

NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BROWNFIELD CLEANUP PROGRAM (BCP)  
**APPLICATION FORM, Revision 15**


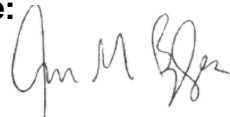
743 MAIN STREET BUFFALO  
BUFFALO, ERIE COUNTY, NEW YORK

Submitted For:

**743 Main Street LLC  
c/o Avalon Development  
701 Seneca Street, Suite 200  
Buffalo, New York 14210**

Prepared By:



<b>Prepared By:</b> John Berry	<b>Signature:</b> 	<b>Date:</b> 09/23	<b>Title:</b> BE3 – Project Engineer
<b>Reviewed By:</b> Jason Brydges	<b>Signature:</b> 	<b>Date:</b> 09/23	<b>Title:</b> BE3 – Professional Engineer

Revised September 2023

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**Phase I & II ESA reports – See Electronic Copies**



**SUBMITTAL INSTRUCTIONS:**

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

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

a. VIA EMAIL:

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

b. VIA GROUND MAIL:

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

**PROPOSED SITE NAME:** 743 Main Street Buffalo

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

If yes, provide existing site number: \_\_\_\_\_

☐

Yes

☒

No

**Is this a revised submission of an incomplete application?**

If yes, provide existing site number: C915399

☒

Yes

☐

No



BCP App Rev 15 – May 2023

**SECTION I: Property Information**

PROPOSED SITE NAME **743 Main Street Buffalo**

ADDRESS/LOCATION **743 Main Street**

CITY/TOWN **Buffalo**

ZIP CODE **14203**

MUNICIPALITY (LIST ALL IF MORE THAN ONE) **Buffalo**

COUNTY **Erie**

SITE SIZE (ACRES) **0.3**

LATITUDE

LONGITUDE

42° 53' 39.12 N 78° 52' 15.69 W

Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

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

**See Attachment A**

Parcel Address	Section	Block	Lot	Acreage
743 Main Street	111.30	3	5	0.3

	Y	N
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	<input checked="" type="radio"/>	<input type="radio"/>
2. Is the required property map included 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: <u>25.02</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>



SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<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.  <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		<input checked="" type="radio"/>	<input type="radio"/>
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b> <div style="border: 2px solid red; padding: 2px; display: inline-block; color: red;">This section does not apply</div>			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<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"/>
<b>NOTE:</b> 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.			
<b>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.</b> <b>Initials of each Requestor:</b> <div style="border-bottom: 1px solid black; width: 100px; margin-top: 5px;"></div>			

**SECTION II: Project Description****See Attachment B**

1. The project will be starting at: ☒ Investigation ☐ Remediation

NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see [DER-10, Technical Guidance for Site Investigation and Remediation](#) for further guidance), then a 45-day public comment period is required.

2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?

☐ Yes ☐ No ☒ N/A

3. Have any draft work plans been submitted with the application (select all that apply)?

☐ RIWP ☐ RAWP ☐ IRM ☒ No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.

Is this information attached? ☒ Yes ☐ No

**SECTION III: Land Use Factors****See Attachment C**

1. What is the property's current municipal zoning designation? N-1C (Mixed-Use Core)

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

Residential ☒ Commercial ☒ Industrial ☐

3. Current use (select all that apply):

Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒

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

Y	N
<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 ☒ ☐ ☐

6. Please provide a statement detailing the specific proposed post-remediation use.  
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
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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. Include 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. Include additional documentation if necessary.

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

**SECTION IV: Property's Environmental History****See Attachment D**

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	<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:

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

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

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

Are the required drawings included with this application?



YES



NO

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

<input checked="" 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 checked="" type="checkbox"/>	Service Station
<input type="checkbox"/>	Landfill	<input type="checkbox"/>	Tannery	<input type="checkbox"/>	Electroplating	<input checked="" type="checkbox"/>	Unknown

Other:

**SECTION V: Requestor Information****See Attachment E**

NAME 743 Main Street LLC

ADDRESS c/o Avalon Development - 701 Seneca Street, Suite 200

CITY/TOWN Buffalo

STATE NY

ZIP CODE 14210

PHONE (716) 472-5920

EMAIL cjacobs@avadev.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <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 the 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, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <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****See Attachment F**

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)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	Y <input type="radio"/>	N <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:		
<b>PARTICIPANT</b> <input type="checkbox"/> <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>	<b>VOLUNTEER</b> <input checked="" type="checkbox"/> <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?  Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>		

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

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

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

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

Is this proof attached?



Yes



No



N/A

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

**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Chris Jacobs

ADDRESS c/o Avalon Development 701 Seneca Street, Suite 200

CITY Buffalo

STATE NY

ZIP CODE 14210

PHONE (716) 472-5920

EMAIL cjacobs@avadev.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Jason Brydges

COMPANY BE3 Engineering

ADDRESS 960 Busti Avenue, Suite B-150

CITY Buffalo

STATE NY

ZIP CODE 14213

PHONE (716) 249-6880

EMAIL jbrydges@be3corp.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Melanie Marotto

COMPANY Harris Beach

ADDRESS 726 Exchange Street, Suite 1000

CITY Buffalo

STATE NY

ZIP CODE 14210

PHONE (716) 863-4321

EMAIL mmarotto@harrisbeach.com

**SECTION VIII: Program Fee**

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

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

**SECTION IX: Current Property Owner and Operator Information****See Attachment G**

CURRENT OWNER 743 Main Street LLC		
CONTACT NAME Chris Jacobs		
ADDRESS c/o Avalon Development 701 Seneca Street, Suite 200		
CITY Buffalo	STATE NY	ZIP CODE 14210
PHONE (716) 472-5920	EMAIL cjacobs@avadev.com	
OWNERSHIP START DATE	December 2022	
CURRENT OPERATOR	Same as Above	
CONTACT NAME		
ADDRESS		
CITY	STATE	ZIP CODE
PHONE	EMAIL	
OPERATION START DATE		

**SECTION X: Property Eligibility Information**

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

**SECTION X: Property Eligibility Information (continued)**

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

**SECTION XI: Site Contact List****See Attachment H**

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

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



## SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

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

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

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

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

(By a requestor other than an individual)

I hereby affirm that I am President (title) of 743 Main Street 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: Aug 18, 2023

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

Print Name: Chris Jacobs

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

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

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

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Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	N
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	<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"/>
<p><b>From ECL 27-1405(31):</b>            “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.</p> <p><b>From 6 NYCRR 375-3.2(I) as of August 12, 2016</b> (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.</p> <p>“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.</p>		

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

5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review).

**Check appropriate box below:**

☐

Project is an Affordable Housing Project – regulatory agreement attached

☐

Project is planned as Affordable Housing, but agreement is not yet available\*

\*Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐

This is not an Affordable Housing Project

**From 6 NYCRR 375-3.2(a) as of August 12, 2016:**

- (a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
- (1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ household’s annual gross income.
- (2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
- (3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

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

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

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

\*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

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

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

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

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

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

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

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

☐ No

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

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

## ATTACHMENT A

### **SECTION I: PROPERTY INFORMATION**

- Figure 1 – Tax Map
- Figure 2 – Site Location Map
- Figure 3 – Site Survey
- Figure 4 – Adjacent Property Owners
- Figure 5 – En-zone Map
- Figure 6 – Disadvantaged Communities Map
- Figure 7 – Brownfield Opportunity Area (BOA)
- Figure 8 – Phase II ESA Investigation Locations and Results
- Figure 9 – Zoning Map
- Table 1 – Phase II ESA Soil Sample Results Table
- Table 2 – Soil Data Summary

## **SECTION I – PROPERTY INFORMATION**

### **Location**

The 0.3-acre site encompasses parcel SBL 111.30-5-3 located at 743 Main Street. Main Street is on the west side of the site, Washington Street on the east side, the Sidway parking lot to the north side and a building (739 Main Street) directly to the south side (refer to **Figure 2 - Site Location Map**).

The Property is zoned N-1C (Mixed-Use Core) and is located in an area consisting primarily of commercial and industrial businesses. See the following figures depicting the site: **Figure 1 - tax parcel/data map**, **Figure 3 - site boundary survey** and **Figure 4 - adjacent property owners**.

According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type B designated for Census Tract 25.02 (see **Figure 5**) and a Disadvantaged Community (see **Figures 6**). The site is not located within a Brownfield Opportunity Area (see **Figure 7**)

### **Site Features**

The site is composed of a single parcel (SBL 111.30-5-30) composed of 0.3 acres and is currently vacant with no structures. Early in 2023 the on-site building was demolished and removed. The topography is mostly level across the site. Property dimensions are shown on the **Figure 3 – Site Survey**.

Surface and shallow groundwater flow most likely has been impacted over time by the various development (fill areas/foundations), street beds and utility lines. Surface water is directed to adjacent streets and low spots in area properties with storm drains. In general groundwater most likely flows westward towards Lake Erie.

### **Current Zoning and Land Use**

The property is currently vacant. The current zoning for the Site is defined as N-1C (Mixed-Use Core) (see **Figure 9**). Any future redevelopment will be in accordance with the local zoning. The directly adjacent parcels are as follows: north – commercial-parking lot and south – a commercial and residential building. Across Main Street to the west is an auto service facility and Washington Street to the east is a commercial/office complex.

### **Past Use of the Site**

The following information on site past uses was derived from LaBella's September 2022 Phase 1 ESA. Additional/historical addresses of the site were identified through the review of historical sources as 743-749 Main Street and 744-748 Washington Street. The following is a summary of past use:

- In 1889 The Site was undeveloped and vacant. The surrounding area was undeveloped to the north and south, residential to the west and the Sacred Heart Convent to the east.
- In 1925, the Site was developed with a structure used as storefronts on Main

Street and the eastern portion of the Site was identified as a garage with a gasoline UST in the adjacent roadway. The garage was an auto repair facility until the early 1950's and although the UST was in the adjacent roadway, the associated piping and dispenser would likely have been located within the Site boundaries. The service garage and the UST could be a possible source of contamination in the site soils.

- From 1930 to the mid-1950's the Main Street portion of the Site consisted of a number of commercially related storefront tenants that including in 1955 the following:
  - 743 Main Street-Thos Rick (bicycles).
  - 745 Main Street- National Flag & Emblem Co. and National Flag & Emblem Co.
  - 747-749 Main Street - The Toy Tent.Elk Automotive Service was a tenant located at the east end of the site at 746 Washington Street in 1955 and appears to have been operational until the mid-1970s.
- From the mid-1950s to the mid-1980s similar businesses as above occupied the Main Street portion of the Site and a radio equipment warehouse occupied the Washington Street end of the Site in the Mid-1980s.
- The following businesses occupied the Main Street portion of the Site as tenants from the Mid-1980s until 2020:

#### 1985

743 Main Street - Ricks Cycle Shop

745 Main Street - Becker Jewelers Inc., residential tenant, Empire State Ballet

747 Main Street - Purchase Radio Electronics

#### 1990

743 Main Street - Ricks Cycle Shop

745 Main Street - Empire State Ballet

#### 1995

743 Main Street - Ricks Cycle Shop

745 Main Street - Empire State Ballet, Hodge Brian Photo, Steve James Design, residential tenant

#### 2000-2003

743 Main Street - Ricks Cycle Shop

747 Main Street - DC Theatricks costume shop

#### 2008

745 Main Street - Residential tenants

747 Main Street - DC Theatricks costume shop

#### 2012-2016

747 Main Street - DC Theatricks costume shop

2020

The entire Site was vacant

2023

Building demolishing and Site completely vacant

### **Site Geology and Hydrogeology**

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards the Niagara River and Lake Erie, except in the immediate vicinity of major drainage ways. The surficial geology of the Lake Erie Plain consists of a thin glacial till, glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt, concrete, buildings, or other impervious structures.

Based on BE3's recent Phase II ESA investigation, on-site overburden soil-fill consists of concrete, brick, and gravelly silt to depths averaging approximately 4-8 feet below ground surface (bgs). Underlying native materials consisting of reddish-brown silty clay exist to depths up to 16 feet bgs. Bedrock was not encountered at any location. Groundwater was encountered at approximately 10 feet bgs. Regional groundwater would be assumed to flow west towards Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

### **Environmental Assessment**

Two Environmental assessments have occurred on the Site including:

- Phase I ESA performed by LaBella in September 2022.
- Phase II ESA performed by BE3 in May and June 2023.

Both ESA reports are attached to this application in electronic format.

Based on the above Phase II investigation, the primary contaminants of concern at the site include the following:

**Soil** - PAHs and metals (primarily arsenic, lead and cadmium). **Figures 8** and **Table 1** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded. **Table 2** provides a soil data summary of compound exceedances

**Groundwater** – Two temporary groundwater wells were installed and two samples collected during the above assessment. Only tested for VOCs with no results above TOGs limits (see Table 1).

**Soil Vapor & Indoor Air** – No assessment of soil vapor has been carried out to date. This assessment will be part of the Remedial Investigation program, if required.

### **Adjacent Property Owners**



A list of Adjacent property owners is provided below and on **Figure 4**.

753 Main Street  
Sidway Parking LLC  
12W 37<sup>th</sup> St  
New York, New York 10018

775 Main Street  
Nosnevets LLC  
779 Washington Street  
Buffalo, NY 14203

737 Main Street LLC,  
701 Seneca Street  
Buffalo, New York, 14210

736 Main Street  
Schmidts Auto Service, Inc.  
8604 Main Street  
Williamsville, NY 14221

752 Main Street  
Teck Associates Limited Partnership  
23240 Chagrin Blvd. #515  
Beachwood OH, 44122

# Erie County On-Line Mapping System

## Parcel Detail Report

### Figure 1 - Tax/Parcel Data

4/5/2023 2:55:10 PM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402001113000003005000

**SBL:** 111.30-3-5

**Address:** 743 MAIN

**Owner 1:** NATHAN ASSOCIATES LLC

**Owner 2:**

**Mailing Address:** 23 WHISPERING CT

**City/Zip:** EAST AMHERST NY 14051

**Municipality:** City of Buffalo

**Property Class:** 482

**Class Description:** C - Det row bldg

**Front:** 66

**Depth:** 0

**Deed Roll:** 1

**Deed Book:** 11046

**Deed Page:** 2617

**Deed Date:**

**Acreage:** 0.30401675

**Total Assessment:** \$845,000

**Land Assessment:** \$196,000

**County Taxes:** \$845,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

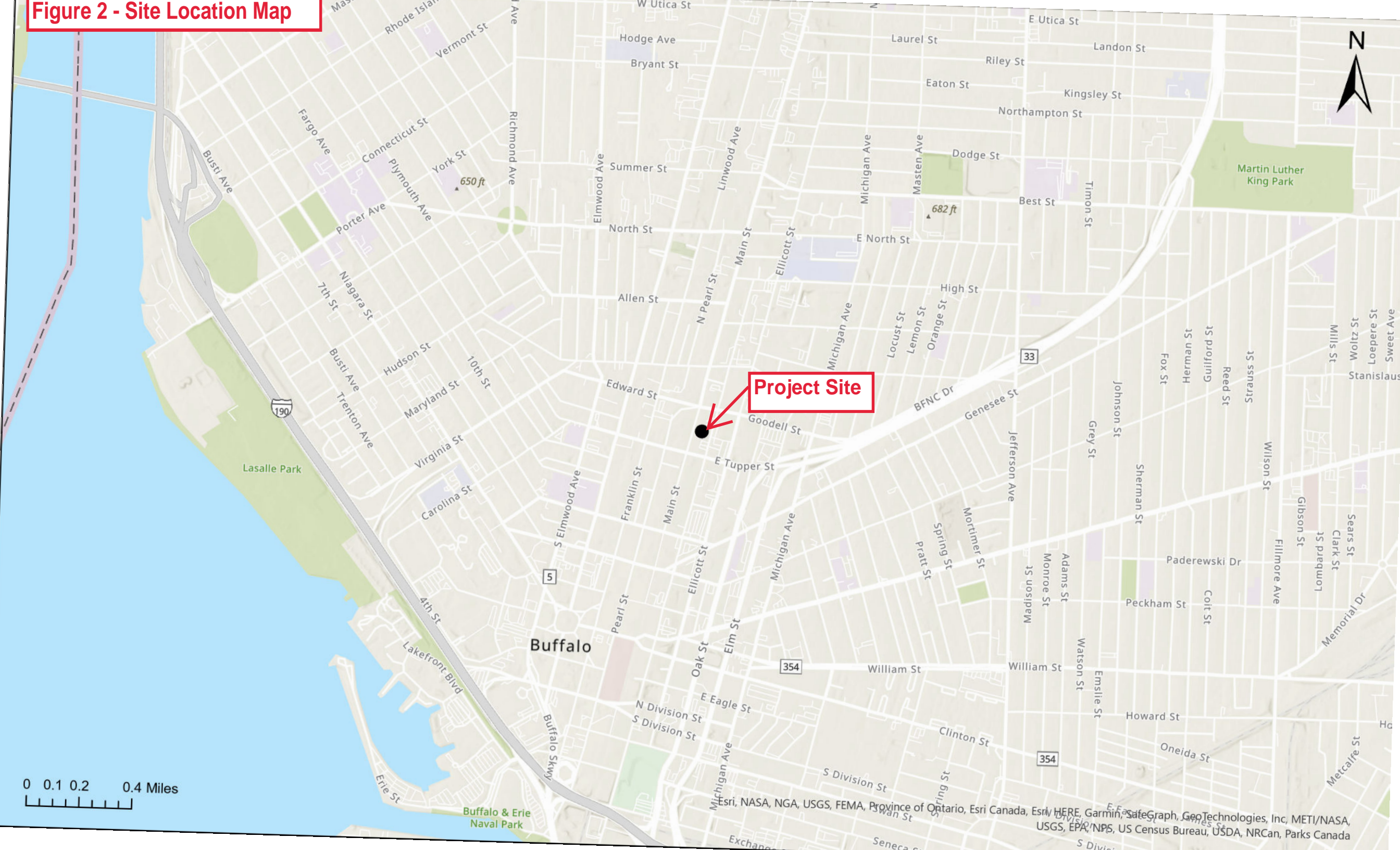
**Basement:** 0

**Fireplace:** 0

**Beds:** 0

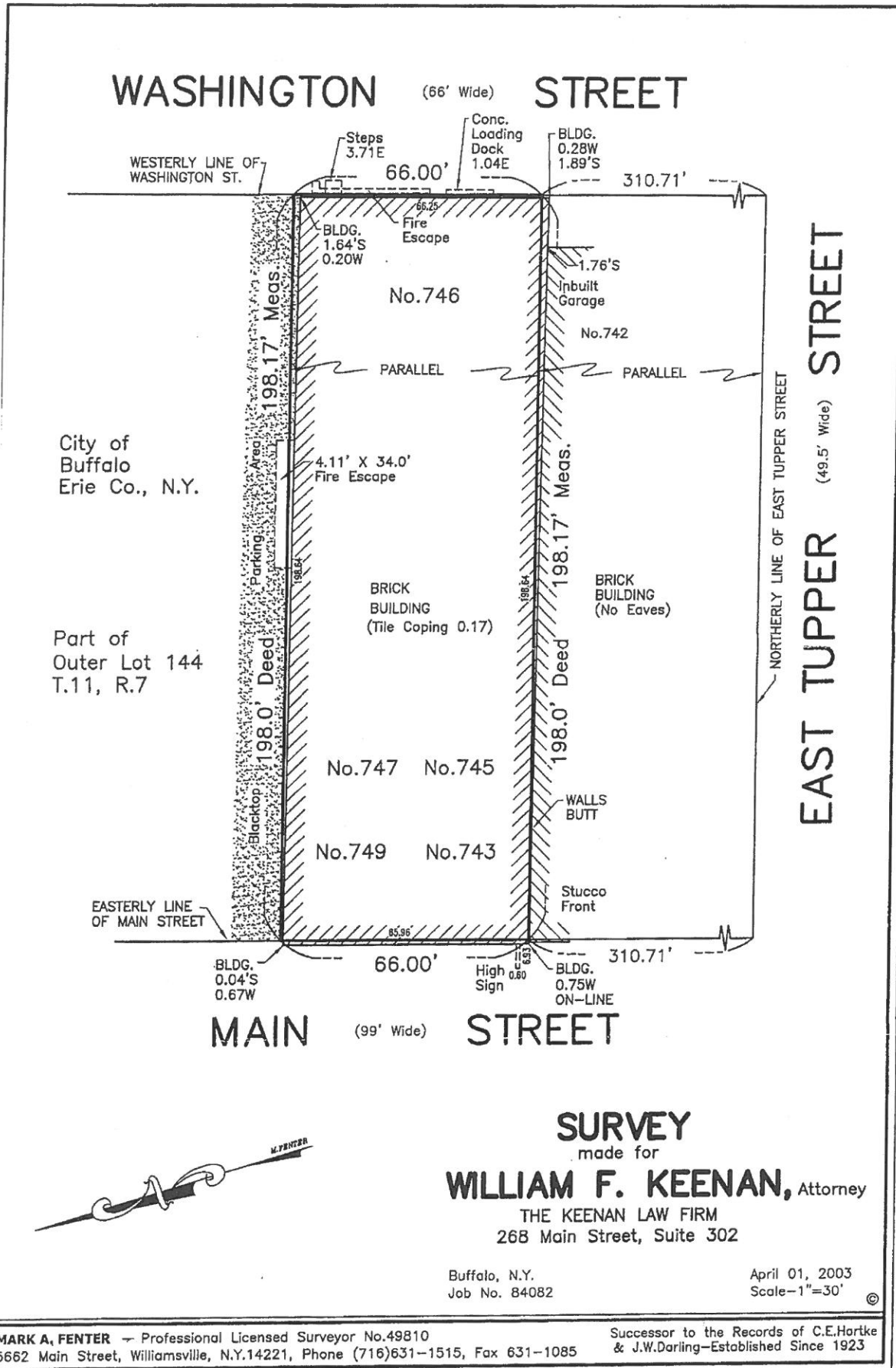
**Baths:** 0

Figure 2 - Site Location Map



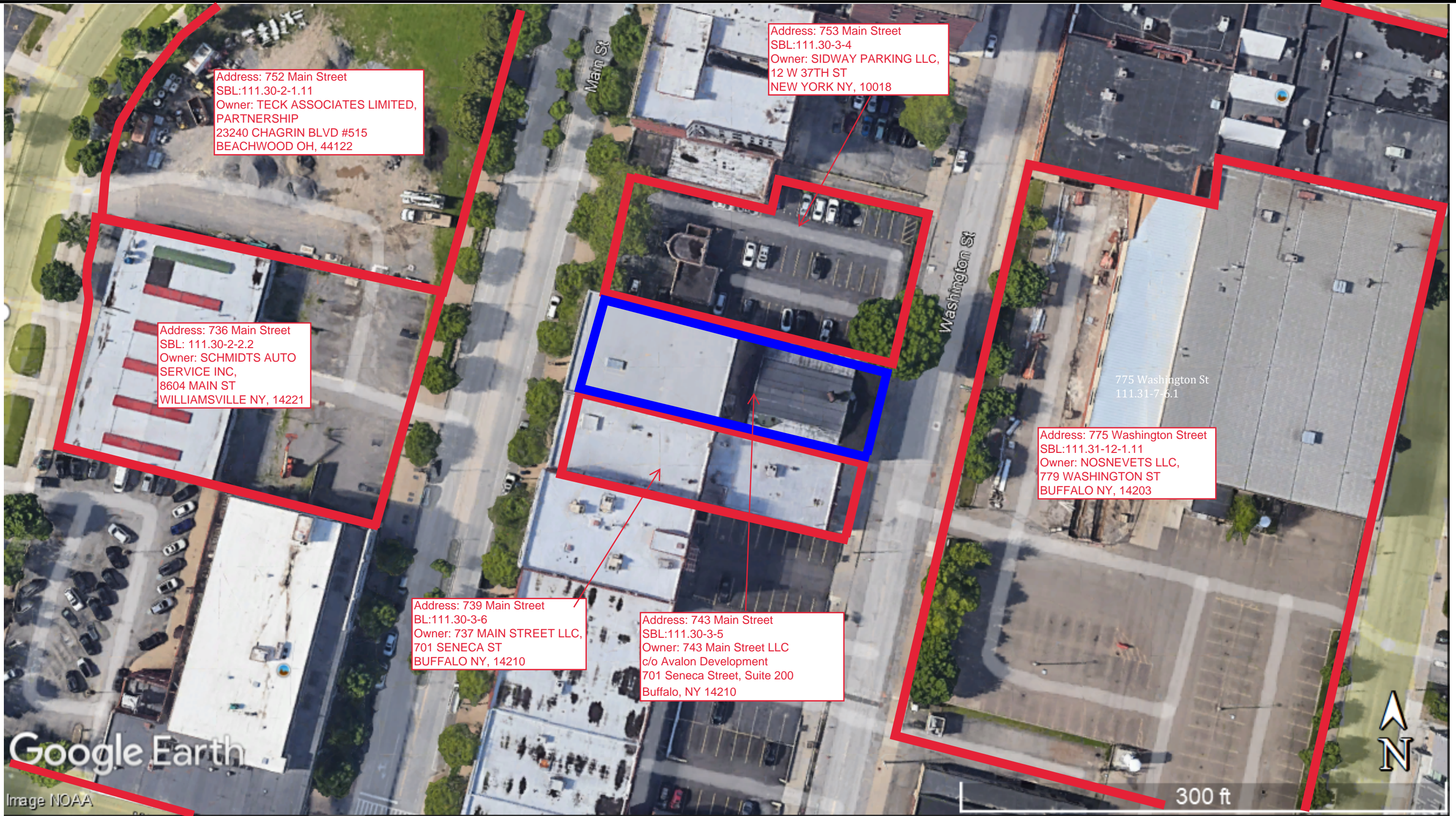


NOTE: Altering this document is violation of the law, excepting as provided in Section 7209, Part 2 of the New York State Education Law.



**Figure 3 - Site Survey**





- Project Property Boundary
- Adjacent Property Boundaries



AUGUST 2023

### Figure 4 Adjacent Property Owners

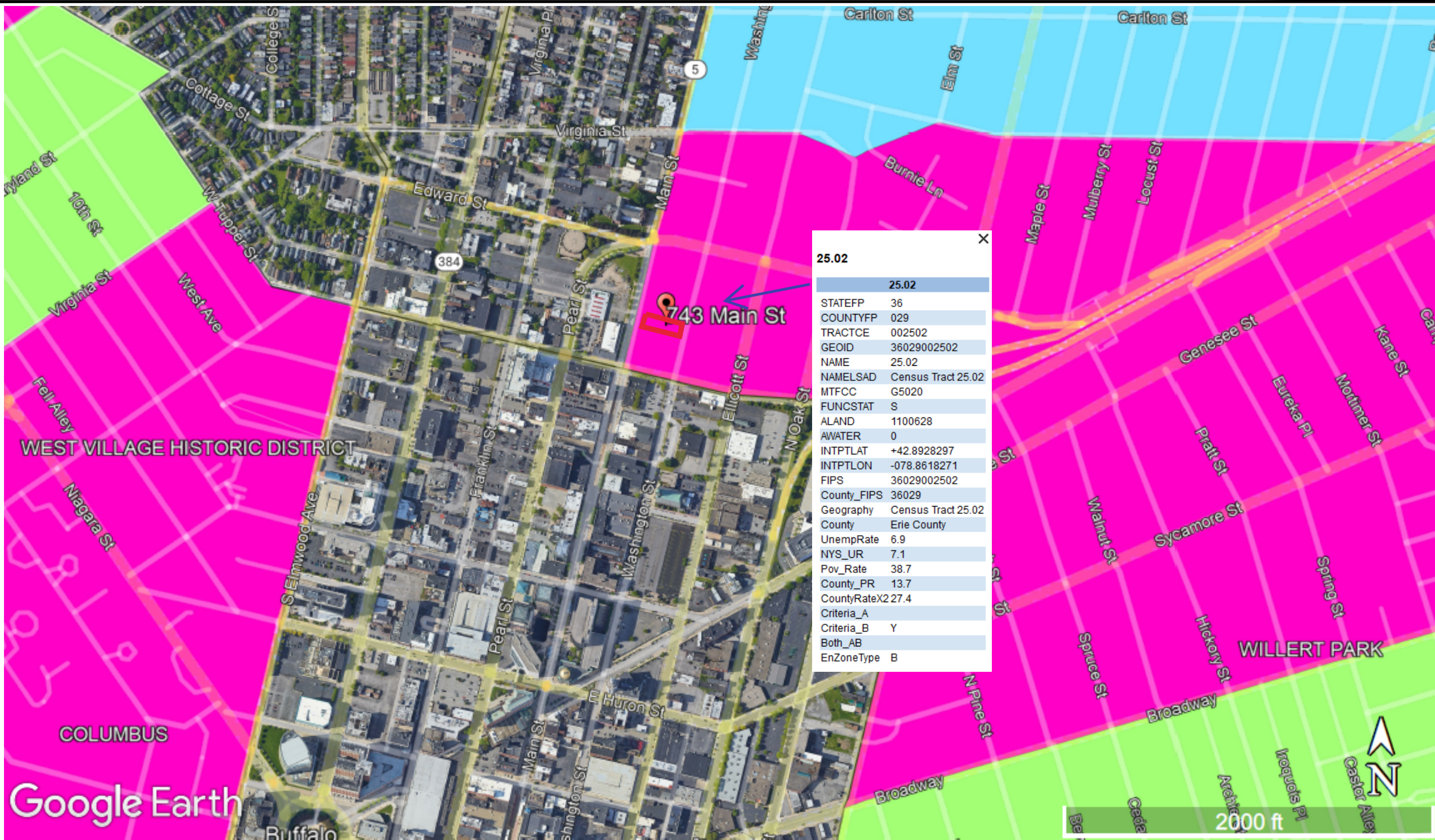
743 Main Street Site  
743 Main Street Buffalo, NY 14213

SCALE: See Map Scale

SHEET 1 OF 1

Revisions



25.02	
STATEFP	36
COUNTYFP	029
TRACTCE	002502
GEOID	36029002502
NAME	25.02
NAMLSAD	Census Tract 25.02
MTFCC	G5020
FUNCSTAT	S
ALAND	1100628
AWATER	0
INTPTLAT	+42.8928297
INTPTLON	-078.8618271
FIPS	36029002502
County_FIPS	36029
Geography	Census Tract 25.02
County	Erie County
UnempRate	6.9
NYS_UR	7.1
Pov_Rate	38.7
County_PR	13.7
CountyRateX2	27.4
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

Property Boundaries



AUGUST 2023

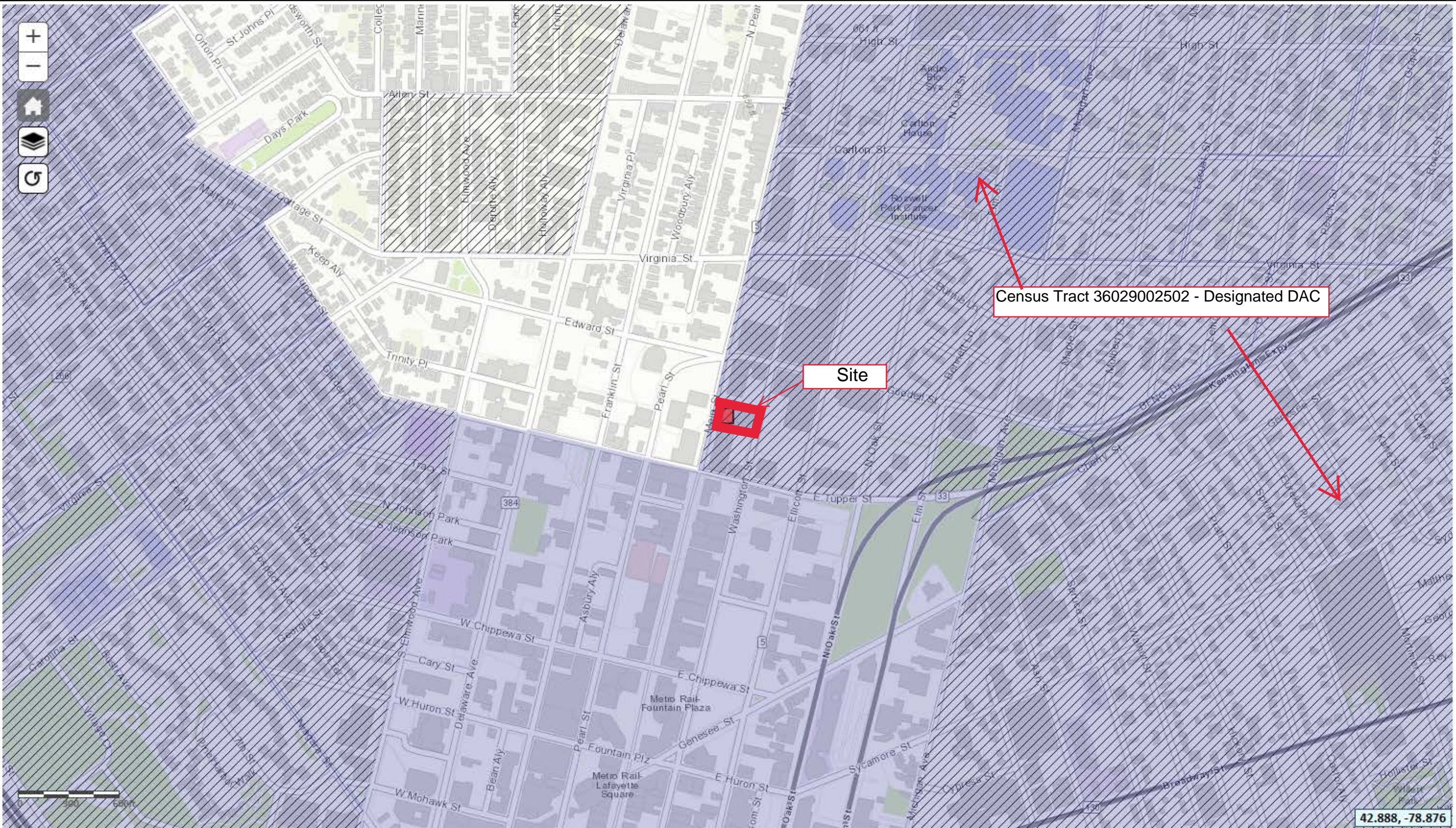
Figure 5 - Enzone

743 Main Street Buffalo Site  
743 Main Street Buffalo, NY 14213

SCALE: See Map Scale

Revisions



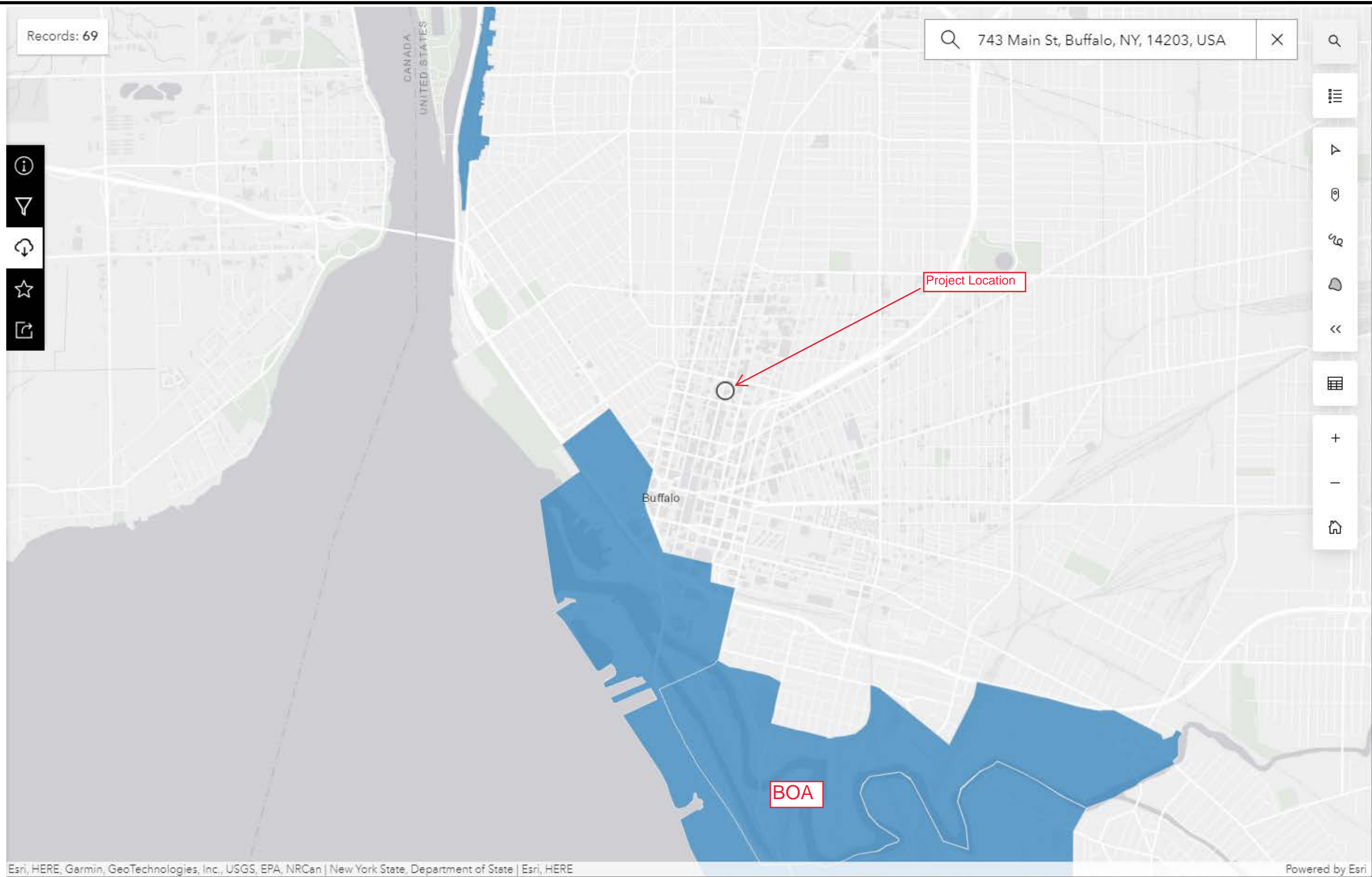


Property Boundary



	<b>Figure 6 - Disadvantaged Communities</b>		Revisions
	743 Main Street Buffalo Site 743 Main Street Buffalo, NY 14213		
AUGUST 2023	SCALE: See Map Scale	SHEET 1 OF 1	





Project location is not located within a designated BOA.




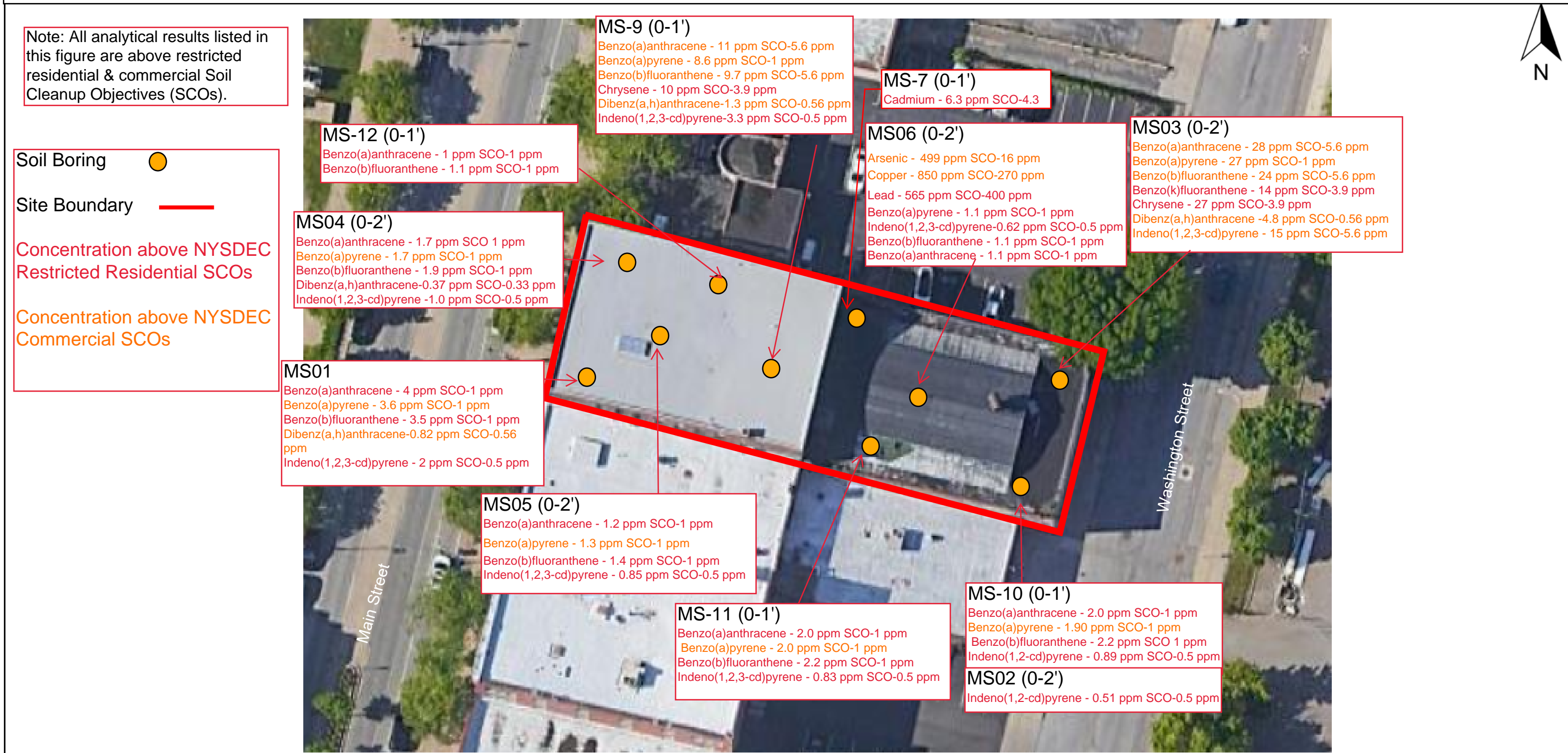
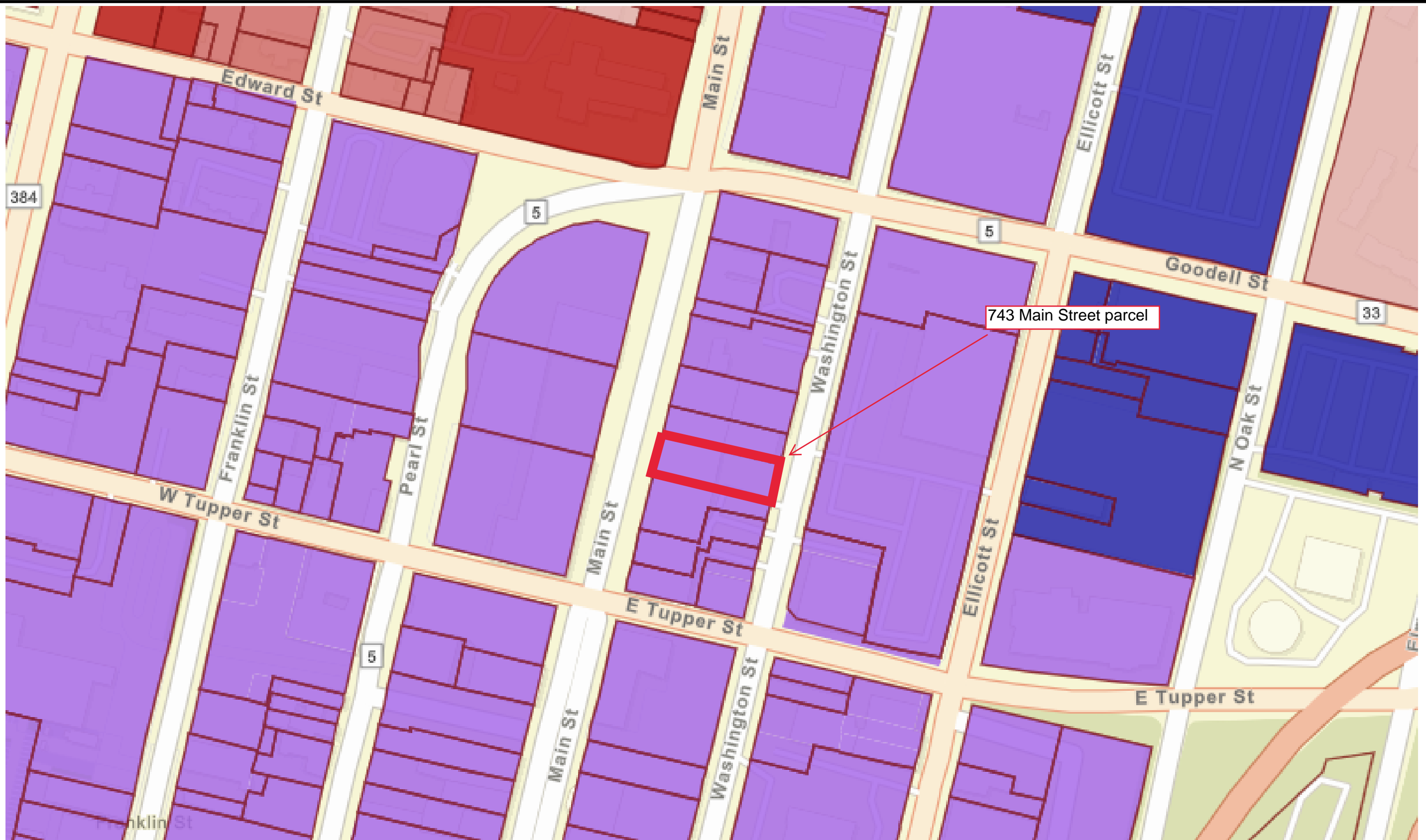
 <b>BRYDGES ENGINEERING</b> IN ENVIRONMENT AND ENERGY, DPC	<b>Figure 7</b> BOA Map		Revisions
	743 Main Street Buffalo Site 743 Main Street Buffalo, NY 14213		
AUGUST 2023	APPROX. SCALE: 1:35,500	SHEET 1 OF 1	



Figure 8: 743 Main Street - Phase II ESA Boring Locations





Property Boundaries

N-1C (Mixed-Use Core)

N-2E (Mixed-Use Edge)

N-2C (Mixed-Use Center)

N-2R (Residential)

D-M (Medical Campus)



AUGUST 2023

## Figure 9 - Zoning

743 Main Street Buffalo Site  
743 Main Street Buffalo, NY 14213

APPROX. SCALE: 1:2,200

Revisions

SHEET 1 OF 1

TABLE 1  
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	743 Main Street - May 2023 - Sample ID, Sample Depth in feet below ground surface (bgs), and Sample Date											NYSDEC Soil Cleanup Objectives (SCOs)	
	MS05	MS01	MS02	MS03	MS04	MS06	MS-7	MS-9	MS-10	MS-11	MS-12	Restricted Residential	Commerical
	0-2'	0-2'	0-2'	0-2'	0-2'	0-2'	0-1'	0-1'	0-1'	0-1'			
	5/9/2023	5/9/2023	5/9/2023	5/9/2023	5/9/2023	5/9/2023	6/28/2023	6/28/2023	6/28/2023	6/28/2023	6/28/2023		
METALS													
Arsenic	12.5	9.0	7.4	3.8	5.0	499.0	7.6	8.0	7.8	6.8	6.0	16	16
Barium	99.2	114	202	60.0	222	50.8	105	91.5	103	104	90.6	400	400
Beryllium	0.81	0.73	0.60	0.33	0.58	0.15 J	0.78	0.67	0.58	0.70	0.51	72	590
Cadmium	0.43	0.47	0.50	0.5	0.38	0.28	6.3	0.4	0.440	0.36	0.40	4.3	9.3
Chromium	20.0	22.0	20.3	11.0	17.0	90.3	18.8	20.2	18.9	16.9	16.6	180	1,500
Copper	34.9	37.8	33.8	16.6	28.2	850.0	30.2	31.1	45.3	28.8	27.0	270	270
Lead	97.9	113	127 B	63.3	89.9	565	82.5	81.3	100	83.0	91	400	1,000
Manganese	421 B	430 B	334 B	569	392 B	439 B	392 B	406 B	389 B	356 B	359 B	2,000	10,000
Mercury	0.079	0.067	0.110	0.310	0.10	0.46	0.19 B	0.31 B	0.14 B	0.1 B	0.1 B	0.81	2.8
Nickel	25.7	25.3	22.7	9.0	17.3	33.3	21.7	22.8	20.4	22.4	18.6	310	310
Zinc	108	130	183	75.3	128	169	977	97.5	108	95.4	100	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)													
Acenaphthene	ND	0.79 J	ND	11	0.46 J	0.19	0.71 J	2.5	0.49	0.330	0.13 J	100	500
Acenaphthylene	ND	0.27 J	ND	2.5 J	ND	0.12 J	0.050 J	0.72 J	0.11 J	0.061 J	0.074 J	100	500
Anthracene	0.47	2.8	ND	22	0.85 J	0.55	0.22	8.1	1.2	1.6	0.42	100	500
Benzo(a)anthracene	1.2 J	4.0	0.65 J	28	1.7 J	1.1	0.64	11	2.0	2.0	1	1	5.6
Benzo(a)pyrene	1.3 J	3.6	0.79 J	27	1.7 J	1.1	0.69	8.6	1.9	2.0	0.95	1	1
Benzo(b)fluoranthene	1.4 J	3.5	0.83 J	24	1.9	1.1	0.78	9.7	2.2	2.2	1.1	1	5.6
Benzo(g,h,i)perylene	0.78 J	2	0.46 J	16	1.2	0.62	0.37	2.8	0.88	0.77	0.35	100	500
Benzo(k)fluoranthene	0.88 J	1.9 J	0.45 J	14	0.86	0.62	0.29	4	0.84	0.900	0.61	3.9	56
Chrysene	1.4 J	3.7	0.75 J	27	1.8	1.1	0.68	10	2	2	0.98	3.9	56
Dibenz(a,h)anthracene	ND	0.82 J	ND	4.8	0.37	0.21	0.13 J	1.3	0.29	0.26	0.12 J	0.33	0.56
Dibenzofuran	ND	1.1 J	ND	6.8	0.33	0.18 J	0.052 J	2.2	0.32	0.36	0.13 J	18	180
Fluoranthene	3.0	13	1.8 J	80	4.6	2.6	1.1 F1	25	4.2	4.5	2.1	100	500
Fluorene	ND	1.7	ND	11	0.39	0.26	0.085 J	3.8	0.55	0.54	0.16 J	100	500
Indeno(1,2,3-cd)pyrene	0.85 J	2.0	0.56	15	1.0	0.62	0.36	3.3	0.89	0.83	0.37	0.5	5.6
Naphthalene	ND	ND	ND	13	ND	0.21	0.034 J	0.77 J	0.47	0.21	0.06 J	100	500
Phenanthrene	1.4 J	11	1.1 J	76	3.3	2.0	0.860 F1	25	4.2	4.3	1.7	100	500
Pyrene	1.7 J	6	1.0 J	47	2.8	1.8	1.1	16	3.6	3.3	1.5	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)													
VOCs	ND	ND	ND	ND	ND	ND	-	-	-	-	ND	Various	Various
ND Analyte not detected							Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO						
- Not Applicable or sample not tested for this analyte							Reported concentration greater than or equal to the NYSDEC Commercial SCO						
J Estimated Concentration													
B Analyte detected in method blank													
K Result is reported as Benzo(b)fluoranthene													
E Results exceeded calibration range													
T Result is Tentatively Identified Compound and an estimated value													

**TABLE 1 (con't)**  
**SUMMARY OF GROUNDWATER RESULTS**

Sample ID, Groundwater Depth (Top of Casing), and Sample Date			
Parameter Tested	MS07 12-16'	MS08 12-16'	NYSDEC TOGS 1.1.1 GA
	5/9/2023		
Volatile Organic Compounds (VOCs)			
Acetone	10 J	6.2 J	50
Benzene	ND	0.49 J	1
Chloroform	1.4 J	1.4	7
Toluene	ND	0.69 J	5

Notes: All units in micrograms per liter (µg/L)

NYSDEC New York State Department of Environmental Conservation

TOGS Technical and Operational Guidance Series

**500** Analyte exceeds NYSDEC TOGS guidance value

**TABLE 2 - SOIL DATA SUMMARY – 743 MAIN STREET BUFFALO (1)**

<b>Analytes</b>	<b>Detections Greater Than Restricted Residential SCO</b>	<b>Maximum Detection (ppm)</b>	<b>SCOs Restricted Residential</b>	<b>Depth (ft bgs)</b>
Benzo(a)anthracene	8	28	1	0-2
Benzo(a)pyrene	8	27	1	0-2
Benzo(b)fluoranthene	8	24	1	0-2
Benzo(k)fluoranthene	1	14	3.9	0-2
Indeno(1,2,3cd)pyrene	8	15	0.5	0-2
Dibenz(a,h)anthracene	4	4.8	0.33	0-2
Chrysene	2	27	3.9	0-2
Lead	1	565	400	0-2
copper	1	850	270	0-2
Cadmium	1	6.3	4.3	0-1
arsenic	1	499	16	0-1

## ATTACHMENT B

### SECTION II: PROJECT DESCRIPTION



Brydges Engineering in  
Environment and Energy

## **SECTION II – PROJECT DESCRIPTION**

### **Project Information & Purpose**

A new building will be erected upon completion of remediation which will be of Mixed use with commercial on lower floor and residential on upper floors.

**743 Main Street LLC, acting as a Volunteer**, will complete additional investigation and remediate the 743 Main Street Site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

### **Project Start Date & Anticipated Certificate of Completion**

**743 Main Street LLC** will prepare a Remedial Investigation (RI) Work Plan and complete a RI during late 2023 and will complete remediation for an anticipated Certificate of Completion in late 2024.

The Project will result in the remediation and future redevelopment of an environmentally impacted Site within the City of Buffalo, New York.

## ATTACHMENT C

### **SECTION III: LAND USE FACTORS**

Figure 5 – En-zone Map

Figure 6 – Disadvantaged Communities Map

Figure 9 – Zoning Map



Brydges Engineering in  
Environment and Energy



### **Section III: Land Use Factors – Current Use**

#### 1 – Current Zoning

The current zoning for the Site is N-1C (Mixed-Use Core): mixed-use mid-rise development clusters consistent with the Buffalo Green Code (see **Figure 9**).

#### 2 – Current Use

The site is currently vacant and with no structures. The building that encompassed the whole site was demolished in early 2023 after the site was purchased by 743 Main Street LLC and has been vacant since.

#### 3 - Planned Future Use - Reasonably anticipated Use Post Remediation

A new building will be erected upon completion of remediation which will be of Mixed use with commercial on lower floor and residential on upper floors.

#### 4 - Do current historical and/or recent development patterns support the proposed use

Yes, similar structures and occupants are currently operational along this section of Main Street

#### 5. Is the proposed use consistent with applicable zoning laws/maps?

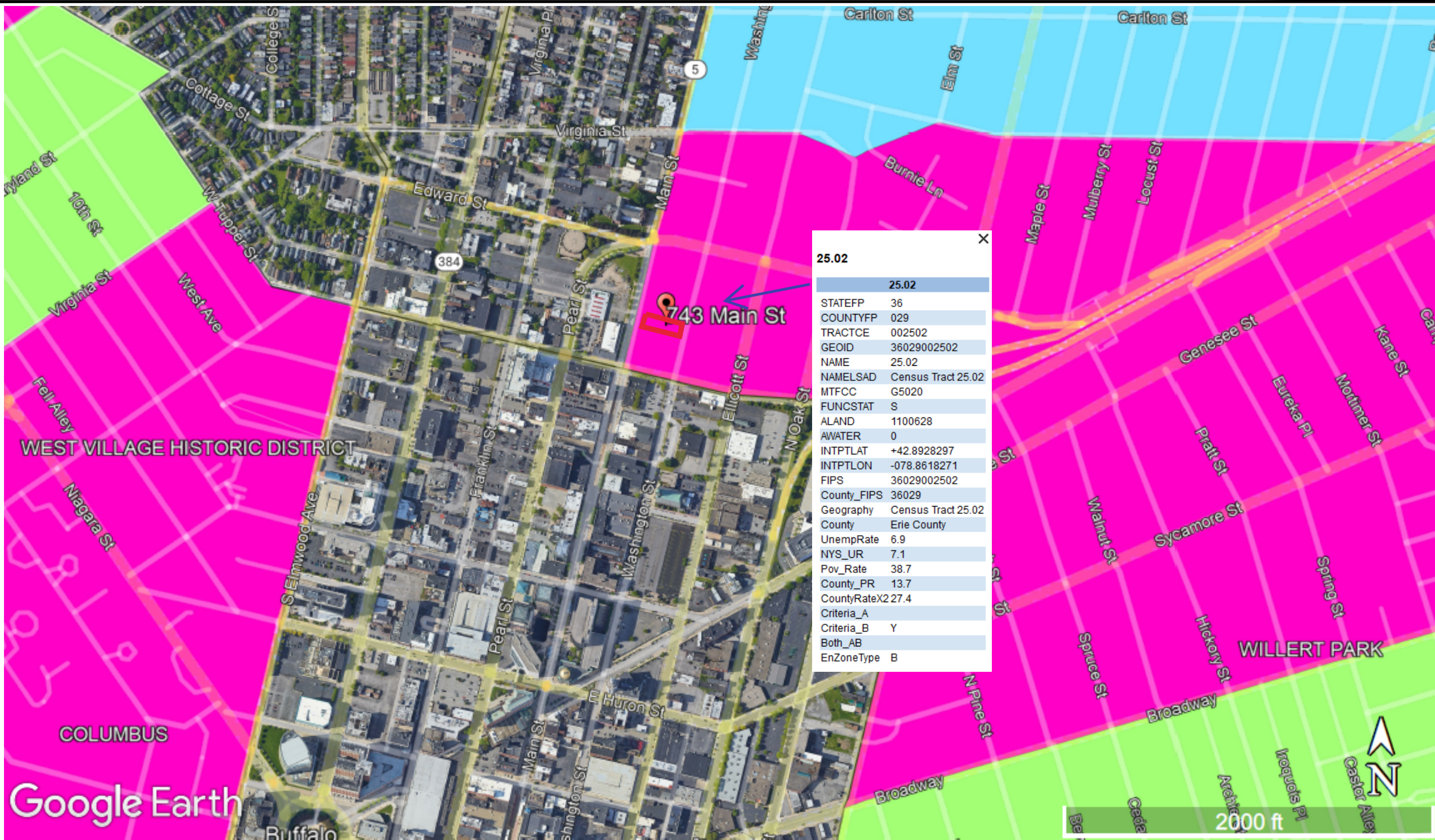
The proposed reuse is consistent with the current zoning and recent development projects.

#### 6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The Property is zoned N-1C (Mixed-Use Core) and is located in an area consisting primarily of commercial and industrial businesses (see **Figure 9 – Zoning**).

According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type B designated for Census Tract 25.02 (see **Figure 5**) and a Disadvantaged Community (see **Figures 6**).





25.02	
	25.02
STATEFP	36
COUNTYFP	029
TRACTCE	002502
GEOID	36029002502
NAME	25.02
NAMLSAD	Census Tract 25.02
MTFCC	G5020
FUNCSTAT	S
ALAND	1100628
AWATER	0
INTPTLAT	+42.8928297
INTPTLON	-078.8618271
FIPS	36029002502
County_FIPS	36029
Geography	Census Tract 25.02
County	Erie County
UnempRate	6.9
NYS_UR	7.1
Pov_Rate	38.7
County_PR	13.7
CountyRateX2	27.4
Criteria_A	
Criteria_B	Y
Both_AB	
EnZoneType	B

Property Boundaries



AUGUST 2023

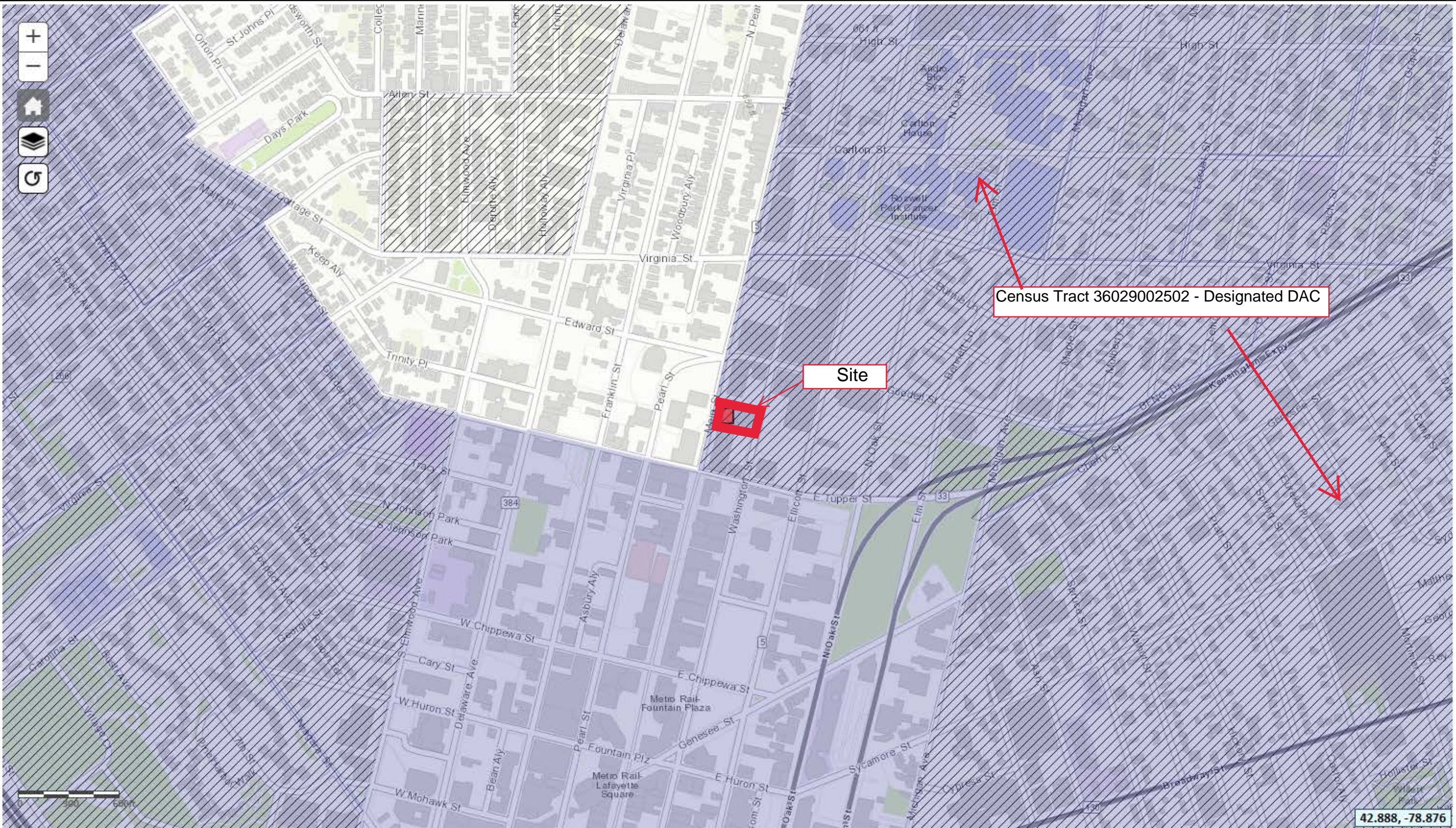
Figure 5 - Enzone

743 Main Street Buffalo Site  
743 Main Street Buffalo, NY 14213

SCALE: See Map Scale


Revisions



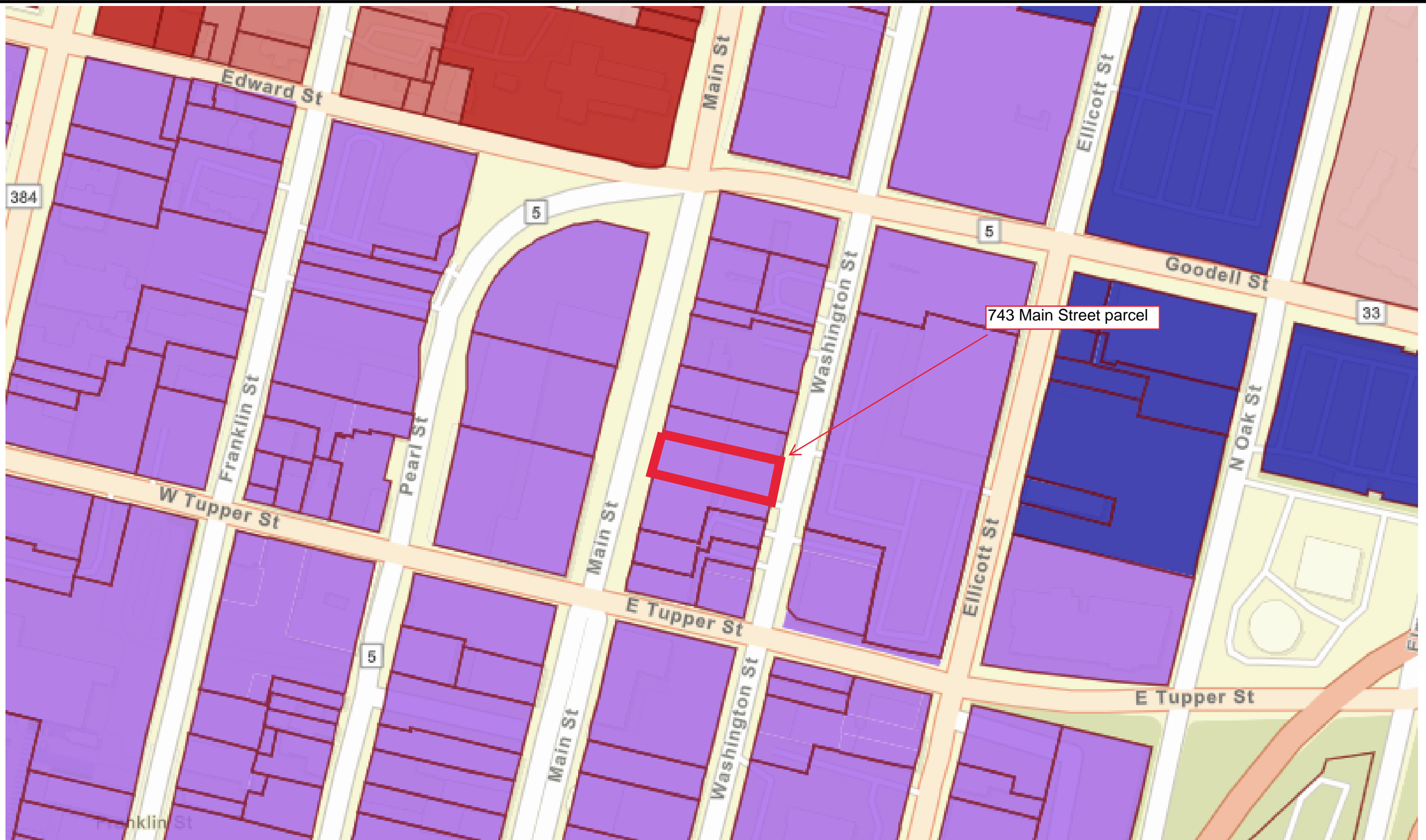


Property Boundary



	<b>Figure 6 - Disadvantaged Communities</b>		Revisions
	743 Main Street Buffalo Site 743 Main Street Buffalo, NY 14213		
AUGUST 2023	SCALE: See Map Scale	SHEET 1 OF 1	





— Property Boundaries

■ N-1C (Mixed-Use Core)

■ N-2E (Mixed-Use Edge)

■ N-2C (Mixed-Use Center)

■ N-2R (Residential)

■ D-M (Medical Campus)



### Figure 9 - Zoning

743 Main Street Buffalo Site  
743 Main Street Buffalo, NY 14213

AUGUST 2023

APPROX. SCALE: 1:2,200

SHEET 1 OF 1

Revisions


## ATTACHMENT D

### **SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY**

Figure 8 – Phase II ESA Investigation Locations and Results

Table 1 – Phase II ESA Soil Sample Results

Table 2 – Soil Data Summary

Phase I and Phase II Reports – See Electronic Copies

## **SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY**

Various Environmental assessments have occurred on the site property including the following:

- Phase I ESA performed by LaBella in September 2022.
- Phase II ESA performed by BE3 in May and June 2023.

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

### **2022 Phase I ESA by LaBella at 743 Main Street Buffalo Site**

The following information on site past uses of environmental concern were derived from LaBella’s September 2022 Phase 1 ESA. Additional/historical addresses of the site were identified through the review of historical sources as 743-749 Main Street and 744-748 Washington Street. The following is a summary of past use.

In 1925, the Site was developed with an existing structure used as storefronts on Main Street and the eastern portion of the Site on Washington Street was identified as a garage with a gasoline UST in the adjacent roadway. The garage was an auto repair facility until the early 1950’s and although the UST was in the adjacent roadway, the associated piping and dispenser would likely have been located within the Site boundaries. The service garage and the UST could be a possible source of soil contamination in the site soils. Also, Elk Automotive Service was located at the east end of the site at 746 Washington Street in 1955 and appears to have been operational until the mid-1970s.

### **2023 Phase II ESA by BE3 at 743 Main Street Buffalo Site**

The Phase 2 ESA completed by BE3 in 2023 at the 743 Main Street Buffalo Site is attached in electronic format which demonstrates that the 743 Main Street Buffalo Site requires remediation in order to meet the requirements of the BCP program. 743 Main Street Buffalo Site is a site with metal and SVOC (PAHS) contaminants in near surface soils exceeding the soil cleanup objectives for the anticipated mixed restricted residential/commercial use of the property.

Based on BE3’s Phase II investigation, on-site overburden soil-fill consists of concrete, brick, and gravelly silt to depths averaging approximately 4-8 feet below ground surface (bgs). Underlying native materials consisting of reddish-brown silty clay exist to depths up to 16 feet bgs. Bedrock was not encountered at any location. Groundwater was encountered at approximately 10 feet bgs. Regional groundwater would be assumed to flow west towards Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

The purpose of this assessment was to identify potential environmental impacts at the site. The site previously contained commercial and auto repair facilities including a history of petroleum underground storage tanks (UST) on site and adjacent sites.

Samples collected from the site were analyzed for NYSDEC Part 375 constituents including metals, SVOCs and VOCs. The laboratory analytical results indicate that there are urban fill conditions existing at the site, as noted above, with primary contaminants of concern including the following: **Soil** - PAHs and metals (primarily arsenic, lead and cadmium). **Figure 8** and **Table 1** provide the locations of the soil samples and the analytical results with the SCOs that were exceeded. **Table 2** provides a soil data summary of compound exceedances

**Groundwater** –Two temporary groundwater wells were installed and two samples collected during the above assessment. Only tested for VOCs with no results above TOGs limits (see Table 1)

**Soil Vapor & Indoor Air** – No assessment of soil vapor has been conducted to date. This assessment will be part of the Remedial Investigation program, if required.

A copy of the referenced investigatory reports/data are provided individually in a separate electronic folder on the enclosed CD.

Figure 8: 743 Main Street - Phase II ESA Boring Locations





TABLE 1  
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	743 Main Street - May 2023 - Sample ID, Sample Depth in feet below ground surface (bgs), and Sample Date											NYSDEC Soil Cleanup Objectives (SCOs)	
	MS05	MS01	MS02	MS03	MS04	MS06	MS-7	MS-9	MS-10	MS-11	MS-12	Restricted Residential	Commerical
	0-2'	0-2'	0-2'	0-2'	0-2'	0-2'	0-1'	0-1'	0-1'	0-1'			
	5/9/2023	5/9/2023	5/9/2023	5/9/2023	5/9/2023	5/9/2023	6/28/2023	6/28/2023	6/28/2023	6/28/2023	6/28/2023		
METALS													
Arsenic	12.5	9.0	7.4	3.8	5.0	499.0	7.6	8.0	7.8	6.8	6.0	16	16
Barium	99.2	114	202	60.0	222	50.8	105	91.5	103	104	90.6	400	400
Beryllium	0.81	0.73	0.60	0.33	0.58	0.15 J	0.78	0.67	0.58	0.70	0.51	72	590
Cadmium	0.43	0.47	0.50	0.5	0.38	0.28	6.3	0.4	0.440	0.36	0.40	4.3	9.3
Chromium	20.0	22.0	20.3	11.0	17.0	90.3	18.8	20.2	18.9	16.9	16.6	180	1,500
Copper	34.9	37.8	33.8	16.6	28.2	850.0	30.2	31.1	45.3	28.8	27.0	270	270
Lead	97.9	113	127 B	63.3	89.9	565	82.5	81.3	100	83.0	91	400	1,000
Manganese	421 B	430 B	334 B	569	392 B	439 B	392 B	406 B	389 B	356 B	359 B	2,000	10,000
Mercury	0.079	0.067	0.110	0.310	0.10	0.46	0.19 B	0.31 B	0.14 B	0.1 B	0.1 B	0.81	2.8
Nickel	25.7	25.3	22.7	9.0	17.3	33.3	21.7	22.8	20.4	22.4	18.6	310	310
Zinc	108	130	183	75.3	128	169	977	97.5	108	95.4	100	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)													
Acenaphthene	ND	0.79 J	ND	11	0.46 J	0.19	0.71 J	2.5	0.49	0.330	0.13 J	100	500
Acenaphthylene	ND	0.27 J	ND	2.5 J	ND	0.12 J	0.050 J	0.72 J	0.11 J	0.061 J	0.074 J	100	500
Anthracene	0.47	2.8	ND	22	0.85 J	0.55	0.22	8.1	1.2	1.6	0.42	100	500
Benzo(a)anthracene	1.2 J	4.0	0.65 J	28	1.7 J	1.1	0.64	11	2.0	2.0	1	1	5.6
Benzo(a)pyrene	1.3 J	3.6	0.79 J	27	1.7 J	1.1	0.69	8.6	1.9	2.0	0.95	1	1
Benzo(b)fluoranthene	1.4 J	3.5	0.83 J	24	1.9	1.1	0.78	9.7	2.2	2.2	1.1	1	5.6
Benzo(g,h,i)perylene	0.78 J	2	0.46 J	16	1.2	0.62	0.37	2.8	0.88	0.77	0.35	100	500
Benzo(k)fluoranthene	0.88 J	1.9 J	0.45 J	14	0.86	0.62	0.29	4	0.84	0.900	0.61	3.9	56
Chrysene	1.4 J	3.7	0.75 J	27	1.8	1.1	0.68	10	2	2	0.98	3.9	56
Dibenz(a,h)anthracene	ND	0.82 J	ND	4.8	0.37	0.21	0.13 J	1.3	0.29	0.26	0.12 J	0.33	0.56
Dibenzofuran	ND	1.1 J	ND	6.8	0.33	0.18 J	0.052 J	2.2	0.32	0.36	0.13 J	18	180
Fluoranthene	3.0	13	1.8 J	80	4.6	2.6	1.1 F1	25	4.2	4.5	2.1	100	500
Fluorene	ND	1.7	ND	11	0.39	0.26	0.085 J	3.8	0.55	0.54	0.16 J	100	500
Indeno(1,2,3-cd)pyrene	0.85 J	2.0	0.56	15	1.0	0.62	0.36	3.3	0.89	0.83	0.37	0.5	5.6
Naphthalene	ND	ND	ND	13	ND	0.21	0.034 J	0.77 J	0.47	0.21	0.06 J	100	500
Phenanthrene	1.4 J	11	1.1 J	76	3.3	2.0	0.860 F1	25	4.2	4.3	1.7	100	500
Pyrene	1.7 J	6	1.0 J	47	2.8	1.8	1.1	16	3.6	3.3	1.5	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)													
VOCs	ND	ND	ND	ND	ND	ND	-	-	-	-	ND	Various	Various
ND Analyte not detected							Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO						
- Not Applicable or sample not tested for this analyte							Reported concentration greater than or equal to the NYSDEC Commercial SCO						
J Estimated Concentration													
B Analyte detected in method blank													
K Result is reported as Benzo(b)fluoranthene													
E Results exceeded calibration range													
T Result is Tentatively Identified Compound and an estimated value													

**TABLE 1 (con't)**  
**SUMMARY OF GROUNDWATER RESULTS**

Sample ID, Groundwater Depth (Top of Casing), and Sample Date			
Parameter Tested	MS07 12-16'	MS08 12-16'	NYSDEC TOGS 1.1.1 GA
	5/9/2023		
Volatile Organic Compounds (VOCs)			
Acetone	10 J	6.2 J	50
Benzene	ND	0.49 J	1
Chloroform	1.4 J	1.4	7
Toluene	ND	0.69 J	5

Notes: All units in micrograms per liter (µg/L)

NYSDEC New York State Department of Environmental Conservation

TOGS Technical and Operational Guidance Series

**500** Analyte exceeds NYSDEC TOGS guidance value

**TABLE 2 - SOIL DATA SUMMARY – 743 MAIN STREET BUFFALO (1)**

<b>Analytes</b>	<b>Detections Greater Than Restricted Residential SCO</b>	<b>Maximum Detection (ppm)</b>	<b>SCOs Restricted Residential</b>	<b>Depth (ft bgs)</b>
Benzo(a)anthracene	8	28	1	0-2
Benzo(a)pyrene	8	27	1	0-2
Benzo(b)fluoranthene	8	24	1	0-2
Benzo(k)fluoranthene	1	14	3.9	0-2
Indeno(1,2,3cd)pyrene	8	15	0.5	0-2
Dibenz(a,h)anthracene	4	4.8	0.33	0-2
Chrysene	2	27	3.9	0-2
Lead	1	565	400	0-2
copper	1	850	270	0-2
Cadmium	1	6.3	4.3	0-1
arsenic	1	499	16	0-1

ATTACHMENT E

**SECTION V: REQUESTOR INFORMATION**

**NYSDOS Corporation & Business Entity**



960 Busti Ave – Suite B-150 Buffalo, New York

## **SECTION V – Requester Information**

The Requestor, 743 Main Street LLC is a corporation authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Chris Jacobs is President and the only member.

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

# Department of State

## Division of Corporations

### Entity Information

Return to Results

Return to Search

#### Entity Details



**ENTITY NAME:** 743 MAIN STREET LLC

**DOS ID:** 6613879

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTIONOF LAW:** LIMITED LIABILITY COMPANY LAW - 203

**ENTITY STATUS:** ACTIVE

LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

**DATE OF INITIAL DOS FILING:** 10/12/2022

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:** 10/12/2022

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** ERIE

**NEXT STATEMENT DUE DATE:** 10/31/2024

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

ENTITY DISPLAY   NAME HISTORY   FILING HISTORY   MERGER HISTORY   ASSUMED NAME HISTORY

#### Service of Process on the Secretary of State as Agent

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

**Name:** COLUCCI & GALLAHER, P.C.

**Address:** 424 MAIN STREET, SUITE 2000, BUFFALO, NY, UNITED STATES, 14202

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

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

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

#### Entity Primary Location Name and Address

**Name:**

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

## ATTACHMENT F

### SECTION VI: REQUESTOR ELIGIBILITY



## **Section VI – Requester Eligibility**

Why the Requester Should be Considered a Volunteer.

743 Main Street LLC has not operated or been involved with previous owners and/or operators of the site at any time prior to 743 Main Street LLC purchasing the site in 2022. Contaminated materials were likely placed onsite prior to 743 Main Street LLC purchasing the site in 2022 and 743 Main Street LLC has no legal relationship to the prior owners.

The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the site; and has acted with due care since taking ownership of the site/property, therefore, 743 Main Street LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

## ATTACHMENT G

### SECTION IX: CURRENT PROPERTY OWNER & OPERATOR INFORMATION

## SECTION IX – Current/Previous Property Owner Operator Information

### The Current Owner IS THE REQUESTOR

743 Main Street LLC  
Mr. Chris Jacobs – President  
c/o Avalon Development  
701 Seneca Street, Suite 200  
Buffalo, NY 14210  
[cjacobs@avadev.com](mailto:cjacobs@avadev.com)

### Previous Property Owners/Operators

The following owner was also the property operator

PREVIOUS OWNER/OPERATOR	LAST KNOWN ADDRESS/TELEPHONE	USE	RELATIONSHIP TO REQUESTOR
2003 – 2023 Nathan Associates LLC	<a href="mailto:Ashokkapoor13@gmail.com">Ashokkapoor13@gmail.com</a> 23 Whispering Ct. east Amherst, NY 14051 716-930-0059	Commercial store fronts-residential Apartments & Storage	None

No past owners/operators are provided besides that listed above because no contact information was provided through available municipal records or through a focused online search (see LaBella Phase I ESA).

There have been a number of commercial tenants/occupants historically in the on-site building that were neither owners or operators of the building and are provided below.

Additional/historical addresses of the various occupants of the 743 Main Street Buffalo site were identified through the review of historical sources as 743-749 Main Street and 744-748 Washington Street.

### Site/Property Occupant Listing Since 1930

The Requestor/Current Owner (743 Main Street LLC) has no relationship to the previous occupant/owners listed below

Year	Occupant Listings
1930	743 Main Street - Thos Rick (bicycles) 745 Main Street - Peerless Pants Co., Alf Ring Manufacturing Co., Becker Quality Ring Manufacturing Co., Emil Luccl (tailor) 747 Main Street - Aberdeen Golf Course 749 Main Street - Simon Electric Co.

1935	<p>743 Main Street - Thos Rick (bicycles)</p> <p>745 Main Street - Alf Ring Manufacturing Co., Becker Jewelry Manufacturing, Reliable Tailors, Buffalo Waiters Alliance Local 196, Buffalo Waiters Club</p> <p>747-749 Main Street - Heywood-Wakefield Co. (salesroom)</p> <p>746 Washington Street - Heywood-Wakefield Co. (receiving department)</p>
1940	<p>743 Main Street - Thos Rick (bicycles)</p> <p>745 Main Street - Alf Ring Manufacturing Co., Becker Jewelry Manufacturing Co., Reliable Tailors, Buffalo Waiters Alliance Local 196, Harry Kreike engineer, Buffalo</p>
1943	<p>Cooks Services Employees Local No 66, Journeymen Barbers Local 141, Cafeteria Dairy Lunch &amp; Drug Stores Workers Local 369</p> <p>747-749 Main Street - Arbuthnot-Stephenson Co floor coverings</p> <p>746 Washington Street - Carlson Auto Supply Co Inc. (rear entrance)</p>
1946	<p>743 Main Street - Thos Rick (bicycles)</p> <p>745 Main Street - Elk Filling Corp., Alf Ring Manufacturing Co., Becker Jewelry Manufacturing, Reliable Tailors, Harry Kreike engineer</p> <p>747-749 Main Street - The Toy Tent</p> <p>746 Washington Street - Norman Henning (auto repair)</p>
1950	<p>747 Main Street - Wm Allaire (manufacturing agent)</p> <p>746 Washington Street - Elk Automotive Se repair</p>
1955	<p>743 Main Street - Thos Rick (bicycles)</p> <p>745 Main Street - National Flag &amp; Emblem Co., Becker Jewelers Inc. manufacturing</p> <p>747-749 Main Street - The Toy Tent</p> <p>746 Washington Street - Elk Automotive Service</p>
1960	<p>743 Main Street - Thos Rick (bicycles)</p> <p>745 Main Street - National Flag &amp; Emblem Co., Becker Jewelers Inc. manufacturing, Trico Workers Union</p> <p>747-749 Main Street - Waldorf Whole Furniture Galleries Inc.</p> <p>740-746 Washington Street - Transparent Bag Co of Buffalo</p>
1965	<p>743 Main Street - Ricks Cycle Shop</p> <p>745 Main Street - National Flag &amp; Emblem Co., Becker Jewelers Inc., Albert Caldwell watchmaker</p> <p>747 Main Street - Purchase Radio &amp; Hi-Fi Corp., Lafayette Radio Electronics Association</p> <p>740-746 Washington Street - Sullivan &amp; McKeegan Co Inc (rear</p>

	entrance)
1971, 1976	743 Main Street - Ricks Cycle Shop 745 Main Street - National Emblem Co., Becker Jewelers Inc., residential 747 Main Street - Purchase Radio Electronics
1980	743 Main Street - Ricks Cycle Shop 745 Main Street - National Emblem Co., Becker Jewelers Inc., residential tenant, Empire State Ballet 747 Main Street - Purchase Radio Elec
1985	743 Main Street - Ricks Cycle Shop 745 Main Street - Becker Jewelers Inc., residential tenant, Empire State Ballet 747 Main Street - Purchase Radio Electronics
1990	743 Main Street - Ricks Cycle Shop 745 Main Street - Empire State Ballet
1995	743 Main Street - Ricks Cycle Shop 745 Main Street - Empire State Ballet, Hodge Brian Photo, Steve James Design, residential tenant
2000, 2003	743 Main Street - Ricks Cycle Shop 747 Main Street - DC Theatricks costume shop
2008	745 Main Street - Residential tenants 747 Main Street - DC Theatricks costume shop
2012- 2020	747 Main Street - DC Theatricks costume shop

## ATTACHMENT H

### **SECTION XI: SITE CONTACT LIST**

Library Repository Acceptance attachment

## **SECTION XI – Contact List Information – Site Contact List and Doc Repository Letter**

### Site Contact List

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

#### ***Erie County Contacts:***

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

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

Erie County Legislator April N.M. Baskin District 2  
790 East Delavan Avenue  
Buffalo, NY 14215

Mr. Paul Kranz  
Erie Co. Environment & Plan.  
95 Franklin Street  
Buffalo, NY 14202

Ms. Karen M. McCarthy  
Erie County Legislature Clerk  
25 Delaware Avenue  
Buffalo, NY 14202

Mr. Steve Weathers ECIDA  
95 Perry Street  
Buffalo, NY 14203

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

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

#### ***City of Buffalo Contacts:***

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

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

David A. Rivera  
Niagara District Councilmember 1504 City Hall  
Buffalo, NY 14202

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

***Supplier of Potable Water:***

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

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

***Local News Media:***

Buffalo News  
1 News Plaza  
Buffalo, NY 14240

WGRZ TV - Ch. 2  
259 Delaware Avenue  
Buffalo, NY 14202

WIVB - Ch. 4  
2077 Elmwood Avenue  
Buffalo, NY 14207

WKBW News Channel 7  
7 Broadcast Plaza  
Buffalo, NY 14202  
WJYE



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

Business First  
465 Main Street  
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk  
P.O. Box 1263, Horizons Plaza  
Buffalo, NY 14240

***Nearby Schools and Day Cares:***

Ms. Dawn M. DiNatale, Principal  
PS 30 Frank A. Sedita Academy  
21 Lowell Street  
Buffalo, NY 14213

Aakta Patel, Principal  
PS 18 Dr. Antonia Pantoja Community School of  
Academic Excellence  
750 West Avenue  
Buffalo, NY 14213

Dr. William J. Mariani, Interim President D'Youville College  
320 Porter Avenue  
Buffalo, NY 14201

Ms. Florence Krieter, Principal  
PS 212 Leonardo da Vinci High School 320 Porter Avenue  
Buffalo, NY 14201

Lynn Piccirillo, Principal PS 45 International School  
141 Hoyt Street  
Buffalo, NY 14213

Mrs. Andrea Todoro, School Leader West Buffalo Charter School  
113 Lafayette Avenue  
Buffalo, NY 14213

Director  
Kids World Day Care Center, Inc.  
921 Niagara Street  
Buffalo, NY 14213

Director  
Antwanayja Day Care Center  
257 Massachusetts Avenue  
Buffalo, NY 14213

Edukids/ Rich's Family Center  
Child care & day care  
1200 Niagara Street  
Buffalo, New York 14213  
(716) 878-8006

### **Adjacent Property Owners**

753 Main Street  
Sidway Parking LLC  
12W 37<sup>th</sup> St  
New York, New York 10018

775 Main Street  
Nosnevets LLC  
779 Washington Street  
Buffalo, NY 14203

737 Main Street LLC,  
701 Seneca Street  
Buffalo, New York, 14210

736 Main Street  
Schmidts Auto Service, Inc.  
8604 Main Street  
Williamsville, NY 14221

752 Main Street  
Teck Associates Limited Partnership  
23240 Chagrin Blvd. #515  
Beachwood OH, 44122

### **Document Repository – see attached letter**

Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

**From:** [April Tompkins](#)  
**To:** [John Berry](#)  
**Cc:** [Jason Brydges](#)  
**Subject:** RE: Document Repository for 743 Main Street Buffalo Brownfield Site  
**Date:** Wednesday, August 16, 2023 4:32:41 PM

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**CAUTION:** This email originated from outside of the organization.

Good afternoon John,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents (and updates) submitted by your company for the Brownfield Program at the **743 Main Street Buffalo Brownfield Site**. These documents will be made available for public viewing at the **Central (downtown) Library** and/or any other library of your choice. Please refer to our procedure below.

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

Please keep the following in mind:

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

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

- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.

- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disk in-house. Public computers do have USB ports. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

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

Regards,  
April

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

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**From:** John Berry <jberry@be3corp.com>  
**Sent:** Wednesday, August 16, 2023 3:52 PM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Cc:** Jason Brydges <jbrydges@be3corp.com>  
**Subject:** Document Repository for 743 Main Street Buffalo Brownfield Site

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

Hello April,

We (BE3) are looking to use Buffalo & Erie County Public Library as a repository for information generated from a Brownfield site that we will be working on. The name of the site is 743 Main Street Buffalo located at the same address. In the past you provided an email response accepting our document repository request and an email response will again be acceptable. Please let me know if you have any questions and thank you for your past assistance with this on our other applications.

Thankyou

John Berry

**John B. Berry, PE**



*960 Busti Avenue*

*Suite B-150*

*Buffalo, New York, 14213*

*Office: 716.249.6880*

*Cell: 801.870.0285*

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