

# Brownfield Cleanup Program Application

2101 Kenmore Avenue Site  
Town of Tonawanda, New York

October 2022

B0602-021-001

Prepared For:

Wood and Brooks Properties LLC



Prepared By:



# Brownfield Cleanup Program Application

2101 Kenmore Avenue

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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: \_\_\_\_\_

BCP App Rev 13

## SECTION I: Property Information

PROPOSED SITE NAME 2101 Kenmore Avenue Site

ADDRESS/LOCATION 2101 Kenmore Avenue

CITY/TOWN Town of Tonawanda ZIP CODE 14207

MUNICIPALITY (LIST ALL IF MORE THAN ONE)

COUNTY Erie SITE SIZE (ACRES) 2.4

LATITUDE 42 ° 57 ' 43.48 " LONGITUDE 78 ° 53 ' 35.31 "

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. Figures 1, 2, & 3

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage
portion of 2101 Kenmore Avenue	77.08	1	1	2.4

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> 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"/>	<input checked="" type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information. <span style="border: 1px solid red; padding: 2px;">Figure 4</span>	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>



6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	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 data-bbox="219 745 1144 798"> <tr> <td data-bbox="219 745 990 787"><u>Easement/Right-of-Way Holder</u></td> <td data-bbox="990 745 1144 787"><u>Description</u></td> </tr> </table> Rail and utility easements along eastern boundary	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>	<input type="radio"/>	<input checked="" type="radio"/>
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			

13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): Related to the larger property/facility	<input checked="" type="radio"/>	<input type="radio"/>									
<table data-bbox="131 1029 1388 1165"> <tr> <td><u>Type</u></td> <td><u>Issuing Agency</u></td> <td><u>Description</u></td> </tr> <tr> <td>Operating CAA Facility</td> <td>EPA</td> <td>Permit No. NY0000009140200669</td> </tr> <tr> <td>Inactive RCRA Facility</td> <td>EPA</td> <td>Permit No. NYD108615485</td> </tr> </table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>	Operating CAA Facility	EPA	Permit No. NY0000009140200669	Inactive RCRA Facility	EPA	Permit No. NYD108615485		
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Operating CAA Facility	EPA	Permit No. NY0000009140200669									
Inactive RCRA Facility	EPA	Permit No. NYD108615485									

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? Figures 5 & 6	<input checked="" type="radio"/>	<input type="radio"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. NA</b>		

15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits?	Y <input type="radio"/>	N <input type="radio"/>
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.	<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?	<input type="radio"/>	<input type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?	<input type="radio"/>	<input type="radio"/>

**NOTE:** If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

**If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.**

**Initials of each Requestor:**

MW  \_\_\_\_\_



**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

**Figure 7**

**SECTION III: Land Use Factors**

1. What is the property's current municipal zoning designation? PS - Performance Standard

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

Residential  Commercial  Industrial

**Figure 5**

3. Current use (select all that apply):

Residential  Commercial  Industrial  Recreational  Vacant

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.  
Is this summary included with the application?

Y	N
<input checked="" type="radio"/>	<input type="radio"/>

5. Reasonably anticipated post-remediation use (check all that apply):

Residential  Commercial  Industrial

If residential, does it qualify as single-family housing?  N/A

<input type="radio"/>	<input checked="" type="radio"/>
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6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

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

7. Is the proposed post-remediation use a renewable energy facility?  
See application instructions for additional information.

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

8. Do current and/or recent development patterns support the proposed use?

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

9. Is the proposed use consistent with applicable zoning laws/maps?  
Please provide a brief explanation and additional documentation if necessary.

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

10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?  
Please provide a brief explanation and additional documentation if necessary.

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

**SECTION IV: Property's Environmental History**

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

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chlorinated Solvents	<input type="checkbox"/>	<input 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: Figure 6
  - Sample location
  - Date of sampling event
  - Key contaminants and concentration detected
  - For soil, highlight exceedances of reasonably anticipated use
  - For groundwater, highlight exceedances of 6 NYCRR part 703.5
  - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

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

Are the required drawings included with this application?  YES  NO

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

<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:

SECTION V: Requestor Information			
NAME Wood and Brooks Properties LLC			
ADDRESS 2101 Kenmore Avenue			
CITY/TOWN Town of Tonawanda		ZIP CODE 14207	
PHONE 716-874-6470		EMAIL Michael@frontierinsulation.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 <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . 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 <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <b>Documents that are not properly certified will not be approved under the BCP.</b>		<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	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:		
<p><b>PARTICIPANT</b> <input checked="" type="checkbox"/></p> <p>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.</p>	<p><b>VOLUNTEER</b> <input type="checkbox"/></p> <p>A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.</p> <p>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.</p> <p><b>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.</b></p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
<p>Yes <input type="radio"/>                      No <input type="radio"/>                      N/A <input checked="" type="radio"/></p>		

**SECTION VI: Requestor Eligibility (CONTINUED)**

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

Previous Owner    Current Owner    Potential/Future Purchaser    Other: \_\_\_\_\_

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

Is this proof attached?

Yes

No

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

**SECTION VII: Requestor Contact Information****REQUESTOR'S REPRESENTATIVE**

Michael Wopperer

**ADDRESS**

2101 Kenmore Avenue

**CITY**

Town of Tonawanda

**ZIP CODE**

14207

**PHONE**

716-874-6470

**EMAIL**

Michael@frontierinsulation.com

**REQUESTOR'S CONSULTANT (CONTACT NAME)**

Thomas H. Forbes, P.E.

**COMPANY**

Benchmark Civil/Environmental Engineering & Geology, PLLC

**ADDRESS**

2558 Hamburg Turnpike

**CITY**

Buffalo

**ZIP CODE**

14218

**PHONE**

716-856-0599

**EMAIL**

tforbes@bm-tk.com

**REQUESTOR'S ATTORNEY (CONTACT NAME)**

Mr. Peter Sorgi, Esq.

**COMPANY**

Hopkins, Sorgi & McCarthy, PLLC

**ADDRESS**

725 Main Street, Suite B

**CITY**

East Aurora

**ZIP CODE**

14052

**PHONE**

716-805-7191

**EMAIL**

psorgi@hsmlegal.com

<b>SECTION VIII: Program Fee</b>		
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.		
	<b>Y</b>	<b>N</b>
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	<input checked="" type="radio"/>	<input type="radio"/>
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
Is the appropriate documentation included with this application?		

<b>SECTION IX: Current Property Owner and Operator Information</b>		
<b>CURRENT OWNER</b> The Leroy Properties, Inc.		
<b>CONTACT NAME</b> Michael Wopperer		
<b>ADDRESS</b> 2101 Kenmore Avenue		
<b>CITY</b> Town of Tonawanda	<b>ZIP CODE</b> 14207	
<b>PHONE</b> 716-874-6470	<b>EMAIL</b> Michael@frontierinsulation.com	
<b>OWNERSHIP START DATE</b> May 22, 1987		
<b>CURRENT OPERATOR</b> The Leroy Properties, Inc.		
<b>CONTACT NAME</b> Michael Wopperer		
<b>ADDRESS</b> 2101 Kenmore Avenue		
<b>CITY</b> Town of Tonawanda	<b>ZIP CODE</b> 14207	
<b>PHONE</b> 716-874-6470	<b>EMAIL</b> Michael@frontierinsulation.com	
<b>OPERATION START DATE</b> May 22, 1987		

<b>SECTION X: Property Eligibility Information</b>		
	<b>Y</b>	<b>N</b>
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
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?                      If yes, please provide:                      Permit Type: _____ EPA ID Number: _____                      Date Permit Issued: _____ Permit Expiration Date: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.</p> <p style="text-align: right;">N/A <input checked="" type="radio"/></p>	<input type="radio"/>	<input type="radio"/>
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?                      If yes, please provide the order number: _____</p>	<input type="radio"/>	<input checked="" type="radio"/>
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?                      If yes, please provide additional information.</p>	<input type="radio"/>	<input checked="" type="radio"/>

**SECTION XI: Site Contact List**

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

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties. Figure 8
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

**SECTION XII: Statement of Certification and Signatures**

(By requestor who is an individual)

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

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am President (title) of WOOD AND BROOKS PROPERTIES 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: 10/11/22 Signature:  \_\_\_\_\_

Print Name: Mr. Michael Wopperer \_\_\_\_\_

**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, 11<sup>th</sup> 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. NA

**BCP App Rev 13**

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 2101 Kenmore Avenue Site		SITE ADDRESS 2101 Kenmore Avenue	
CITY Town of Tonawanda		COUNTY Erie	ZIP 14207
REQUESTOR NAME Wood and Brooks Properties LLC		REQUESTOR ADDRESS 2101 Kenmore Avenue	
CITY Town of Tonawanda		ZIP 14207	EMAIL Michael@frontierinsulation.com

PROPERTY ADDRESS	SECTION	BLOCK	LOT
portion of 2101 Kenmore Avenue	77.08	1	1

REQUESTOR'S REPRESENTATIVE			
NAME Michael Wopperer		ADDRESS 2101 Kenmore Avenue	
CITY Town of Tonawanda		ZIP 14207	EMAIL Michael@frontierinsulation.com
REQUESTOR'S ATTORNEY			
NAME Mr. Peter Sorgi, Esq.		ADDRESS 725 Main Street, Suite B	
CITY East Aurora		ZIP 14052	EMAIL psorgi@hsmlegal.com
REQUESTOR'S CONSULTANT			
NAME Thomas H. Forbes, P.E.		ADDRESS 2558 Hamburg Turnpike	
CITY Buffalo		ZIP 14218	EMAIL tforbes@bm-tk.com

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

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

PERCENTAGE WITHIN AN EN-ZONE	0% <input 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**

<b>IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?</b>	YES	<input type="radio"/>	NO	<input type="radio"/>
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<b>UPSIDE DOWN</b>	YES	<input type="radio"/>	NO	<input type="radio"/>
<b>DEC DETERMINATION</b>	AGREE		DISAGREE	

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

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

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

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

<b>NOTES:</b>	
---------------	--

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

**SECTION I – PROPERTY INFORMATION**

Parcel Description

The 2101 Kenmore Avenue Site (referred to herein as the Project Site and/or the Site), subject to this NYS Brownfield Cleanup Program (BCP) application, is located in the Town of Tonawanda, Erie County, New York (see Figures 1 and 2), in a mixed-use residential, commercial, and industrial area along the City of Buffalo and Town of Tonawanda boundary. The Site is an approximate 2.4-acre portion of the larger 2101 Kenmore Avenue parcel, and is further identified as:

- p/o 2101 Kenmore Avenue, SBL No. 7708-1-1 (see Figure 3)

A metes and bounds description of the proposed BCP boundary is attached.

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is located within a Disadvantaged Communities census tract 36029004800 (see Figure 4).

Easements and Permits

Wood and Brooks Properties 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 rights-of-way along Kenmore Avenue, and rail lines and electrical power lines are located along the eastern boundary. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Wood and Brooks Properties LLC is not aware of any other easements or restrictions on the Site.

Though not within the BCP boundary, a closed Spill (0512221) occurred on the larger 2101 Kenmore Avenue Site in January 2006. Remedial activities were completed, and the spill was closed in April 2006.

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

The Enforcement and Compliance History Online (ECHO) database identified the larger property (unknown related to the BCP portion of the Site) as an operating synthetic minor facility per the clean air act (CAA), permit number NY0000009140200669. The last compliance monitoring activity was completed on September 27, 2021. The facility is also classified as a former (inactive) Resource Conservation and Recovery Act (RCRA) site, permit ID number NYD108615485.

Property Description Narrative

Location

The Site is located along Kenmore Avenue in a highly developed mixed-use residential, commercial, and industrial area of the Town of Tonawanda, Erie County, New York. The site is located on the border between the Town of Tonawanda and the City of Buffalo (Kenmore Avenue). The Site is bordered by Kenmore Avenue along the western boundary with residential properties beyond, commercial properties to the north; and railroad, utilities, to the east.

Site Features

The Site has two (2) interconnected commercial use buildings, with associated parking and driveways, with select green space. Portions of the building are vacant with sections used as commercial and storage.

Zoning and Land Use

The project will include the redevelopment of on-site building into mixed use residential housing (apartments). The Town of Tonawanda zoning for the Site is Performance Standards Use District (PS) (see Figure 5). Town of Tonawanda has approved the land use for the planned development.

The surrounding parcels are currently used as follows:

- north – commercial, industrial;
- south – Kenmore Avenue, commercial, light industrial;

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

- east – railroad, industrial, commercial; and
- west – Kenmore Avenue, residential.

Past Use of the Site

The Site was historically used for piano key manufacturing from approximately 1900 to 1970s; and more recently has been used in a variety of commercial manufacturing and warehousing.

Elevated arsenic exceeding its Industrial Use SCO, likely related to historic wood piano key manufacturing, has impacted the Site.

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 slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud) and Urban land-Odesa complex (Ut). Typical surface covering for urban land include asphalt, concrete, buildings, or other impervious structures, commonly found in an urban environment. The Urban Land–Odesa Complex consists of 60 percent urban land, 25 percent Odesa and similar soils, and 15 percent minor components.

Shallow fill material, consisting of cinders, ash, brick, and glass, was identified in all seven (7) investigation locations across the Site ranging in depth from 0 to 2.5 fbs.

Regional groundwater likely flows northwest toward Two Mile Creek and the Niagara River. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

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

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

Environmental Assessment Narrative

Past use of the Site as a piano key manufacturer has impacted the Site. Figure 6 summarizes the environmental impacts identified in the previous investigation.

Soil – Fill material, consisting of cinders, ash, brick, and glass, was identified across the Site ranging in depth from 0 to 2.5 fbs.

Laboratory analytical results indicate elevated PAHs and metals exceeding RRSCO, CSCO, and ISCO, including:

- Benzo(a)anthracene exceeded its RRSCO (1 mg/kg) at three (3) locations, SB-D (4 mg/kg), SB-H (2.2 mg/kg), and SB-J (4.8 mg/kg).
- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) at three (3) locations, SB-D (3.7 mg/kg), SB-H (2.1 mg/kg), and SB-J (3.6 mg/kg).
- Benzo(b)fluoranthene exceeded its RRSCO (1 mg/kg) at three (3) locations, SB-D (5.4 mg/kg), SB-H (3.4 mg/kg), and SB-J (5.3 mg/kg).
- Chrysene exceeded its RRSCO (3.9 mg/kg) at two (2) locations, SB-D (4.5 mg/kg) and SB-J (4.8 mg/kg).
- Dibenzo(a,h)anthracene exceeded its RRSCO (0.33 mg/kg) at one (1) location, SB-H (0.39 mg/kg); and its CSCO (0.56 mg/kg) at two (2) locations, SB-D (0.78 mg/kg) and SB-J (0.79 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO (0.5 mg/kg) at three (3) locations, SB-D (2 mg/kg), SB-H (1.1 mg/kg), and SB-J (1.8 mg/kg).
- Arsenic exceeded its ISCO (16 mg/kg) at two (2) locations, SB-D (27.6 mg/kg) and SB-H (88.5 mg/kg).
- Lead exceed its USCO (63 mg/kg) at two (2) locations SB-C and SB-H.

Previous investigation documentation has been provided electronically.

**SECTION II – PROJECT DESCRIPTION**

Wood and Brooks Properties LLC is willing to complete additional investigation and remediate the Site under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program. Investigation activities are planned to be completed after acceptance into the BCP in January 2023, with assumed remedial activities in 2023 through 2024, and approval and issuance of the Certificate of Completion in 2024.



**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

A preliminary project schedule is shown on Figure 7.

The project plans to redevelop the Site for residential apartments, including parking and exterior open space areas.

**SECTION III – LAND USE FACTORS**

**1 and 2 – Current Zoning**

The Site, located within the Town of Tonawanda, is zoned PS Performance Standards Use District (see Figure 5). Town of Tonawanda has approved the land use for the planned development.

**3 and 4 – Current Use**

A portion of the Site is currently vacant, with other areas currently being used for storage and commercial use.

Historically, the Site has been operated as a piano key manufacturer from 1900-1970s and has been used for commercial operations to current date.

**5-10 – Planned Future Use**

The Participant plans to redevelop the 2.4-acre Site, with the renovation of the existing building into multi-residential apartment building with associated parking lot and greenspace. Site is located adjacent to single-family residential neighborhood, and redevelopment for residential apartments would be consistent with recent development in the vicinity of the Site.

**SECTION IV - PROPERTY'S ENVIRONMENTAL HISTORY**

A summary of the previous environmental investigation findings completed for the Site are provided below.

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

Limited Environmental Investigation – July 2021

TurnKey completed a limited environmental investigation to assess potential contamination related to historic operations on-Site (Piano Key Manufacturing). Nine (9) soil borings (SBs) were completed. Five (5) of the SBs were selected for laboratory analysis. Findings are summarized on Figure 6 and described below:

- Shallow fill was identified in all 7 SBs completed within the proposed BCP boundary, and within 8 of the 9 total SBs completed across the redevelopment area. Fill ranged in depth from surface to approximately 2.5 feet below ground surface (fbgs), and was generally described as brick, block, ash, cinders, and glass.
- Elevated PAHs exceeding the RRSCO, Commercial Use SCO (CSCO), and Industrial Use SCOs (ISCO), were detected in 3 of 5 sampled locations.
- Elevated metals, specifically arsenic, was identified exceeding its ISCO in 2 of 4 locations sampled, with values as high as 88.5 ppm (vs 16 ppm ISCO).

**SECTION V – REQUESTOR INFORMATION**

The New York State Corporation and Business Entity Database printout for Wood and Brooks Properties LLC is attached.

Wood and Brooks Properties LLC information is attached.

**SECTION VI – REQUESTOR ELIGIBILITY INFORMATION**

The Requestor, Wood and Brooks Properties LLC, would enter the BCP as a Participant.

**SECTION VII – REQUESTOR CONTACT INFORMATION**

Contact information for Wood and Brooks Properties LLC is provided.

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.

**Brownfield Cleanup Program Application  
2101 Kenmore Avenue Site**

Mr. Peter Sorgi, Esq., Hopkins Sorgi and McCarthy, PLLC will be acting as the Requestor’s attorney.

**SECTION VIII – PROGRAM FEE**

The Requestor will be requesting a fee waiver based on the Project’s location within the Disadvantaged Communities Area.

**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 are provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
<b>2101 Kenmore Avenue</b>			
<b>Current Owner/Operator</b>			
The Leroy Properties, Inc. 2101 Kenmore Avenue Buffalo, New York 14207 Phone: (716) 874-6470	Manufacturing/ Warehousing	1987 ~ Present	Limited
<b>Previous Owners/Operators</b>			
Wopperer F J RBT F&C F AS	Manufacturing	1972 ~ 1987	None
Wood and Brooks Co. (1901-1954) Sterling Precision Corp (purchased Co. 1954) Aurora Corp of Chicago (purchased Co. 1955).	Piano Key Manufacturing	1901-1970s	None

**SECTION X – PROPERTY ELIGIBILITY INFORMATION**

The larger property/facility was identified as a Resource Conservation and Recovery Act (RCRA) site - NYD108615485.

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

**SECTION XI – 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

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

Commissioner Thomas R. Hersey, Jr.  
Erie Co. Environment & Planning  
95 Franklin Street  
Buffalo, NY 14202

Mr. John Hood  
Erie Co. Environment & Planning  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

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

Mr. John Cappellino  
ECIDA  
95 Perry Street  
Buffalo, NY 14203

Commissioner Gale Burstein, MD  
Erie County Health Department  
95 Franklin Street, Room 931  
Buffalo, NY 14202

Commissioner Daniel Neaverth, Jr.  
Erie County Local Emergency  
45 Elm Street  
Buffalo, NY 14203

*Town of Tonawanda Contacts:*

Joseph H. Emminger  
Town Supervisor  
2919 Delaware Avenue #14  
Buffalo, NY 14217

Marguerite Greco  
Town Clerk  
2919 Delaware Avenue #14  
Buffalo, NY 14217

Kenneth J. Swanekamp, Chairman  
Town of Tonawanda  
Planning Board  
2919 Delaware Avenue #14

**Brownfield Cleanup Program Application  
2101 Kenmore Avenue Site**

Buffalo, NY 14217

*Supplier of Potable Water:*

Tonawanda Water and Sewer  
Department  
525 Belmont Avenue  
Buffalo, NY 14223

*Local News Media:*

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

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

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

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

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

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

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

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

*Nearby Schools:*

**Brownfield Cleanup Program Application  
2101 Kenmore Avenue Site**

Sue Jurewicz, Principal  
Charter School for Applied Technologies  
2303 Kenmore Avenue  
Buffalo, NY 14207

Ann Morgante, Principal  
Charter High School for Applied Technologies  
2245 Kenmore Avenue  
Buffalo, NY 14207

Michelle Hope Barnes, Principal  
PS #65/Roosevelt Elementary School  
249 Skillen Street  
Buffalo, NY 14207

Marlon Lee, Principal  
PS #79/Pfc. William J. Grabiarz School of  
Excellence  
225 Lawn Avenue  
Buffalo, NY 14207

Laura Collins, Principal  
Stanley G. Falk School, Roosevelt &  
Satellite  
283 Washington Avenue  
Buffalo, NY 14217

*Document Repository*

Ms. April Thompkins  
Sr. Library Clerk  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 1420



**Brownfield Cleanup Program Application  
2101 Kenmore Avenue Site**

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 8).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
2101	Kenmore Avenue	Warehouse/Manufacturing	The Leroy Properties, Inc. 2101 Kenmore Avenue Buffalo, NY 14207
0	Ontario Street	Utility	Niagara Mohawk Power Corp. C/O Real Estate Tax Dept A-3 300 Erie Blvd W Syracuse, NY 13202
0	Ontario Street	Utility	Niagara Mohawk Power Corp. C/O Real Estate Tax Dept A-3 300 Erie Blvd W Syracuse, NY 13202
2116	Kenmore Avenue	Commercial Vacant with Improvements	The Leroy Properties, Inc. C/O Attn: Leroy Properties Inc 2101 Kenmore Avenue Buffalo, NY 14207
2118	Kenmore Avenue	Vacant Commercial	City of Buffalo Perfecting Title, Rm. 905 65 Niagara Square Buffalo, NY 14202
2120	Kenmore Avenue	Vacant Commercial	City of Buffalo Perfecting Title, Rm. 905 65 Niagara Square Buffalo, NY 14202
2122	Kenmore Avenue	Residential Vacant Land	State of New York
2128	Kenmore Avenue	Single-Family Residential	Aung Tin & Da Pa T 2128 Kenmore Avenue Buffalo, NY 14207
2134	Kenmore Avenue	Single-Family Residential	Harry & Charlene Beno 46 Alexander Parkway North Tonawanda, NY 14120
2136	Kenmore Avenue	Residential Vacant Land	City of Buffalo Engineering Department 603 City Hall Buffalo, NY 14202

**Brownfield Cleanup Program Application**  
**2101 Kenmore Avenue Site**

116	Wiley Place	Two-Family Residential	Lance & Rachel Piscitelli 161 Main Street Akron, NY 14001
2142	Kenmore Avenue	Residential Vacant Land	City of Buffalo Perfecting Title, Rm. 209 65 Niagara Square Buffalo, NY 14202

Document Repository

The Buffalo and Erie County Library Elaine M. Panty Branch (formerly Riverside) Library would act as the document repository for the BCP Site. A letter of acknowledgement from the repository is attached.

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# TABLE

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Table 1      Summary of Soil/Fill Sample Analytical Results



**Table 1**

**Summary of Soil/Fill Sample Analytical Results**

**2101 Kenmore Avenue Site  
Tonawanda, New York**

Analyte Exceeding RRSCOs	Detections Exceeding RRSCO	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	3	4.8	1	2-2.5
Benzo(a)pyrene	3	3.7	1	0.5-2
Benzo(b)fluoranthene	3	5.4	1	0.5-2
Chrysene	2	4.8	3.9	2-2.5
Dibenzo(a,h)anthracene	3	0.79	0.33	2-2.5
Indeno(1,2,3-cd)pyrene	3	2	0.5	0.5-2
Arsenic	2	88.5	16	0.5-1.5

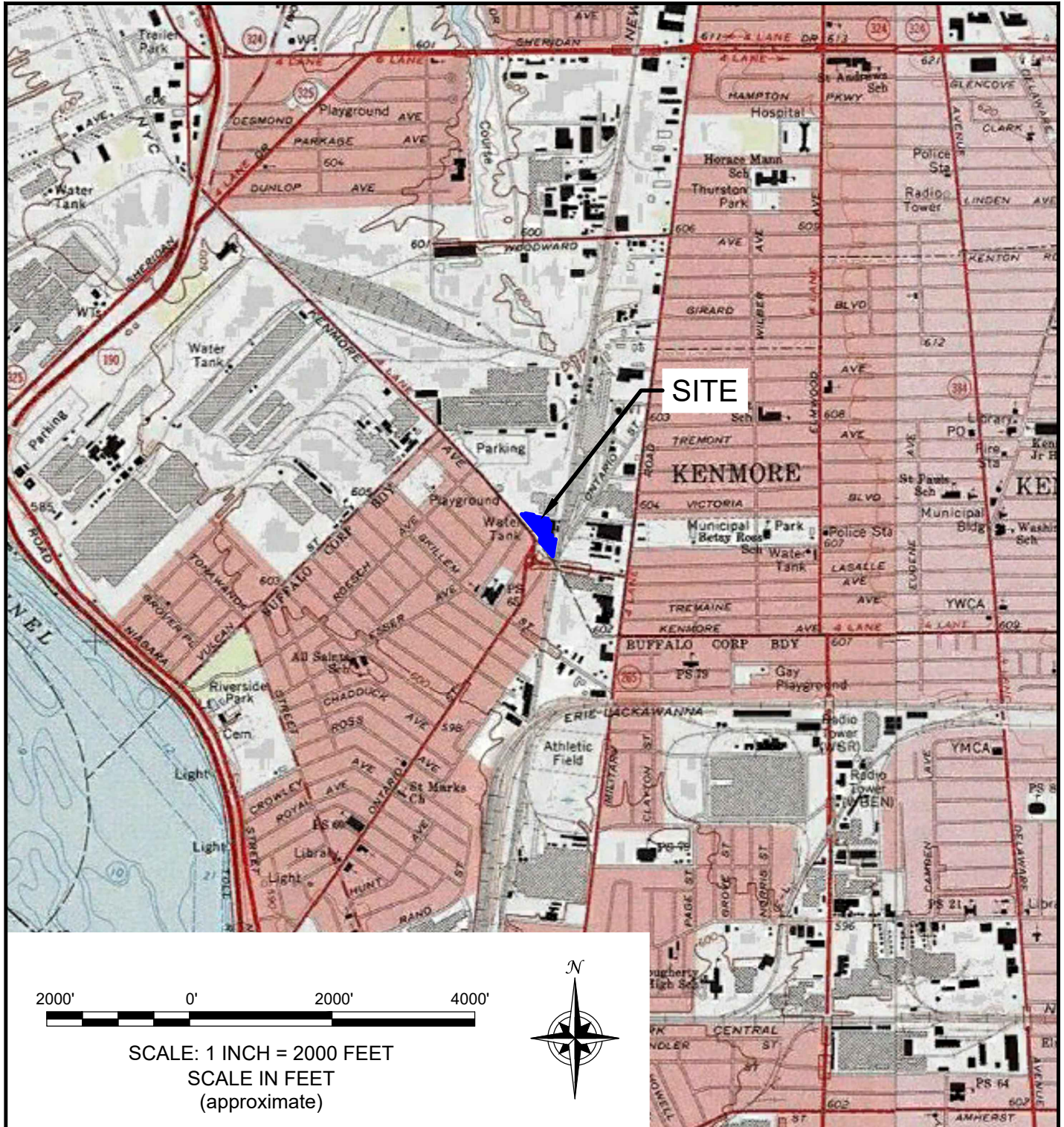

- Elevated detections exceeding Part 375 Restricted Residential Use SCOs in 3 of 5 sample locations.
- Elevated detections exceeding Part 375 Commercial Use SCOs in 2 of 5 sample locations.
- Elevated detections exceeding Part 375 Industrial Use SCOs in 3 of 5 sample locations.

# FIGURES

- Figure 1 Site Location and Vicinity Map
- Figure 2 Site Plan Aerial
- Figure 3 Tax Map
- Figure 4 Disadvantaged Communities Map
- Figure 5 Site Zoning Map
- Figure 6 Historic Investigation Locations & Results
- Figure 7 Preliminary Project Schedule
- Figure 8 Adjacent Property Owners



**FIGURE 1**

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

PROJECT NO.: 0602-021-001
DATE: OCTOBER 2021
DRAFTED BY: CEH-CMC

## SITE LOCATION AND VICINITY MAP

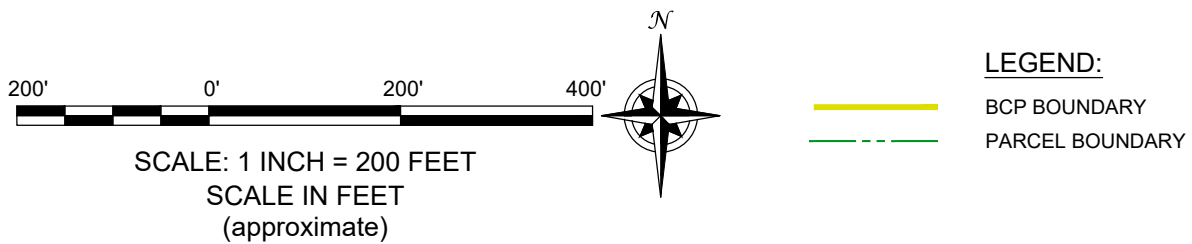
BROWNFIELD CLEANUP PROGRAM APPLICATION  
2101 KENMORE AVENUE SITE  
TONAWANDA, NEW YORK  
PREPARED FOR  
WOOD AND BROOKS PROPERTIES LLC

**DISCLAIMER:** PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. 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 ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.



FIGURE 2

F:\CAD\Benchmark\Frontier\_Insulation\BCP\_Application\Figure 2: Investigation Locations (& estimated BCP boundary) Jan 2022.dwg, 9/7/2022 10:56:30 AM



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

PROJECT NO.: 0602-021-001

DATE: OCTOBER 2021

DRAFTED BY: CMC

### SITE PLAN AERIAL

BROWNFIELD CLEANUP PROGRAM APPLICATION

2101 KENMORE AVENUE SITE

TONAWANDA, NEW YORK

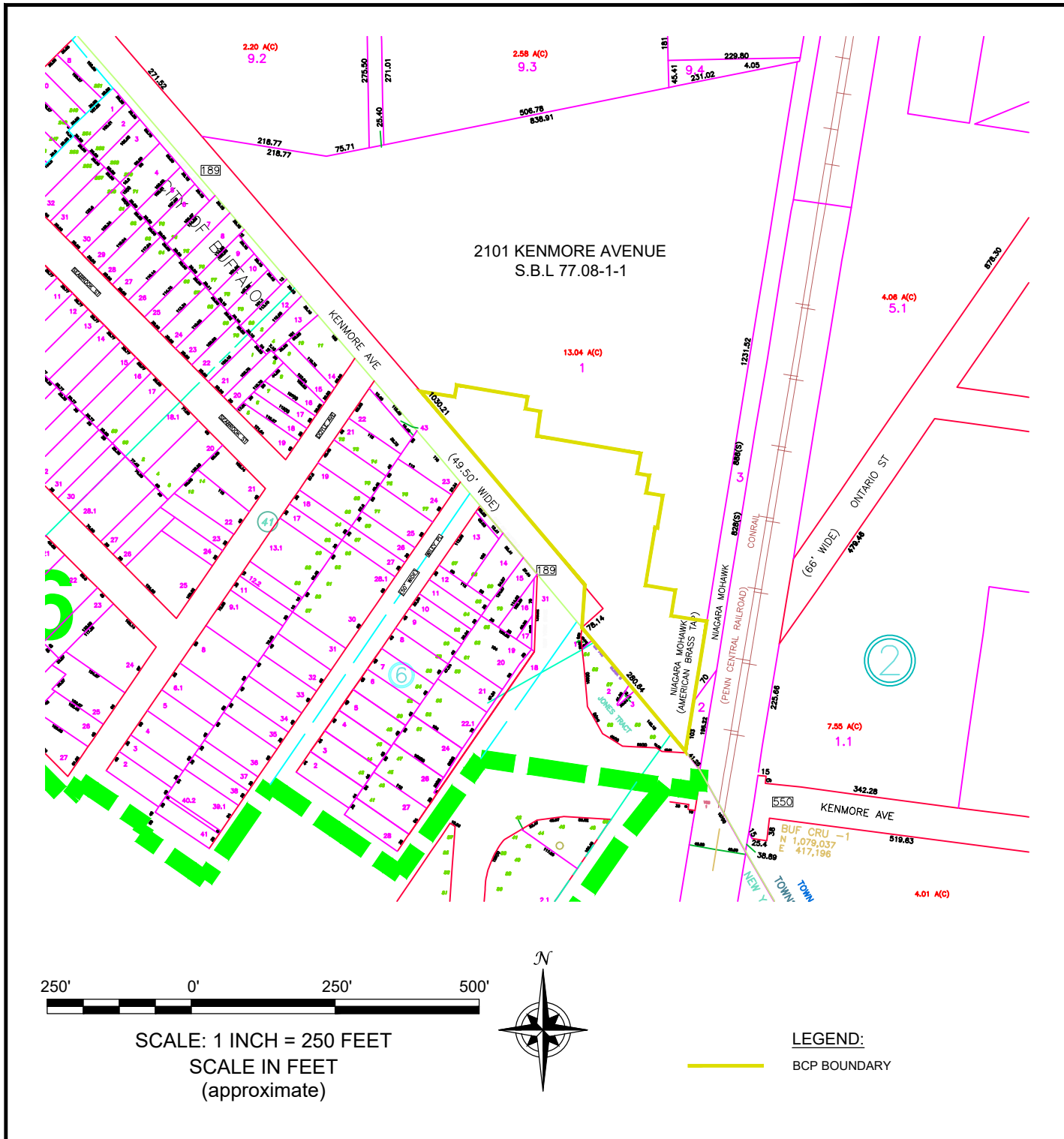
PREPARED FOR

WOOD AND BROOKS PROPERTIES LLC

**DISCLAIMER:** PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. 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 ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.

**FIGURE 3**

F:\CAD\Benchmark\Frontier Insulation\BCP\_Application\Figure 3; Tax Map.dwg, 9/7/2022 10:55:07 AM





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

PROJECT NO.: 0602-021-001
DATE: OCTOBER 2021
DRAFTED BY: CMC

**TAX MAP**  
 BROWNFIELD CLEANUP PROGRAM APPLICATION  
 2101 KENMORE AVENUE SITE  
 TONAWANDA, NEW YORK  
 PREPARED FOR  
**WOOD AND BROOKS PROPERTIES LLC**

**DISCLAIMER:**  
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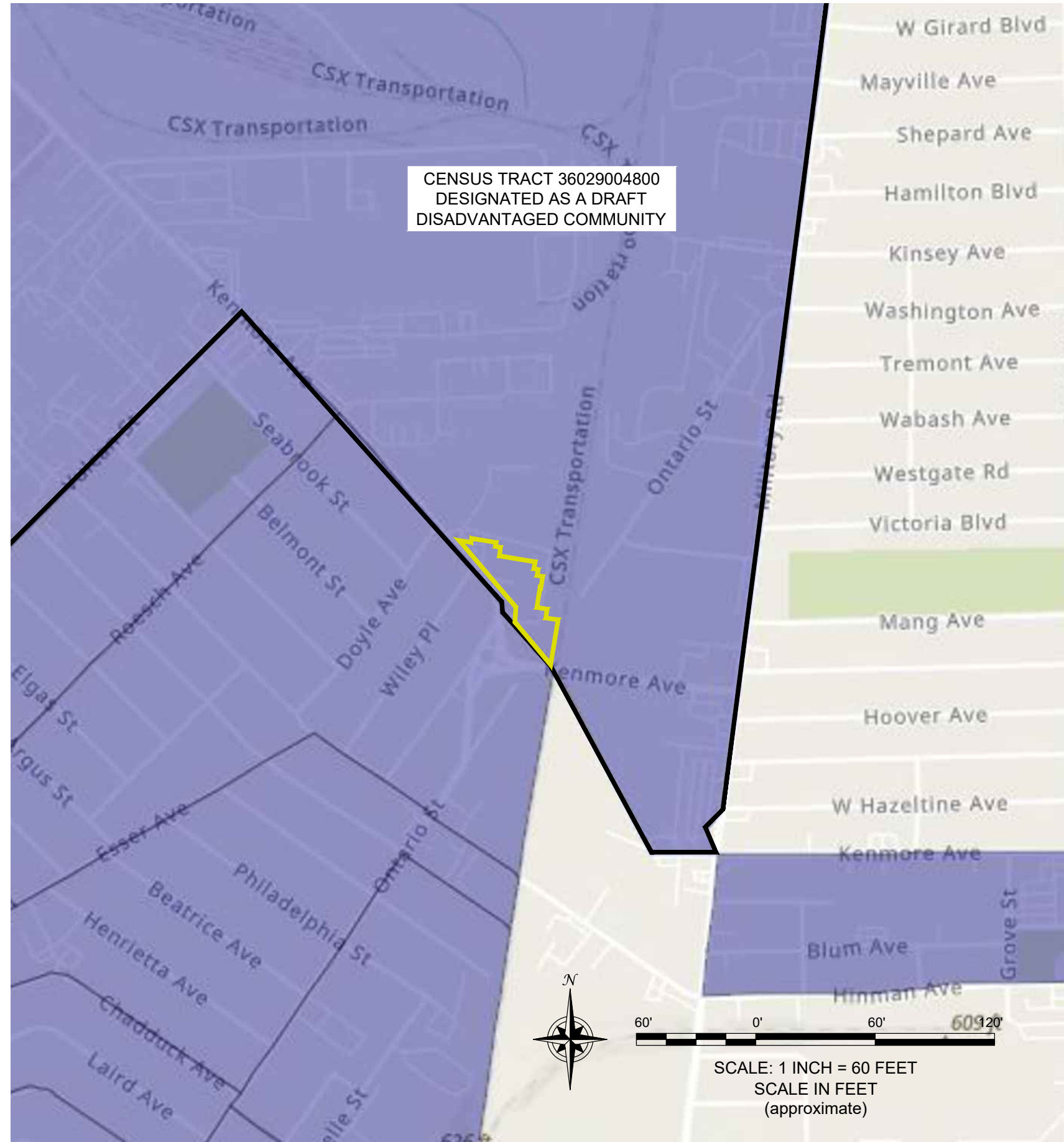
**LEGEND:**  
 BCP BOUNDARY  
 CENSUS TRACT BOUNDARY

**Environmental Burden & Climate Change Risk**

<b>Land Use &amp; Historic Discrimination</b>	Active Landfills	89%
	Housing Vacancy Rate	78%
	Industrial/Manufacturing/Mining La...	99%
	Major Oil Storage Facilities	79%
	Municipal Waste Combustors	0%
	Power Generation Facilities	44%
	Regulated Management Plan (Ch...	100%
	Remediation Sites	100%
	Scrap Metal Processing	0%
	<b>Potential Climate Change Risk</b>	Agricultural Land Use
Coastal Flooding and Storm Risk ..		0%
Driving Time to Urgent/Critical Care		56%
Extreme Heat Projections (>90° d...		17%
Inland Flooding Risk Areas		76%
Low Vegetative Land Cover		54%
<b>Potential Pollution Exposure</b>	Benzene Concentration (Modeled)	28%
	Particulate Matter (PM2.5)	72%
	Traffic: Diesel Trucks	87%
	Traffic: Number of Vehicles	70%
	Wastewater Discharge	72%

**Population Characteristics & Vulnerability**

<b>Health Impacts &amp; Burdens</b>	Asthma ED visits	64%
	COPD ED visits	96%
	Heart attack (MI) Hospitalization	97%
	Low Birthweight	75%
	Pct Adults Age 65+	27%
	Pct w/ Disabilities	59%
	Pct w/o Health Insurance	58%
	Premature Deaths	59%
<b>Housing, Mobility, Communications</b>	Energy Poverty / Cost Burden	58%
	Homes Built Before 1960	67%
	Housing Cost Burden (Rental C...	62%
	Manufactured Homes	40%
	Pct Renter-Occupied Homes	28%
	Pct w/o Internet (home or cellul...	69%
	Manufactured Homes	40%
	Pct Renter-Occupied Homes	28%
<b>Income</b>	Pct w/o Internet (home or cellul...	69%
	Pct <100% of Federal Poverty ...	65%
	Pct <80% Area Median Income	68%
	Pct Single-Parent Households	43%
	Pct w/o Bachelor's Degree	67%
	Unemployment Rate	52%
<b>Race/Ethnicity</b>	Historical Redlining Score	21%
	Limited English Proficiency	18%
	Pct Asian	48%
	Pct Black or African American	65%
	Pct Latino/a or Hispanic	25%
	Pct Native American or Indigen...	61%



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.  
(716) 866-0599

JOB NO.: 0602-021-001

**DISADVANTAGED COMMUNITIES MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION  
 2101 KENMORE AVENUE SITE  
 TONAWANDA, NEW YORK  
 PREPARED FOR  
 WOOD AND BROOKS PROPERTIES LLC

**FIGURE 4**

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. 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 ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.



**LEGEND:**

- BCP BOUNDARY
- - - PARCEL BOUNDARY

**CITY OF BUFFALO ZONING**

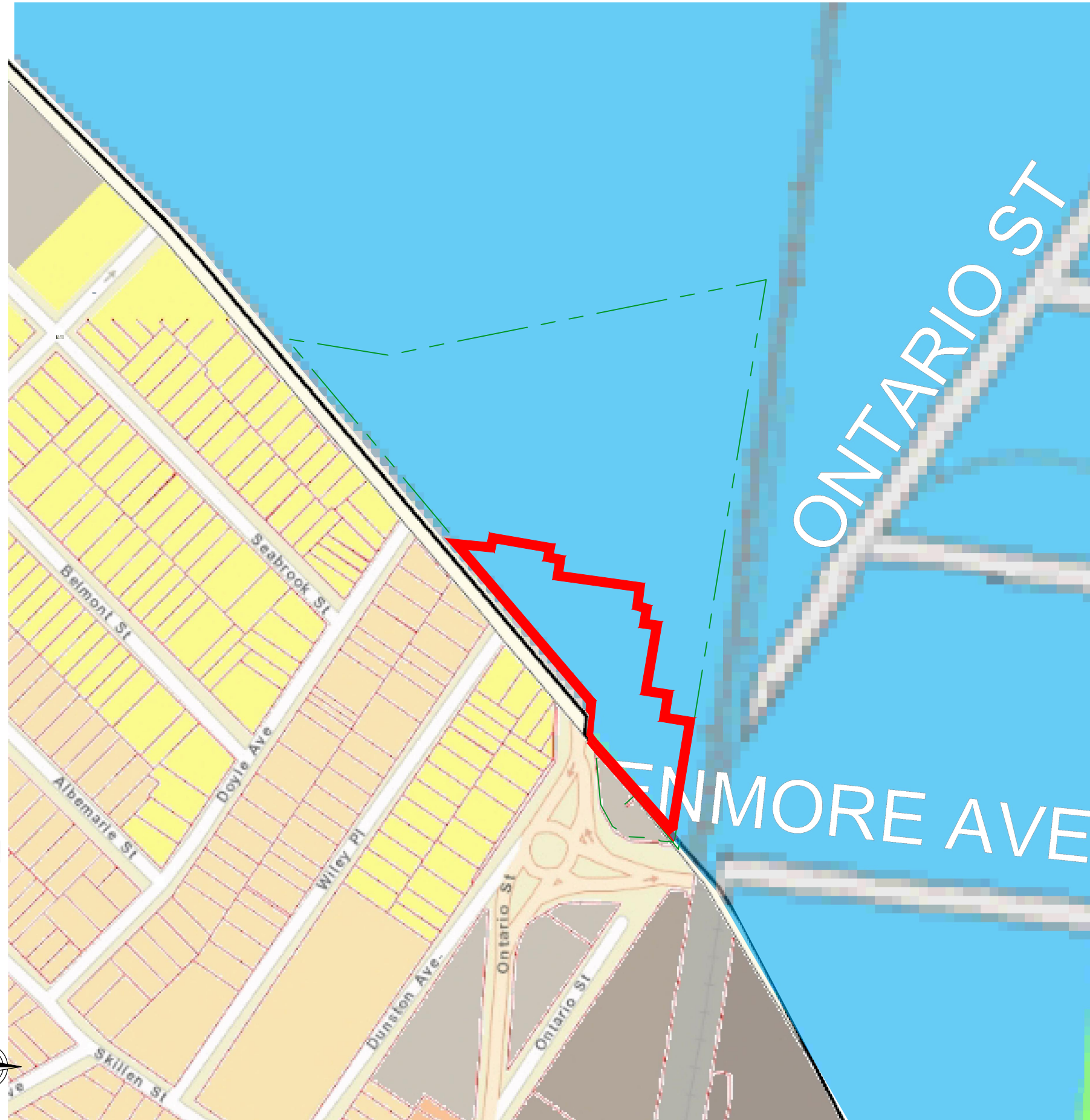
- N-3E (Mixed-Use Edge)
- N-3R (Residential)
- N-4-30 (Single Family)
- N-4-50 (Single Family)
- D-OS (Square)
- D-OG (Green)
- D-ON (Natural)
- D-R (Residential Campus)
- D-E (Educational Campus)
- D-M (Medical Campus)
- D-S (Retail Strip)
- D-C (Flex Commercial)
- D-IL (Light Industrial)
- D-IH (Heavy Industrial)
- C-R (Rail Corridor)

**TOWN OF TONAWANDA ZONING**

- PS - PERFORMANCE STANDARDS USE DISTRICT



SCALE: 1 INCH = 250 FEET  
SCALE IN FEET  
(approximate)



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.  
(716) 866-0599

JOB NO.: 0602-021-001

**SITE ZONING MAP**

BROWNFIELD CLEANUP PROGRAM APPLICATION  
2101 KENMORE AVENUE SITE  
TONAWANDA, NEW YORK  
PREPARED FOR  
WOOD AND BROOKS PROPERTIES LLC

**FIGURE 5**

DISCLAIMER: PROPERTY OF BENCHMARK CIVIL/ENVIRONMENTAL ENGINEERING & GEOLOGY, PLLC. 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 ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC.



- LEGEND:**
- PROPERTY BOUNDARY
  - - - PARCEL BOUNDARY
  - SB-B SOIL BORING
  - SOIL BORING ANALYZED

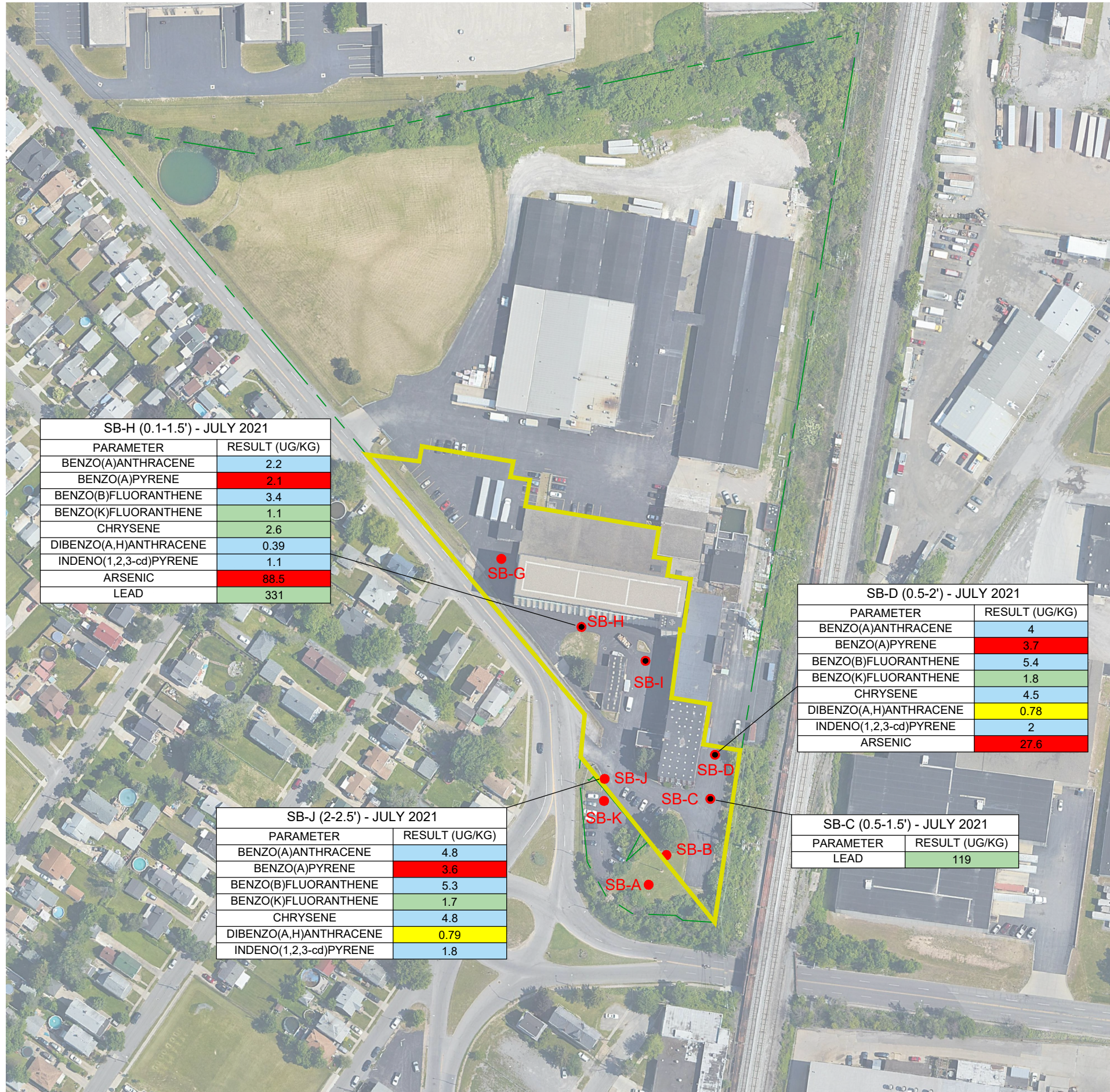
PART 375 SOIL CLEANUP OBJECTIVES (SCOs)				
PARAMETER	USCO	RRSCO	CSCO	ISCO
BENZO(A)ANTHRACENE	1	1	5.6	11
BENZO(A)PYRENE	1	1	1	1.1
BENZO(B)FLUORANTHENE	1	1	5.6	11
BENZO(K)FLUORANTHENE	0.8	3.9	56	110
CHRYSENE	1	3.9	56	110
DIBENZO(A,H)ANTHRACENE	0.33	0.33	0.56	1.1
INDENO(1,2,3-CD)PYRENE	0.5	0.5	5.6	11
ARSENIC	13	16	16	16
CHROMIUM	30	180	1500	6800
LEAD	63	400	1000	3900

SB-H (0.1-1.5') - JULY 2021	
PARAMETER	RESULT (UG/KG)
BENZO(A)ANTHRACENE	2.2
BENZO(A)PYRENE	2.1
BENZO(B)FLUORANTHENE	3.4
BENZO(K)FLUORANTHENE	1.1
CHRYSENE	2.6
DIBENZO(A,H)ANTHRACENE	0.39
INDENO(1,2,3-cd)PYRENE	1.1
ARSENIC	88.5
LEAD	331

SB-D (0.5-2') - JULY 2021	
PARAMETER	RESULT (UG/KG)
BENZO(A)ANTHRACENE	4
BENZO(A)PYRENE	3.7
BENZO(B)FLUORANTHENE	5.4
BENZO(K)FLUORANTHENE	1.8
CHRYSENE	4.5
DIBENZO(A,H)ANTHRACENE	0.78
INDENO(1,2,3-cd)PYRENE	2
ARSENIC	27.6

SB-J (2-2.5') - JULY 2021	
PARAMETER	RESULT (UG/KG)
BENZO(A)ANTHRACENE	4.8
BENZO(A)PYRENE	3.6
BENZO(B)FLUORANTHENE	5.3
BENZO(K)FLUORANTHENE	1.7
CHRYSENE	4.8
DIBENZO(A,H)ANTHRACENE	0.79
INDENO(1,2,3-cd)PYRENE	1.8

SB-C (0.5-1.5') - JULY 2021	
PARAMETER	RESULT (UG/KG)
LEAD	119



## HISTORIC INVESTIGATION LOCATIONS & RESULTS

BROWNFIELD CLEANUP PROGRAM APPLICATION  
 2101 KENMORE AVENUE SITE  
 TONAWANDA, NEW YORK  
 PREPARED FOR  
 WOOD AND BROOKS PROPERTIES LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218.  
 (716) 866-0599

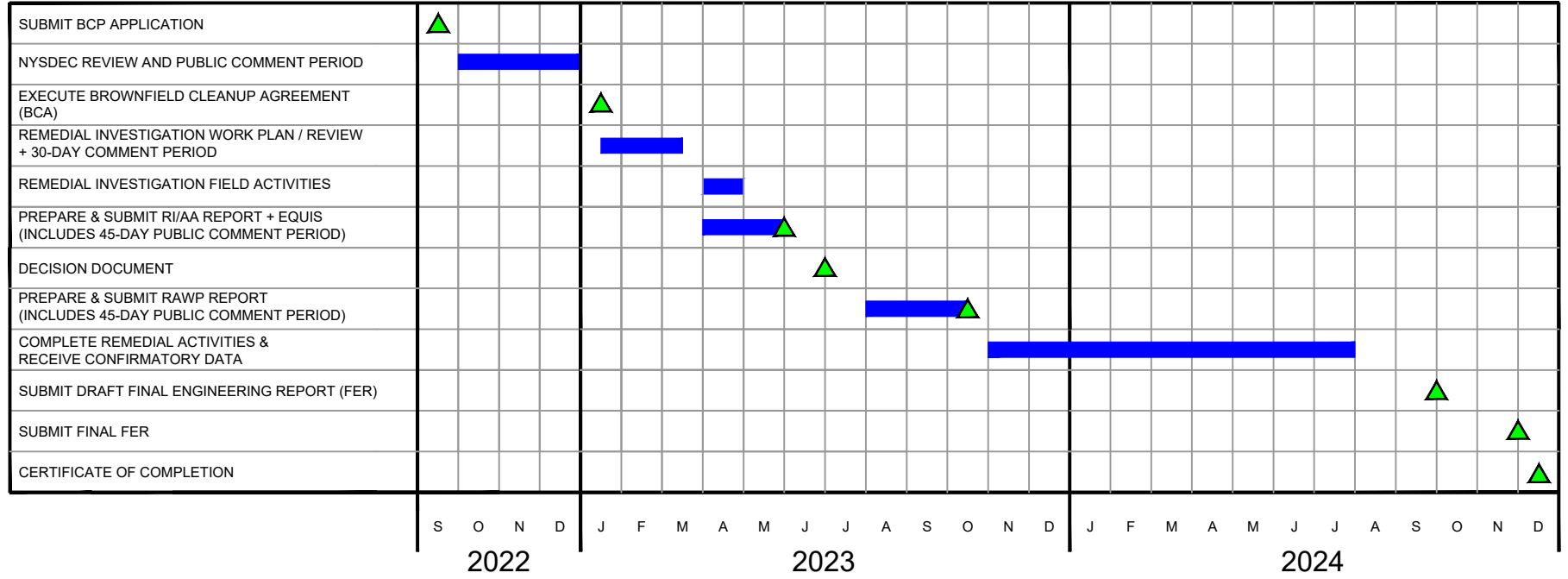
JOB NO.: B0602-021-001

**FIGURE 6**

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**PROJECT TASKS:**



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

PROJECT NO.: 0602-021-001  
 DATE: SEPTEMBER 2022  
 DRAFTED BY: CMC

**PRELIMINARY PROJECT SCHEDULE**


BROWNFIELD CLEANUP PROGRAM APPLICATION  
 2101 KENMORE AVENUE SITE  
 TONAWANDA, NEW YORK  
 PREPARED FOR  
 WOOD AND BROOKS PROPERTIES LLC

**FIGURE 7**

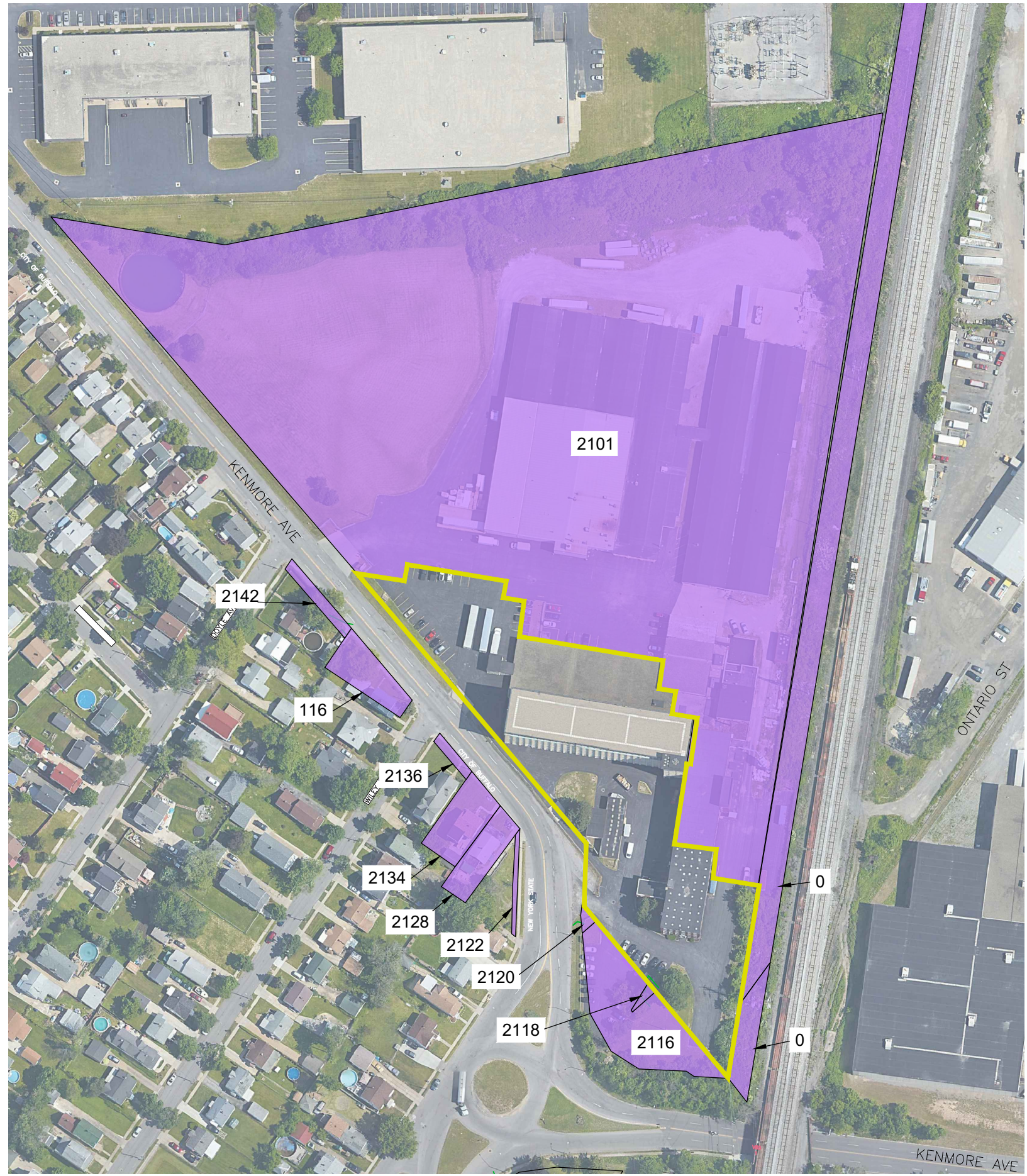
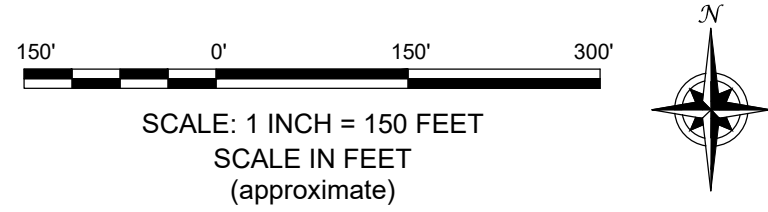
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**LEGEND:**

 BCP BOUNDARY

Parcel Number	Street	Property Use	Property Owner Mailing Address
2101	Kenmore Avenue	Warehouse/ Manufacturing	Leroy Properties Inc. 2101 Kenmore Avenue Buffalo, NY 14207
0	Ontario Street	Rail	Niagara Mohawk Power Corp. C/O Real Estate Tax Dept A-3 300 Erie Blvd W Syracuse, NY 13202
0	Ontario Street	Rail	Niagara Mohawk Power Corp. C/O Real Estate Tax Dept A-3 300 Erie Blvd W Syracuse, NY 13202
2116	Kenmore Avenue	Commerical Vacant with Improvements	Leroy Properties Inc. C/O Attn: Leroy Properties Inc 2101 Kenmore Avenue Buffalo, NY 14207
2118	Kenmore Avenue	Vacant Commercial	City of Buffalo Perfecting Title, Rm. 905 65 Niagara Square Buffalo, NY 14202
2120	Kenmore Avenue	Vacant Commercial	City of Buffalo Perfecting Title, Rm. 905 65 Niagara Square Buffalo, NY 14202
2122	Kenmore Avenue	Residential Vacant Land	State of New York
2128	Kenmore Avenue	Single-Family Residential	Aung Tin & Da Pa T 2128 Kenmore Avenue Buffalo, NY 14207
2134	Kenmore Avenue	Single-Family Residential	Harry & Charlene Beno 46 Alexander Parkway North Tonawanda, NY 14120
2136	Kenmore Avenue	Residential Vacant Land	City of Buffalo Engineering Department 603 City Hall Buffalo, NY 14202
116	Wiley Place	Two-Family Residential	Lance & Rachel Piscitelli 161 Main Street Akron, NY 14001
2142	Kenmore Avenue	Residential Vacant Land	City of Buffalo Perfecting Title, Rm 901 65 Niagara Square Buffalo, NY 14202



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

JOB NO.: 0602-021-001

**ADJACENT PROPERTY OWNERS**  
BROWNFIELD CLEANUP PROGRAM APPLICATION  
2101 KENMORE AVENUE SITE  
TONAWANDA, NEW YORK  
PREPARED FOR  
WOOD AND BROOKS PROPERTIES LLC

**FIGURE 8**

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# ATTACHMENTS

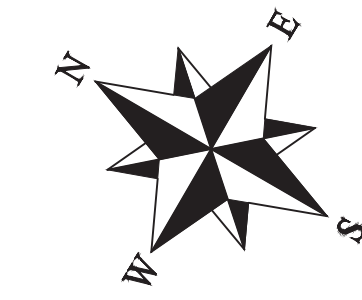
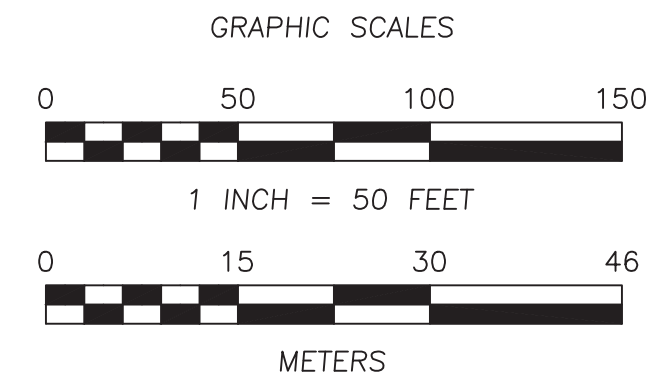


**BCP PARCEL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Tonawanda, County of Erie and State of New York, being part of Lot No. 42, Township 12, Range 8 of the Holland Land Company's Survey bounded and described as follows:

COMMENCING at the intersection of the northeasterly line of Kenmore Avenue and the southerly line of lands conveyed to Defense Plant Corporation by Wood and Brooks company by Deed recorded in the Erie County Clerk's Office in Liber 3289 of Deeds at page 188; thence S 40°39'53" E along the northeasterly line of Kenmore Avenue (49.5 feet wide) a distance of 597.26 feet to the POINT OF BEGINNING; thence continuing along the following twenty-two courses:

- 1) S 80°38'13" E a distance of 59.70' to a point;
- 2) thence N 09°21'47" E a distance of 21.00 feet to a point;
- 3) thence S 80°38'13" E a distance of 125.00 feet to a point;
- 4) thence S 09°21'47" W a distance of 21.00 feet to a point;
- 5) thence S 80°38'13" E a distance of 26.53 feet to a point;
- 6) thence S 09°21'47" W a distance of 35.78 feet to a point;
- 7) thence S 80°37'37" E a distance of 183.71 feet to a point;
- 8) thence S 09°21'47" W a distance of 39.00' to a point;
- 9) thence S 80°37'37" E a distance of 22.00' to a point;
- 10) thence S 09°22'23" W a distance of 35.00' to a point;
- 11) thence S 80°37'37" E a distance of 29.43' to a point;
- 12) thence S 09°19'23" W a distance of 57.07' to a point;
- 13) thence S 80°37'37" E a distance of 4.00' to a point;
- 14) thence S 09°19'23" W a distance of 102.52' to a point;
- 15) thence S 80°40'37" E a distance of 53.00' to a point;
- 16) thence S 09°19'23" W a distance of 45.00' to a point;
- 17) thence S 80°40'37" E a distance of 57.82' to a point on the westerly line of lands conveyed to the Niagara Falls Power Company by deed recorded in the Erie County Clerk's Office in Liber 917 of Deeds at page 90;
- 18) thence S 09°19'07" W along the west line of said Power Company's lands a distance of 240.77 feet to the northerly line of Kenmore Avenue; being also the division line between the Town of Tonawanda on the northeast and the City of Buffalo on the southwest;
- 19) thence S 37°36'04" W along said division line between the Town of Tonawanda on the northeast and the City of Buffalo on the southwest a distance of 280.60 feet to the easterly line of Kenmore Avenue;
- 20) thence N 01°43'07" E and continuing along the easterly line of Kenmore Avenue a distance of 78.12 feet to the northeasterly line of Kenmore Avenue;
- 21) thence N 37°35'53" W along the northeasterly line of Kenmore Avenue a distance of 40.75 feet to a point;
- 22) thence N 40°39'53" W and continuing along the northeasterly line of Kenmore Avenue a distance of 402.20 feet to the point of beginning, containing 2.406 acres more or less.



**SURVEY CONTROL**  
VERTICAL DATUM = NAVD83 (GEOID 18)  
HORIZONTAL DATUM = NAD83 (2011)

Point	Northing	Easting	Elevation	Description
301	1079930.752	1065137.850	603.71	MAGNAIL
302	1080283.910	1065270.420	603.58	R/R SPIKE
3000	1079843.4176	1065432.4935	603.91	MAGNAIL
3001	1079877.0036	1065548.9198	603.05	MAGNAIL
3002	1079498.2838	1065587.3170	602.69	MAGNAIL
3003	1079320.8831	1065554.8892	603.60	MAGNAIL
3004	1079572.4108	1065546.5857	604.01	MAGNAIL

BENCHMARK = TOP OF WEST HYDRANT BONNET BOLT. ELEV. = 602.55

**LEGEND**

Symbol	Description
---	FENCE AS NOTED
□	DOUBLE SIGN
□	SIGN
GP	GUARD POSTS
FP	FLAG POLE
○	TREE DECIDUOUS
○	TREE CONIFEROUS
G	GAS LINE
GAS	GAS METER
GLM	GAS LINE MARKER
GV	GAS VALVE
DI	DRAINAGE INLET
DMH	STORM DRAINAGE MANHOLE
SAMH	SANITARY MANHOLE
SCO	CLEANOUT/SEWER VENT
⊙	LIGHT STANDARD
EMH	ELECTRIC MANHOLE
UP	UTILITY POLE
UPL	UTILITY POLE W/ LIGHT
OWH	OVERHEAD WIRES
—W—	GLY WIRE
—W—	WATER LINE
WV	WATER VALVE
⊕	HYDRANT
INV	INVERT ELEVATION
CONC	CONCRETE
BC	BOTTOM OF CURB
TC	TOP OF CURB
SW	SIDEWALK
EP	EDGE OF PAVEMENT
MW	MONITORING WELL
L	LIBER
P	PAGE
FC	FUEL CAP
TMH	TELEPHONE MANHOLE

BCP AREA = 2.406± ACRES  
①-⑫ = BCP DESCRIPTION COURSE IDENTIFIER

**TREE LEGEND**

TREE ABBREVIATIONS:

- CL = CLUMP
- LN = LINZEN
- M = MAPLE
- PH = PINE

TREE DESCRIPTIONS:

- 14M = 14 INCH MAPLE
- 12MB = 12 INCH MAPLE, 2 BOLE
- 8MB = 8 INCH MAPLE, MULTI-BOLE



**BCP PARCEL BOUNDARY NOTE:**  
BCP PARCEL BOUNDARY LINES SHOWN HEREON ARE BASED ON FIELD LOCATED BUILDING LINES WHERE POSSIBLE. PARCEL LINES SHOWN DRAWN THROUGH EXISTING BUILDINGS ARE BASED ON A PHOTO OVERLAY AND WERE NOT FIELD LOCATED.

**WARNING:** ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PAR 2 OF THE NEW YORK STATE EDUCATION LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATEMENT OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

**NOTE:** THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

**NOTE:** WHEN ANY DESIGN OR RECONSTRUCTION INVOLVES A NEW CONNECTION TO EXISTING STORM OR SANITARY STRUCTURE AS SHOWN ON THIS DRAWING IT IS STRONGLY ADVISED THAT THE ENGINEER OR ARCHITECT CONTACT THE APPROPRIATE OPERATING AUTHORITY TO VERIFY THAT THE STRUCTURE BEING CONNECTED TO IS APPROPRIATE FOR ANY SUCH STORM OR SANITARY CONNECTION PRIOR TO PROCEEDING WITH DESIGN.

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1-800-962-7962

**THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL EASEMENT HELD BY THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION PURSUANT TO TITLE 36 OF ARTICLE 71 OF THE NEW YORK ENVIRONMENTAL CONSERVATION LAW. THE ENGINEERING AND INSTITUTIONAL CONTROLS FOR THIS EASEMENT ARE SET FORTH IN THE SITE MANAGEMENT PLAN (SMP). A COPY OF THE SMP MUST BE OBTAINED BY ANY PARTY WITH AN INTEREST IN THE PROPERTY. THE SMP CAN BE OBTAINED FROM NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL REMEDIATION, SITE CONTROL SECTION, 625 BROADWAY, ALBANY, NY 12233 OR AT DERWEB@DEC.NY.GOV.**

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.
11/5/2021	12/15/2021	ADD EXCEPTION PARCEL	MJC
11/5/2021	12/2/2021	ADD BCP PARCEL	MJC
11/5/2021	2/9/2022	REVISE BCP PARCEL	MJC

This map void unless Embossed with New York State Licensed Land Surveyors Seal No. 50510

NO. 2101 KENMORE AVE. - SBL 77.08-1-1  
NO. 2118 KENMORE AVE. - SBL 77.26-7-2

**TOPOGRAPHIC SURVEY FOR BCP**  
PART OF LOT 42, TWP 12, RGE 8  
OF THE HOLLAND COMPANY'S SURVEY  
TOWN OF TONAWANDA, COUNTY OF ERIE  
PART OF LOT 1 OF THE JONES TRACT  
AND PART OF FORMER ONTARIO STREET  
CITY OF BUFFALO, COUNTY OF ERIE  
STATE OF NEW YORK

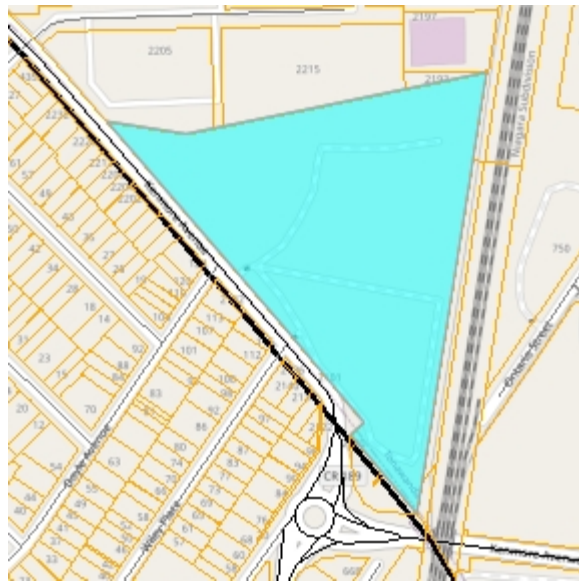
**FRANDINA ENGINEERING AND LAND SURVEYING, PC**  
CIVIL ENGINEERS AND LAND SURVEYORS  
1701 Hertel Avenue, Buffalo, New York 14218  
Phone: (716) 883-1299  
www.FRANDINA.com

DATE: 11/5/2021 SHEET: 1 OF 1 DWN BY: MC  
JOB NO.: 8406 SCALE: 1" = 50' CHK'D BY: RF





Parcel Overview Map



Parcel Detail Map

**PIN:** 1464890770800001001000

**SBL:** 77.08-1-1

**Address:** 2101 KENMORE AVE

**Owner 1:** LEROY PROPERTIES INC

**Owner 2:**

**Mailing Address:** 2101 KENMORE AVE

**City/Zip:** BUFFALO NY 14207

**Municipality:** Tonawanda

**Property Class:** 710

**Class Description:** C - Manufacture

**Front:** 1060

**Depth:** 0

**Deed Roll:** 1

**Deed Book:** 9715

**Deed Page:** 267

**Deed Date:**

**Acreage:** 12.65879057

**Total Assessment:** \$788,000

**Land Assessment:** \$186,000

**County Taxes:** \$788,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** KENMORE-TONAWANDA UNION FREE SCHOOL

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0

# Department of State Division of Corporations

## Entity Information

[Return to Results](#)

[Return to Search](#)

### Entity Details ^

**ENTITY NAME:** WOOD AND BROOKS PROPERTIES LLC  
**FOREIGN LEGAL NAME:**  
**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY  
**SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW  
**DATE OF INITIAL DOS FILING:** 10/28/2021  
**EFFECTIVE DATE INITIAL FILING:** 10/28/2021  
**FOREIGN FORMATION DATE:**  
**COUNTY:** ERIE  
**JURISDICTION:** NEW YORK, UNITED STATES

**DOS ID:** 6313943  
**FICTITIOUS NAME:**  
**DURATION DATE/LATEST DATE OF DISSOLUTION:**  
**ENTITY STATUS:** ACTIVE  
**REASON FOR STATUS:**  
**INACTIVE DATE:**  
**STATEMENT STATUS:** CURRENT  
**NEXT STATEMENT DUE DATE:** 10/31/2023  
**NFP CATEGORY:**

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

#### Service of Process Name and Address

**Name:** WOOD AND BROOKS PROPERTIES LLC  
**Address:** ATTENTION: MICHAEL WOPPERER, 2101 KENMORE AVENUE, BUFFALO, NY, UNITED STATES, 14207

#### Chief Executive Officer's Name and Address

**Name:**  
**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**  
**Address:**

#### Entity Primary Location Name and Address

**Name:**  
**Address:**

#### Farmcorpflag

**WOOD AND BROOKS PROPERTIES, LLC**

<b>MEMBER</b>	<b>OWNERSHIP</b>
Michael Wopperer	7.69%
Richard Elsaesser	7.69%
Lawrence Brady	7.69%
John Jeffery	7.69%
Jon Wopperer	7.69%
Jeff Ketterer	7.69%
Chris Wopperer	7.69%
Jeff Crawford	7.69%
Scott Jeffery	7.69%
Charles Wopperer	7.69%
Chris Eashak	7.69%
Jack Jeffery	7.69%
Chris Elsaesser	7.69%
	<hr/>
	100.00%



UNANIMOUS WRITTEN CONSENT OF MEMBERS OF WOOD AND BROOKS PROPERTIES, LLC

March 25, 2022

THE UNDERSIGNED, Michael Wopperer, as Member of WOOD AND BROOKS PROPERTIES LLC, a validly subsisting New York Limited Liability Company,

DOES HEREBY CERTIFY:

At a meeting of the LLC, duly called at which a quorum was present and acted throughout, the Members adopted the following resolution, which has not been modified or rescinded:

*RESOLVED* that Michael Wopperer, as Member of WOOD AND BROOKS PROPERTIES LLC, is authorized, directed, and empowered, acting alone, in the name or on behalf of the WOOD AND BROOKS PROPERTIES LLC, to execute the Brownfield Cleanup Program ("BCP") Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at portion of 2101 Kenmore Avenue, Tonawanda, 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 WOOD AND BROOKS PROPERTIES LLC as they may deem necessary, appropriate or advisable to carry out the intent and purposes of the foregoing resolutions; and be it further

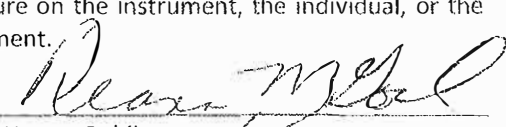
*RESOLVED*, that any acts of any officer of the limited liability company and of any persons designated and authorized to act by any such officer of the WOOD AND BROOKS PROPERTIES LLC, which acts would have been authorized by the foregoing resolutions except that such acts were taken prior to the adoption of such resolutions, are hereby severally ratified, confirmed, approved and adopted as acts of WOOD AND BROOKS PROPERTIES LLC.

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

  
\_\_\_\_\_  
Michael Wopperer, Member

State of New York     )  
County of Erie        )     ss.:

On the 25<sup>th</sup> day of March in the year 2022, before me, the undersigned, a Notary Public in and for the said state, personally appeared Michael Wopperer, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

DEANNA M. GOOD  
NOTARY PUBLIC, STATE OF NEW YORK  
Reg. No. 01G08078737  
QUALIFIED IN ERIE COUNTY  
My Commission Expires July 1, 2022

March 25, 2022

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

Re: *Property Access Authorization*  
NYS Brownfield Cleanup Program  
2101 Kenmore Avenue Site  
Tonawanda, New York

Dear Ms. Lewandowski:

Please be advised that The Leroy Properties, Inc is the current owner of the 2101 Kenmore Avenue Tonawanda New York Parcel (the "Site"). As owner of the Site, The Leroy Properties, Inc. is aware of and acknowledge that Wood and Brooks Properties LLC will be filing an application to enter the NYS Brownfield Cleanup Program and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

The Leroy Properties, Inc. hereby authorizes Wood and Brooks Properties, LLC (and any of its designated contractors and consultants) unlimited access to the Site to perform any required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided that all activities are completed in accordance with NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,  
The Leroy Properties, Inc.



Jon Wopperer, President

September 9, 2022

New York State Department of Environmental Conservation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

**RE: BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION  
SECTION VIII: PROGRAM FEE**

To whom it may concern,

Wood and Brooks Properties is a newly formed entity comprised of members of a 4th generation group of family-owned businesses who have owned the complex where the proposed project is taking place since 1972. The various buildings on the properties have served as offices, warehouses and manufacturing facilities for the various affiliated companies that work within the construction industry. Recognizing that portions of the complex are underutilized and/or vacant, Wood and Brooks Properties was formed to try and repurpose the complex with the hopes of reinvigorating an area that has been downtrodden for many years and assist in an urban rebirth that is long overdue.

Furthermore, the project would deliver residential units in an area that has seen no residential growth over many years. The demographics of the Market Area population vary substantially from the metro-wide norm and suggest a need for rental housing. Specifically, the Market Area has more householders living alone and a population that is on average younger than that of the Buffalo-Niagara MSA. Finally, household income levels for the Market Area are much lower than that of the Metro Area.

Wood and Brooks Properties, LLC currently has no income and has already taken on significant debt in trying to take this project to the construction phase. The rise in costs over the last year along with recent increases in interest rates has placed a significant amount of financial strain on the project. The addition of the new program fee has caused further strain. Remediation of the brownfield site is not economically viable when taking into consideration this new fee. Given the above along with the fact that the project is located within a disadvantaged community, we ask that you please consider a waiver of the program fee.

Sincerely,

*Mike Wopperer*

Mike Wopperer

President of Wood and Brooks Properties, LLC



Town of Tonawanda Board

2919 Delaware Ave  
Kenmore, NY 14217

Marguerite Greco, Town Clerk

Department: Attorney  
05/23/22 07:00 PM  
DOC ID: 18585

ADOPTED  
RESOLUTION 2022-418

**Motion: Approve the Application of Woods & Brooks Properties, LLC for a Performance Standards Use Permit for a Commercial and Residential Mixed Use Development Located at 2101 Kenmore Avenue as Set Forth in the Agenda Before You.**

WHEREAS, Woods & Brooks Properties LLC has submitted an application for a Performance Standards Use Permit for a commercial and residential mixed use development at premises located at 2101 Kenmore Avenue, in the Performance Standards Use District; and

WHEREAS, the Town Planning Board, at its meeting held on February 2, 2022, reviewed the application and recommended that the Town Board approve the application; and

WHEREAS, the revised application submitted by the applicant on April 6, 2022, in which the subdivision line was amended to meet New York State Building Standards and Town of Tonawanda Building and Zoning Codes, was reviewed by the Town Planning Board, whose members did, by electronic poll, on May 9, 2022 vote to recommend approval of the Performance Standards Use Permit based on the revised application with the amended subdivision line; and

WHEREAS, the Town Board issued a Negative Declaration for SEQR on April 25, 2022; and

WHEREAS, after careful consideration of all the facts presented, the Town Board believes it to be in the best interests of the Town to APPROVE the issuance of said Performance Standards Use Permit for 2101 Kenmore Avenue, in the Performance Standards Use District;

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does hereby grant a Performance Standards Use Permit to Woods & Brooks LLC, for a commercial and residential mixed use development to be located at 2101 Kenmore Avenue, in the Performance Standards Use District; and

BE IT FURTHER RESOLVED, that the Supervising Code Enforcement Officer is authorized to execute the Performance Standards Use Permit.

RESULT:	ADOPTED (UNANIMOUS)
MOVER:	Gina Santa Maria, Councilwoman
SECONDER:	Carl Szarek, Councilman
AYES:	Joseph Emminger, Carl Szarek, Jill O'Malley, Gina Santa Maria
ABSENT:	Shannon M. Patch

I do certify that I have compared the foregoing with the original minutes of the regular meeting of the Town Board held on May 23, 2022 and that the foregoing is a true and correct transcript from said original minutes and the whole thereof, and that the resolutions duly adopted by said Town Board are on file in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the said Town of Tonawanda,  
Erie County, New York, this 24th day of May 2022.



*Marguerite Greco*  
Marguerite Greco, Town Clerk  
Town of Tonawanda, New York

April 5, 2022

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

Re: Document Repository for Brownfield Cleanup Program  
2101 Kenmore Avenue Site  
Town of Tonawanda, New York

Dear Ms. Tompkins:

On behalf of our client, TurnKey Environmental Restoration, LLC in association with Benchmark Civil/Environmental Engineering & Geology, PLLC would like to request the Buffalo & Erie County Public Library, Elaine M. Panty Branch (formerly Riverside) 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

A handwritten signature in blue ink that reads "Charlotte Clark".

Charlotte Clark  
Project Engineer

File: B0602-021-001

**Strong Advocates, Effective Solutions, Integrated Implementation**

[www.benchmarkturnkey.com](http://www.benchmarkturnkey.com)

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

## Charlotte M. Clark

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**From:** April Tompkins <tompkinsa@buffalolib.org>  
**Sent:** Wednesday, April 6, 2022 8:58 AM  
**To:** Charlotte M. Clark  
**Subject:** FW: 2101 Kenmore Avenue Site - Document Repository Submittal  
**Attachments:** Document Repository Request - 2101 Kenmore Avenue Site.pdf

Good morning Charlotte,

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 **2101 Kenmore Avenue Site**. These documents will be made available for public viewing at the **Elaine M. Panty Branch (formerly Riverside) Library** and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

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

**Attention: April Tompkins**  
**Re: Repository Documents**  
**Buffalo and Erie County Public Library**  
**1 Lafayette Square**  
**Buffalo, NY 14203**

- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribute 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:** Charlotte M. Clark <cclark@bm-tk.com>  
**Sent:** Tuesday, April 5, 2022 11:31 AM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Subject:** 2101 Kenmore Avenue Site - Document Repository Submittal

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

Good Morning April,

Contacting you in regards to the 2101 Kenmore Avenue Site located in the Town of Tonawanda. Attached is the letter of transmittal requesting that the Buffalo and Erie County Library – Elaine M. Panty Branch (formerly Riverside) Public Library act as the document repository for the 2101 Kenmore Avenue Site. Please respond at your earliest convenience and let me know if you have any questions.

Regards,  
**Charlotte Clark**  
Project Engineer  
[cclark@bm-tk.com](mailto:cclark@bm-tk.com)

## **Benchmark Civil/Environmental Engineering & Geology, PLLC**

[www.benchmarkturnkey.com](http://www.benchmarkturnkey.com)

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

Phone: (716) 856-0599, Mobile: (716) 220-1201

Strong Advocates | Effective Solutions | Integrated Implementation

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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