicott Street parcel, and directly west of the former 264 Oak Street parcel. The property is currently a stone and asphalt covered lot.

Former 391 Ellicott Street -The former 391 Ellicott Street property is approximately 0.18-acres and is located at the most northern end of the property, just north of the former 383 Ellicott Street parcel. The property is currently occupied by the former Eden Lounge Nightclub building.

Possible sources of contamination at the site are a combination of historical backfill and releases from the historical uses on each former parcel. Past use/possible sources areas include:

Former 264 Oak Street – As early as 1925 the property has a history of sign making and painting. Later it appears to be used mostly for storage.

Former 357 Ellicott Street – This property has a history of electrical equipment storage.

Former 367 Ellicott Street – Historic Street directories identify this property as Simon Electric Construction Co Electric Controllers starting in 1935. Other historic uses include metallizing from the 1960s to the 1980s which typically includes customized protective coatings for commercial, and industrial applications and can include grinding, undercutting, grit blasting, spraying and finishing. Manufacturing of gas burners for ranges as well as hosiery and veterinary product manufacturing. A construction company also utilized this property.

Former 375 Ellicott Street – Early use of the property from the late 1800s to the 1930s was for manufacturing including carriages, veneer, and polish. From the 1940s to present the property has been used for auto parking.

Former 379 Ellicott Street – The property was a livery/stable in the late 1800s and later became a garage for cars, a cab company and then parking garage. A service station/possible gas station (Ellicott Simonizing & Service Station) was identified on this property in historic street directories in 1935 and 1940. City records indicate the presence of one 1,200- and one 1,100-gallon steel tank for gasoline storage.

Former 383 Ellicott Street – The property was a garage, cab company, gasoline station and a parking lot historically. A service station/possible gas station (Market Service Station) was identified on this property in historic street directories from 1935 through 1960. City records indicate the presence of three 1,000 and two 550-gallon steel tanks for gasoline storage.

Former 391 Ellicott Street – This property was associated with electrical appliances from 1930 to the 1950s.

The tentative schedule for the Simon Northeast Property Project is 2 months of remediation followed by 18 months of construction with the estimated Certificate of completion to be awarded in December 2024.

The properties are currently in use or recently vacant with recent ownership change.

Application Section III #6 – Proposed Post-Remediation Use

The proposed project for the property will include about 200 residential units ranging from studio to 3-bedroom apartment options. Commercial space for additional retail and food services will be at first floor levels.

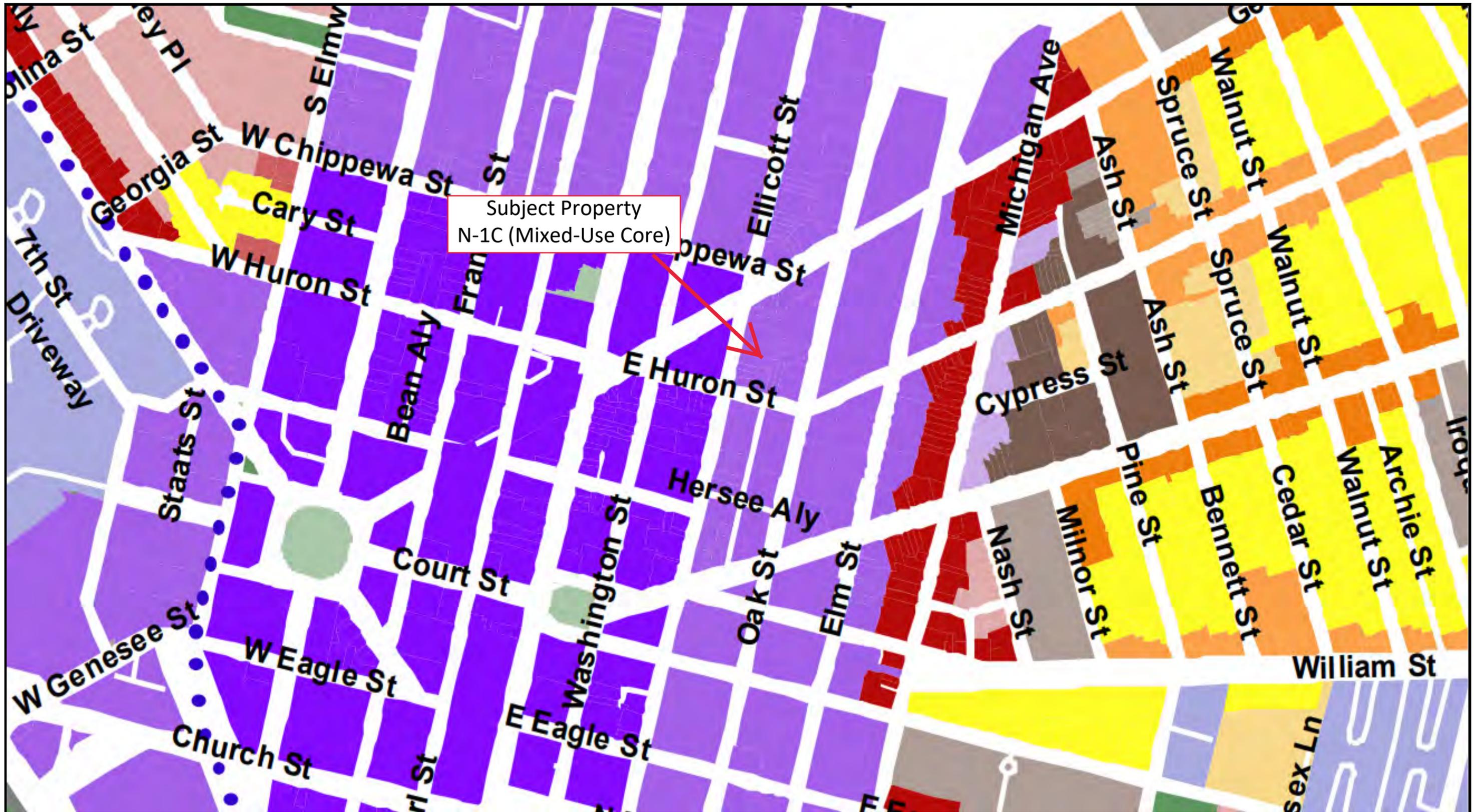
Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?

The proposed reuse is consistent with the current zoning and recent development projects – refer to Figure 9.

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 currently zoned N-1C Mixed-Use Core. Zone N-1C is located in downtown Buffalo and addresses mixed-use centers of high intensity, in strategic locations such as on the edges of downtown or proximate to light rail rapid transit, and often featuring mid-rise buildings. The Site is immediately adjacent to the west of Zone N-1D which allows a variety of uses including civic building, commercial block, stack units, and towers.

The proposed use is consistent with the Buffalo Green Code for this area of the City.



Subject Property
N-1C (Mixed-Use Core)

Zones

Urban Core (N-1)

- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)

Urban Center (N-2)

- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)

Urban Neighborhood (N-3)

- N-3C (Mixed-Use Center)
- N-3E (Mixed-Use Edge)
- N-3R (Residential)

Urban Edge (N-4)

- N-4-30 (Single Family)
- N-4-50 (Single Family)



Oct.2022

Figure 9
Zoning Map

BCP Application
Simon Northeast Properties
Buffalo, New York

SCALE: NA

SHEET 1 OF 1

Revisions

ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

Figure 7 – Same as above

Table 1&2 – Same as above

Phase I and Phase II Reports – See Electronic Copies

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

The requestor is not responsible for any of the environmental impacts associated with the property, all of which existed prior to his ownership. The subject property historical uses included gasoline sales and automobile service, auto parking, equipment storage and veneer/polish and carriage manufacturing as well as sign making/painting and metallizing. A detailed listing of the past use of the property is provided in Attachment A.

Brydges Engineering in Environment and Energy, DPC (BE3) is not aware of any detailed environmental investigations completed at the Site. BE3 completed a Phase I and Phase II ESA in 2021/2022 (noted below). Additionally, a tank was removed at the former 367 Ellicott Street parcel (Spill #9405790) in 1994. The spill was given a no further action designation based on a benzene level in soil of 38 ppb.

There are three historic data records associated with the property including:

- The Market Service Station at the former 383 Ellicott Street parcel which operated from 1930 to 1960;
- Ellicott Simonizing Service Station at the former 379 Ellicott Street parcel which operated from 1935-1940; and
- A UST at the former 371-381 Ellicott Street parcel which may have been associated with the UST removal noted above.

Three brownfield sites were noted nearby the property. These appear to be down or cross-gradient to the subject property and include:

- Located north-northeast at Ellicott and Oak Streets (BCP NO. C915366), The Site was used for residential, commercial, and light industrial purposes from at least 1889 to the present. An auto storage and ignition service/garage existed on the northern portion of the Site and included a former gasoline tank. A previous Phase II Environmental Investigation identified polycyclic aromatic hydrocarbons (PAHs) and metals in the soil/fill across the Site at concentrations exceeding 6 NYCRR Part 375 unrestricted Soil Cleanup Objectives (USCOs), restricted residential SCOs (RRSCOs), commercial SCOs (CSCOs), and industrial SCOs (ISCOs).
- Located west of the property at 535 Washington Street and identified as the Electric Tower (Site Code: C915189), this property was submitted for entry into the Brownfield program but was not accepted. The site was a parking lot connected to an office building located at 535 Washington Street. Historically, three USTs were located beneath the parking area of the east side of the Electric Building. These were removed from the site nearly 10 years ago. A Phase II investigation identified petroleum contaminated in the location of the removed USTs. The spill (number 0311417) was made inactive on June 29, 2005 after cleanup was conducted. The site was not accepted into the Brownfield Cleanup Program. The primary contaminants are petroleum contaminated soils which contain Volatile Organic Compounds (VOCs) and Semi-Volatile Organic Compound (SVOCs) that exceed guidance values. There is no evidence of offsite migration of contaminants.
- Located south of the subject property, the Buffalo Tin Plating Site is at 194 Oak St. (Site Code: 915250) on the corner of Oak St. and Hersee Alley and is presently a paved parking

from Hersee Alley to Broadway. A Site Characterization in 2012 determined that no further action was necessary at the site.

An electronic copy of a recent Phase I ESA and Phase II Investigation Report (per ECL 27-1407(1)) **in Portable Document Format (PDF)** is included with this application. The 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 property and that the site requires remediation as described in Attachment C.

The property is a brownfield site with metal and SVOC (PAH) contaminants in near surface soils exceeding the soil cleanup objectives/other criteria for the anticipated mixed residential, public recreational, and commercial use of the properties. Attached to this appendix are site figures and data summary tables as requested in Section III, #3 of the BCP application form.

- Investigation locations and associated analytical results are provided on Figure 7.
- Copy of the referenced investigatory reports are provided individually in the zipped file submitted to the NYSDEC File Transfer Service.

November 2021 Phase I ESA and 2022 Phase II ESA Summary

BE3 completed a Phase I Environmental Site Assessment (ESA) in November of 2021 followed by a Phase II ESA in January 2022. Field observations and laboratory results from the BE3 2022 investigation indicate that there are urban fill conditions in the near-surface soil resulting in compounds above unrestricted to restricted residential SCOs. Metal and SVOC exceedances were observed in near surface soil samples. The fill depth varied from one foot to four feet across the property. Also, there was field and laboratory indication of impacts from the historical use and storage of petroleum.

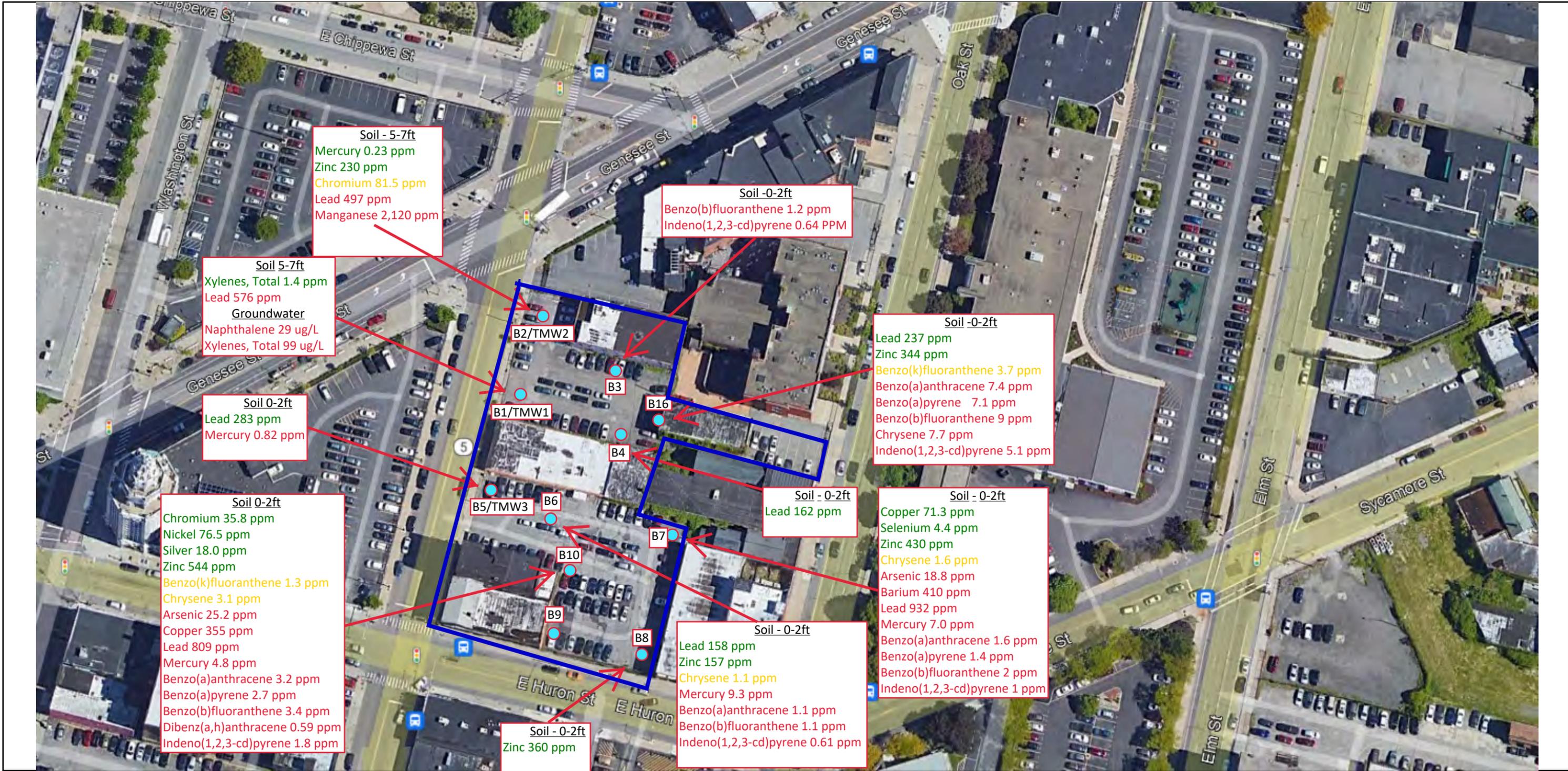


FIGURE 7: North Soil Boring Locations With Results

Simon Properties
 Buffalo, New York

1/11/2022
 Douglas Development



Note: Site Boundary Shown in Blue

Green-Above unrestricted SCOs
 Yellow-Above residential SCOs
 Red-Above restricted residential SCOs
 Blue Circle Boring Locations

**TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)		
	B1S2	B1S3	B2S2	B3S1	B3S3	B4S1	B5S1	B6S1	B7S1	Unrestricted	Residential	Restricted Residential
	5-7	10-12	5-7	0-2	10-12	0-2	0-2	0-2	0-2			
12/21/2021												
METALS/INORGANICS												
Aluminum	9,580	-	11,300	4,250	-	11,900	8,610	11,800	11,000	-	-	-
Antimony	1.3 J	-	8.9 J	0.87 J	-	0.88 J	1.5 J	0.70 J	2.7 J	-	-	-
Arsenic	4.8	-	10.4	1.4 J	-	5.5	5.8	4.5	18.8	13	16	16
Barium	79.4	-	264	22.8	-	107	69.3	58.2	410	350	350	400
Beryllium	0.51	-	0.76	0.22 J	-	1.1	0.46	0.62	0.62	7.2	14	72
Cadmium	0.31	-	0.82	0.14 J	-	1.2	0.68	0.36	0.81	2.5	2.5	4.3
Calcium	56,700 B	-	77,100 B	42,700 B	-	55,500 B	34,700 B	14,300 B	17,100 B	-	-	-
Chromium	14.6	-	81.5	6.4	-	14.6	17.5	16.0	24.4	30	36	180
Cobalt	5.6	-	6.6	2.3	-	5.5	4.3	4.8	9.8	-	-	-
Copper	17.1	-	42.1	4.4	-	19.7	32.2	23.2	71.3	50	270	270
Iron	14,300 B	-	30,000 B	7,200 B	-	13,500 B	13,400 B	11,900 B	21,800 B	-	-	-
Lead	576	-	497	14.4	-	162	283	158	932	63	400	400
Magnesium	7,430	-	9,190	18,100	-	15,700	10,600	5,990	6,030	-	-	-
Manganese	380	-	2,120 B	194 B	-	577 B	447 B	106 B	405 B	1,600	2,000	2,000
Mercury	0.067	-	0.23	0.021	-	0.064	0.82	9.3	7.0	0.18	0.81	0.81
Nickel	14.9	-	22.6	5.2 J	-	19.1	28.3	13.6	19.6	30	140	310
Potassium	2,390	-	1,710	1,280	-	2,600	1,380	1,170	1,980	-	-	-
Selenium	1.3 J	-	3.2 J	ND	-	1.2 J	1.1 J	0.88 J	4.4 J	3.9	180	1,500
Silver	ND	-	0.53 J	ND	-	ND	0.43 J	0.27 J	0.77 J	2	180	1,500
Sodium	380 B	-	383 B	226 B	-	353 B	390 B	280 B	421 B	-	-	-
Vanadium	22.4	-	48.7	14.2	-	21.4	19.0	21.8	26.3	-	-	-
Zinc	103	-	230	34.3	-	97.3	90.6	157	430	109	2,200	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)												
2-Methylnaphthalene	ND	-	ND	ND	-	ND	ND	0.059 J	ND	-	-	-
Acenaphthene	ND	-	ND	ND	-	ND	ND	0.26	0.35 J	20	100	100
Acenaphthylene	ND	-	ND	ND	-	ND	ND	0.039 J	ND	100	100	100
Anthracene	ND	-	ND	ND	-	ND	ND	0.6	0.74 J	100	100	100
Benzo(a)anthracene	ND	-	ND	0.87 J	-	0.21 J	ND	1.1	1.6	1	1	1
Benzo(a)pyrene	ND	-	ND	0.91 J	-	ND	ND	0.95	1.4	1	1	1
Benzo(b)fluoranthene	ND	-	ND	1.2 J	-	ND	ND	1.1	2	1	1	1
Benzo(g,h,i)perylene	ND	-	ND	0.76 J	-	0.24 J	ND	0.62	1.1	100	100	100
Benzo(k)fluoranthene	ND	-	ND	0.41 J	-	ND	ND	0.46	0.58 J	0.8	1	3.9
Carbazole	ND	-	ND	ND	-	ND	ND	0.24	0.31 J	-	-	-
Chrysene	ND	-	ND	0.91 J	-	ND	ND	1.1	1.6	1	1	3.9
Dibenz(a,h)anthracene	ND	-	ND	ND	-	ND	ND	0.2 J	0.3 J	0.33	0.33	0.33
Dibenzofuran	ND	-	ND	ND	-	ND	ND	0.18 J	0.16 J	7	14	59
Fluoranthene	0.22 J	-	3.4 J	1.5 J	-	0.39 J	ND	2.4	4	100	100	100
Fluorene	ND	-	ND	ND	-	ND	ND	0.26	0.3 J	30	100	100
Indeno(1,2,3-cd)pyrene	ND	-	ND	0.64 J	-	ND	ND	0.61	1 J	0.5	0.5	0.5
Naphthalene	ND	-	ND	ND	-	ND	ND	0.083 J	ND	12	100	100
Phenanthrene	0.17 J	-	ND	0.61 J	-	ND	ND	2.3	3	100	100	100
Pyrene	0.17 J	-	2.9 J	1.3 J	-	0.31 J	ND	2	3.1	100	100	100
Other SVOCs	ND	-	ND	ND	-	ND	ND	ND	ND	Various	Various	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)												
Acetone	ND	ND	0.0096 J	-	0.0098 J	-	-	-	-	0.05	100	100
Isopropylbenzene	1 J	2.1 J	ND	-	ND	-	-	-	-	-	-	-
Methylcyclohexane	17	59	ND	-	ND	-	-	-	-	-	-	-
Xylenes, Total	1.4 J	ND	0.0013 J	-	ND	-	-	-	-	0.26	100	100
Other VOCs	ND	ND	ND	-	ND	-	-	-	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

9,580 Analyte detected

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

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

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

**TABLE 1
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date									NYSDEC Soil Cleanup Objectives (SCOs)		
	B8S1	B9S1	B10S1	B11S1	B12S1	B13S1	B14S1	B15S1	B16S1	Unrestricted	Residential	Restricted Residential
	0-2	0-2	0-2	0-2	0-2	0-2	0-2	0-2	0-2			
12/21/2021												
METALS/INORGANICS												
Aluminum	5,280	4,290	9,970	13,700	7,750	8,890	4,500	3,120	9100	-	-	-
Antimony	0.71 J	0.70 J	4.3 J	2.8 J	1.7 J	0.94 J	0.64 J	0.47 J	2.6 J	-	-	-
Arsenic	2.7	4.6	25.2	11.6	6.2	5.1	1.5 J	1.5 J	7.7	13	16	16
Barium	43.5	23.0	289	235	50.2	49.1	15.8	8.8	246	350	350	400
Beryllium	0.23 J	0.20 J	0.72	1.7	0.42	0.36	0.21	0.15 J	0.85	7.2	14	72
Cadmium	0.19 J	0.25	2.1	1.2	0.26	0.16 J	0.17 J	0.10 J	0.77	2.5	2.5	4.3
Calcium	107,000 B	171,000 B	35,900 B	48,500 B	94,700 B	94,300 B	41,000 B	112,000 B	41,900 B	-	-	-
Chromium	8.3	9.0	35.8	18.0	10.5	11.7	6.3	5.7	12.8	30	36	180
Cobalt	2.4	2.5	7.9	5.6	4.9	4.9	2.2	1.4	3.8	-	-	-
Copper	11.8	12.2	355	36.4	58.6	9.3	5.6	4.7	18.1	50	270	270
Iron	7,980 B	5,480 B	25,300 B	28,500 B	10,500 B	11,400 B	6,490 B	4,130 B	28,900 B	-	-	-
Lead	46.3	44.4	809	183	601	13.4	13.2	8.3	237	63	400	400
Magnesium	56,400	14,600	13,600	7,500	20,600	15,800	23,200	7,810	12,400	-	-	-
Manganese	278 B	141 B	374 B	1,480 B	302 B	317 B	253 B	88.1 B	453 B	1,600	2,000	2,000
Mercury	0.096	0.12	4.8	0.48	0.14	0.017 J	0.027	0.036	0.098	0.18	0.81	0.81
Nickel	8.2	12.5	76.5	18.6	15.2	13.3	5.9	5.6	12.3	30	140	310
Potassium	2,050	1,150	2,060	1,940	1,940	2,510	1,260	1,030	1,300	-	-	-
Selenium	ND	ND	3.2 J	3.1 J	0.82 J	0.69 J	0.51 J	ND	3.0 J	3.9	180	1,500
Silver	ND	ND	18.0	0.34 J	ND	ND	ND	ND	ND	2	180	1,500
Sodium	225 B	272 B	382 B	610 B	344 B	288 B	254 B	183 B	327 B	-	-	-
Vanadium	12.7	13.7	30.2	23.2	19.7	20.3	11.2	8.6	17.7	-	-	-
Zinc	360	56.7	544	266	83.7	43.9	36.5	35.3	344	109	2,200	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)												
2-Methylnaphthalene	ND	ND	ND	0.21 J	ND	ND	0.79 J	ND	ND	-	-	-
Acenaphthene	ND	ND	0.39 J	0.38 J	ND	ND	2.8 J	ND	ND	20	100	100
Acenaphthylene	ND	ND	0.27 J	ND	ND	ND	1.1 J	ND	ND	100	100	100
Anthracene	ND	ND	1.2	0.8 J	ND	ND	6.9	ND	ND	100	100	100
Benzo(a)anthracene	ND	ND	3.2	1.7	ND	ND	14	ND	7.4 J	1	1	1
Benzo(a)pyrene	ND	ND	2.7	1.6	ND	ND	12	ND	7.1 J	1	1	1
Benzo(b)fluoranthene	ND	ND	3.4	1.9	ND	ND	16	ND	9 J	1	1	1
Benzo(g,h,i)perylene	ND	ND	1.8	1.4	ND	ND	8.5	ND	5 J	100	100	100
Benzo(k)fluoranthene	ND	ND	1.3	0.84 J	ND	ND	5.4	ND	3.7 J	0.8	1	3.9
Carbazole	ND	ND	0.75 J	0.48 J	ND	ND	3.2 J	ND	ND	-	-	-
Chrysene	ND	ND	3.1	1.6	ND	ND	13	ND	7.7 J	1	1	3.9
Dibenz(a,h)anthracene	ND	ND	0.59 J	0.42 J	ND	ND	2 J	ND	ND	0.33	0.33	0.33
Dibenzofuran	ND	ND	0.31 J	0.3 J	ND	ND	2.1 J	ND	ND	7	14	59
Fluoranthene	ND	ND	7.2	3.9	ND	ND	36	ND	18 J	100	100	100
Fluorene	ND	ND	0.49 J	0.39 J	ND	ND	2.3 J	ND	ND	30	100	100
Indeno(1,2,3-cd)pyrene	ND	ND	1.8	1.3	ND	ND	7.6	ND	5.1 J	0.5	0.5	0.5
Naphthalene	ND	ND	0.15 J	0.24 J	ND	ND	1 J	ND	ND	12	100	100
Phenanthrene	ND	ND	5.4	3.5	ND	ND	32	ND	13 J	100	100	100
Pyrene	ND	ND	5.2	2.7	ND	ND	29	ND	13 J	100	100	100
Other SVOCs	ND	ND	ND	ND	ND	ND	ND	ND	ND	Various	Various	Various
VOLATILE ORGANIC COMPOUNDS (VOCs)												
VOCs	-	-	-	-	-	-	-	-	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

5,280 Analyte detected

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

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

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

**TABLE 2
SUMMARY OF GROUNDWATER RESULTS**



Parameter Tested	Sample Identification, Approximate Groundwater Depth Feet Below Ground Surface, and Sample Date				NYSDEC TOGS 1.1.1 GA
	TMW1	TMW2	TMW3	TMW4	
	-	7.42	7.45	9.3	
	12/21/2021				
VOLATILE ORGANIC COMPOUNDS (VOCs)					
2-Butanone (MEK)	ND	ND	ND	1.6 J	50
Acetone	ND	4.4 J	3.2	7.7 J	50
Benzene	ND	0.51 J	0.54 J	0.41 J	1
Cyclohexane	360	1.0	0.35 J	0.21 J	-
Methylcyclohexane	810	2.0	0.27 J	ND	-
Toluene	ND	0.84 J	0.57 J	ND	5
Xylenes, Total	99 J	0.71 J	ND	ND	5
Other VOCs	ND	ND	ND	ND	Various
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)					
Fluoranthene	8.8 J	ND	-	-	50
Naphthalene	29 J	ND	-	-	10
Pyrene	7.7 J	ND	-	-	50
Other SVOCs	ND	ND	-	-	Various

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

- Not Applicable or sample not tested for this analyte

360 Analyte Detected

99 Reported Concentration Exceeds NYSDEC TOGS Value

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

NYSDOS Entity Information Print Out

SECTION V – Requester Information

The Requestor, JEMAL'S SIMON L.L.C. is an LLC authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout. The names of the members/owners of the LLC are provided below:

Douglas Jemal

Norman Jemal

Matthew Jemal

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 SIMON LLC

DOS ID: 6234240

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: 08/03/2021

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING:

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ERIE

NEXT STATEMENT DUE DATE: 08/31/2023

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: C/O DOUGLAS DEVELOPMENT CORP.

Address: 655 NEW YORK AVENUE, SUITE 830, WASHINGTON, DC, UNITED STATES, 20001

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

ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY

SECTION VI – Requestor Eligibility

The Applicant/Requester, JEMAL'S SIMON LLC qualifies as a "Volunteer" in accordance with NY ECL27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). JEMAL'S SIMON LLC took ownership of the Site in August 2021. The Volunteer Applicant 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 SIMON LLCs liability for the property arises solely as a result of taking ownership of the Site.

JEMAL'S SIMON LLC has acted with due care since taking ownership of the property. All of the buildings are secured from entry and/or in use and no site development activities have taken place since transfer of ownership. The requestor will exercise appropriate care and perform reasonable steps to mitigate any (1) continuing discharge of, (2) threatened future release of, and (3) human or environmental exposure to hazardous materials from the Site and will secure the property from unwanted access when the investigation/development starts.

The requestor should be considered as a volunteer, as it is anticipated hazardous material mitigation will be achieved at the site by utilizing the following approach:

- Knowing the potential historical site environmental impacts via previous assessments, identify extent of recognized environmental conditions performing a thorough investigation of the site including soil, water, and air.
- Utilizing results of investigation, perform remedial measures that could include soil removal, construction and demolition debris removal, soil vapor mitigation, groundwater treatment, abatement of building materials, installation of barriers, etc.
- Establish administrative controls at the site, as necessary, to protect human health and the environment during future activities and occupation at the site.

Furthermore, it should be noted that the requestor has not initiated any operations or property use that would contribute to environmental impacts; was not the owner of the site at the time of release of any contamination; and has no legal relationship with current owner beyond the real estate contract to purchase the property.

ATTACHMENT G

SECTION VII: REQUESTOR CONTACT INFORMATION

SECTION VII – REQUESTOR CONTACT INFORMATION

The Requester, **JEMAL'S SIMON L.L.C.**, representative is Mr. Greg Baker who is the Director of Development for Douglas Development/**JEMAL'S SIMON L.L.C.**

Requestor Address & Phone Number

Mr. Greg Baker
JEMAL'S SIMON LLC
1 Seneca Drive
Buffalo, NY 14203
716-517-1104
gbaker@douglasdev.com

Requestor's Consultant Address & Phone Number

Mr. Jason Brydges
Brydges Engineering in Environment & Energy DPC
960 Busti Ave
Buffalo, New York 14213
716-249-6880
jbrydges@be3corp.com

Requestor's Attorney

Lindsey Haubenreich
Phillips Lytle, LLP
One Canalside
125 Main Street
Buffalo, NY 14203-2887
716-847-8400
lhaubenreich@phillipslytle.com

ATTACHMENT H

SECTION VIII: PROGRAM FEE

SECTION VIII – PROGRAM FEE

The Requester, **JEMAL'S SIMON LLC**, is not applying for a fee waiver.

ATTACHMENT I

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION

SECTION IX – Current Property Owner and Operator Information

The Current Owner of the Site is:

JEMAL’S SIMON LLC
 655 New York Avenue NW Suite 830, Washington DC 20001
 (202)-638-6300
gbaker@douglasdev.com

Douglas Jemal, Norman Jemal, and Matthew Jemal are the members/owners of the LLC.

Previous Property Owners/Operators

Former 264 Oak Street

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
1975-2021	Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner	None

Note Property was residential from 1925

Former 357 Ellicott Street (also includes 365 Ellicott on Sanborn maps)

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
1975-2021	Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner – electrical parts storage	None
1992	Huronell Corp	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	supplies	None
1950-1980	Ellicott Electric Equipment Company	357-365 Ellicott Street	Appliances	None
1925	Huron Inn	357-365 Ellicott Street	Inn	None

Former 367 Ellicott Street

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/ MEMBERS
1935-2021	Simon Electric /Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner/electricians/electric motor repair	None
1975-1994	Wilbert Construction Corp	367 Ellicott Street – inactive – merged out - Dissolution Date 21 December 1995 – CEO Bert Simon	construction	None
1964-1992	Huronell Corp	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	parking	None
1960-1985	Metallizing Company of Buffalo	940 Kenmore Ave, Buffalo, NY 14217	Machine shop	None
1930	Old Homestead Mere Corp	367 Ellicott Street	hosiery	None
1925	Union Gas Burner Co	367 Ellicott Street	Manufacture burners for ranges	None

Former 375 Ellicott Street

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/ MEMBERS
1992	Empark Inc	1 Marine Midland Ctr Buffalo, New York 14203- (716) 852-6808	parking	None
1960-1985	Huronell Corp	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	Auto Parking	None
1955	Mel Ott	375 Ellicott Street	Auto Parking	None
1946-1955	Joseph Wiggins	375 Ellicott Street	Auto Parking	

1940	Earl C McCurdy	375 Ellicott Street	Auto parking	None
1925	Buffalo Specialty Company/Liquid Veneer Corp	375 Ellicott Street - Oliver F. Cabana	liquid veneer, automotive products and rat poison including "Holdfast" Gasket Liquid Shellac "Liquid Veneer" "Never-Knock" Carbon Remover "Neverleak" Tire Fluid Radiator "Neverleak" "Rat-Nip"	None

Former 379 Ellicott Street

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
1992-1998	Cellular One Service Center	MTPCS, LLC, d.b.a. Cellular One 295 East Swedesford Road, Suite 356 Wayne, PA 19087 /1-877-320-3486	Cell phones	None
1964	Huronell Corp	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	Auto Parking	None
1955	Mel Ott	379 Ellicott Street	Auto Parking	None
1946-1955	Eastern Cab Company	379 Ellicott Street	Transportation service	None
1935-1940	Ellicott Simonizing & Service Station	379 Ellicott Street	Auto service and gasoline sales	None
1925-1930	Indiana Garage	379 Ellicott Street	Auto parking	None

Former 383 Ellicott Street

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
1985-1992	Huronell Corp	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	Auto parking	None

1970-1980	Bert Simon Parking Lot	367 Ellicott Street/ 716-852-3824 - Inactive - Merged Out (Dec 21, 1994)	Auto Parking	None
1964	Johns Parking	383 Ellicott Street	Auto Parking	None
1935-1960	Market Service Station	383 Ellicott Street	Auto Service and gasoline sales	None
1930	The Hanna Garage Co Ltd	383 Ellicott Street	Auto Parking	None
1925	Union Taxi	383 Ellicott Street	Transportation Services	None
1889	Enders Hotel/Turn Hall/Girard's Family Theater	383 Ellicott Street	Hotel and theater	None

Former 391 Ellicott Street (note addresses also include 393 Ellicott)

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
2022	Eden Lounge	391 Ellicott Street Buffalo, NY 716-844-3352	Nightclub-Bands Concert Venue	None
2008	Buffalo Icon Entertainment	391 Ellicott Street Buffalo, NY 14203/716-427-7355	Concert/Venue	None
2004	Variant Enterprise	146 Hewitt Avenue BUFFALO, NY 14215 / (716) 510-7528	entertainment	None
1985-1992	Appco	20 Cathedral Park Blvd, Buffalo, NY 14202 - Dissolution By Proclamation	Plumbing and heating	None
1960-1970	The Salvation Army	278 W Ferry Street Buffalo, NY, 14213/1-800-728-7825	General store	None
1930-1955	Mary Cullen/Bessie Eckels	391 Ellicott Street	Room Furnishings	None
1904-1955	Schwegler Brothers	391 Ellicott Street	Electrical appliances	None

ATTACHMENT J

SECTION X: PROPERTY ELIGIBILITY INFORMATION

SECTION X – PROPERTY ELIGIBILITY INFORMATION

CERCLA/NPL Listing - the Site is and has never been listed as an NPL site

Registry Listing - the site has never been listed as a NYS Inactive Hazardous Waste Disposal site

RCRA Listing - the Site was not identified as a RCRA TSDF

Existing Order – Subject to Navigation Law or ECL - the Site was never identified subject to the Navigation Law or ECL

Pending Enforcement Action – The property is not and has not been subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL

ATTACHMENT K

SECTION XI: SITE CONTACT LIST

Library Repository Acceptance attachment

SECTION VII – Contact List Information – Site Contact List and Doc Repository Letter

Site Contact List

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

Erie County Contacts:

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

Daniel Castle, AICP County Environment and Planning Commissioner
Edward A. Rath County Office Building
95 Franklin Street, 16th Floor
Buffalo, NY 14202
Phone: (716) 858-8500

Erie County Legislator Howard Johnson - District 1
1367 Fillmore Ave
Buffalo, NY 14211

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 Contacts:

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

Brendan R. Mehaffy - Director of Planning:
Executive Director
65 Niagara Square, Room 901
Buffalo, NY 14202

Darius G. Pridgen
Ellicott District Councilmember
City Hall
65 Niagara Sq., Rm 1315
Buffalo, NY 14202

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

Supplier of Potable Water:

Buffalo Water Department
Veolia Water
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:

Buffalo Academy of Science Charter School
Executive Director – Joseph B. Polat
190 Franklin St, Buffalo, NY 14202
(716) 854-2490

Health Sciences Charter School
Charter school
Principal - Mr. Rob Baxter
1140 Ellicott St, Buffalo
(716) 888-4080

Toot-Toot Daycare
Director - Diane T. Abram
43 Northampton St,
Buffalo, NY, United States, 14209
716) 884-1816

Adjacent Property Owners

20 East Huron Street
SBL: 111.46-7-1.1
Iskalo Electric Tower LLC
5166 Main Street

Williamsville, New York 14221

75 East Huron Street
SBL 111.46-6-1
Iskalo Electric Tower LLC
5166 Main Street
Williamsville, New York 14221

68 East Huron Street
SBL 111.46-5-13.1
Iskalo 68 East Huron LLC
5166 Main Street
Williamsville, New York 14221

337 Ellicott Street
SBL111.46-6-8
Iskalo 337 Ellicott LLC
5166 Main Street
Williamsville, New York 14221

31 Huron Street
SBL 111.46-8-2.1
Simon Properties Southwest
Douglas Development
65 New York Ave. Suite 830
Washington, DC 20001

111 Genesee Street
SBL 111.46-5-1.1
Genesee Gateway LLC
C/O Larkin Development Group
726 Exchange Street
Buffalo, NY 14210

97 Genesee Street LLC
SBL 111.46-5-3
97 Genesee
Buffalo, New York, 14203

254 Oak Street
SBL 111.46-5-12
Iskalo 68 East Huron LLC
5166 Main Street
Williamsville, New York 14221

258 Oak Street

SBL 111.46-5-11
Iskalo 68 East Huron LLC
5166 Main Street
Williamsville, New York 14221

262 Oak Street
SBL 111.46-5-10
Iskalo 68 East Huron LLC
5166 Main Street
Williamsville, New York 14221

275 Oak Street
SBL 111.47-1-1.12
Enterprise Charter School
275 Oak Street
Buffalo, New York 14203

Oak School Lofts (266 Oak Street)
SBL 111.46-5-8
391 Washington St,
Buffalo, NY 14203

From: [April Tompkins](#)
To: [Peter Gorton](#)
Subject: FW: Document Repository - re Simon Properties Northeast, Buffalo, New York
Date: Wednesday, October 5, 2022 1:40:13 PM
Attachments: [Library Repository Letter NEa.pdf](#)

CAUTION: This email originated from outside of the organization.

Good afternoon Peter,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program for the Simon Properties Northeast, Buffalo, New York at the following locations/sites:

- **264 Oak Street, Buffalo, New York**
- **357 Ellicott Street, Buffalo, New York**
- **367 Ellicott Street, Buffalo, New York**
- **375 Ellicott Street, Buffalo, New York**
- **379 Ellicott Street, Buffalo, New York**
- **383 Ellicott Street, Buffalo, New York**
- **391 Ellicott Street, Buffalo, New York**

These documents will be made available for public viewing at the **Central Library** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your 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 any 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.

This email serves as sufficient documentation in replacement of the attached document requiring a signature, and has been accepted by your company, for past/recent requests. 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, Senior 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: Peter Gorton <pgorton@be3corp.com>
Sent: Wednesday, October 5, 2022 9:42 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Cc: Jason Brydges <jbrydges@be3corp.com>
Subject: RE: Document Repository - 308 Crowley Avenue Site

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