

Brownfield Cleanup Program Application

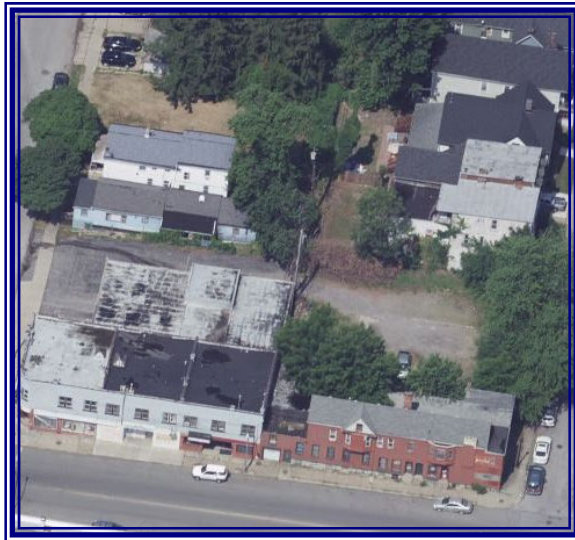
147 West Tupper Street Site Buffalo, New York

July 2022

0646-022-001

Prepared For:

147 West Tupper LLC



Prepared By:



Brownfield Cleanup Program Application

147 West Tupper Street Site

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



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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. Yes No
 If yes, provide existing site number: _____

Is this a revised submission of an incomplete application? Yes No
 If yes, provide existing site number: _____

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SECTION I: Property Information

PROPOSED SITE NAME 147 West Tupper Street Site

ADDRESS/LOCATION 147-149 & 159-161 West Tupper Street and 42-44 Trinity Place

CITY/TOWN Buffalo ZIP CODE 14201

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

COUNTY Erie SITE SIZE (ACRES) 0.73

LATITUDE			LONGITUDE		
43	°	53	'	40.9	"

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
See Appendix A; Section I				

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. See Appendix A; Section I	<input checked="" type="radio"/> Y	<input type="radio"/> N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map) See Figures 1 through 3	<input checked="" type="radio"/> Y	<input type="radio"/> N
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0% <input checked="" type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input type="radio"/>	<input type="radio"/> Y	<input checked="" type="radio"/> N
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/> Y	<input checked="" type="radio"/> N

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: _____	Y <input type="radio"/>	N <input checked="" type="radio"/>						
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>						
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input type="radio"/>	<input checked="" type="radio"/>						
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	<input type="radio"/>	<input checked="" type="radio"/>						
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	<input type="radio"/>	<input checked="" type="radio"/>						
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>						
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <table border="0" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Easement/Right-of-Way Holder</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Description</u></th> </tr> </thead> <tbody> <tr> <td colspan="2" style="padding-top: 10px;">None/unknown</td> </tr> </tbody> </table>	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	None/unknown		<input type="radio"/>	<input checked="" type="radio"/>		
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>							
None/unknown								
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%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;"><u>Type</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Issuing Agency</u></th> <th style="text-align: left; border-bottom: 1px solid black;"><u>Description</u></th> </tr> </thead> <tbody> <tr> <td colspan="3" style="padding-top: 10px;">None/unknown</td> </tr> </tbody> </table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	None/unknown			<input type="radio"/>	<input checked="" type="radio"/>
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>						
None/unknown								
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? See Appendix A; Section I	<input checked="" type="radio"/>	<input type="radio"/>						
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.								
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	NA <input type="radio"/>	<input type="radio"/>						
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?	NA <input type="radio"/>	<input type="radio"/>						
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	NA <input type="radio"/>	<input type="radio"/>						
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.								
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.								
Initials of each Requestor: _____								

SECTION II: Project Description

1. The project will be starting at: 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 See Appendix A; Section II
See Figure 9

SECTION III: Land Use Factors See Appendix A; Section III

1. What is the property's current municipal zoning designation? N-2R

2. What uses are allowed by the property's current zoning (select all that apply)?
 Residential Commercial Industrial

3. Current use (select all that apply):
 Residential Commercial Industrial Recreational Vacant

	Y	N
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?	<input checked="" type="radio"/>	<input type="radio"/>
5. Reasonably anticipated post-remediation use (check all that apply): Residential <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> If residential, does it qualify as single-family housing? <input type="radio"/> N/A	<input type="radio"/>	<input checked="" type="radio"/>
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	<input checked="" type="radio"/>	<input type="radio"/>
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
8. Do current and/or recent development patterns support the proposed use?	<input checked="" type="radio"/>	<input type="radio"/>
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation and additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation and additional documentation if necessary.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION IV: Property's Environmental History

See Appendix A; Section IV

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

- 1. Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
- 2. SAMPLING DATA: INDICATE (BY SELECTING THE OPTIONS BELOW) KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED AS AN ATTACHMENT, WITH LABORATORY REPORTS REFERENCED AND INCLUDED.**

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other VOCs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SVOCs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCBs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PFAS	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1,4-dioxane	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other – indicated below	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Please describe other known contaminants and the media affected:

- For each impacted medium above, include a site drawing indicating:

- Sample location
- Date of sampling event
- Key contaminants and concentration detected
- For soil, highlight exceedances of reasonably anticipated use
- For groundwater, highlight exceedances of 6 NYCRR part 703.5
- For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

See Appendix A; Section IV
See Figure 7

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

- Indicate Past Land Uses (check all that apply):

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

Other: Past uses of the Site include automotive repair, warehousing, manufacturing/cutting dies, dental instrument service/manufacturing, factory, commercial storefront, and residential

SECTION V: Requestor Information See Appendix A; Section V		
NAME 147 West Tupper LLC		
ADDRESS 61 Johnson Park, Suite A		
CITY/TOWN Buffalo		ZIP CODE 14201
PHONE 716-616-0056	EMAIL chris.wan@dynogrp.com	
1. Is the requestor authorized to conduct business in New York State (NYS)?	Y <input checked="" type="radio"/>	N <input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility See Appendix A; Section VI		
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?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
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?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	<input type="checkbox"/>	VOLUNTEER See Appendix A; Section VI <input checked="" type="checkbox"/>
NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.		
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

SECTION VI: Requestor Eligibility (CONTINUED)[See Appendix A; Section VI](#)

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**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information****REQUESTOR'S REPRESENTATIVE**

Chris Wan

ADDRESS

61 Johnson Park, Suite A

CITY

Buffalo

ZIP CODE

14201

PHONE

716-616-0056

EMAIL

chris.wan@dynogrp.com

REQUESTOR'S CONSULTANT (CONTACT NAME)

Mr. Thomas H. Forbes, P.E.

COMPANY

Benchmark Civil/Environmental Engineering & Geology, PLLC

ADDRESS

2558 Hamburg Turnpike, Suite 300

CITY

Buffalo

ZIP CODE

14218

PHONE

716-856-0599

EMAIL

tforbes@bm-tk.com

REQUESTOR'S ATTORNEY (CONTACT NAME)

Ms. Sandy Nasca, Esq.

COMPANY

The Knoer Group, PLLC

ADDRESS

Liberty Building, 424 Main Street, Suite 1820

CITY

Buffalo

ZIP CODE

14202

PHONE

716-332-0032

EMAIL

snasca@knoergroup.com

SECTION VIII: Program Fee		
Upon submission of an executed Brownfield Cleanup Agreement to the Department, the requestor is required to pay a non-refundable program fee of \$50,000. Requestors may apply for a fee waiver based on demonstration of financial hardship.		
	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input type="radio"/>	<input checked="" type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
Is the appropriate documentation included with this application?		

SECTION IX: Current Property Owner and Operator Information		See Appendix A; Section IX
CURRENT OWNER 147 West Tupper LLC		
CONTACT NAME Chris Wan		
ADDRESS 61 Johnson Park, Suite A		
CITY Buffalo	ZIP CODE 14201	
PHONE 716-616-0056	EMAIL chris.wan@dynogrp.com	
OWNERSHIP START DATE See Appendix A; Section IX		
CURRENT OPERATOR 147 West Tupper LLC		
CONTACT NAME Same as Requestor		
ADDRESS Same as Requestor		
CITY Same as Requestor	ZIP CODE Same as Requestor	
PHONE Same as Requestor	EMAIL Same as Requestor	
OPERATION START DATE See Appendix A; Section IX		

SECTION X: Property Eligibility Information		
	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>

SECTION X: Property Eligibility Information (continued)

	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: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.	<input type="radio"/>	<input type="radio"/>
N/A <input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

See Appendix A; Section XI


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

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am Manager (title) of 147 West Tupper LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 7/21/22 Signature: 
Print Name: Christopher Wan

SUBMITTAL INFORMATION

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

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

FOR DEC USE ONLY

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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

From ECL 27-1405(31):

“Upside down” shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

From 6 NYCRR 375-3.2(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
- 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 meets the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

- Yes
- 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.

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BCP APPLICATION SUMMARY (FOR DEC USE ONLY)			
SITE NAME 147 West Tupper Street Site		SITE ADDRESS 147-149 & 159-161 West Tupper Street and 42-44 Trinity Place	
CITY Buffalo	COUNTY Erie	ZIP 14201	
REQUESTOR NAME 147 West Tupper LLC		REQUESTOR ADDRESS 61 Johnson Park, Suite A	
CITY Buffalo	ZIP 14201	EMAIL chris.wan@dynogrp.com	

See Appendix A; Section I	PROPERTY ADDRESS	SECTION	BLOCK	LOT

REQUESTOR'S REPRESENTATIVE			
NAME Chris Wan		ADDRESS 61 Johnson Park, Suite A	
CITY Buffalo	ZIP 14201	EMAIL chris.wan@dynogrp.com	
REQUESTOR'S ATTORNEY			
NAME Ms. Sandy Nasca, Esq.		ADDRESS Liberty Building, 424 Main Street, Suite 1820	
CITY Buffalo	ZIP 14202	EMAIL snasca@knoergroup.com	
REQUESTOR'S CONSULTANT			
NAME Mr. Thomas H. Forbes, P.E.		ADDRESS 2558 Hamburg Turnpike, Suite 300	
CITY Buffalo	ZIP 14218	EMAIL tforbes@bm-tk.com	

REQUESTOR'S REQUESTED STATUS	PARTICIPANT <input type="checkbox"/>	VOLUNTEER <input checked="" type="checkbox"/>
DEC DETERMINATION	AGREE	DISAGREE

APPLIED FOR FEE WAIVER	YES <input type="radio"/>	NO <input checked="" type="radio"/>
ELIGIBLE FOR FEE WAIVER	YES	NO

PERCENTAGE WITHIN AN EN-ZONE	0% <input checked="" type="radio"/>	<50% <input type="radio"/>	50-99% <input type="radio"/>	100% <input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)

FOR SITES IN NEW YORK CITY ONLY

IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?	YES	<input type="radio"/>	NO	<input type="radio"/>
--	-----	-----------------------	----	-----------------------

UPSIDE DOWN	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

UNDERUTILIZED	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

AFFORDABLE HOUSING STATUS	PLANNED	<input type="radio"/>	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE			

DISADVANTAGED COMMUNITY AND CONFORMING BOA	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

RENEWABLE ENERGY FACILITY SITE	YES	<input type="radio"/>	NO	<input type="radio"/>
DEC DETERMINATION	AGREE		DISAGREE	

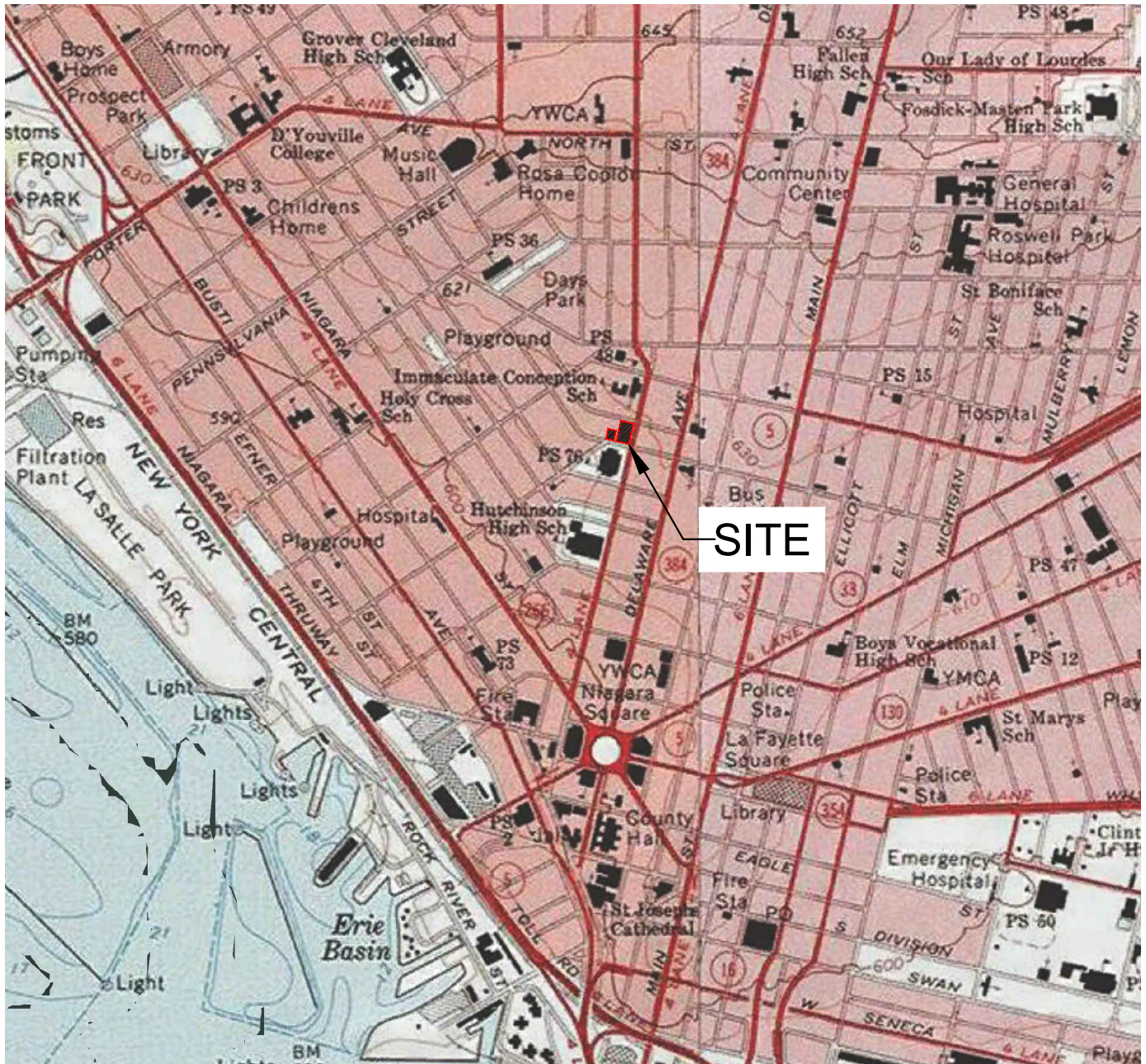
NOTES:

FIGURES

- Figure 1 Site Location and Vicinity Map
- Figure 2 Site Plan (Aerial)
- Figure 3 Tax Map
- Figure 4 Property Base Map (1000' Setback)
- Figure 5 Adjacent Property Owners
- Figure 6 Zoning Map
- Figure 7 Historic Investigation Locations and Areas of Concern
- Figure 8 USDA Soil Type Map
- Figure 9 Preliminary Project Schedule

FIGURE 1

F:\CAD\Turnkey\Knoer Group\149, 161 West Tupper and 42 Trinity Place\BCF App\Figure 1: Site Location and Vicinity Map.dwg



SITE



SCALE: 1 INCH = 1,500 FEET
SCALE IN FEET
(approximate)



SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC





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

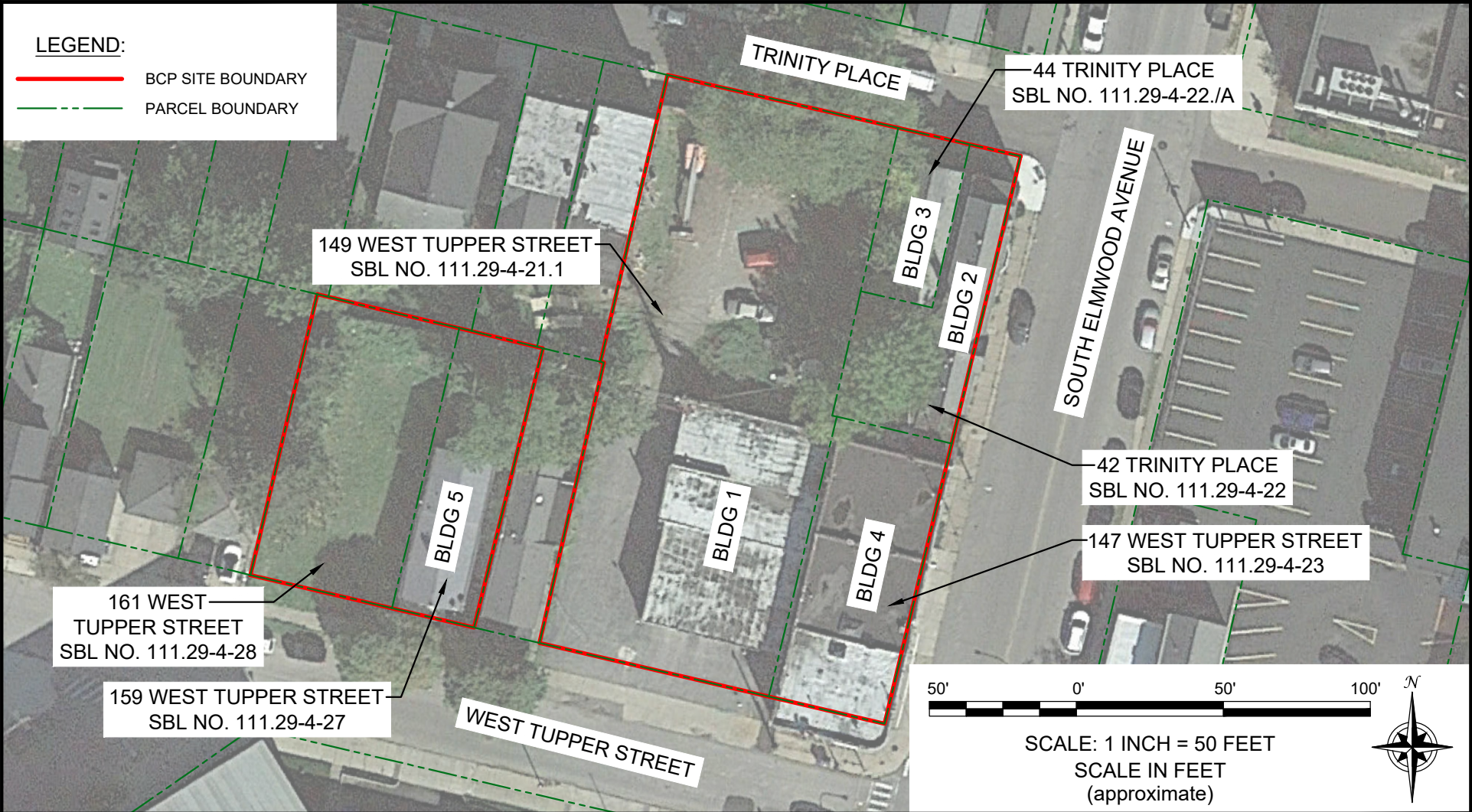
PROJECT NO.: T0646-022-001
DATE: JUNE 2022
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F:\CAD\TurnKey\Knoer Group\149_161 West Tupper and 42 Trinity Place\BCP App\Figure 2: Site Plan (Aerial).dwg

LEGEND:

-  BCP SITE BOUNDARY
-  PARCEL BOUNDARY



IN ASSOCIATION WITH



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PROJECT NO.: T0646-022-001

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

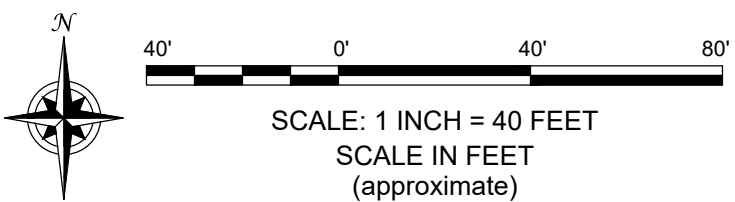
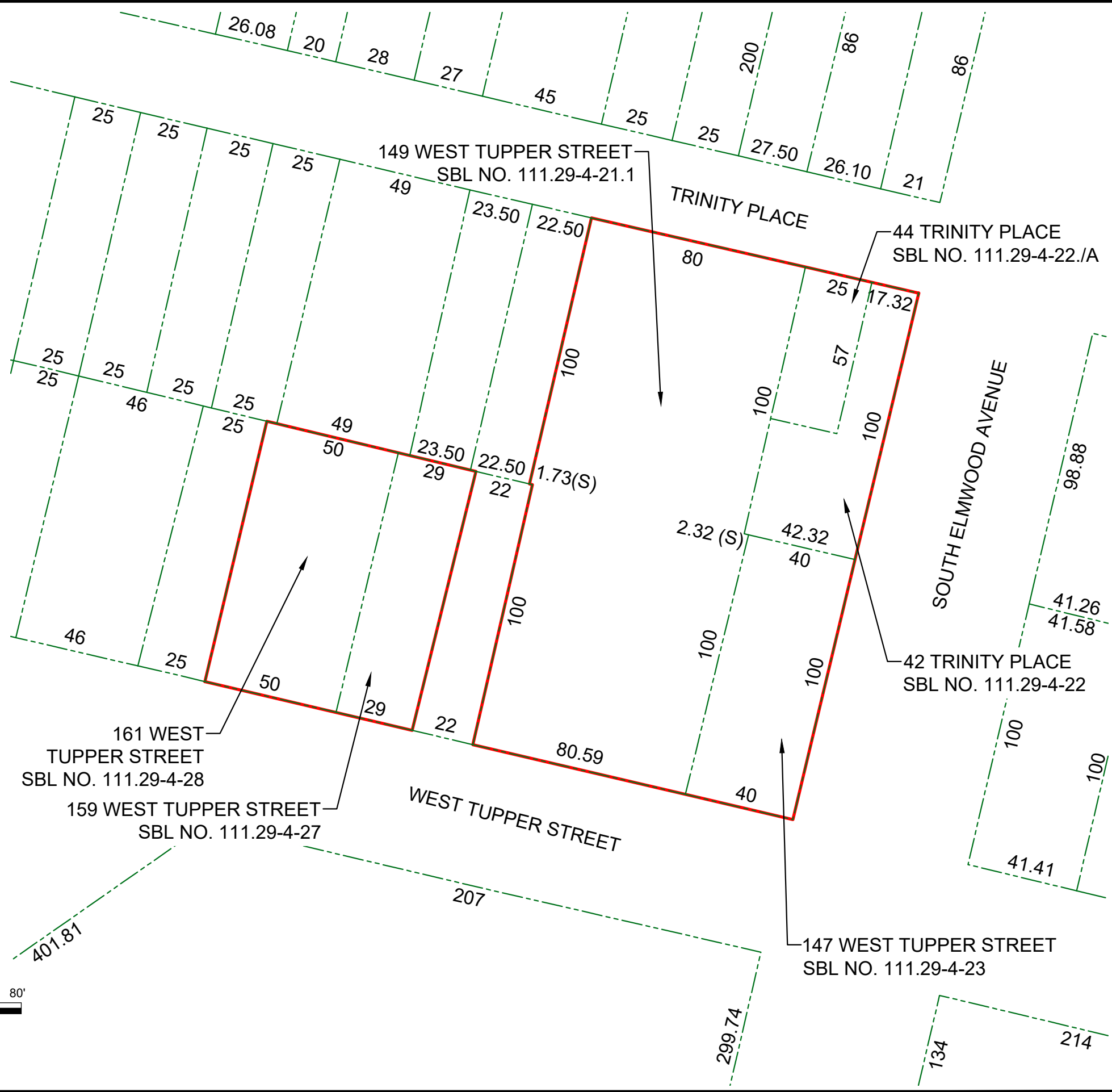
PREPARED FOR
147 WEST TUPPER LLC

FIGURE 2

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LEGEND:

- BCP SITE BOUNDARY
- - - PARCEL BOUNDARY



TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
ELMWOOD, WEST TUPPER AND TRINITY PLACE SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC

FIGURE 3



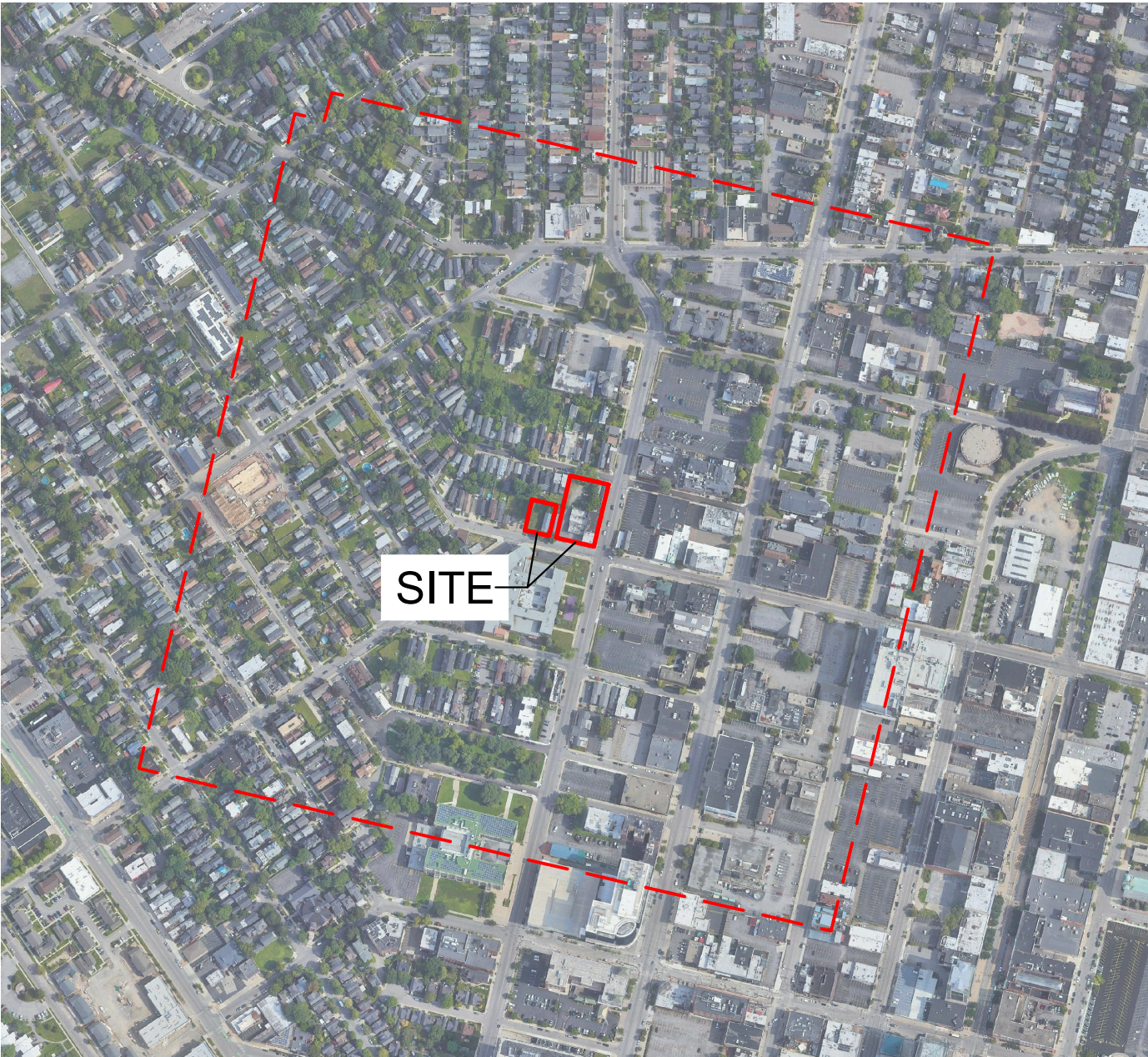
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(716) 856-0599

JOB NO.: T0646-022-001

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FIGURE 4

F:\CAD\TurnKey\knoer Group\149_161 West Tupper and 42 Trinity Place\BCP App\Figure 4; Property Base Map (1000' Setback).dwg



SCALE: 1 INCH = 500 FEET
 SCALE IN FEET
 (approximate)

LEGEND:

- BCP SITE BOUNDARY
- - - - - 1000' SETBACK



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PROPERTY BASE MAP (1000' SETBACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
 BUFFALO, NEW YORK

PREPARED FOR
 147 WEST TUPPER LLC

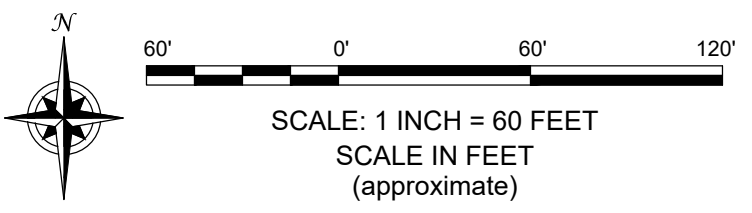
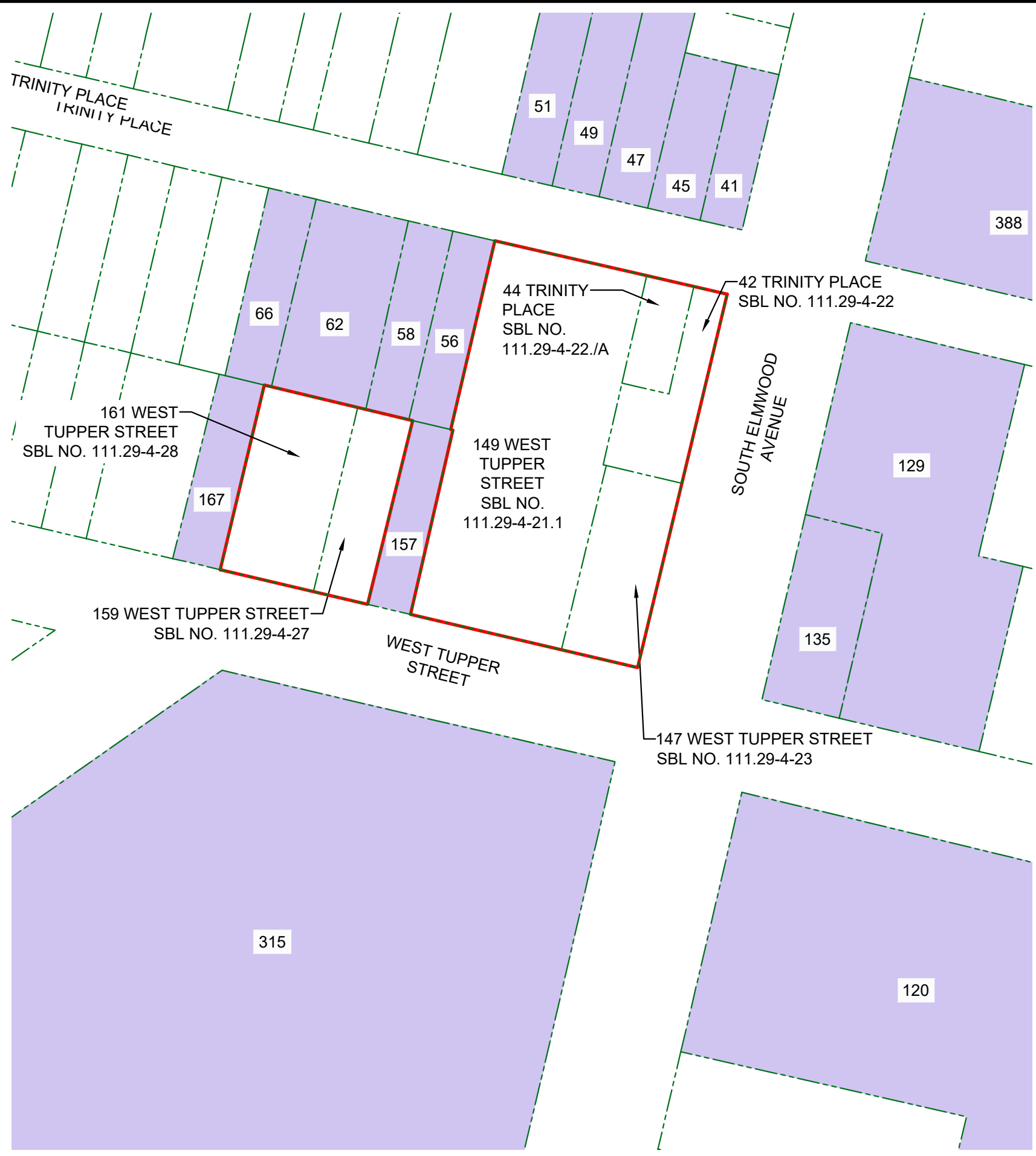
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DATE: JUNE 2022 DRAFTED BY: CMS F:\CAD\TurnKey\Knoer Group\149_161 West Tupper and 42 Trinity Place\BCP App\Figure 5: Adjacent Property Owners.dwg

LEGEND:


- BCP SITE BOUNDARY
- - - - PARCEL BOUNDARY

ADJACENT PROPERTY ADDRESS			PROPERTY OWNER MAILING ADDRESS
NO.	STREET	PROPERTY USE	
41	TRINITY PLACE	2 FAMILY RESIDENCE	CARLO V. MADONIA III 320 STERLING AVE. BUFFALO, NY 14216
45	TRINITY PLACE	2 FAMILY RESIDENCE	GEORGE MAI 45 TRINITY BUFFALO, NY 14201-215
47	TRINITY PLACE	1 FAMILY RESIDENCE	KARLI SULLIVAN 47 TRINITY PL. BUFFALO, NY 14201
49	TRINITY PLACE	2 FAMILY RESIDENCE	CAGNEY DURANTE 113 PLYMOUTH BUFFALO, NY 14201
51	TRINITY PLACE	1 FAMILY RESIDENCE	CHAD BEVIER 6 WEST GRIMSBY RD. BUFFALO, NY 14223
56	TRINITY PLACE	APARTMENTS	147 WEST TUPPER LLC 61 JOHNSON PARK, SUITE A BUFFALO, NY 14201
58	TRINITY PLACE	APARTMENTS	147 WEST TUPPER LLC 61 JOHNSON PARK, SUITE A BUFFALO, NY 14201
62	TRINITY PLACE	2 FAMILY RESIDENCE	147 WEST TUPPER LLC 61 JOHNSON PARK, SUITE A BUFFALO, NY 14201
66	TRINITY PLACE	3 FAMILY RESIDENCE	MARIANNA RYAN 1727 AMHERST ST. BUFFALO, NY 14214
120	WEST TUPPER STREET	OFFICE BUILDING	120 W. TUPPER STREET, INC. 120 W. TUPPER ST. BUFFALO, NY 14201
129	WEST TUPPER STREET	VACANT COMMERCIAL WITH IMPROVEMENTS	LORY & LORY LLC 117 W. TUPPER ST. BUFFALO, NY 14201
135	WEST TUPPER STREET	OFFICE BUILDING	LORY & LORY LLC 117 W. TUPPER ST. BUFFALO, NY 14201
157	WEST TUPPER STREET	1 FAMILY RESIDENCE	DAG GROUP LLC P.O. BOX 1 BUFFALO, NY 14215
167	WEST TUPPER STREET	VACANT LAND WITH IMPROVEMENTS	MARIANNA RYAN 1727 AMHERST ST. BUFFALO, NY 14214
315	CAROLINA STREET	SCHOOL	SCHOOL 76 / CITY OF BUFFALO 408 CITY HALL BOARD OF EDUCATION BUFFALO, NY 14202
388	DELAWARE AVENUE	SOCIAL ORGANIZATION	THE BUFFALO CLUB 388 DELAWARE AVE. BUFFALO, NY 14202-160





TURNKEY ENVIRONMENTAL RESTORATION, LLC
AN ASSOCIATION WITH



BENCHMARK

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

JOB NO.: T0646-022-001

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

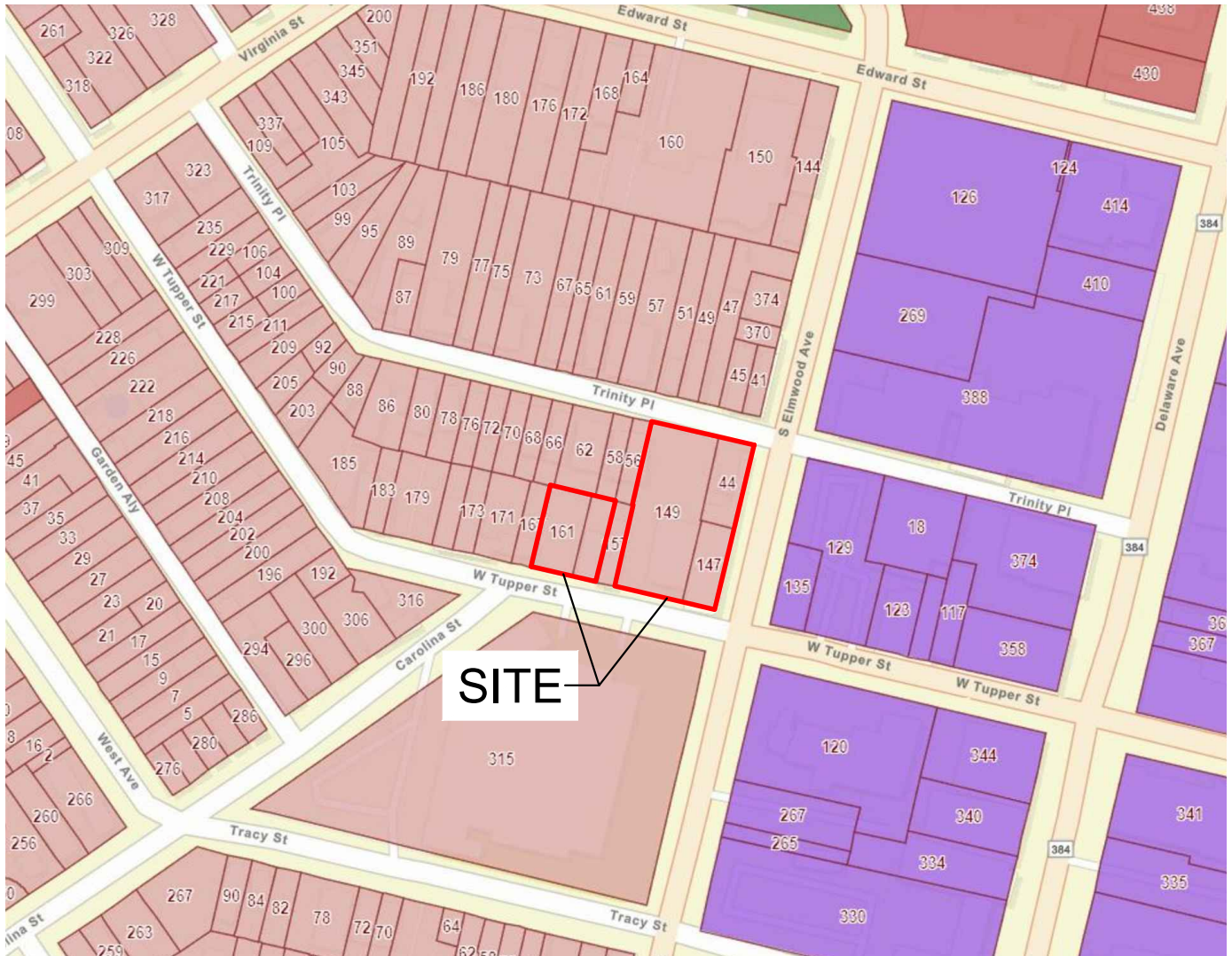
PREPARED FOR
147 WEST TUPPER LLC

FIGURE 5

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FIGURE 6

F:\CAD\TurnKey\Kroer Group\149_161 West Tupper and 42 Trinity Place\BCP App\Figure 6_Zoning Map.dwg



SCALE: 1 INCH = 200 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- GREEN CODE ZONING 2017**
- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-1C (Mixed-Use Core)
- D-OG (Green)

NOTE: MAP PER CITY OF BUFFALO GREEN CODE, JANUARY 2017



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ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC

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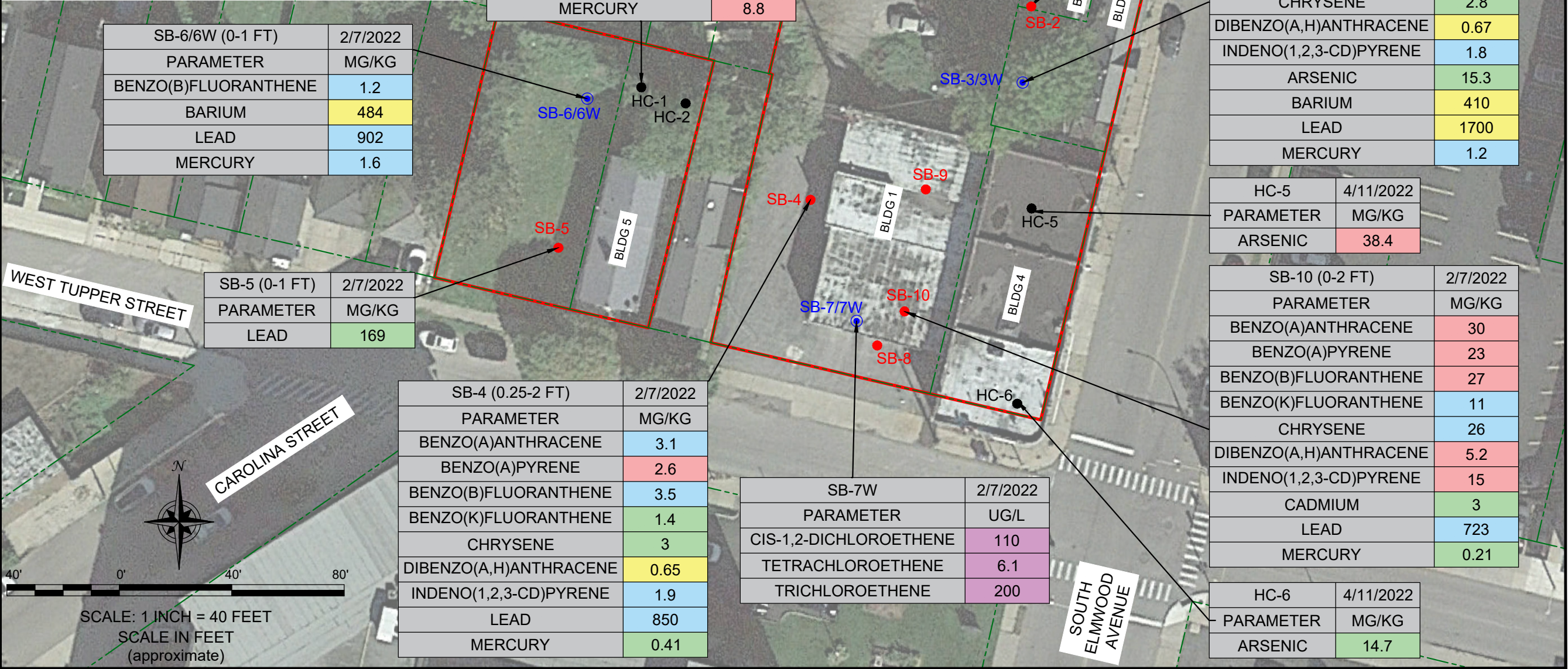
LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- SB-1 SOIL BORING
- SB-1/1W SOIL BORING/TEMPORARY MONITORING WELL
- HC-1 HAND CORE

- EXCEEDS UNRESTRICTED USE SCOs
- EXCEEDS RESTRICTED-RESIDENTIAL USE SCOs
- EXCEEDS COMMERCIAL USE SCOs
- EXCEEDS INDUSTRIAL USE SCOs
- EXCEEDS GWQS/GV

NOTES:

1. IMAGE TAKEN FROM GOOGLE EARTH 2021.
2. SOIL/FILL RESULTS COMPARED TO 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs)
3. GROUNDWATER RESULTS COMPARED TO TOGS 1.1.1 GROUNDWATER QUALITY STANDARDS/GUIDANCE VALUES (GWQS/GV)



SB-1/1W (0-2 FT)		2/7/2022
PARAMETER		MG/KG
BENZO(A)ANTHRACENE	1.2	
CHRYSENE	1.2	
INDENO(1,2,3-CD)PYRENE	0.63	
LEAD	166	
MERCURY	0.24	

HC-3		4/11/2022
PARAMETER		MG/KG
LEAD	844	
MERCURY	0.76	

HC-4		4/11/2022
PARAMETER		MG/KG
LEAD	433	
MERCURY	0.35	

SB-2 (0-1 FT)		2/7/2022
PARAMETER		MG/KG
LEAD	104	

HC-1		4/11/2022
PARAMETER		MG/KG
BENZO(A)ANTHRACENE	4.1	
BENZO(A)PYRENE	4.1	
BENZO(B)FLUORANTHENE	5.3	
BENZO(K)FLUORANTHENE	2	
CHRYSENE	4.4	
DIBENZO(A,H)ANTHRACENE	0.82	
INDENO(1,2,3-CD)PYRENE	2.8	
LEAD	946	
MERCURY	8.8	

SB-3/3W (1-3 FT)		2/7/2022
PARAMETER		MG/KG
BENZO(A)ANTHRACENE	2.6	
BENZO(A)PYRENE	2.5	
BENZO(B)FLUORANTHENE	3.1	
BENZO(K)FLUORANTHENE	1.4	
CHRYSENE	2.8	
DIBENZO(A,H)ANTHRACENE	0.67	
INDENO(1,2,3-CD)PYRENE	1.8	
ARSENIC	15.3	
BARIUM	410	
LEAD	1700	
MERCURY	1.2	

SB-6/6W (0-1 FT)		2/7/2022
PARAMETER		MG/KG
BENZO(B)FLUORANTHENE	1.2	
BARIUM	484	
LEAD	902	
MERCURY	1.6	

SB-5 (0-1 FT)		2/7/2022
PARAMETER		MG/KG
LEAD	169	


SB-4 (0.25-2 FT)		2/7/2022
PARAMETER		MG/KG
BENZO(A)ANTHRACENE	3.1	
BENZO(A)PYRENE	2.6	
BENZO(B)FLUORANTHENE	3.5	
BENZO(K)FLUORANTHENE	1.4	
CHRYSENE	3	
DIBENZO(A,H)ANTHRACENE	0.65	
INDENO(1,2,3-CD)PYRENE	1.9	
LEAD	850	
MERCURY	0.41	


SB-7W		2/7/2022
PARAMETER		UG/L
CIS-1,2-DICHLOROETHENE	110	
TETRACHLOROETHENE	6.1	
TRICHLOROETHENE	200	

HC-5		4/11/2022
PARAMETER		MG/KG
ARSENIC	38.4	

SB-10 (0-2 FT)		2/7/2022
PARAMETER		MG/KG
BENZO(A)ANTHRACENE	30	
BENZO(A)PYRENE	23	
BENZO(B)FLUORANTHENE	27	
BENZO(K)FLUORANTHENE	11	
CHRYSENE	26	
DIBENZO(A,H)ANTHRACENE	5.2	
INDENO(1,2,3-CD)PYRENE	15	
CADMIUM	3	
LEAD	723	
MERCURY	0.21	

HC-6		4/11/2022
PARAMETER		MG/KG
ARSENIC	14.7	





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(716) 856-0599

JOB NO.: T0646-022-001

HISTORIC INVESTIGATION LOCATIONS AND AREAS OF CONCERN

BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC

FIGURE 7

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FIGURE 8

F:\CAD\Turnkey\Kroer Group\149_161 West Tupper and 42 Trinity Place\BCP App\Figure 8_ USDA Soil Type Map.dwg



LEGEND:

BCP SITE BOUNDARY



SCALE: 1 INCH = 60 FEET
SCALE IN FEET
(approximate)

MAP UNIT LEGEND	
MAP UNIT SYMBOL	MAP UNIT NAME
UmA	URBAN LAND COLLAMER COMPLEX, 1 TO 6 PERCENT SLOPES

NOTE: MAP PER USDA WEBSOIL SURVEY



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USDA SOIL TYPE MAP

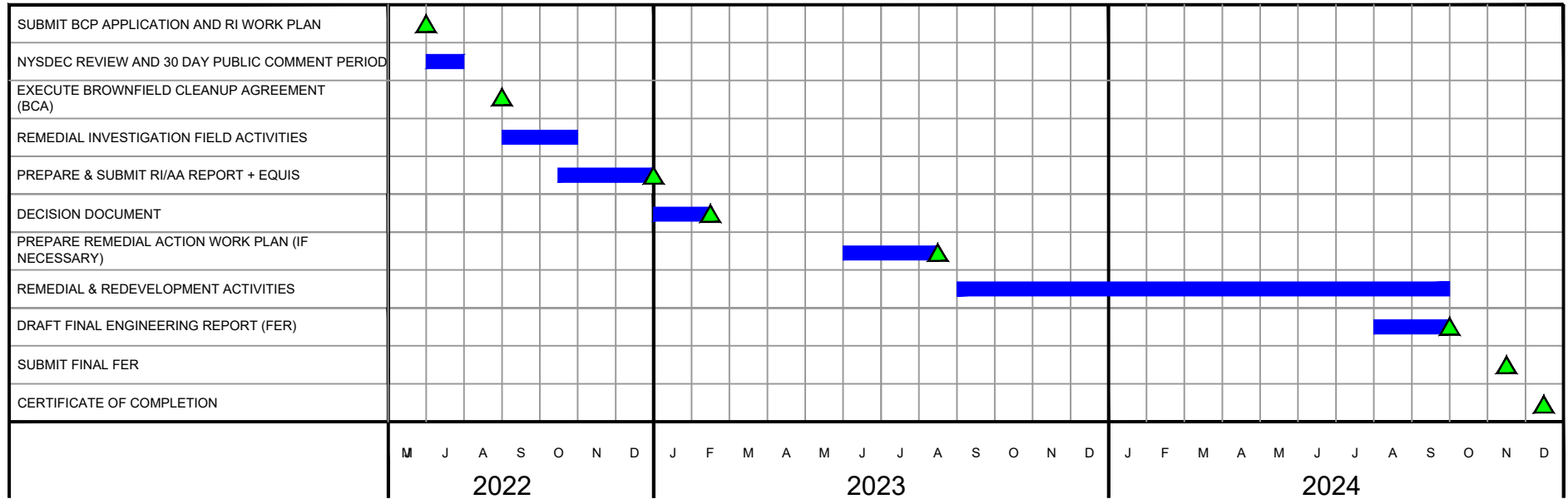
BROWNFIELD CLEANUP PROGRAM APPLICATION

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC

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PROJECT TASKS:



IN ASSOCIATION WITH



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PROJECT NO.: T0646-022-001

DATE: JUNE 2022

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM

147 WEST TUPPER STREET SITE
BUFFALO, NEW YORK

PREPARED FOR
147 WEST TUPPER LLC

FIGURE 9

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

TABLE

Table 1 Summary of Soil/Fill Sample Analytical Results

Table 1

Summary of Soil/Fill and Groundwater Sample Analytical Results

147 West Tupper Street Site
Buffalo, New York

Analytes Exceeding RRSCOs	Detections Exceeding RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
Phase II Soil/Fill Investigation Results				
Benzo(a)anthracene	5	30	1	0-2
Benzo(a)pyrene	4	23	1	0-2
Benzo(b)fluoranthene	5	27	1	0-2
Benzo(k)fluoranthene	1	11	3.9	0-2
Chrysene	2	26	3.9	0-2
Dibenzo(a,h)anthracene	4	5.2	0.33	0-2
Indeno(1,2,3-cd)pyrene	5	15	0.5	0-2
Arsenic	1	38.4	16	NS
Barium	2	484	400	0-1
Lead	7	1700	400	1-3
Mercury	3	8.8	0.81	NS
Analytes Exceeding AWQS	Detections Exceeding AWQS	Maximum Detection (ppb)	AWQS (ppb)	
Phase II Groundwater Investigation Results				
Cis-1,2-Dichloroethene	1	110	1	
Tetrachloroethene	1	6.1	5	
Trichloroethene	1	200	5	

Key:

NS = Near Surface hand auger sample in the upper 0-1 fbgs.

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**EXHIBIT A1 – NYS CORPORATION & BUSINESS ENTITY DATABASE
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SECTION I – PROPERTY INFORMATION

Parcel Description

The Elmwood, West Tupper and Trinity Place Site (hereinafter, the “Project Site” or the “Site”), subject to this BCP application, consists of six (6) tax parcels totaling approximately ±0.73-acres, located in a highly developed commercial and residential use area in the City of Buffalo, Erie County, New York (see Figures 1 and 2), and is further identified as:

- **147 West Tupper Street, S.B.L. No. 111.29-4-23, ±0.09-acres**
- **149 West Tupper Street, S.B.L. No. 111.29-4-21.1, ±0.37-acres**
- **159 West Tupper Street, S.B.L. No. 111.29-4-27, ±0.07-acres**
- **161 West Tupper Street, S.B.L. No. 111.29-4-28, ±0.11-acres**
- **42 Trinity Place, S.B.L. No. 111.29-4-22, ±0.07-acres**
- **44 Trinity Place, S.B.L. No. 111.29-4-22./A, ±0.03-acres**

A drawing of the tax map parcels is provided as Figure 3. The boundaries of the proposed BCP Site correspond with the tax boundaries. The Erie County and City of Buffalo parcel detail reports for the property are attached for reference.

147 West Tupper LLC acquired four of the Site parcels on June 9, 2022 (42-44 Trinity Place, 149 West Tupper Street, and 161 West Tupper Street). Deed information is provided as an exhibit of the BCP application package. Once the property transfer is complete, Erie County will issue updated tax maps and description of the individual parcels. Copies of the new tax parcels will be provided to the Department at that time.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is not located within an EN-Zone area.

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is not located within a Disadvantaged Communities census tract.

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According to The NYS Department of State (DOS) Brownfield Redevelopment, the Site is not located within a Brownfield Opportunity Area (BOA).

The Site is not listed on the Registry of Inactive Hazardous Waste Disposal Sites and is not currently the subject of investigation as a Potential Site.

Easements and Permits

147 West Tupper LLC is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-way along South Elmwood Avenue, West Tupper Street, and Trinity Place. The Site has access to municipal sanitary sewer, electric, natural-gas, and public water.

147 West Tupper LLC is not aware of any other easements or restrictions on the Site.

Location

The Site is located on the west side of Elmwood Avenue. The eastern portion of the Site (147-149 West Tupper Street and 42-44 Trinity Place) is bordered by Trinity Place to the north, West Tupper Street to the south, and residences to the west. The western portion of the Site (159-161 West Tupper Street) is bordered by residences to the north, east, and west; and West Tupper Street to the south. A single residential parcel identified as 157 West Tupper Street splits the Site into two separate areas. The Site is located in a highly developed mixed use residential and commercial area of the City of Buffalo, Erie County, New York (see Figures 2 and 4). Site coordinates are Latitude 43° 53' 40.9" N and Longitude -78° 52' 39.8" W. Adjacent property owners are identified on Figure 5.

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Site Features

The Site is currently improved with five (5) structures. Building 1 is a vacant former automotive repair structure, and Buildings 2 and 3 are currently vacant last used as residences. Building 4 is a mixed-use building with commercial and residential tenants with additional vacant spaces. Building 5 is residential (see Figure 2). Historic operations across the Site include automotive repair, dental equipment service/manufacturing, factory, commercial (storefronts, restaurant, union hall, beauty salon), and residential. Petroleum and chlorinated impacts along with the presence of urban fill materials were identified through previous investigation at the Site.

Zoning and Land Use

According to the Buffalo Green Code Unified Development Ordinance (January 3, 2017), the project area, planned as a mixed use commercial and residential development, is consistent with the zoning assigned to the Site (see Figure 6). The current zoning for the Site is N-2R which is defined as Residential: areas adjoining more intensive mixed-use center, generally defined by compact residential blocks, which occasionally include small mixed use buildings. Planned reuse of the Site as a mixed-use building, with 30-40 apartments, 4-6 commercial storefronts, new parking, and greenspace/landscaping is consistent with the Unified Development Ordinance zoning.

The Site is currently mixed use (residential and commercial). Portions of the Site are also currently vacant/underutilized. The surrounding parcels are as follows:

- north – residential;
- south – school;
- east – commercial; and
- west –residential.

Figure 5 identifies the adjacent property owners.

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Past Use of the Site

Based on historic records and previous investigations, the Site was primarily used as residential and commercial operations including automotive repair (1920s through 2000s), dental equipment service/manufacturing (1920s through 1980s), warehousing (1920s through 1950s), factory (1950s through 1980s), storefronts/restaurant/union hall (1950s), and beauty salon/barber shop (1990s through 2000s). Portions of the Site are currently mixed use (residential and commercial) while the remainder of the Site has been vacant since at least 2008. Figure 7 identifies areas of concern related to past use of the Site.

The historic use of the Site as a gasoline station, automotive/truck repair, oil equipment sales and service, automotive parts manufacturing, and automotive/truck storage has impacted the Site as evidenced by petroleum, SVOC, and metals contamination detected during previous investigations.

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. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban land-Collamer complex (UmA). This complex consists of nearly level areas of urban land and moderately well drained Collamer soil (see Figure 8). Soils within the City of Buffalo are characterized as urban land (UmA) with the soil surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment.

Regional groundwater appears to flow west towards the Niagara River and Lake Erie; however, regional groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions.

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

Environmental Assessment

Past use of the Site as automotive repair, dental instrument service/manufacturing, and factory operations has resulted in impacts to the Site. Due to numerous changes in development, widespread fill materials were observed across the Site with field evidence of impact and/or analytical concerns. Elevated PID readings were noted proximate to one in-ground lift within the vacant automotive repair building. Laboratory analytical results indicate soil/fill is impacted by polycyclic aromatic hydrocarbons (PAHs) and metals with concentrations exceeding Restricted Residential Soil Cleanup Objectives (RRSCOs) across the Site. PAHs and metals were also identified exceeding Commercial Soil Cleanup Objectives (CSCOs) and/or Industrial Soil Cleanup Objectives (ISCOs) across the Site. Chlorinated volatile organic compounds (VOCs) were identified exceeding Class GA Groundwater Quality Standards (GWQS) at one temporary monitoring well (SB-7/7W) during the previous investigations. Figure 7 identifies the historic environmental impacts identified in the previous investigations and elevated soil and groundwater concentrations with comparison to applicable SCOs and GWQS, respectively.

Soil – Fill material was identified at 13 of 16 investigation locations in the upper 0-6 fbg with analytical results indicating PAH and metals impacts. Elevated PID readings (7.8 ppm), black staining, and petroleum-like odors were observed at one investigation location (SB-7/7W) within the former automotive repair building, proximate to an in-ground lift.

Laboratory analytical results indicate elevated PAHs and metals exceeding 6NYCRR Part 375 RRSCOs, CSCOs, and/or ISCOs. Specifically, individual PAHs exceeding ISCOs were detected in 3 soil boring locations and 1 handcore location within the upper 3 feet of fill. Mercury was detected above its ISCO of 5.7 at HC-1 (838 ppm). Lead was detected above

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its CSCO of 1000 ppm at SB-3/3W (1700 ppm). Barium was detected above its CSCO of 400 ppm at SB-3/3W and SB-6/6W (410 ppm and 484 ppm, respectively). Arsenic was detected above its ISCO of 16 ppm at HC-5 (38.4 ppm).

Elevated laboratory analytical results exceeding the Track 4 Restricted-Residential Use SCOs (the intended reuse) were detected in 9 of the sampled locations.

Historic investigation locations are shown on Figure 7 and analytical exceedance results are summarized on Table 1.

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

SECTION II – PROJECT DESCRIPTION

147 West Tupper LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (BCP), and is submitting this BCP Application for eligibility acceptance into the program.

147 West Tupper LLC, has prepared a Remedial Investigation Work Plan for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI), upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 9.

The Volunteer plans to redevelop the entire ±0.73-acre BCP Site, with the construction of a mixed-use building, with 30-40 apartments, 4-6 commercial storefronts, new parking, and greenspace/landscaping. The Site Redevelopment Plan estimates capital investment of approximately \$10,000,000 to \$15,000,000 to investigate, remediate, and redevelop the Site.

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The Project will result in the remediation and redevelopment of an environmentally-impacted Site within a mixed-use residential and commercial area in the City of Buffalo, New York.

SECTION III – LAND USE FACTORS

Current Zoning

The current zoning for the Site is N-2R (Residential: areas adjoining more intensive mixed-use center, generally defined by compact residential blocks, which occasionally include small mixed use buildings) consistent with the Buffalo Green Code Unified Development Ordinance (see Figure 6). The planned redevelopment of the Site as a mixed-use building, with apartments, commercial storefronts, new parking, and greenspace/landscaping is consistent with the City of Buffalo current Zoning and Land Use plans.

Current Use

The Site is currently improved with five (5) buildings with asphalt paved parking areas, trees, and greenspace covering the exterior.

Historic operation of the Site as an automotive repair garage, dental equipment service/manufacturing, warehouse, manufacturing/die cutting, and/or factory from at least the 1920's until at least 2008 has impacted the Site with chlorinated VOCs (cVOCs), PAHs, and metals. Previous investigations have identified cVOCs, PAHs, and metals contamination onsite that will require remediation.

Planned Future Use

The Volunteer plans to redevelop the entire ±0.73-acre Site, with the construction of a mixed-use building, with 30-40 apartments, 4-6 commercial storefronts, new parking, and greenspace/landscaping. The residential portion of the project will not be single family housing.

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The planned redevelopment is consistent with the historic and recent development patterns within the City of Buffalo.

The Site is not planned to be a renewable energy facility as defined in Section 66-p of the Public Service Law.

Based on the current zoning for the Site, N-2R (Residential¹), the proposed redevelopment is consistent with current zoning and City of Buffalo Green Code Unified Development Ordinance.

SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

A summary of the previous environmental investigation findings completed for the Site are provided below. Investigation locations and associated analytical results are provided on Figure 7. A summary of analytical results exceeding RRSCOs is provided as Table 1. Electronic copies of the referenced reports are provided individually in a separate electronic folder, identified as Previous Investigation Reports, on the enclosed CD.

Phase I Environmental Site Assessment

TurnKey Environmental Restoration, LLC (TurnKey) completed a Phase I Environmental Site Assessment (ESA) for 149, 161 West Tupper Street and 42, 44 Trinity Place, Buffalo, New York January 26, 2022 (date of Site inspection).

Below is a summary of the Recognized Environmental Concerns (RECs) as they relate to 149, 161 West Tupper Street and 42, 44 Trinity Place.

- Historic operations (automotive repair, dental equipment service/manufacturing, factory, etc.) along with the reasonably anticipated use of petroleum and/or solvents are considered RECs as subsurface conditions are unknown.

¹ According to the Land Use Plan of the Buffalo Green Code a Neighborhood Center is defined as areas adjoining more intensive mixed-use center, generally defined by compact residential blocks, which occasionally include small mixed use buildings.

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- Floor drains and the four inactive inground lifts noted within historic automotive repair areas of Building 1 are considered RECs due to the potential for environmental impacts to the environment.
- The potential for miscellaneous urban fill materials exists on-site as former buildings were noted on-Site. The presence of urban fill material from unknown sources is considered a REC due to the potential for impacts.

Phase II Environmental Investigation Report

TurnKey completed a Phase II Environmental Investigation on the Site in May 2022. Ten (10) soil borings (designated SB-1 through SB-10) and six (6) hand augers (designated as HC-1 through HC-6) were completed across the Site to characterize and analyze on-Site soil/fill. Four (4) soil boring were converted into temporary one-inch diameter monitoring wells (designated as SB-1/1W, SB-3/3W, SB-6/6W, and SB-7/7W) to characterize and analyze on-Site groundwater conditions. Findings of the Phase II are detailed below:

- The Site has a history of automotive repair, dental instrument service/manufacturing, and factory operations. TurnKey noted the presence of floor drains and four inactive in-ground lifts within the vacant automotive repair building.
- The drilling and hand auger investigation identified widespread fill materials across the Site with field evidence of impact and/or analytical concerns, which are further detailed below.
- The highest PID reading identified during the work was 7.8 ppm at SB-7 (5-6 fbg) completed proximate to an inground lift within the vacant automotive repair building. Black staining and petroleum-like odors were also noted at this location.
- Laboratory analytical results revealed the presence of soil/fill across the Site that is impacted by PAHs and/or metals with concentrations exceeding RRSCOs (the applicable SCO for the Site based on the proposed end-use) in at least one soil/fill sample from each parcel associated with this assessment. We note that PAH concentrations exceeding ISCOs and metals exceeding CSCOs and ISCOs were identified in soil/fill across the Site.
- Chlorinated VOCs (cis-1,2-dichloroethene, tetrachloroethene, and trichloroethene) were identified at concentrations exceeding their respective Class GA GWQS at SB-7/7W, which is located within the footprint of the vacant automotive repair building.

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No groundwater VOC exceedances were identified in the three additional groundwater samples collected from the Site indicating that groundwater VOC impacts are likely localized.

- We understand that this vacant/underutilized Site is being considered for redevelopment. Based on the findings detailed above, the Site is a potential candidate for the New York State Brownfield Cleanup Program (BCP). Regardless of whether the BCP is pursued, PAHs- and metals-impacted soil/fill materials present on-Site will require exposure control, remediation, and/or proper soil management either prior to or during the redevelopment project.

SECTION V – REQUESTOR INFORMATION

The New York State Department of State’s (NYSDOS) Corporation & Business Entity Database print-out for 147 West Tupper LLC is attached.

Benchmark Civil/Environmental Engineering and Geology, PLLC, a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project. The Knoer Group, PLLC will be acting as the Volunteer’s attorney.

147 West Tupper LLC member/owner information is attached.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, 147 West Tupper LLC, qualifies and a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6 NYCRR 375-3.2(b)(2).

On-Site contamination is likely related to the historic use of the Site as an automotive repair garage, dental equipment service/manufacturing, and factory operations. Applicant’s liability arises solely from having taken title to the property after the contaminants had already been released at the Site. The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of

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the Site; therefore, 147 West Tupper LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

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SECTION IX – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
42 Trinity Place (Historic Address: 40, 44 Trinity Place, 350, 354, 356 South Elmwood Avenue)			
Current Owner/Operator			
147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201	Vacant	2022 to Current	Owner Applicant
Previous Owners/Operators			
Owner(s): Salvatore J. Buscarino 369 Niagara Street Buffalo, NY 14201	Vacant	2000 to 2022	None – No relationship
Barbara M. Dodge	Commercial	1998 ~ 2000	None – No relationship
Harold A. Dodge Jr.	Commercial	Unknown ~ 1998	None – No relationship
Operators: Individual residential tenants (42 Trinity Place) Commercial storefront (44 Trinity Place) Individual residential tenants (44 Trinity Place) Dental instrument service/manufacturing (42 Trinity Place) Factory Witse Grocery (44 Trinity Place)	Commercial / Residential	1889 ~ 1951 1889 ~ 1951 1925 ~ 1985 1951 ~ 1986 1951 ~ 1986 1935	None – No relationship

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
147 West Tupper Street (Historic Address: 143, 145 West Tupper Street, 332-356 South Elmwood Avenue)			
Current Owner/Operator			
147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201	Residential/ Commercial/ Vacant	2018 to Current	Owner Applicant
Previous Owners/Operators			
Owner(s): 332-346 South Elmwood Ave. Inc.	Commercial	1985 ~ 2018	None – No relationship
Louis Fumerelle/Fumerelli/Tumerelle Michael D. Fillippi	Commercial Residential	1959 ~ 1985 1971	None – No relationship
F. Renne Alvarez	Commercial	1932 ~ 1959	None – No relationship
N.Y. Life Insurance Co.	Commercial	Unknown	None – No relationship
John Scibetta	Commercial	1931	None – No relationship
Operators: Beauty Salon Sunset Laundry (332 South Elmwood Avenue) Terry Tools Inc. (350-356 South Elmwood Avenue) Commercial storefronts Restaurant (338 South Elmwood Avenue) Union Hall Apartments Barber/Barber Supply (332-346 South Elmwood Avenue) Drug Store Cosmetology school	Commercial / Residential	1994 ~ 2009 1994 ~ 1998 1994 ~ 1998 1951 ~ 1981 1951 1981 1973 1973 ~ 1977 Unknown Unknown	None – No relationship

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
149 West Tupper Street			
(Historic Address: 46, 48, 50, 52, 54 Trinity Place, 149½, 151, 155 West Tupper Street)			
Current Owner/Operator			
147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201	Vacant	2022 to Current	Owner
Previous Owners/Operators			
Owner: Salvatore Buscarino 369 Niagara Street Buffalo, NY 14201	Commercial Auto repair / Vacant	1962 to 2022	None – No relationship
Niagara Enterprises Inc.	Commercial	Unknown	None – No relationship
Jack J. Nasca	Residential	1958	None – No relationship
John Tirone	Commercial / Residential	1927	None – No relationship
Nicholas Vassiliados	Residential	1923	None – No relationship
G. Vassiliados	Residential	1921	None – No relationship
Ruth Serena (155 West Tupper Street)	Residential	1971	None – No relationship
Elihu Slover (155 West Tupper Street)	Residential	1968	None – No relationship
Samuel Buscarino (155 West Tupper Street)	Residential	1959 ~ 1985	None – No relationship
Margaret Woodbridge (155 West Tupper Street)	Residential	1928	None – No relationship
Michael DeGerraro (155 West Tupper Street)	Residential	1901	None – No relationship

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Moses Slover Jr. (155 West Tupper Street)	Residential	1916 ~ 1969	None – No relationship
Margaret C. Goodbridge (155 West Tupper Street)	Residential	1916 ~ 1969	None – No relationship
Mary E. Felton (151 West Tupper Street)	Residential	1907	None – No relationship
Samuel Buscarino (149½ West Tupper Street)	Commercial – auto repair	1974 ~ 1980	None – No relationship
Beatrice M. Cronin (48 Trinity Place)	Residential	1916 ~ 1985	None – No relationship
Philip Stutzman (48 Trinity Place)	Residential	1911 ~ 1985	None – No relationship
Salvatore Buscarino (48 Trinity Place)	Residential	1984	None – No relationship
Sebastian Notaro Jr. (50 Trinity Place)	Residential	1916 ~ 1975	None – No relationship
Donald L. McLeod (50 Trinity Place)	Residential	1916 ~ 1975	None – No relationship
Mildred G. Stutzman (50 Trinity Place)	Residential	1916 ~ 1975	None – No relationship
Marie Todaro (50 Trinity Place)	Residential	1968	None – No relationship
Salvatore Buscarino (50 Trinity Place)	Residential	Unknown	None – No relationship
Kirkholder & Rausch Co. Inc. (52 Trinity Place)	Commercial / Industrial	1946 ~ 1958	None – No relationship
Craig Thomas (52 Trinity Place)	Residential	1985	None – No relationship
Marie Todaro (52 Trinity Place)	Commercial	1952 ~ 1967	None – No relationship
Jos. Gimel (52 Trinity Place)	Residential	1893 ~ 1907	None – No relationship
Operators: Eggleston W. Hol. Paper Bags/L. Hommedieu (52 Trinity Place) Jonston & Monser (52 Trinity Place)	Commercial Commercial	1925 ~ 1940 1925	None – No relationship

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Sectional Garage Works (149 West Tupper Street)	Commercial	1925	
Helios Mfg. Corp. (149 West Tupper Street)	Commercial	1930	
Century Automotive Service (151 West Tupper Street)	Commercial	1935	
Dallas Chem. Sales Co. Inc. Whse. (151 W. Tupper Street)	Commercial	1940	
Todaro S. & Co. Novelty Manufacturers/Cutting Dies (52 Trinity Place)	Commercial	1955 ~ 1960	
Jacks Auto Collision Service (149 West Tupper Street)	Commercial	1955	
Sammys/Sams General Auto Repair (149 West Tupper Street)	Commercial	1964 ~ 1985	
		2001 ~ 2008	
Quality Auto Sales used (149 West Tupper Street)	Commercial	1980 ~ 1985	

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
159 West Tupper Street			
Current Owner/Operator			
147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201	Residential	2019 to Current	Owner Applicant
Previous Owners/Operators			
Owner: Khalid Malik	Residential	2015 ~ 2019	None – No relationship
Eugenia Leuer	Residential	1998 ~ 2015	None – No relationship
Operators: Individual residential tenants	Residential	1889 ~ 2017	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
161 West Tupper Street (Historic Address: 46, 48, 50, 52, 54 Trinity Place, 149½, 151, 155 West Tupper Street)			
Current Owner/Operator			
147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201	Vacant	2022 to Current	Owner Applicant
Previous Owners/Operators			
Owner: Salvatore Buscarino c/o Sam's General Auto Repair 369 Niagara Street Buffalo, NY 14201	Vacant	Unknown to 2022	None – No relationship

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SECTION XI – CONTACT LIST INFORMATION

Site Contact List

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

Erie County Contacts:

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

Mr. Howard Johnson
Erie County Legislator – District 1
1367 Fillmore Avenue
Buffalo, NY 14211

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

Mr. Thomas E. Baines, Esq.
Deputy Commissioner of Planning & Economic
Development
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Mark Rountree
Chief Planner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Ms. Bonnie Lawrence
Deputy Commissioner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Robert M. Graber
Erie County Legislature Clerk
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Mr. John Cappellino
President & CEO
Erie County Industrial Development Agency
95 Perry Street, Suite 403
Buffalo, NY 14203

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Ms. Gale Burstein, MD, MPH, FAAP
Commissioner of Health
Erie County Department of Health
95 Franklin Street
Buffalo, NY 14202

Mr. Daniel J. Neaverth, Jr.
Commissioner
Erie County Department of Homeland Security
& Emergency Services
45 Elm Street
Buffalo, NY 14203

City of Buffalo Contacts:

Byron Brown, Mayor
City of Buffalo
65 Niagara Square, Room 201
Buffalo, NY 14202

Mitch Nowakowski
Fillmore District
65 Niagara Square, Room 1408
Buffalo, NY 14202

James K. Morrell, Chairman
City of Buffalo
Planning Board
920 City Hall
Buffalo, NY 14202

Supplier of Potable Water:

Buffalo Water Department
Veolia Water
2 Porter Avenue
Buffalo, NY 14201

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

Local News Media:

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

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

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147 West Tupper Street Site

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

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

WBEN News Radio 930
Entercom Radio of Buffalo
500 Corporate Pkwy, Suite 200
Buffalo, NY 14226

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

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

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools:

Ms. Maria Rosario Cala, Principal
Herman Badillo Bilingual Academy,
PS #76
315 Carolina Street
Buffalo, NY 14201

Dr. Gabrielle Morquecho, Principal
Hutchinson Central Technical High School
256 South Elmwood Avenue
Buffalo, NY 14201

Ms. Danielle Bruno, Principal
Elmwood Village Charter School
40 Days Park
Buffalo, NY 14201

Ms. Debbie White-Stokes, Principal
Emerson School of Hospitality
86 West Chippewa Street
Buffalo, NY 14202

Mr. Thomas Vitale, Principal
Occupational Training Center, PS #42
75 West Huron Street
Buffalo, NY 14202

Mr. Giray Gebes, Principal
Buffalo Academy of Science Charter School
190 Franklin Street
Buffalo, NY 14202

APPENDIX A
BCP Application
Section I – Section XII
147 West Tupper Street Site

Other Interested Parties:

WNY Director
Citizens Environmental Coalition
543 Franklin Street
Buffalo, NY 14202-1109

Document Repository:

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

APPENDIX A
BCP Application
Section I – Section XII
147 West Tupper Street Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 5).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
41	Trinity Place	2 Family Residence	Carlo V. Madonia III 320 Sterling Ave. Buffalo, NY 14216
45	Trinity Place	2 Family Residence	George Mai 45 Trinity Buffalo, NY 14201-215
47	Trinity Place	1 Family Residence	Karli Sullivan 47 Trinity Pl. Buffalo, NY 14201
49	Trinity Place	2 Family Residence	Cagney Durante 113 Plymouth Buffalo, NY 14201
51	Trinity Place	1 Family Residence	Chad Bevier 6 West Grimsby Rd. Buffalo, NY 14223
56	Trinity Place	Apartments	147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201
58	Trinity Place	Apartments	147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201
62	Trinity Place	2 Family Residence	147 West Tupper LLC 61 Johnson Park, Suite A Buffalo, NY 14201
66	Trinity Place	3 Family Residence	Marianna Ryan 1727 Amherst St. Buffalo, NY 14214

APPENDIX A
BCP Application
Section I – Section XII
147 West Tupper Street Site

120	West Tupper Street	Office Building	120 W. Tupper Street, Inc. 120 W. Tupper St. Buffalo, NY 14201
129	West Tupper Street	Vacant Commercial with Improvements	Lory & Lory LLC 117 W. Tupper St. Buffalo, NY 14201
135	West Tupper Street	Office Building	Lory & Lory LLC 117 W. Tupper St. Buffalo, NY 14201
157	West Tupper Street	1 Family Residence	DAG Group LLC P.O. Box 1 Buffalo, NY 14215
167	West Tupper Street	Vacant Land with Improvements	Marianna Ryan 1727 Amherst St. Buffalo, NY 14214
315	Carolina Street	School	School 76/City of Buffalo 408 City Hall Board of Education Buffalo, NY 14202
388	Delaware Avenue	Social Organization	The Buffalo Club 388 Delaware Ave. Buffalo, NY 14202-160

Document Repository

The Buffalo and Erie County Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included as an exhibit in Appendix A.

EXHIBITS

Department of State Division of Corporations

Entity Information

[Return to Results](#)

[Return to Search](#)

Entity Details



ENTITY NAME: 147 WEST TUPPER LLC	DOS ID: 5248106
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 12/11/2017	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 12/11/2017	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: ERIE	NEXT STATEMENT DUE DATE: 12/31/2023
JURISDICTION: NEW YORK, UNITED STATES	NFP CATEGORY:

[ENTITY DISPLAY](#)
[NAME HISTORY](#)
[FILING HISTORY](#)
[MERGER HISTORY](#)
[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: 147 WEST TUPPER LLC
Address: 61 JOHNSON PARK, SUITE A, BUFFALO, NY, UNITED STATES, 14201

Chief Executive Officer's Name and Address

Name:
Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name: DYNO GROUP, INC.
Address: 61 JOHNSON PARK, SUITE A, NEW YORK, NY, 14201

Entity Primary Location Name and Address

Name:
Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

147 WEST TUPPER STREET SITE

ORGANIZATIONAL CHART



147 WEST TUPPER LLC**JOINT UNANIMOUS WRITTEN CONSENT
OF THE MEMBERS AND OFFICERS**

June 28, 2022

The undersigned and Sole Shareholder and Officer of the Sole Member of **147 West Tupper LLC**, a New York limited liability company (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Chris Wan** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 147 West Tupper Street (42 Trinity Place S.B.L. No. 111.29-4-22; 44 Trinity Place S.B.L. No. 111.29-4-22./A; 147 West Tupper Street S.B.L. No. 111.29-4-23; 149 West Tupper Street S.B.L. No. 111.29-4-21.1; 159 West Tupper Street S.B.L. No. 111.29-4-27; 161 West Tupper Street S.B.L. No. 111.29-4-28), Buffalo, New York; and be it further

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

RESOLVED, that any acts of any officer of the Company and of any persons designated and authorized to act by any such officer of the Company, which acts would have been authorized by the forgoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of the Company.

IN WITNESS WHEREOF, the undersigned have executed this Joint Unanimous Written Consent as of the date set forth above.



Name: Chris Wan

Sole Shareholder and Officer of Dyno Group, Inc.

Sole Member of 147 West Tupper, LLC

Property: 42 TRINITY, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-22



Assessment	
Total	\$148,000.00
Total Land	\$46,200.00
County Taxable (Erie)	\$148,000.00
Town Taxable	\$148,000.00
School Taxable	\$148,000.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$189,743.59

Structure	
Site 1 of 1	
Building 1 of 1	
Section 1 of 1	
Boeck # - Description	0319 - 2 sty Str/off/apt load sup
Construction Quality	2
Gross Floor Area	2640
Number of Stories	2
Story Height	10
Year Built / Effective Year Built	1911 / 1911
Condition	3 - Normal
Building Perimeter	444
Basement Perimeter	166
Basement SQFT	1020
Number of Elevators	0

Property Description	
Type	Commerical
Use	482 - Det row bldg
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	4400
Census Tract	68
Council	FILLMORE

Last Property Sale	
Sale Date	2/29/2000
Sale Price	\$58,500.00
Useable Sale	NO
Arms Length	NO
Prior Owner Name	Dodge Barbara M,
Deed Book	10963
Deed Page	7079
Deed Date	2/29/2000

Air Conditioning %	35
Sprinkler %	0

Commerical Site Uses			
Site #	Commercial Use	Total Units	Total Rentable Area (sqft.)
1	Body shop	1	1,268
1	Row office	1	1,170
1	External apt	1	1,170

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
No Improvements						

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0	0	0	4200	Land: 1 Rating:

Owner Information					
Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip
Buscarino Salvatore J,	369 Niagara St				Buffalo NY 14201

Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$148,000.00

Property: 44 TRINITY, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-22./A



Assessment	
Total	\$151,000.00
Total Land	\$9,000.00
County Taxable (Erie)	\$151,000.00
Town Taxable	\$151,000.00
School Taxable	\$151,000.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$193,589.74

Structure	
Site 1 of 1	
Year Built	1900
House Style	8 - Old style
Total SQFT *	1380
1st Story SQFT *	920
2nd Story SQFT *	0
1/2 Story SQFT *	460
3/4 Story SQFT *	0
Add'l Story SQFT *	0
Finished Attic SQFT *	0
Finished Basement SQFT *	0
Finished Rec Room SQFT *	0
Finished Over Garage SQFT *	0
Number of Stories	1.5
Overall Condition	2 - Fair
Exterior Wall Material	Wood
Bedrooms	3

Property Description	
Type	Residential
Use	210 - 1 Family Res
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	381
Census Tract	
Council	

Last Property Sale	
Sale Date	
Sale Price	
Useable Sale	NO
Arms Length	NO
Prior Owner Name	
Deed Book	
Deed Page	
Deed Date	

Baths	1
Kitchens	1
Basement Type	Partial
Central Air	No
Heat Type	1 - No central
Fuel Type	0 -
Fireplaces	0
Garage(s)	
Garage(s) SQFT	

* Based On Exterior Dimensions

Improvements

Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
1	XX1 - User defined	1	Normal	2018	1	0X0

Land

Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0	27	55	0	Land: 1 Rating:

Owner Information

Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip
Buscarino Salvatore J,	369 Niagara St				Buffalo NY 14201

Exemptions

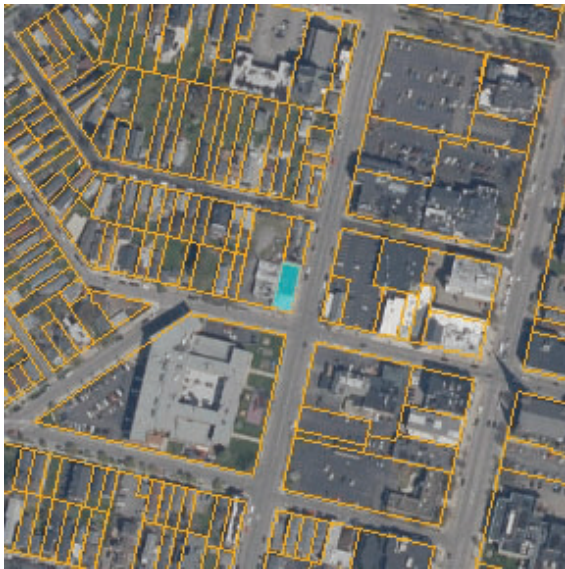
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts

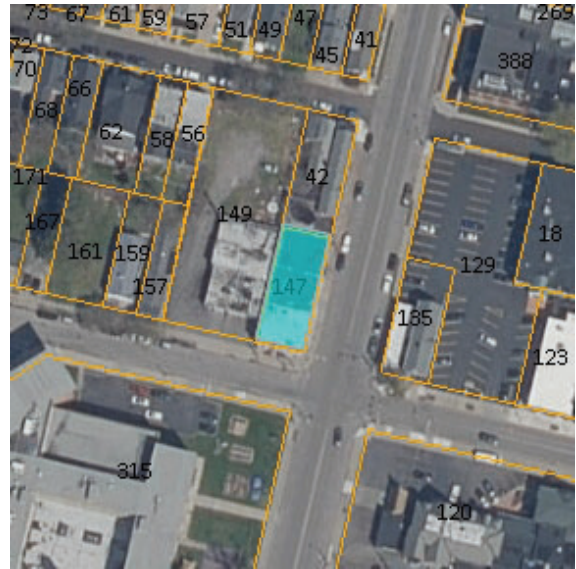
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$151,000.00

Erie County On-Line Mapping System Parcel Detail Report

Report generated:
6/1/2022 3:07:54 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001112900004023000

SBL: 111.29-4-23

Address: 147 TUPPER WEST

Owner 1: 147 WEST TUPPER LLC

Owner 2:

Mailing Address: 61 JOHNSON PARK

City/Zip: BUFFALO NY 14201

Municipality: City of Buffalo

Property Class: 482

Class Description: C - Det row bldg

Front: 40

Depth: 100

Deed Roll: 1

Deed Book: 11328

Deed Page: 1235

Deed Date:

Acreeage: 0.09069684

Total Assessment: \$510,000

Land Assessment: \$44,000

County Taxes: \$510,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Property: 147 TUPPER WEST, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-23

Assessment	
Total	\$459,000.00
Total Land	\$44,000.00
County Taxable (Erie)	\$459,000.00
Town Taxable	\$459,000.00
School Taxable	\$459,000.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$588,461.54

Structure	
Site 1 of 1	
Building 1 of 1	
Section 1 of 1	
Boeck # - Description	0319 - 2 sty Str/off/apt load sup
Construction Quality	2
Gross Floor Area	7680
Number of Stories	2
Story Height	11
Year Built / Effective Year Built	1890 / 1890
Condition	3 - Normal
Building Perimeter	544
Basement Perimeter	272
Basement SQFT	3840
Number of Elevators	0

Property Description	
Type	Commerical
Use	482 - Det row bldg
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	4400
Census Tract	68
Council	FILLMORE

Last Property Sale	
Sale Date	4/17/2018 11:16:27 AM
Sale Price	\$510,000.00
Useable Sale	YES
Arms Length	YES
Prior Owner Name	332-346 South Elmwood Ave Inc,
Deed Book	11328
Deed Page	1235
Deed Date	4/17/2018

Air Conditioning %	35
Sprinkler %	0

Commerical Site Uses			
Site #	Commercial Use	Total Units	Total Rentable Area (sqft.)
1	Row retail	1	2,340
1	Diner	1	1,500
1	External apt	6	3,840

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
No Improvements						

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0	0	0	4000	Land: 1 Rating:

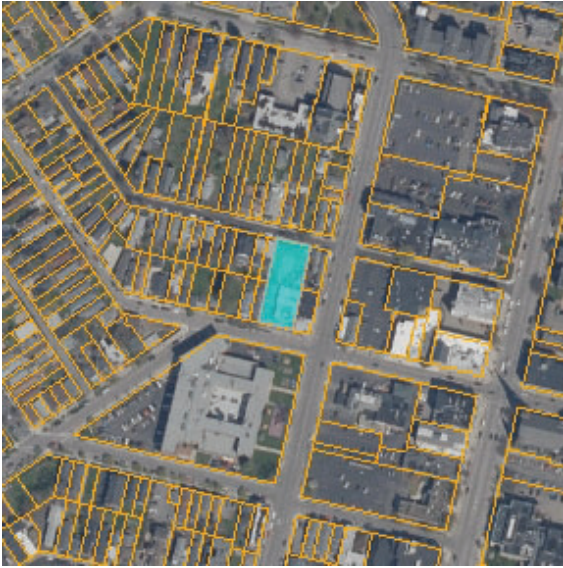
Owner Information					
Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip
147 West Tupper LLC,	61 Johnson Park		Ste	A	Buffalo NY 14201

Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

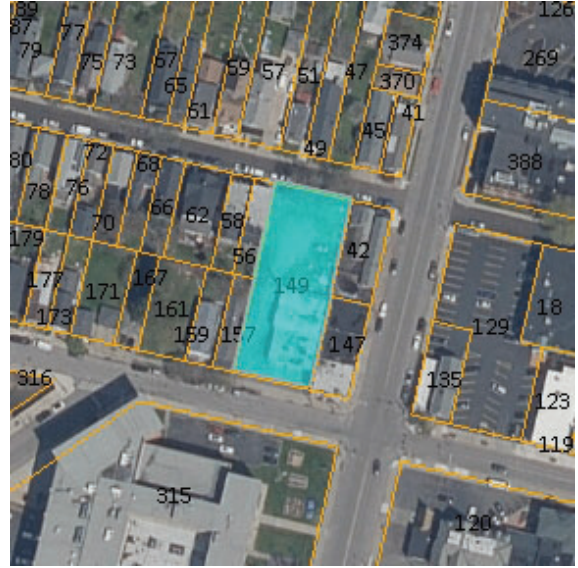
Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$459,000.00

Erie County On-Line Mapping System Parcel Detail Report

Report generated:
6/1/2022 3:07:04 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001112900004021100

SBL: 111.29-4-21.1

Address: 149 TUPPER WEST

Owner 1: BUSCARINO SALVATORE

Owner 2:

Mailing Address: 369 NIAGARA ST

City/Zip: BUFFALO NY 14201

Municipality: City of Buffalo

Property Class: 433

Class Description: C - Auto body

Front: 80.59

Depth: 0

Deed Roll: 1

Deed Book: 06776

Deed Page: 00181

Deed Date:

Acreage: 0.3675077

Total Assessment: \$140,000

Land Assessment: \$88,000

County Taxes: \$140,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Property: 149 TUPPER WEST, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-21.1



Assessment	
Total	\$140,000.00
Total Land	\$88,000.00
County Taxable (Erie)	\$140,000.00
Town Taxable	\$140,000.00
School Taxable	\$140,000.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$179,487.18

Structure	
Site 1 of 1	
Building 1 of 1	
Section 1 of 1	
Boeck # - Description	0715 - Auto drivein shop load sup
Construction Quality	3
Gross Floor Area	3500
Number of Stories	1
Story Height	12
Year Built / Effective Year Built	1940 / 1940
Condition	3 - Normal
Building Perimeter	253
Basement Perimeter	0
Basement SQFT	0
Number of Elevators	0

Property Description	
Type	Commerical
Use	433 - Auto body
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	4400
Census Tract	68
Council	FILLMORE

Last Property Sale	
Sale Date	
Sale Price	
Useable Sale	NO
Arms Length	NO
Prior Owner Name	
Deed Book	
Deed Page	
Deed Date	

Air Conditioning %	0
Sprinkler %	0

Commerical Site Uses			
Site #	Commercial Use	Total Units	Total Rentable Area (sqft.)
1	Body shop	0	3,392
1	Walk-up off	0	108
1	Parking lot	10	0

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
1	LP4 - Pavng-asphlt	1	Normal	2004	13000	0X0

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0.37	80.59	0	16000	Land: 1 Rating:

Owner Information						
Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip	
Buscarino Salvatore,	369 Niagara St				Buffalo NY 14201	

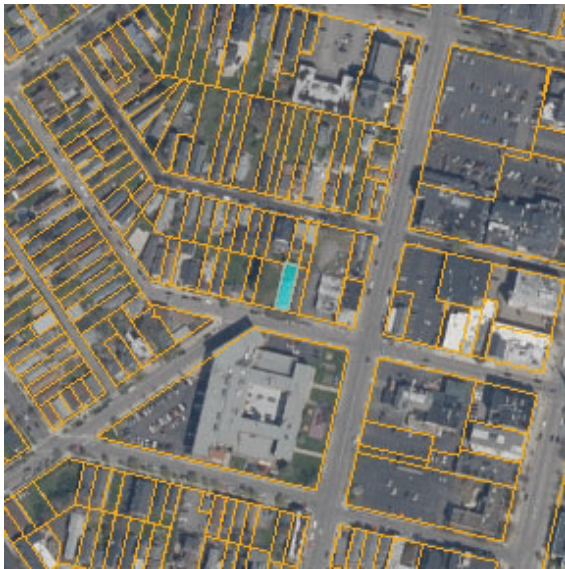
Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$140,000.00

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
6/1/2022 3:05:36 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001112900004027000

SBL: 111.29-4-27

Address: 159 TUPPER WEST

Owner 1: 147 WEST TUPPER LLC

Owner 2:

Mailing Address: 61 JOHNSON PARK

City/Zip: BUFFALO NY 14201

Municipality: City of Buffalo

Property Class: 220

Class Description: R - 2 Family Res

Front: 29

Depth: 100

Deed Roll: 1

Deed Book: 11346

Deed Page: 9548

Deed Date:

Acreage: 0.06511104

Total Assessment: \$157,000

Land Assessment: \$9,700

County Taxes: \$157,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 1880

Sqft Living Area: 2040

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 6

Baths: 2

Property: 159 TUPPER WEST, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-27



Assessment	
Total	\$157,000.00
Total Land	\$9,700.00
County Taxable (Erie)	\$157,000.00
Town Taxable	\$157,000.00
School Taxable	\$157,000.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$201,282.05

Structure	
Site 1 of 1	
Year Built	1880
House Style	8 - Old style
Total SQFT *	2040
1st Story SQFT *	1020
2nd Story SQFT *	1020
1/2 Story SQFT *	0
3/4 Story SQFT *	0
Add'l Story SQFT *	0
Finished Attic SQFT *	0
Finished Basement SQFT *	0
Finished Rec Room SQFT *	0
Finished Over Garage SQFT *	0
Number of Stories	2
Overall Condition	3 - Normal
Exterior Wall Material	Alum/vinyl
Bedrooms	6

Property Description	
Type	Residential
Use	220 - 2 Family Res
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	381
Census Tract	68
Council	FILLMORE

Last Property Sale	
Sale Date	7/16/2019 11:40:19 AM
Sale Price	\$200,000.00
Useable Sale	YES
Arms Length	YES
Prior Owner Name	Malik, Khalid
Deed Book	11346
Deed Page	9548
Deed Date	7/16/2019

Baths	2
Kitchens	2
Basement Type	Partial
Central Air	No
Heat Type	2 - Hot air
Fuel Type	0 -
Fireplaces	0
Garage(s)	
Garage(s) SQFT	

* Based On Exterior Dimensions

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
1	XX4 - User defined	1	Normal	2018	1	0X0
1	RP2 - Porch-coverd	1	Normal	2016	65	0X0

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0	29	100	0	Land: 1 Rating:

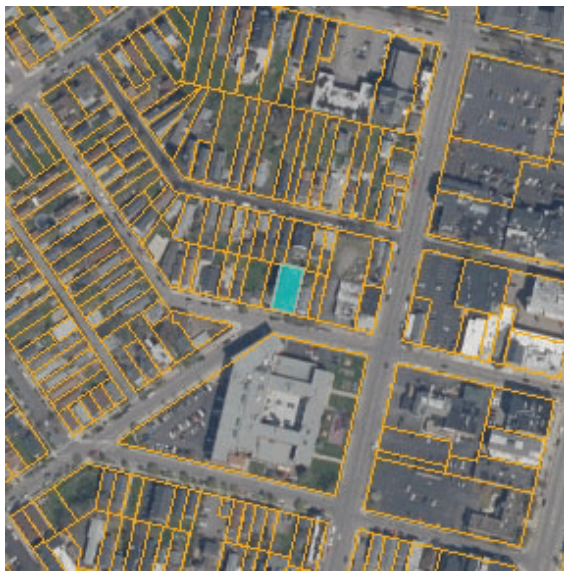
Owner Information						
Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip	
147 West Tupper LLC,	61 Johnson Park		Ste	A	Buffalo NY 14201	

Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$157,000.00

Erie County On-Line Mapping System Parcel Detail Report

Report generated:
6/1/2022 3:04:48 PM



Parcel Overview Map




Parcel Detail Map

PIN: 1402001112900004028000
SBL: 111.29-4-28
Address: 161 TUPPER WEST
Owner 1: BUSCARINO SALVATORE
Owner 2: C/O SAM'S GENERAL AUTO REPAIR
Mailing Address: 369 NIAGARA ST
City/Zip: BUFFALO NY 14201
Municipality: City of Buffalo
Property Class: 311
Class Description: R - Res vac land
Front: 50
Depth: 100
Deed Roll: 1
Deed Book: 09654
Deed Page: 00177
Deed Date:

Acreeage: 0.11153243
Total Assessment: \$13,100
Land Assessment: \$13,100
County Taxes: \$13,100
Town Taxes: \$0
School Taxes: \$0
Village Taxes: \$0
School District: CITY OF BUFFALO
Year Built: 0
Sqft Living Area: 0
Condition: 0
Heating: 0
Basement: 0
Fireplace: 0
Beds: 0
Baths: 0

Property: 161 TUPPER WEST, Buffalo, 14201
 SWIS: 140200 SBL: 111.29-4-28

No Municipal Photo Available. Google Streetview Picture:
 thumbnail
 Click on the Photo to Launch Google Streetview

Assessment	
Total	\$13,100.00
Total Land	\$13,100.00
County Taxable (Erie)	\$13,100.00
Town Taxable	\$13,100.00
School Taxable	\$13,100.00
Village Taxable	\$0.00
Equalization Rate	78%
Level of Assessment	78%
Full Market Value	\$16,794.87

Structure	
Site 1 of 1	
Building 1 of 0	
Section 1 of 0	
Boeck # - Description	-
Construction Quality	
Gross Floor Area	
Number of Stories	
Story Height	
Year Built / Effective Year Built	/
Condition	-
Building Perimeter	
Basement Perimeter	
Basement SQFT	
Number of Elevators	

Property Description	
Type	Vacant Land
Use	311 - Res vac land
Ownership Code	-
Zoning	N-2R
Road Type	-
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
School District	Buffalo School - 140200
Neighborhood Code	381
Census Tract	68
Council	FILLMORE

Last Property Sale	
Sale Date	
Sale Price	
Useable Sale	NO
Arms Length	NO
Prior Owner Name	
Deed Book	
Deed Page	
Deed Date	

Air Conditioning %	
Sprinkler %	

Improvements						
Site #	Description	Quantity	Condition	Year Built	SQFT	Dimensions
No Improvements						

Land						
Site #	Land Type	Acres	Front	Depth	SQFT	Soil Rating
1	01 - Primary	0	50	100	5000	Land: 1 Rating:

Owner Information						
Owner Name	Address 1	Address 2	Unit Name	Unit Number	City/State/Zip	
Buscarino Salvatore,	369 Niagara St				Buffalo NY 14201	

Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
No Exemptions				

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
SEWER - Sewer	A	0	0	\$13,100.00

FILED

JUN 09 2022

**ERIE COUNTY
CLERK'S OFFICE**

THIS INDENTURE, made the 9th day of June, 2022

BETWEEN

Isabella C. Buscarino and Olivia C. Buscarino, as Co-Executrices of the last will and testament of **Salvatore J. Buscarino**, late of the City of Buffalo, County of Erie, New York, deceased, having an address at 5784 main St., Williamsville, New York 14221,

party of the first part,

and

147 West Tupper LLC, having an address at 61 Johnson Park, Suite A, Buffalo, New York 14201,

party of the second part.

WITNESSETH, that the parties of the first part, by virtue of the power and authority given in and by said last will and testament of Salvatore J. Buscarino, and in consideration of **Five Hundred Fifty-Thousand and No/100 (\$550,000.00) dollars**, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See SCHEDULE A – LEGAL DESCRIPTION ATTACHED

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF



Isabella C. Buscarino L.S.



Olivia C. Buscarino L.S.

State of New York) ss:
County of _____)

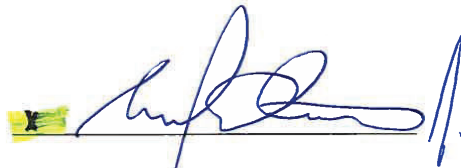
On this 9th day of June, 2022 before me, the undersigned, personally appeared **Isabella C. Buscarino**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument .



STEVEN H. POLOWITZ
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No 02PO4720215
QUALIFIED IN ERIE COUNTY
My Commission Expires Feb 28, 2023

State of New York) ss:
County of BRONX)

On this 3 day of June, 2022 before me, the undersigned, personally appeared **Olivia C. Buscarino**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument .



LEONEL ALMONTE JR.
Notary Public, State of New York
No. 03-4999004
Qualified in Bronx County
Commission Expires July 13, 20 22



SCHEDULE A
(Continued)**PARCEL "A"- 161 West Tupper Street**

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, Township 11, Range 8 of the Holland Land Company's Survey, described as follows:-

BEGINNING at a point in the northerly line of Tupper Street 586 feet westerly of the intersection of Tupper Street with the westerly line of Delaware Avenue and running thence northerly at right angles to Tupper Street 100 feet; running thence westerly parallel with Tupper Street 25 feet and running thence southerly at right angles 100 feet to the northerly line of Tupper Street; running thence easterly along the northerly line of Tupper Street 25 feet to the point of beginning.

Also all that tract or parcel of land situate in the City of Buffalo County of Erie and State of New York being part of Outer Lot No. 33, Township 11, Range 8 of the Holland Land Compnys Survey described as follows:

BEGINNING at a point in the northerly line of Tupper Street 611 feet westerly of the intersection of the northerly line of Tupper Street and the westerly line of Delaware Avenue; running thence northerly parallel with Delaware Avenue 100 feet; running thence westerly parallel with Tupper Street 25 feet; thence southerly parallel with Delaware Avenue 100 feet to the northerly line of Tupper Street; thence easterly along Tupper Street to the place of beginning.

Parcel "B" 42 & 44 Trinity Place

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33 described as follows:

BEGINNING at a point in the southerly line of Trinity Place 457 feet westerly from the point of intersection of the said southerly line of Trinity Place with the westerly line of Delaware Avenue; running thence southerly on a line drawn parallel with the said westerly line of Delaware Avenue 100 feet; thence easterly on a line drawn parallel with the said southerly line of Trinity Place 42.32 feet to the westerly line of Elmwood Avenue as now laid out; thence northerly along the westerly line of Elmwood Avenue and on a line parallel with the said westerly line of Delaware Avenue 100 feet to the southerly line of Trinity Place; thence westerly along the said southerly line of Trinity Place 42.32 feet to the place of beginning.

For Conveyancing Only

Together with all right, title and interest of, in and to any streets and roads abutting the above described premises. Our Policy of Title Insurance includes such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein.

END OF SCHEDULE A

FILED

JUN 09 2022

ERIE COUNTY
CLERK'S OFFICE

THIS INDENTURE, made the 9th day of June, 2022

BETWEEN

Exhibit A5

Isabella C. Buscarino, as Administratrix, DBN of the **Estate of Salvatore Buscarino**, late of the Town of Wheatfield, County of Niagara, New York, deceased,

and as Administratrix, DBN of the **Estate of Concetta Buscarino**, late of the Town of Wheatfield, County of Niagara, New York, deceased, having an address at 5784 main St., Williamsville, New York 14221,

party of the first part,

and

147 West Tupper LLC, having an address at 61 Johnson Park, Suite A, Buffalo, New York 14201,

party of the second part.

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by Letters of Administration De Bonis Non issued by the Surrogates Court of Niagara County on October 14, 2021, (copies attached) and in consideration of **Three Hundred Twenty-Five Thousand and No/100 (\$325,000.00) dollars**, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See SCHEDULE A – LEGAL DESCRIPTION ATTACHED

TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

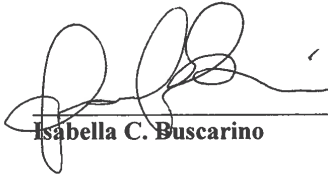
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before

using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.


IN PRESENCE OF



Isabella C. Buscarino L.S.

State of New York) ss:
County of Erie)

On this 9th day of June, 2022 before me, the undersigned, personally appeared **Isabella C. Buscarino**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity(ies), and that by her signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument .



STEVEN H. POLOWITZ
NOTARY PUBLIC, STATE OF NEW YORK
REGISTRATION No 02PO4720215
QUALIFIED IN ERIE COUNTY
My Commission Expires Feb 26, 2023

SCHEDULE A

(Continued)

Parcel "A"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, being the premises assessed as Trinity Place, south side 42.32 feet west of South Elmwood Avenue, being 25 feet front and rear by 100 feet in depth, described as follows:-

BEGINNING at a point in the southerly bounds of Trinity Place (formerly Delaware Place and German Street) at the distance of 457 feet westerly from the westerly line of Delaware Avenue; thence westerly along the southerly bounds of Trinity Place 25 feet; thence southerly on a line parallel with Delaware Avenue 100 feet; thence easterly on a line parallel with Trinity Place 25 feet; thence northerly on a line parallel with Delaware Avenue 100 feet to the place of beginning.

Parcel "B"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 37, described as follows:-

BEGINNING at a point in the southerly bounds of Trinity Place at a distance of 482 feet westerly from the westerly line of Delaware Avenue; running thence westerly along the southerly bounds of Trinity Place 25 feet; thence southerly on a line parallel with Delaware Avenue 100 feet; thence easterly on a line parallel with Trinity Place 25 feet; thence northerly on a line parallel with Delaware Avenue 100 feet to the point of beginning.

Parcel "C"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, described as follows:-

BEGINNING at a point in the south line of Trinity Place 507 feet westerly of the point of intersection of the said line of Trinity Place with the west line of Delaware Avenue; thence southerly and at right angles with Trinity Place 100 feet to the north line of lands conveyed to James Ross by a deed recorded in Erie County Clerk's Office in Liber 227 of Deeds at page 159; thence westerly parallel with Trinity Place 30 feet; thence north 100 feet to Trinity Place; thence easterly along said southerly line of Trinity Place 30 feet to the point of beginning.

Parcel "D"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, described as follows:-

BEGINNING at a point in the northerly line of Tupper Street 507 feet west of Delaware Avenue; thence northerly at right angles 100 feet; thence westerly parallel with Tupper Street 28 feet; thence southerly at right angles to Tupper Street 100 feet; thence along Tupper Street easterly 28 feet to the place of beginning.

Parcel "E"

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 33, described as follows:-

COMMENCING at a point in the northerly bounds of West Tupper Street at the distance of 40 feet westerly from the intersection of the westerly line of South Elmwood Avenue with the northerly line of West Tupper Street, the said point being 454.41 feet westerly from the intersection of the said northerly line of West Tupper Street with the westerly line of Delaware Avenue; thence running westerly along the northerly line of West Tupper Street 52.59 feet; thence northerly at right angles to Tupper Street 100 feet; thence easterly on a line parallel with West Tupper Street 52.59 feet to a point 40 feet westerly from the westerly line of South Elmwood Avenue; thence southerly 100 feet to the point or place of beginning.



June 22, 2022

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

Re: Document Repository for Brownfield Cleanup Program
147 West Tupper Street Site
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, Benchmark Civil/Environmental Engineering & Geology, PLLC, in association with TurnKey Environmental Restoration, LLC would like to request the Buffalo & Erie County Public Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

Please contact me if you have questions or require additional information.

Sincerely,
Benchmark Civil/Environmental Engineering & Geology, PLLC
TurnKey Environmental Restoration, LLC

A handwritten signature in black ink that reads "Chad M. Schuster".

Chad M. Schuster
Environmental Scientist

File: 0646-022-001

www.benchmarkturnkey.com

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

From: [April Tompkins](#)
To: [Chad Schuster](#)
Subject: RE: Document Repository Request - 147 West Tupper Street Site
Date: Wednesday, June 22, 2022 4:00:06 PM
Attachments: [Document Repository Request Buffalo Central Library.pdf](#)

Good afternoon Chad,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents submitted by your company for the Brownfield Cleanup Program at the **147 West Tupper Site**. These documents will be made available for public viewing at the **Central Library (downtown)** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your documents and [cover letter](#) to the Central Library. We will process according to our procedure and distribute to the location(s) of your choice. **If you would like a confirmation that your documents were received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

Attention: April Tompkins
Re: Repository Documents
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203
- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the**

corresponding printed document(s) to prevent it from getting lost or separated. Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disk in-house. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

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

Regards,
April

From: Chad Schuster <cschuster@bm-tk.com>
Sent: Wednesday, June 22, 2022 2:57 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - 147 West Tupper Street Site

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

Dear Ms. Tompkins:

Please find attached a letter of transmittal request the Buffalo and Erie County Library act as the document repository for the **147 West Tupper Street Site**. Please respond at your earliest convenience and feel free to contact me if you have any questions.

Sincerely,

Chad M. Schuster
Engineer/Scientist
cschuster@bm-tk.com

Benchmark Civil/Environmental Engineering & Geology, PLLC
www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, Cell: (716) 346-2818, Facsimile: (716) 856-0583

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Buffalo & Erie County Public Libraries have more than 3.2 million materials - books, eBooks, DVDs, music & more. Free library cards (traditional and eLibrary) are available to Erie County, New York residents and to those who work and/or attend school in Erie County, NY. Follow the library on [Facebook](#), [Twitter](#), [Instagram](#), [Pinterest](#), [Flickr](#) and on our podcast [All Booked Up!](#) Information: 716-858-8900 or <http://www.buffalolib.org>.

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