Brownfield Cleanup Program Application

Jefferson and Best Site
BCP Site No. C915400
Buffalo, New York

September 2023 (revised January 2024)

Prepared for:

Jefferson Gateway LLC
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Queens Village, New York 11428

Prepared by:

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Brownfield Cleanup Program Application
Jefferson and Best Site
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Copies of the previous investigation(s) are provided in a separate folder on the full electronic submittal CD.

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
   a. one file in non-fillable PDF of the application form plus supplemental information, excluding the previous environmental reports and work plans, if applicable;
   b. one individual file (PDF) of each previous environmental report; and,
   c. one file (PDF) of each work plan being submitted with the application, if applicable.
2. Compress all files (PDFs) into one zipped/compressed folder.
3. Submit the application to the Site Control Section either via email or ground mail, as described below. **Please select only ONE submittal method – do NOT submit both email and ground mail.**
   a. VIA EMAIL:
      - Upload the compressed folder to the NYSDEC File Transfer Service. (http://fts.dec.state.ny.us/fts) or another file-sharing service.
      - Copy the download link into the body of an email with any other pertinent information or cover letter attached to the email.
      - Subject line of the email: "*BCP Application NEW - *Proposed Site Name**"
      - Email your submission to DERSiteControl@dec.ny.gov – do NOT copy Site Control staff.
   b. VIA GROUND MAIL:
      - Save the application file(s) and cover letter to an external storage device (e.g., thumb drive, flash drive). Do NOT include paper copies of the application or attachments.
      - Mail the external storage device to the following address:
        Chief, Site Control Section
        Division of Environmental Remediation
        625 Broadway, 11th Floor
        Albany, NY 12233-7020

PROPOSED SITE NAME: Jefferson and Best Site	
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: C915400	◉ **Yes** ○ **No**

NEW YORK STATE | Department of Environmental Conservation

BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME Jefferson and Best Site

ADDRESS/LOCATION 1003-1045 Jefferson Avenue, 403-411 Best Street, and 94-120 Earl Place

CITY/TOWN Buffalo | ZIP CODE 14204

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

COUNTY Erie | SITE SIZE (ACRES) +/- 3.15

LATITUDE			LONGITUDE		
°	‘	“	°	‘	“
42	54	10.9	-78	51	11.9

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

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
See Section I of text				

	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.	◉	○
2. Is the required property map included with the application? (Application will not be processed without a map) See Figures 1 through 3	◉	○
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See *DEC’s website* for more information) See Figure 4 If yes, identify census tract: 31 Percentage of property in En-zone (check one): 0% ○ 1-49% ○ 50-99% ○ 100% ◉	◉	○
4. Is the project located within a disadvantaged community? See Figure 5 See application instructions for additional information.	◉	○
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	○	◉
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications:	○	◉

SECTION I: Property Information (CONTINUED)	Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	○	◉
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	○	◉
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.	○	◉
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____	○	◉
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: ___	○	◉
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. Easement/Right-of-Way Holder — Description None/unknown	○	◉
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): Type — Issuing Agency — Description RCRA — USEPA — RCRA Database NYD987032281; USEPA Registry I.D. 110004503546	◉	○
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?	◉	○
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.		
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? NA 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.	○	○
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? NA	○	○
17. If you have answered *YES* to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? NA	○	○
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.		
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. **Initials of each Requestor:** _____ _____ _____ _____ _____ _____		

SECTION II: Project Description

1. The project will be starting at: (●) Investigation ( ) Remediation

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

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

( ) Yes ( ) No (●) N/A

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

[✓] RIWP [ ] RAWP [ ] IRM [ ] No

4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued.
Is this information attached? (●) Yes ( ) No

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? N-3E

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

Residential [✓] Commercial [✓] Industrial [ ]

3. Current use (select all that apply):

Residential [ ] Commercial [ ] Industrial [ ] Recreational [ ] Vacant [✓]

	Y	N
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application?	(●)	( )
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?	(●)	( )
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	( )	(●)
8. Do current and/or recent development patterns support the proposed use?	(●)	( )
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	(●)	( )
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.	(●)	( )

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:

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

CONTAMINANT CATEGORY	SOIL	GROUNDWATER	SOIL GAS
Petroleum	☑	☑	☐
Chlorinated Solvents	☐	☑	☑
Other VOCs	☐	☐	☐
SVOCs	☑	☐	☐
Metals	☑	☐	☐
Pesticides	☐	☐	☐
PCBs	☐	☐	☐
PFAS	☐	☐	☐
1,4-dioxane	☐	☐	☐
Other – indicated below	☐	☐	☐

*Please describe other known contaminants and the media affected:

3. For each impacted medium above, include a site drawing indicating:
   - Sample location
   - Date of sampling event
   - Key contaminants and concentration detected See Figure 9
   - For soil, highlight exceedances of reasonably anticipated use
   - For groundwater, highlight exceedances of 6 NYCRR part 703.5
   - For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation

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

Are the required drawings included with this application? ◉ YES ○ NO

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

☐ Coal Gas Manufacturing	☑ Manufacturing	☐ Agricultural Co-Op	☑ Dry Cleaner
☐ Salvage Yard	☐ Bulk Plant	☐ Pipeline	☐ Service Station
☐ Landfill	☐ Tannery	☐ Electroplating	☐ Unknown

Other: Past use of the Site includes automotive painting and repair, laundry/drycleaning, oil warehouse, machine shop, sign painting and manufacturing, ice housing, bottling and bottle washing, and pasteurizing.

SECTION V: Requestor Information			
NAME Jefferson Gateway LLC			
ADDRESS 221-10 Jamaica Avenue, LL1			
CITY/TOWN Queens Village	STATE NY	ZIP CODE 11428	
PHONE (212) 534-6001	EMAIL ben.upshaw@cbemmanuel.com		

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	◉	○
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the *NYS Department of State's Corporation & Business Entity Database.* A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?	◉	○
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 ○	◉	○
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of *DER-10: Technical Guidance for Site Investigation and Remediation* and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? **Documents that are not properly certified will not be approved under the BCP.**	◉	○

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

SECTION VI: Requestor Eligibility (CONTINUED)

	Y	N
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	○	◉
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	○	◉
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	○	◉
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	○	◉
11. Are there any unregistered bulk storage tanks on-site which require registration? TBD	○	◉

12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:

☐ PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	☑ VOLUNTEER A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. **If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?

Yes ◉ No ○ N/A ○

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 Benathan Upshaw			
ADDRESS 221-10 Jamaica Avenue, LL1			
CITY Queens Village		STATE NY	ZIP CODE 11428
PHONE (212) 534-6001	EMAIL ben.upshaw@cbemmanuel.com		
REQUESTOR'S CONSULTANT (CONTACT NAME) Mike Lesakowski			
COMPANY Roux Environmental Engineering and Geology, D.P.C.			
ADDRESS 2558 Hamburg Turnpike			
CITY Buffalo		STATE NY	ZIP CODE 14218
PHONE (716) 856-0599	EMAIL mlesakowski@rouxinc.com		
REQUESTOR'S ATTORNEY (CONTACT NAME) Marc A. Romanowski			
COMPANY Rupp Pfalzgraf LLC			
ADDRESS 1600 Liberty Building			
CITY Buffalo		STATE NY	ZIP CODE 14202
PHONE (716) 854-3400	EMAIL mromanowski@rupppfalzgraf.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?	◉	○
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information. Is the appropriate documentation included with this application? N/A ○	◉	○

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Multiple		
CONTACT NAME Multiple		
ADDRESS Multiple		
CITY Buffalo	STATE NY	ZIP CODE 14204
PHONE Multiple	EMAIL Multiple	
OWNERSHIP START DATE N/A		
CURRENT OPERATOR N/A		
CONTACT NAME N/A		
ADDRESS N/A		
CITY N/A	STATE N/A	ZIP CODE N/A
PHONE N/A	EMAIL N/A	
OPERATION START DATE N/A		

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.	○	◉
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	○	◉

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

SECTION XI: Site Contact List

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

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

SECTION XII: Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am Authorized Member (title) of Jefferson Gateway 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: 9/15/2023 Signature: Benathan Upshaw

Print Name: Benathan Upshaw

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

BCP Application
Section I – Section XII
Jefferson and Best Site

SECTION I – PROPERTY INFORMATION

Parcel Description

The Jefferson and Best Site (hereinafter, the "Project Site" or the "Site"), subject to this BCP application, consists of ten (10) tax parcels totaling approximately ±3.15-acres, located in a highly developed commercial and residential use area in the City of Buffalo, Erie County, New York (see Figures 1 through 3), and is further identified as:

- **1003 Jefferson Avenue, S.B.L. No. 100.74-1-41.112, ±0.50-acres**
- **1009 Jefferson Avenue, S.B.L. No. 100.74-1-41.111, ±0.27-acres**
- **1035 Jefferson Avenue, S.B.L. No. 100.74-1-4.1, ±1.05-acres**
- **1035 Jefferson Avenue, S.B.L. No. 100.74-1-42, ±0.37-acres**
- **1045 Jefferson Avenue, S.B.L. No. 100.74-1-43, ±0.13-acres**
- **403 Best Street, S.B.L. No. 100.74-1-3, ±0.07-acres**
- **409 Best Street, S.B.L. No. 100.74-1-5, ±0.06-acres**
- **411 Best Street, S.B.L. No. 100.74-1-6, ±0.07-acres**
- **94 Earl Place, S.B.L. No. 100.74-1-41.3, ±0.47-acres**
- **120 Earl Place, S.B.L. No. 100.74-1-41.13, ±0.16-acres**

A drawing of the tax map parcels as currently provided by Erie County is included as Figure 3. The boundaries of the proposed BCP Site correspond with the tax boundaries. The Erie County and City of Buffalo[1] parcel detail reports for the property are attached for reference as an attachment.

According to the New York State Department of Environmental Conservation (NYSDEC) Environmental Zone (En-zone) mapping, 100% of the Site is located within a "Type AB" En-zone area identified as census tract 31 (see Figure 4).

[1] Erie County property ownership information has not yet been updated for 409 Best Street. As such, the City of Buffalo Property Record Card is included for reference to current owner as of December 13, 2022.

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, 100% of the Site is located within a Disadvantaged Communities area, census tract 36029003100 (see Figure 5).

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

Easements and Permits

Applicant is not aware of any existing 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 Jefferson Avenue, Best Street, and Earl Place. Several electrical utility poles located on-Site are planned to be removed and relocated per preliminary construction drawings; however, removal and relocation activities will not affect the electrical infrastructure of the surrounding area. The Site is supplied with/has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Applicant is not aware of any other easements or restrictions of the Site.

A portion of the Site addressed as 1043 Jefferson Avenue and identified as RND Machine is listed in the United States Environmental Protection Agency (USEPA) Resource Conservation and Recovery Act (RCRA) database (NYD987032281, USEPA registry I.D. 110004503546). The USEPA Facility Detail Reports are provided as an attachment.

Location

The Site is located south of Best Street between Jefferson Avenue to the west and Earl Place to the east in a highly developed commercial and residential area of the City of Buffalo, Erie County, New York. The Site is bordered by Buffalo Public School #99 Stanley Makowski Early Childhood Center (across Jefferson Avenue), a cell tower, and former auto repair facility/gas station with underground storage tanks (USTs) to the north; an apparent vacant commercial facility to the south; residential and vacant residential properties to the east; and

vacant commercial/residential lots to the west (see Figure 2). Site coordinates are Latitude 42° 54' 10.9" N and Longitude -78° 51' 11.9" W.

Site Features

The Site is currently vacant/underutilized land consisting of three (3) vacant structures, formerly commercial/industrial in nature and (see Figure 2).

Zoning and Land Use

According to the Buffalo Green Code Unified Development Ordinance, the project area, planned as a mixed-use commercial and affordable residential housing development is consistent with the planned zoning assigned to the Site (see Figure 6). The current zoning for the Site is N-3E which is defined as Mixed-Use Edge: which addresses transitional areas in Buffalo's streetcar neighborhoods, typically located at the edges of more intense mixed-use centers. These areas are defined primarily by a mix of homes and stores.

The current use of the Site is vacant.

The surrounding parcels are as follows:

- north – school (Buffalo Public School #99 Stanley Makowski Early Childhood Center across Jefferson Avenue) and commercial (cell tower, and former auto repair facility);
- south – apparent vacant commercial;
- east – residential and vacant residential; and
- west – vacant residential and vacant commercial.

Figure 7 identifies the adjacent property owners.

Past Use of the Site

Based on historic records and previous investigations, the Site was previously used for a variety of commercial/industrial operations, between at least 1926 and at least 1950,

including automotive painting, automotive repair, laundry/drycleaning, an oil warehouse, a machine shop, sign painting and manufacturing, ice housing, bottling with bottle washing, and pasteurizing. One gasoline UST was identified on the north-central part of the Site from at least 1926 through at least 1950. An additional gasoline UST was identified off-site within the Jefferson Avenue right-of-way (east adjacent to a former sheet metal shop and auto painting operation) from at least 1926 through at least 1950.

The historic use of the Site has impacted the Site soil/fill as evidenced by elevated polycyclic aromatic hydrocarbons (PAHs), metals, and to a lesser extent petroleum and chlorinated volatile organic compounds (VOCs) contamination detected exceeding applicable Soil Cleanup Objectives (SCOs) during previous Phase II investigations. Groundwater sampling also revealed elevated chlorinated and petroleum VOCs exceeding applicable groundwater quality standards (GWGS). Sub-slab vapor sampling revealed concentrations of trichloroethene (TCE) above its respective mitigation threshold within the northernmost on-Site building. A geophysical survey completed across the accessible exterior portions of the Site also revealed several metallic anomalies which were confirmed to be associated with buried metal debris/solid waste, including disconnected pipes, and a large, presumed radiator unit.

Previous investigation reports are provided electronically on the enclosed CD.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land-Cayuga Complex (Ug) typical of the City of Buffalo. These soils consist of nearly level areas of urban land with the soil surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (see Figure 8).

Regional groundwater appears to flow north towards Scajaquada Creek or west towards Lake Erie; however, local groundwater may also be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

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

Environmental Assessment

Past commercial/industrial use of the site has impacted the on-Site soil/fill and groundwater. Figure 9 summarizes the environmental impacts identified in the previous investigation.

Soil/Fill – Fill material generally consisting of sand and gravel with varying amounts of cinders, black fines, ash, brick, concrete, wood, and coal is present across the Site. Debris and solid waste materials were also noted at several locations throughout the Site. Fill was observed ranging from 0.5 to 8.6 feet below ground surface (fbgs) during the previous investigations at the Site.

Subsurface Soil/Fill

PAHs – Laboratory analytical results from the February 2022 Phase II Investigation indicate numerous PAHs exceed Restricted Residential Use SCOs (RRSCOs) at two (2) investigation locations (LB-04 and LB-10) ranging from 0 to 4 fbgs. Specifically, benzo(k)fluoranthene (5 ppm) and chrysene (11 ppm) exceed their RRSCOs of 3.9 ppm; benzo(a)anthracene (11 ppm) and indeno(1,2,3-cd)pyrene (7.4 ppm) exceed their Commercial Use SCOs (CSCOs) of 5.6 ppm; and benzo(a)pyrene (14 ppm), benzo(b)fluoranthene (14 ppm), and dibenzo(a,h)anthracene (1.7 ppm) exceed their Industrial Use SCOs (ISCOs) of 1.1 ppm, 11 ppm, and 1.1, respectively at LB-04 from 0 to 2 fbgs. Indeno(1,2,3-cd)pyrene (0.53 ppm) exceeds its RRSCO of 0.5 ppm at LB-10 from 0 to 4 fbgs.

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To supplement the original analytical data, a Supplemental Phase II Investigation was completed in April 2023. Laboratory analytical results indicate numerous PAHs exceed Unrestricted Use SCOs (USCOs), RRSCOs, CSCOs, and/or ISCOs at 8 of 11 investigation locations submitted for laboratory analysis. Specifically, acenaphthene exceeds its USCO of 20 ppm at BMTP-12 (41 ppm) from 1 to 3 fbgs and its RRSCO of 100 ppm at BMTP-1 (120 ppm) from 1 to 3 fbgs. Anthracene exceeds its RRSCO of 100 ppm at BMTP-1 (260 ppm) from 1 to 3 fbgs and BMTP-12 (160 ppm) from 1 to 3 fbgs. Benzo(a)anthracene exceeds its RRSCO of 1 ppm at five (5) locations (BMTP-3, BMTP-5, BMTP-10, BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs; and its ISCO of 11 ppm at three (3) locations (BMTP-1, BMTP-11, and BMTP-12) ranging from 0 to 3 fbgs with a maximum concentration of 550 ppm at BMTP-1. Benzo(a)pyrene exceeds its ISCO of 1.1 ppm at eight (8) locations (BMTP-1, BMTP-3, BMTP-5, BMTP-10 through BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs with a maximum concentration of 560 ppm at BMTP-12. Benzo(b)fluoranthene exceeds it RRSCO of 1 ppm at five (5) locations (BMTP-3, BMTP-5, BMTP-10, BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs; and its ISCO of 11 ppm at three (3) locations (BMTP-1, BMTP-11, and BMTP-12) ranging from 0 to 3 fbgs with a maximum concentration of 680 ppm at BMTP-1. Benzo(ghi)perylene exceeds its RRSCO of 100 ppm at BMTP-1 (340 ppm) from 1 to 3 fbgs and BMTP-12 (320 pmm) from 1 to 3 fbgs. Benzo(k)fluoranthene exceeds its USCO of 0.8 ppm at five (5) locations (BMTP-3, BMTP-5, BMTP-10, BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs; its RRSCO of 3.9 ppm at BMTP-11 from 0 to 0.5 fbgs; and its ISCO of 110 ppm at two (2) location (BMTP-1 and BMTP-12) ranging from 1 to 3 fbgs with a maximum concentration of 320 ppm at BMTP-1. Chrysene exceeds its USCO of 1 ppm at five (5) locations (BMTP-3, BMTP-5, BMTP-10, BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs; its RRSCO of 3.9 ppm at BMTP-11 from 0 to 0.5 fbgs; its CSCO of 56 ppm at BMTP-11 from 0 to 0.5 fbgs; and its ISCO of 110 at two (2) locations (BMTP-1 and BMTP-12) ranging from 1 to 3 fbgs with a maximum concentration of 550 ppm at BMTP-1. Dibenzo(a,h)anthracene exceeds its RRSCO of 0.33 ppm at two (2) locations (BMTP-5 and BMTP-10) ranging from 0 to 6 fbgs; its CSCO of 0.56 ppm at BMTP-13 from 1 to 3 fbgs; and its ISCO of 1.1 ppm at three (3) locations (BMTP-1, BMTP-11, and BMTP-12) ranging from 0 to 3 fbgs with a maximum

concentration of 100 ppm at BMTP-1. Fluoranthene exceeds its RRSCO of 100 ppm at BMTP-11 from 0 to 0.5 fbgs; and its ISCO of 1,000 ppm at BMTP-1 from 1 to 3 fbgs with a maximum concentration of 1,500 ppm at BMTP-1. Fluorene exceeds it USCO of 30 ppm at BMTP-12 from 1 to 3 fbgs; and its RRSCO of 100 ppm at BMTP-1 from 1 to 3 fbgs with a maximum concentration of 150 ppm at BMTP-1. Indeno(1,2,3-cd)pyrene exceeds its RRSCO of 0.5 ppm at five (5) location (BMTP-3, BMTP-5, BMTP-10, BMTP-13, and BMTP-15) ranging from 0 to 6 fbgs; and its ISCO of 11 ppm at three (3) locations (BMTP-1, BMTP-11, and BMTP-12) ranging from 0 to 3 fbgs with a maximum concentration of 330 ppm at BMTP-1. Naphthalene exceeds it USCO of 12 ppm at BMTP-1 (94 ppm) from 1 to 3 fbgs. Phenanthrene and pyrene exceed their RRSCOs of 100 ppm at BMTP-11 from 0 to 0.5 fbgs; their CSCOs of 500 ppm at BMTP-12 from 1 to 3 fbgs; and their ISCOs of 1,000 ppm at BMTP-1 from 1 to 3 fbgs with maximum concentrations of 1,300 ppm and 1,100 ppm at BMTP-1, respectively.

Metals – Laboratory analytical results from the February 2022 Phase II Investigation indicate numerous metals exceed USCOs at 3 of 7 investigation locations submitted for laboratory analysis. Specifically, arsenic exceeds its USCO of 13 ppm at LB-01 (15.4 ppm) from 0 to 4 fbgs. Chromium exceeds its USCO of 30 ppm at LB-04 (31.4 ppm) from 0 to 2 fbgs. Lead exceeds its USCO of 63 ppm at LB-01 (149 ppm) from 0 to 4 fbgs, LB-02 (178 ppm) from 0 to 2 fbgs, and LB-04 (362 ppm) from 0 to 2 fbgs. Mercury exceeds its USCO of 0.18 ppm at LB-02 (0.448 ppm) from 0 to 4 fbgs and LB-04 (0.455 ppm) from 0 to 2 fbgs.

Laboratory analytical results from the April 2023 Supplemental Phase II Investigation indicate numerous metals exceed USCOs, RRSCOs, CSCOs, and/or ISCOs at 9 of 11 investigation locations. Specifically, arsenic exceeds its ISCO of 16 ppm at BMTP-14 (18.1 ppm) from 0 to 0.5 fbgs. Barium exceeds its CSCO of 400 ppm at BMTP-3 (415 ppm) from 0 to 1.5 fbgs and BMTP-14 (472 ppm) from 0 to 0.5 fbgs. Cadmium exceeds its USCO of 2.5 ppm at BMTP-1 (3.1 ppm) from 1 to 3 fbgs and BMTP-3 (3 ppm) from 0 to 1.5 fbgs. Chromium exceeds its USCO of 31 ppm at five (5) locations (BMTP-1 (101 ppm) from 1 to 3 fbgs, BMTP-3 (171 ppm) from 0 to 1.5 fbgs, BMTP-11 (98.6 ppm) from 0 to 0.5 fbgs,

BMTP-14 (32.4 ppm) from 0 to 0.5 fbgs, and BMTP-15 (87.8 ppm) from 0 to 0.5 fbgs. Lead exceeds its USCO of 63 ppm at three (3) locations (BMTP-5 (256 ppm) from 4 to 6 fbgs, BMTP-7 (90.5 ppm) from 1 to 2 fbgs, and BMTP-15 (166 ppm) from 0 to 0.5 fbgs), its RRSCO of 400 ppm at four (4) locations (BMTP-1 (795 ppm) from 1 to 3 fbgs, BMTP-3 (566 ppm) from 0 to 1.5 fbgs, BMTP-6 (747) from 1 to 2 fbgs, and BMTP-13 (967 ppm) from 1 to 3 fbgs, its CSCO of 1,000 ppm at BMTP-14 (3,060 ppm) from 0 to 0.5 fbgs, and its ISCO of 3,900 ppm at BMTP-11 (7,120 ppm) from 0 to 0.5 fbgs. Mercury exceeds its USCO of 0.18 ppm at BMTP-5 (0.49 ppm) from 4 to 6 fbgs and BMTP-6 (0.28 ppm) from 1 to 2 fbgs; and its RRSCO of 0.81 ppm at BMTP-13 (0.82 and 1.1 ppm) from 1 to 3 and 3 to 5 fbgs, respectively; and BMTP-14 (0.9 ppm) from 0 to 0.5 fbgs.

VOCs – During the November 2022 Supplemental Phase II Investigation, elevated photoionization detector (PID) readings of up to 13.8 parts per million (ppm) and black soil/fill were noted at LB-13 from 4-5 fbgs. Analytical analysis results indicate total xylenes were detected exceeding their respective USCO of 0.26 ppm (0.70 ppm) at LB-13 from 4 to 5 fbgs.

Surface Soil/Fill

PAHs – Laboratory analytical results from the November 2022 Supplemental Phase II Investigation indicate numerous PAHs exceed USCOs, RRSCOs, CSCOs, and/or ISCOs 5 of 10 investigation locations. Specifically, benzo(a)anthracene exceeds its RRSCO of 1 ppm at SS-1 (3.5 ppm), SS-5 (2.3 ppm), and SS-8 (2.8 ppm); and its CSCO of 5.6 ppm at SS-6 (5.9 ppm). Benzo(a)pyrene exceeds its ISCO of 1.1 ppm at SS-1 (3 ppm), SS-5 (2.4 ppm), SS-6 (5.6 ppm), and SS-8 (2.5 ppm). Benzo(b)fluoranthene exceeds its RRSCO of 1 ppm at SS-1 (4 ppm), SS-5 (2.6 ppm), and SS-8 (2.9 ppm); and its CSCO of 5.6 ppm at SS-6 (6.7 ppm). Benzo(k)fluoranthene exceeds its USCO of 0.8 ppm at SS-1 (1.4 ppm), SS-5 (1 ppm), SS-6 (2.3 ppm), and SS-8 (2.3 ppm). Chrysene exceeds its USCO of 1 ppm at SS-1 (3.5 ppm), SS-5 (2.5 ppm), and SS-8 (2.4 ppm); and its RRSCO of 3.9 ppm at SS-6 (5.6 ppm). Dibenzo(a,h)anthracene exceeds its RRSCO of 0.33 ppm at SS-1 (0.46 ppm) and its CSCO

of 0.56 ppm at SS-6 (0.76 ppm). Indeno(1,2,3-cd)pyrene exceeds its RRSCO of 0.5 ppm at SS-1 (2.1 ppm), SS-4 (0.54 ppm), SS-5 (1.4 ppm), SS-6 (4.2 ppm), and SS-8 (1.7 ppm).

Metals – Laboratory analytical results from the November 2022 Supplemental Phase II Investigation indicate numerous metals exceed USCOs, RRSCOs, CSCOs, and/or ISCOs at 5 of 10 investigation locations. Specifically, arsenic exceeds its USCO of 13 ppm at SS-1 (13.8 ppm). Barium exceeds its CSCO of 400 ppm at SS-1 (1,620 ppm). Cadmium exceeds its USCO of 3 ppm at SS-3 (3.2 ppm) and its CSCO of 9.3 ppm at SS-1 (10 ppm). Chromium exceeds its USCO of 30 ppm at SS-3 (57.6 ppm) and its RRSCO of 180 ppm at SS-1 (381 ppm). Lead exceeds its USCO of 63 ppm at SS-2 (252 ppm) and SS-3 (251 ppm), its RRSCO of 400 ppm at SS-9 (401 ppm), and its ISCO of 3,900 ppm at SS-1 (26,700 ppm). Mercury exceeds its USCO of 0.18 ppm at SS-9 (0.194 ppm), its RRSCO of 0.81 ppm at SS-2 (0.958 ppm), its CSCO of 2.8 ppm at SS-1 (3.23 ppm), and its ISCO of 5.7 ppm at SS-6 (11.4 ppm).

Groundwater

Laboratory analytical results from the November 2022 Supplemental Phase II Investigation indicated benzene (8.6 parts per billion (ppb)) exceeds its Groundwater Quality Standard (GWQS) of 1 ppb at LB-13 which is proximate to an adjacent former automotive repair facility to the north. TCE (6.3 ppb) exceeds its GWQS of 5 ppb at LB-16, within the northernmost building.

Soil Vapor

Laboratory analytical results from the November 2022 Supplemental Phase II Investigation indicated TCE exceeds the NYSDOH Sub-Slab Mitigation Threshold of 60 ug/m^3 at two (2) investigation locations within the northernmost on-Site building at SSV-01 (88.1 ug/m^3) and SSV-02 (449 ug/m^3).

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

SECTION II – PROJECT DESCRIPTION

Applicant, acting as a Volunteer, is willing to complete additional investigation and remediate the Site under the NYS Brownfield Cleanup Program (BCP), and is submitting this BCP Application for acceptance into the program.

Applicant is prepared to complete a Remedial Investigation (RI), upon acceptance into the BCP.

A preliminary project schedule is shown on Figure 10.

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

SECTION III – LAND USE FACTORS

Current Zoning

The current zoning for the Site is N-3E (Mixed-Use Edge which addresses transitional areas in Buffalo's streetcar neighborhoods, typically located at the edges of more intense mixed-use centers. These areas are defined primarily by a mix of homes and stores).

Current Use

The current use of the Site is vacant/underutilized land with former commercial/industrial buildings located within the western portion of the Site.

Based on historic records and previous investigations, the Site was previously used for a variety of commercial/industrial operations, between at least 1926 and at least 1950, including automotive painting, automotive repair, laundry/drycleaning, an oil warehouse, a machine shop, sign painting and manufacturing, ice housing, bottling with bottle washing, and pasteurizing. One gasoline UST was identified on the north-central part of the Site from at least 1926 through at least 1950. An additional gasoline UST was identified off-site

within the Jefferson Avenue right-of-way (east adjacent to a former sheet metal shop and auto painting operation) from at least 1926 through at least 1950.

The historic use of the Site has impacted the Site as evidenced by VOC, PAH, and metals contamination detected during the previous Phase II investigations.

Planned Future Use

The Volunteer plans to redevelop the entire ±3.15-acre BCP Site, with the construction of mixed-use commercial and affordable housing residential structures with associated asphalt parking, sidewalks, recreational playground area, and landscaping/greenspace. The Site Redevelopment Plan estimates capital investment of approximately $25,000,000-$30,000,000.

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

Based on the current zoning for the Site, the proposed redevelopment is consistent with the City of Buffalo Green Code Unified Development Ordinance.

SECTION IV – PROPERTY'S ENVIRONMENTAL HISTORY

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

Phase II Environmental Subsurface Investigation Report and Supplemental Phase II Environmental Subsurface Investigation Report

LiRo Engineers, Inc. (LiRo) completed a *Phase II Environmental Subsurface Investigation Report for T.O.P. Enterprise Properties, Jefferson Avenue, Buffalo, New York, Tax Section, Block, & Lot Nos. 100.74-1-3, 4.1, 6, 41.111, 41.13, 41.3, 42, and 43* dated February 28, 2022 and Supplemental *Phase II Environmental Subsurface Investigation Report for T.O.P. Enterprise Properties, Jefferson Avenue, Buffalo, New York, Tax Section, Block, & Lot Nos. 100.74-1-3, 4.1, 6, 41.111, 41.112, 41.13, 41.3, 42, and 43* dated November 16, 2022.

In the original February 2022 Phase II, LiRo identified the history of the Site as an automotive paint and repair shop and a historic dry cleaner. As part of LiRo's investigation, a total of 12 soil borings (LB-01 through LB-12) were completed across the Site to depths between 6 fbgs and 16 fbgs. Subsurface lithology was described as fill materials (consisting of mixtures of brick, cinders, coal and wood) ranging from 1 to 6.6 fbgs, overlying native soils (red brown silt and clays). Groundwater, encountered at 9 of 12 soil borings, reportedly ranged between 4 fbgs and 8 fbgs. LiRo identified elevated concentrations of PAHs and metals at concentrations exceeding Restricted Residential Soil Cleanup Objectives (RRSCOs, the applicable SCO based on the future intended use of the Site for affordable housing) in soil/fill samples collected from the Site. No polychlorinated biphenyls (PCBs) were detected at concentrations above laboratory detection limits in two composite soil/fill samples collected from the Site.

During the Supplemental November 2022 Phase II, work consisted of collection of ten surface soil samples (SS-1 through SS-10), completion of five soil borings (LB-13 through LB-17), three of which were converted into temporary one-inch diameter monitoring wells (GW LB-13, GW LB-14, and GW LB-16), and sub-slab soil vapor sampling from the northern-most building at two sample points (SSV-01 and 02). Photoionization detector (PID) readings up to 13.8 parts per million (ppm) were identified during the work at LB-13 (4-6 fbgs).

Laboratory analytical results revealed the following:

- Surface soil/fill samples – PAHs and/or metals at concentrations above RRSCOs in seven surface soil samples (SS-1, SS-2, SS-4, SS-5, SS-6, SS-8, and SS-9).
- Subsurface soil/fill samples – xylenes above RRSCOs in one soil sample (LB-13, 4-5').
- Groundwater sampling - TCE, a chlorinated VOC, at a concentration above its GWQS at one well (GW LB-16), benzene and methyl tert-butyl ether (MtBE), both petroleum VOCs, exceeding their respective GWQS at one well (GW LB-13).

- Sub-slab vapor sampling in northern-most building - TCE exceedances in both sub-slab vapor samples at concentrations requiring mitigation in comparison to the New York State Department of Health (NYSDOH) Decision Matrices.

Geophysical Survey

Between April 12, 2023 and April 16, 2023, a geophysical survey was completed on-Site, across the Site in accessible exterior areas, by Maddan Geophysics LLC (Maddan). Results of the survey indicate ten (10) anomalies or anomalous areas, labelled A through J in Maddan's letter report were called out due to their relative size (response amplitude and aerial extent). Maddan noted that these anomalies may represent a UST or remnants of a UST and associated appurtenances, items of potential environmental significance, or miscellaneous buried metals. The centers of the anomalies were staked in the field to assist with future subsurface investigation activities (summarized below).

Supplemental Phase II Environmental Investigation Report

TurnKey Environmental Restoration, LLC (TurnKey) completed a *Supplemental Phase II Environmental Investigation Report for the Jefferson and Best, Buffalo, New York* in May 2023. Fifteen (15) test pits were completed across the Site (locations identified on Figure 9). Findings of the Supplemental Phase II are detailed below:

- The Site is slated for redevelopment as an affordable housing project.
- The Site has a history of automotive painting, automotive repair, laundry/drycleaning, an oil warehouse, a machine shop, sign painting and manufacturing, ice housing, bottling with bottle washing, and pasteurizing. One gasoline UST was identified on the north-central part of the Site from at least 1926 through at least 1950 and an additional gasoline UST was identified off-site within the Jefferson Avenue right-of-way (east adjacent to a former sheet metal shop and auto painting operation) from at least 1926 through at least 1950.
- Fill materials were observed across the Site during TurnKey's investigation at depths ranging between 0.5 fbgs and 6 fbgs and even to at least the bottom of certain test pits at 7-8 fbgs. Fill materials generally consisted of cinders/black fines, ash, sand, and/or gravel with fragments of brick and concrete.

- As further detailed below, laboratory analysis of fill samples collected from across the Site revealed environmental impacts with concentrations exceeding RRSCOs (i.e., the applicable SCO for the planned redevelopment) from each subject parcel.
- A geophysical assessment completed across accessible exterior portions of the Site identified subsurface metallic anomalies. TurnKey's test pit investigation confirmed that anomalies are associated with buried metal debris/solid waste, including disconnected pipes, and a large, presumed radiator unit. No evidence of an UST was encountered during the work.
- Previous Phase II activities by others, identified widespread soil/fill impacts with elevated concentrations of PAHs and metals, and to a lesser extent petroleum, with concentrations exceeding their respective RRSCOs (the most applicable SCO for the Site). In addition, groundwater sampling at the Site revealed a chlorinated VOC (TCE) and petroleum VOCs (benzene and MtBE) in groundwater at elevated concentrations exceeding their respective GWQS. Sub-slab vapor sampling in the northern-most existing building at the Site revealed TCE at concentrations above its mitigation threshold at two sub-slab sample locations.
- TurnKey's Phase II revealed the presence of additional soil/fill impacts across the Site with concentrations of PAHs and/or metals exceeding their respective RRSCOs in 11 of 12 soil/fill samples collected from the Site. Of note, the highest total PAH concentrations, which would be considered hot spots if the Site were in a regulatory program, were 7,953 mg/kg at BMTP-1 (1-3 ft), 843 mg/kg at BMTP-11, and 6,461 mg/kg at BMTP-12. In addition, arsenic exceeds its ISCO at BMTP-14 (18.1 mg/kg), barium exceeds its respective CSCO at BMTP-3 (415 mg/kg) and BMTP-14 (472 mg/kg), and lead exceeds its ISCO at BMTP-11 (7,120 mg/kg) and its CSCO at BMTP-14 (3060 mg/kg).

Investigation locations and findings are shown on Figure 9.

SECTION V – REQUESTOR INFORMATION

The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for the Applicant is provided as an attachment.

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Roux Environmental Engineering & Geology, D.P.C., a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project.

Applicant member/owner information is attached which includes the Owner Organizational Chart and the Joint Unanimous Written Consent of the Shareholders and Officers.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, qualifies as a "Volunteer" in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). The Applicant was not an owner or operator of previous business(s) or activities that contributed to the existing contamination.

Jefferson Gateway, LLC (Applicant) does not currently own the property.

A Site access letter (attached) executed by New Mt. Ararat Temple of Prayer, the current property owner of nine of the ten parcels allows Jefferson Gateway, LLC to undertake BCP activities on-Site. Those parcels include 1003 Jefferson Avenue, S.B.L. No. 100.74-1-41.112; 1009 Jefferson Avenue, S.B.L. No. 100.74-1-41.111; 1035 Jefferson Avenue, S.B.L. No. 100.74-1-4.1; 1035 Jefferson Avenue, S.B.L. No. 100.74-1-42; 1045 Jefferson Avenue, S.B.L. No. 100.74-1-43; 403 Best Street, S.B.L. No. 100.74-1-3; 411 Best Street, S.B.L. No. 100.74-1-6; 94 Earl Place, S.B.L. No. 100.74-1-41.3; and 120 Earl Place, S.B.L. No. 100.74-1-41.13.

A Site access letter (attached) executed by T.O.P. Enterprises, Inc., owner of one parcel (409 Best Street; S.B.L No. 100.74-1-5) allows Jefferson Gateway, LLC to undertake BCP activities on-Site.

SECTION VIII – PROGRAM FEE

See attached Program Fee Waiver Request.

SECTION IX – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

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

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1003 Jefferson Avenue (S.B.L. No. 100.74-1-41.112)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Commercial	November 15, 2000 to Current	None – No relationship
Previous Owners			
Davis-Fetch & Co. Inc.	Industrial/Commercial	Unknown ~ 2000	None – No relationship
Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1009 Jefferson Avenue (S.B.L. No. 100.74-1-41.111)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Warehouse	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Industrial/Commercial	2000 ~ 2005	None – No relationship
Davis-Fetch & Co. Inc.		1980 ~ 2000	
George J. Smith		Unknown ~ 2000	

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1035 Jefferson Avenue (S.B.L. No. 100.74-1-4.1)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Manufacturing	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Industrial/Commercial	1993 ~ 2005	None – No relationship
Davis-Fetch & Co. Inc.		1993	
Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1035 Jefferson Avenue (S.B.L. No. 100.74-1-42)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Manufacturing	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Industrial/Commercial	1984 ~ 2005	None - No relationship
Hebeler Welding Co.		1966 ~ 1984	

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1045 Jefferson Avenue (S.B.L. No. 100.74-1-43)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Commercial	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Industrial/Commercial	1984 ~ 2005	None - No relationship
Hebeler Welding Co.		1970 ~ 1984	
Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
403 Best Street (S.B.L. No. 100.74-1-3)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Residential	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Residential	2000 ~ 2005	None – No relationship
Gloria Porter		1989 ~ 2000	
Milt Bozeman		1974 ~ 1989	

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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
409 Best Street (S.B.L. No. 100.74-1-5)			
Current Owner/Operator			
T.O.P. Enterprises, Inc. 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Paula McDonald 716-445-9126 topenterprisesinc@yahoo.com	Vacant – Commercial	December 20, 2022 to Current	None – No relationship
Previous Owners			
Robert Watts (Le)/Bradford R. Watts	Industrial/Commercial	1969 ~ 2022	None - No relationship
Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
411 Best Street (S.B.L. No. 100.74-1-6)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Residential	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Residential	2002 ~ 2005	None - No relationship
City of Buffalo		1992 ~ 2002	
County of Erie		1992	
Leigh Freudenheim		1985 ~ 1992	
Rober L. Freudenheim		1971 ~ 1985	

BCP Application
Section I – Section XII
Jefferson and Best Site

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
94 Earl Place (S.B.L. No. 100.74-1-41.3)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Commercial	November 15, 2000 to Current	None – No relationship
Previous Owners			
Mount Ararat Baptist Church	Industrial/Commercial	1996 ~ 2000	None – No relationship
Maten Enterprises Inc.		1994 ~ 1996	
983 Jefferson Avenue Inc.		1993 ~ 1994	
Erie County IDA		1981 ~ 1993	
Davis-Fetch & Co. Inc.		1980 ~ 1981	
Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
120 Earl place (S.B.L. No. 100.74-1-41.13)			
Current Owner/Operator			
New Mt. Ararat Temple of Prayer 971 Jefferson Avenue Buffalo, New York 14204 Site Contact: Bishop Dwight E. Brown 716-885-7755 bishopdebrown@gmail.com	Vacant – Commercial	November 10, 2005 to Current	None – No relationship
Previous Owners			
MDH Co. Inc.	Industrial/Commercial	2000 ~ 2005	None – No relationship
Davis-Fetch & Co. Inc.		1980 ~ 2000	

BCP Application
Section I – Section XII
Jefferson and Best Site

SECTION XI – CONTACT LIST INFORMATION

Site Contact List

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

Erie County Contacts:

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

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

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

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

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

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

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

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

BCP Application
Section I – Section XII
Jefferson and Best Site

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

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

City of Buffalo Contacts:

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

Darius G. Pridgen
Ellicott District
65 Niagara Square, Room 1315
Buffalo, NY 14202

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

Supplier of Potable Water:

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

Local News Media:

Buffalo News
ATTN: Mr. 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:

Ms. Kathleen Sciolino
Principal
PS 99 Makowski Early Childhood Center
1095 Jefferson Avenue
Buffalo, NY 14208

Mr. William A. Kresse, Ph.D.
Principal
PS 195 City Honors School
186 East North Street
Buffalo, NY 14204

Ms. Shannon Moreland
Principal
PS 196 Math, Science, & Technology
Preparatory School
487 High Street
Buffalo, NY 14211

Ms. Kim Nixon-Willimas
Principal
PS 48
487 High Street
Buffalo, NY 14211

Mr. Samuel Reynolds
Principal
PS 37 Marva J. Daniel Futures Prep
295 Carlton Street
Buffalo, NY 14204

Mr. Danny Brink-Washington
Executive Director
Buffalo Commons Charter School
833 Michigan Avenue
Buffalo, NY 14203

BCP Application
Section I – Section XII
Jefferson and Best Site

Nearby Day Care Centers:

Chanel's Daycare
19 Roeher Avenue
Buffalo, NY 14208

Lil' Workers Child Development Center
210 Southampton Street
Buffalo, NY 14208

AAA Sara's Daycare
316 Woltz Avenue
Buffalo, NY 14211

OurFutureLeads
205 ½ Locust Street
Buffalo, NY 14204

Peace-Mind Quality Child Care
696 Broadway
Buffalo, NY 14212

Crimsonluck Ltd.
1000 Main Street
Buffalo, NY 14202

Grandma Cassies Love N Learn
126 Edna Place
Buffalo, NY 14209

Toot-Toot Day Care
43 Northampton Street
Buffalo, NY 14209

Higher & Higher 24 Hour Day Care
920 Fillmore Avenue
Buffalo, NY 14211

All My Children Daycare
415 Sycamore Street
Buffalo, NY 14204

Rainbow K
433 Franklin Street, Suite 1
Buffalo, NY 14202

Nanny's Nook Quality Daycare Center Inc.
1495 Jefferson Avenue
Buffalo, NY 14208

Other Interested Parties:

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

Document Repository:

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

BCP Application
Section I – Section XII
Jefferson and Best Site

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 7).

ADJACENT PROPERTY ADDRESS			PROPERTY OWNER MAILING ADDRESS
NO.	STREET	PROPERTY USE	
0	JEFFERSON AVENUE	VACANT RESIDENTIAL	CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
983		RELIGIOUS	NEW MT. ARARAT TEMPLE OF PRAYER 971-983 JEFFERSON AVE. BUFFALO, NY 14204
1000		SINGLE FAMILY RESIDENTIAL	EARLY JR. & W. DIXON 1000 JEFFERSON AVE. BUFFALO, NY 14204
1006		ONE STORY SMALL STRUCTURE	EARLY JR. & RUBY DIXON 1000 JEFFERSON AVE. BUFFALO, NY 14204
1008		VACANT COMMERCIAL	LEMUEL H. STEED 4901 CEDAR CREST AVE. INDEPENDENCE, MO 64055
1010			FAITH APOSTOLIC CHURCH OF CHRIST INC. 358 NORTH ST. BUFFALO, NY 14204
1016			84 GROUP INC. 295 MAIN ST., STE. 210 BUFFALO, NY 14203
1022			CITY OF BUFFALO PERFECTING TITLE 323 CITY HALL BUFFALO, NY 14202
1024		VACANT RESIDENTIAL	NEW MT. ARARAT TEMPLE OF PRAYER 973 JEFFERSON AVE. BUFFALO, NY 14208
1026			CITY OF BUFFALO PERFECTING TITLE 323 CITY HALL BUFFALO, NY 14202
1028			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1030			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1032			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1034			NEW MT. ARARAT TEMPLE OF PRAYER 971-983 JEFFERSON AVE. BUFFALO, NY 14204
1046		VACANT COMMERCIAL	ROBBED OF OUR YOUTH 30 EIGHTEENTH ST. BUFFALO, NY 14213
1048			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202

1049	JEFFERSON AVENUE	AUTOBODY	CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1097		SCHOOL	CITY OF BUFFALO BOARD OF EDUCATION MAKOWSKI CENTER 406 CITY HALL BUFFALO, NY 14202
401	BEST STREET	VACANT RESIDENTIAL	DELORES CROWELL 2130 ALDEN ST. TUCKER, GA 30084
413			BESSIE L. COTHRAN C.O ATTN: DONALD GIDNEY 203 MILLICENT BUFFALO, NY 14215
425			CITY OF BUFFALO 65 NIAGARA SQ., ROOM 901 BUFFALO, NY 14202
75	EARL PLACE	SINGLE FAMILY RESIDENTIAL	CHERYL D. BOWENS 75 EARL PL. BUFFALO, NY 14211
79			JENERIA K. LANE 125 NORTHLAND BUFFALO, NY 14208
87			MONYUETTE T. COPLIN 87 EARL PL. BUFFALO, NY 14211
93			EVA M. JETER 93 EARL PL. BUFFALO, NY 14204
99			SABRINA HILLERY 99 EARL PL. BUFFALO, NY 14211
107			JEFFREY M. RUTHERFORD 107 EARL PL. BUFFALO, NY 14211
111			CODELIA WILLIMAS 111 EARL PL. BUFFALO, NY 14211

Document Repository

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

TABLES

Table 1 Summary of Soil/Fill Sample Analytical Results

Table 2 Summary of Groundwater Sample Analytical Results

Table 3 Summary of Sub-Slab Soil Vapor Sample Analytical Results

Table 1

Summary of Soil/Fill Sample Analytical Results

Jefferson and Best Site
Buffalo, New York

Analytes Exceeding RRSCOs	Detections Exceeding RRSCOs	Maximum Detection (ppm)	RRSCO (ppm)	Depth (fbgs)
Phase II Soil/Fill Investigation Results				
Acenaphthene	1	120	100	1-3
Anthracene	2	260	100	1-3
Benzo(a)anthracene	13	550	1	1-3; 0-1.5; 4-6; 0-0.5; 0-2; surface
Benzo(a)pyrene	13	260	1	1-3; 0-1.5; 4-6; 0-0.5; 0-3; surface
Benzo(b)fluoranthene	13	680	1	1-3; 0-1.5; 4-6; 0-0.5; 0-4; surface
Benzo(ghi)perylene	2	340	100	1-3
Benzo(k)fluoranthene	4	320	3.9	1-3; 0-0.5; 0-2
Chrysene	5	550	3.9	1-3; 0-0.5; 0-2; surface
Dibenzo(a,h)anthracene	9	100	0.33	1-3; 4-6; 0-0.5; 0-2; surface
Fluoranthene	3	1500	100	1-3; 0-0.5
Fluorene	1	150	100	1-3
Indeno(1,2,3-cd)pyrene	15	330	0.5	1-3; 0-1.5; 4-6; 0-0.5; 0-2; surface
Phenanthrene	3	1300	100	1-3; 0-0.5
Pyrene	3	1100	100	1-3; 0-0.5
Arsenic	1	18.1	16	0-0.5
Barium	3	1620	400	0-1.5; 0-0.5; surface
Cadmium	1	10	4.3	surface
Chromium	1	381	180	surface
Lead	8	26700	400	1-3; 0-1.5; 1-2; 0-0.5; surface
Mercury	6	17.4	0.81	1-3; 3-5; 0-0.5; 0-4; surface
Analytes Exceeding CSCOs	**Detections Exceeding CSCOs**	**Maximum Detection (ppm)**	**CSCO (ppm)**	**Depth (fbgs)**
Phase II Soil/Fill Investigation Results				
Benzo(a)anthracene	5	550	5.6	1-3; 0-0.5; 0-2; surface
Benzo(a)pyrene	13	260	1	1-3; 0-1.5; 4-6; 0-0.5; 0-3; surface
Benzo(b)fluoranthene	5	680	5.6	1-3; 0-0.5; 0-2; surface
Benzo(k)fluoranthene	2	320	56	1-3
Chrysene	3	550	56	1-3; 0-0.5
Dibenzo(a,h)anthracene	6	100	0.56	1-3; 0-0.5; 0-2; surface
Fluoranthene	2	1500	500	1-3
Indeno(1,2,3-cd)pyrene	4	330	5.6	1-3; 0-0.5; 0-2
Phenanthrene	2	1300	500	1-3
Pyrene	2	1100	500	1-3
Arsenic	1	18.1	16	0-0.5
Barium	3	1620	400	0-1.5; 0-0.5; surface
Cadmium	1	10	9.3	surface
Lead	3	26700	1000	0-0.5; surface
Mercury	2	17.4	2.8	surface
Analytes Exceeding ISCOs	**Detections Exceeding ISCOs**	**Maximum Detection (ppm)**	**ISCO (ppm)**	**Depth (fbgs)**
Phase II Soil/Fill Investigation Results				
Benzo(a)anthracene	3	550	11	1-3; 0-0.5
Benzo(a)pyrene	13	260	1.1	1-3; 0-1.5; 4-6; 0-0.5; 0-3; surface
Benzo(b)fluoranthene	4	680	11	1-3; 0-0.5; 0-2
Benzo(k)fluoranthene	2	320	110	1-3
Chrysene	2	550	110	1-3
Dibenzo(a,h)anthracene	4	100	1.1	1-3; 0-0.5; 0-2
Fluoranthene	2	1500	1000	1-3
Indeno(1,2,3-cd)pyrene	3	330	11	1-3; 0-0.5
Phenanthrene	1	1300	1000	1-3
Pyrene	1	1100	1000	1-3
Arsenic	1	18.1	16	0-0.5
Lead	2	26700	3900	0-0.5; surface
Mercury	1	17.4	5.7	surface

Definitions:

RRSCO = 6 NYCRR Part 375 Restricted-Residential Use Soil Cleanup Objective (SCO)

CSCO = 6 NYCRR Part 375 Commercial Use Soil Cleanup Objective (SCO)

ISCO = 6 NYCRR Part 375 Industrial Use Soil Cleanup Objective (SCO)

surface = sample taken from the ground surface to 1 fbgs with hand tools as defined by Liro Engineers, Inc. Supplemental Phase II Environmental Subsurface Investigation Results report, November 16, 2022

ppm = parts per million

fbgs = feet below ground surface

ROUX

Table 2

Summary of Groundwater Sample Analytical Results

Jefferson and Best Site
Buffalo, New York

Analytes Exceeding AWQS	Detections Exceeding AWQS	Maximum Detection (ppb)	AWQS (ppb)
Phase II Groundwater Investigation Results			
Benzene	1	8.6	1
Trichloroethene (TCE)	1	6.3	5

Definitions:

AWQS = Class GA Ambient Water Quality Standards per NYSDEC Division of Ambient Water Quality Standards and Guidance Values and Groundwater Effluent Limitation (TOGS 1.1.1)

ppb = parts per billion

ROUX

Table 3

Summary of Sub-Slab Soil Vapor Sample Analytical Results

Jefferson and Best Site
Buffalo, New York

Analyte	Detections Exceeding Air Matrix A[1]	Maximum Detection (ug/m^3)	Matix A Mitigation Threshold
Phase II Groundwater Investigation Results			
Trichloroethene (TCE)	2	449	60

Notes:

1. Air Matrix A per NYSDOH Guidance for Evaluating Soil Vapor Intrusion in New York State,)ctober 2006 (updated May 2017).

Definitions:

ug/m^3 = micrograms per cubic meter

FIGURES

Figure 1 Site Location and Vicinity Map

Figure 2 Site Plan (Aerial)

Figure 3 Tax Map

Figure 4 NYS En-zone Map

Figure 5 Disadvantaged Communities Map

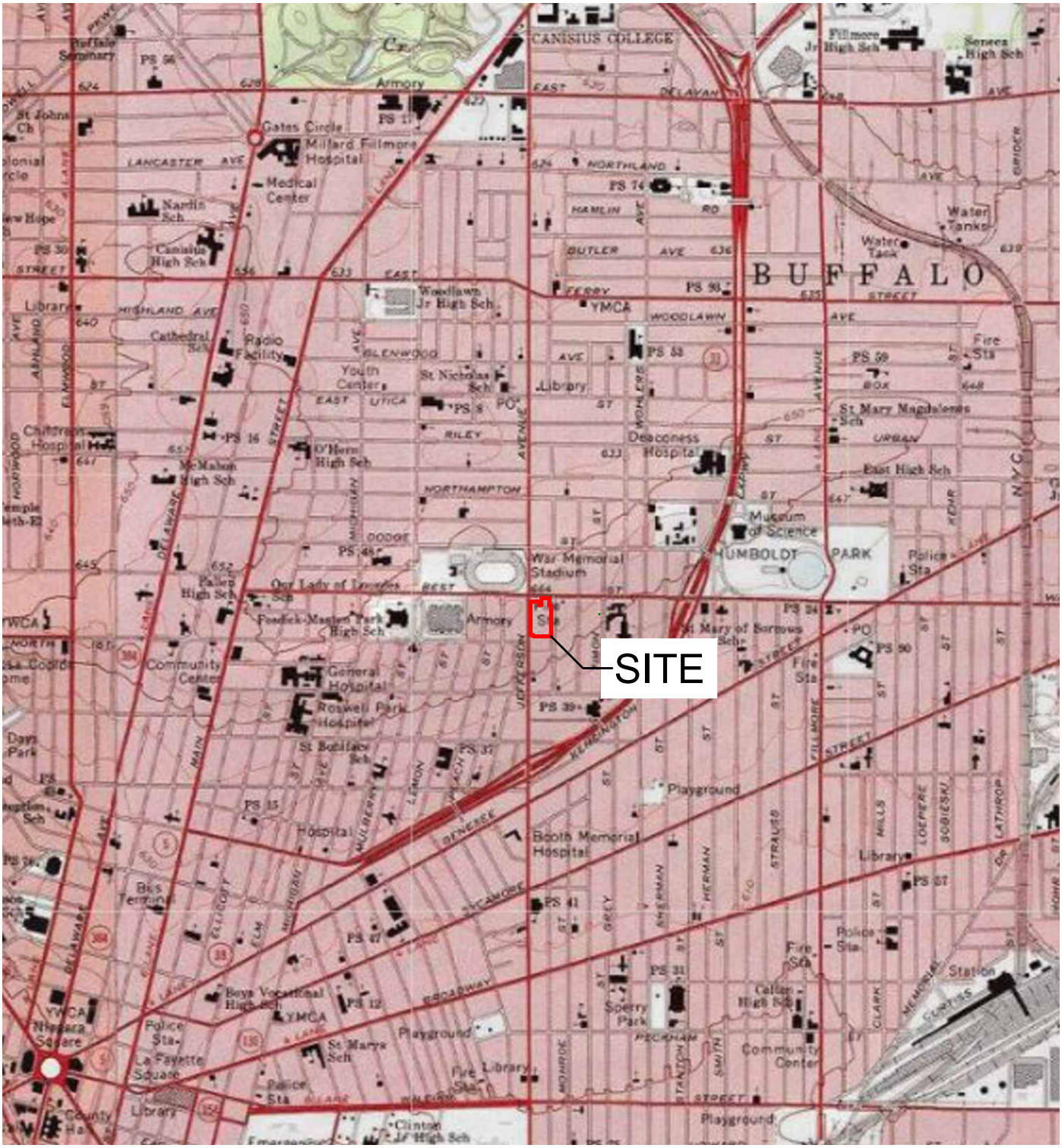
Figure 6 Zoning Map

Figure 7 Adjacent Property Owners

Figure 8 USDA Soil Type Map

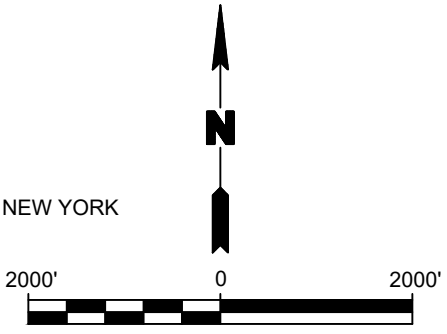
Figure 9 Investigation Locations and Areas of Concern

Figure 10 Preliminary Project Schedule



QUADRANGLE LOCATION

SOURCE:
USGS, 2023, BUFFALO NE, NEW YORK
7.5-MINUTE SERIES



Title:

SITE LOCATION AND VICINITY MAP
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

Compiled by: CMS	Date: AUGUST 2023	FIGURE
Prepared by: CMS	Scale: AS SHOWN	1
Project Mgr: MAL	Project: T0562-023-001	
File: FIGURE 1; SITE LOCATION AND VICINITY MAP-ROUX.DWG		

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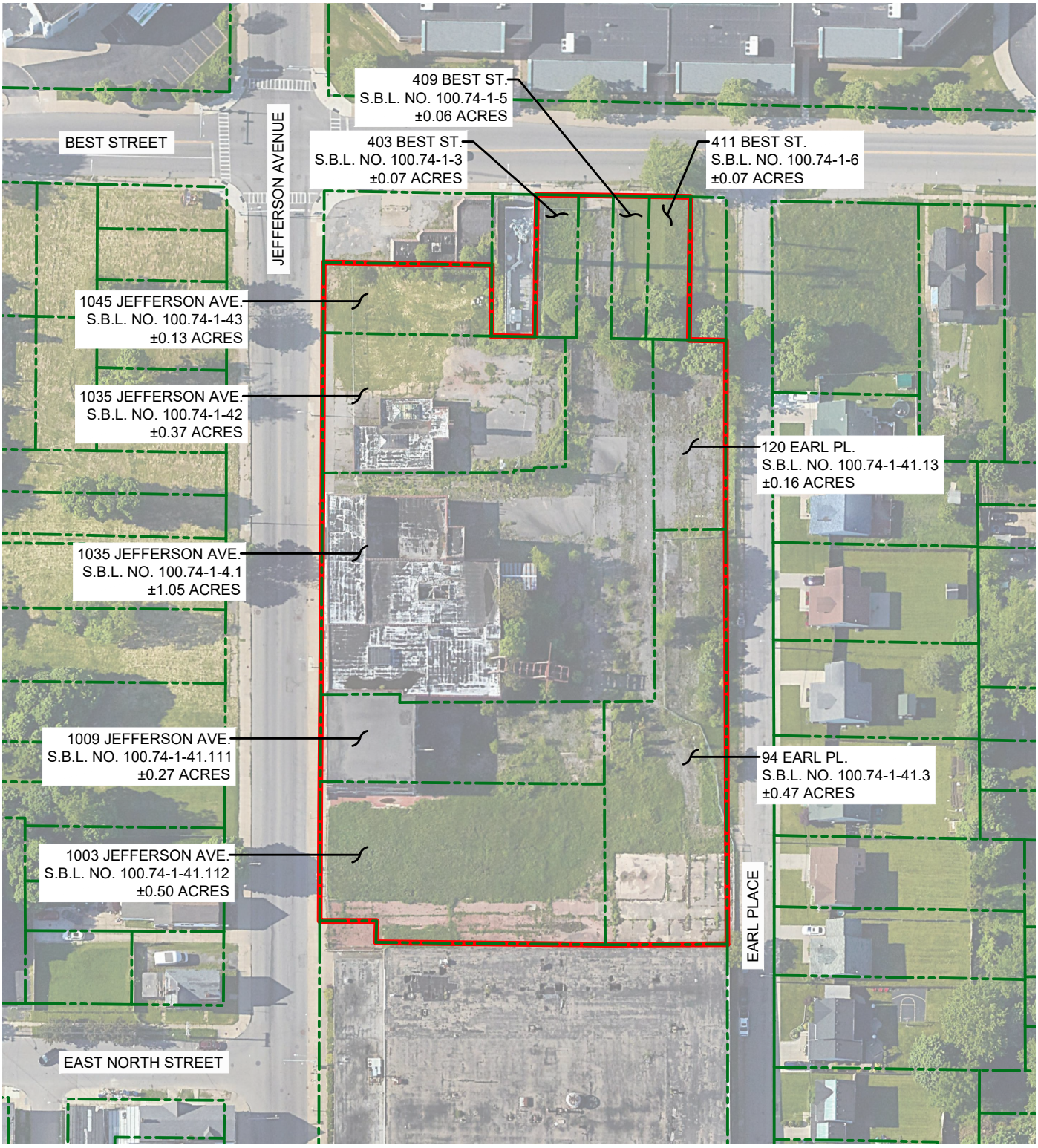

LEGEND

BCP SITE BOUNDARY

PARCEL BOUNDARY

N

100' 0 100'

Title:

SITE PLAN (AERIAL)

JEFFERSON AND BEST SITE

BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

Compiled by: CMS	Date: AUGUST 2023	FIGURE
Prepared by: CMS	Scale: AS SHOWN	2
Project Mgr: MAL	Project: T0562-023-001	
File: FIGURE 2; SITE PLAN (AERIAL)-ROUX.DWG		

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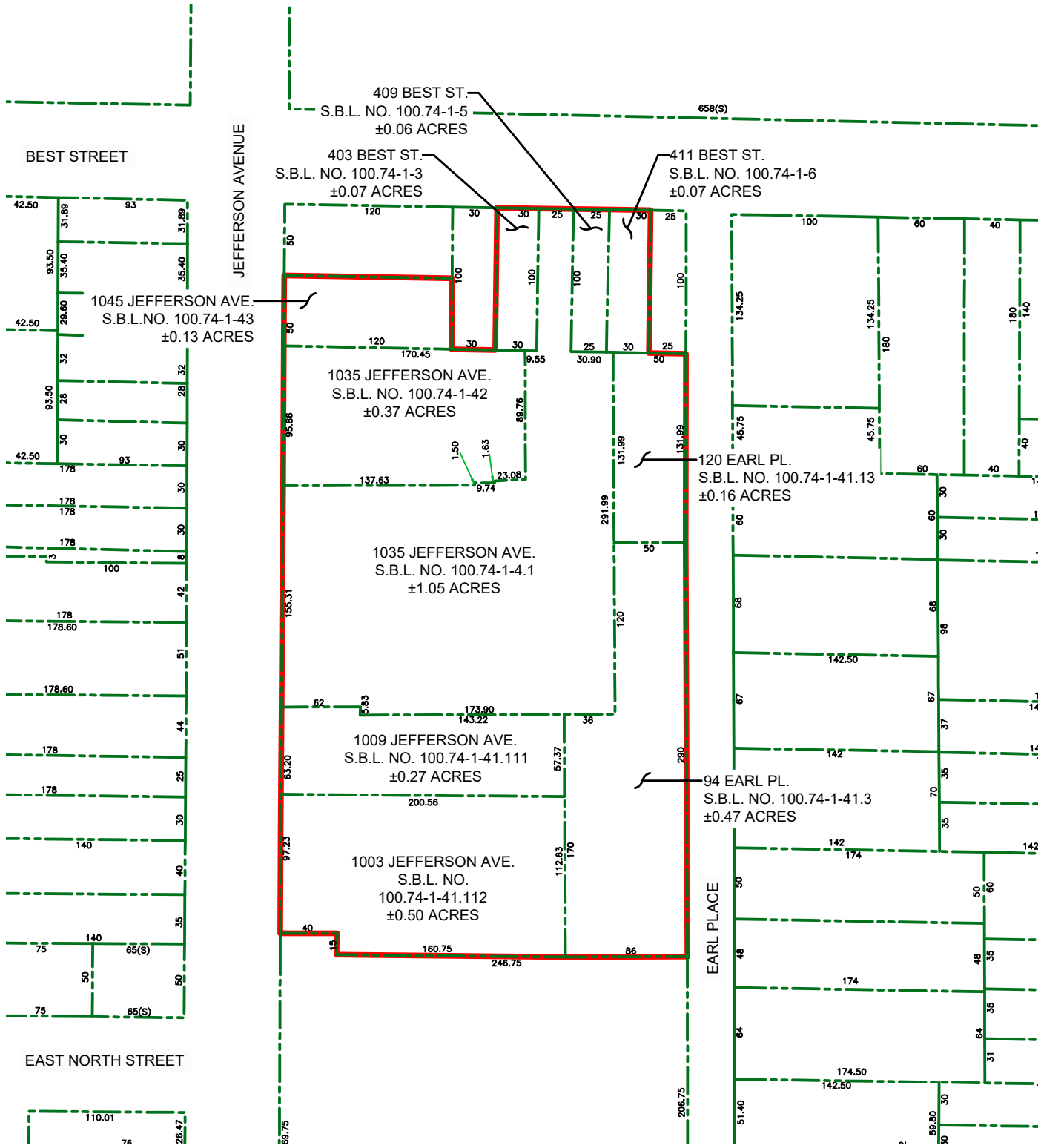

LEGEND

BCP SITE BOUNDARY

PARCEL BOUNDARY

N

100' 0 100'

Title:

TAX MAP

JEFFERSON AND BEST SITE

BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX	Compiled by: CMS	Date: AUGUST 2023	FIGURE 3
	Prepared by: CMS	Scale: AS SHOWN	
	Project Mgr: MAL	Project: T0562-023-001	
	File: FIGURE 3; TAX MAP-ROUX.DWG		

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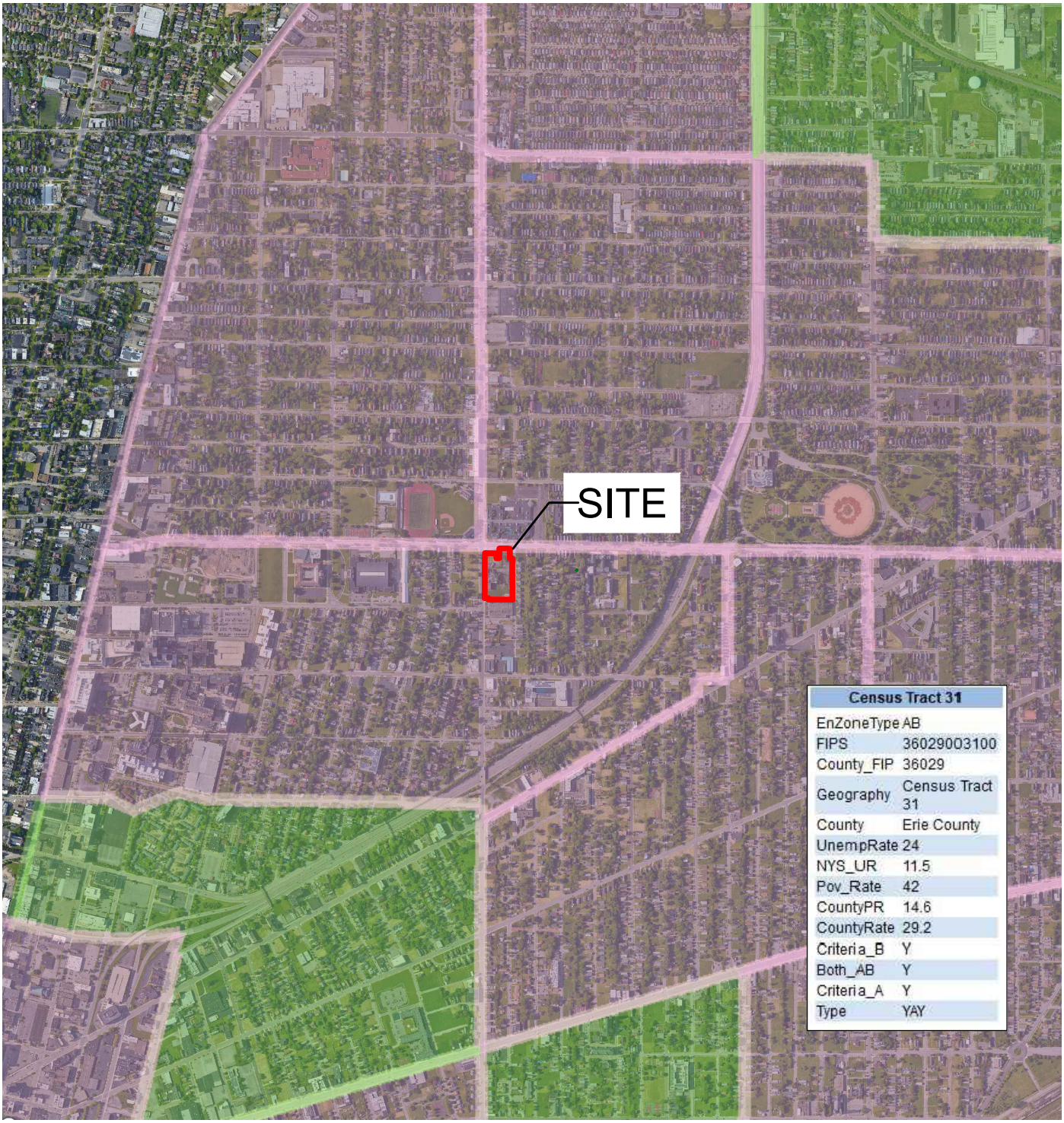

MAP PER NEW YORK STATE DEPARTMENT OF CONSERVATION.

LEGEND

- BCP SITE BOUNDARY
- TYPE "A"
- TYPE "AB"

N

1500' 0 1500'

Title:

NYS EN-ZONE MAP
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

Compiled by: CMS	Date: AUGUST 2023	FIGURE
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Project Mgr: MAL	Project: T0562-023-001	
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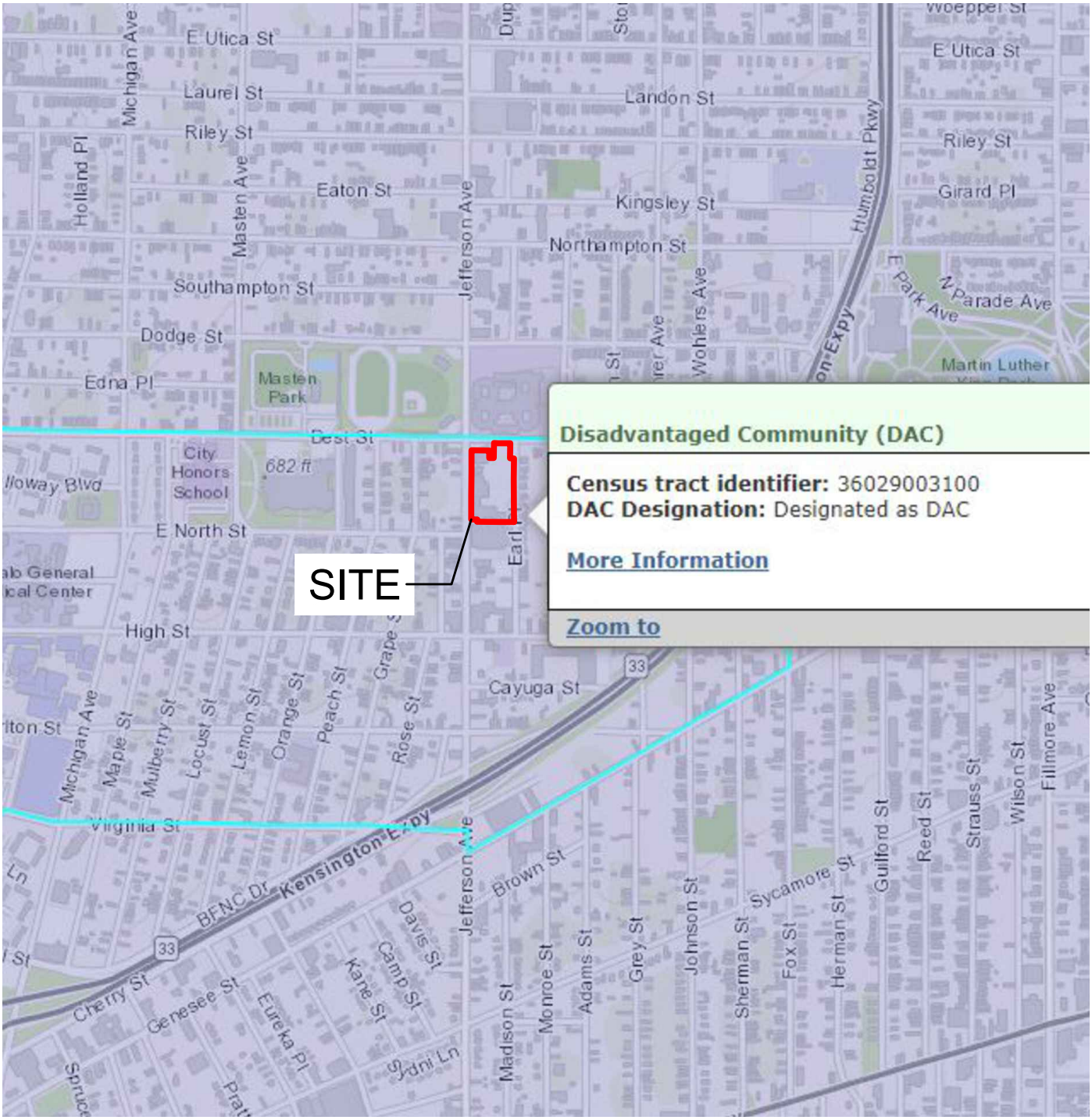

MAP PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION DECINFO LOCATOR.

LEGEND

BCP SITE BOUNDARY

DISADVANTAGED COMMUNITY

N

1000' 0 1000'

Title:

DISADVANTAGED COMMUNITIES MAP

JEFFERSON AND BEST SITE

BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

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Project Mgr: MAL	Project: T0562-023-001	
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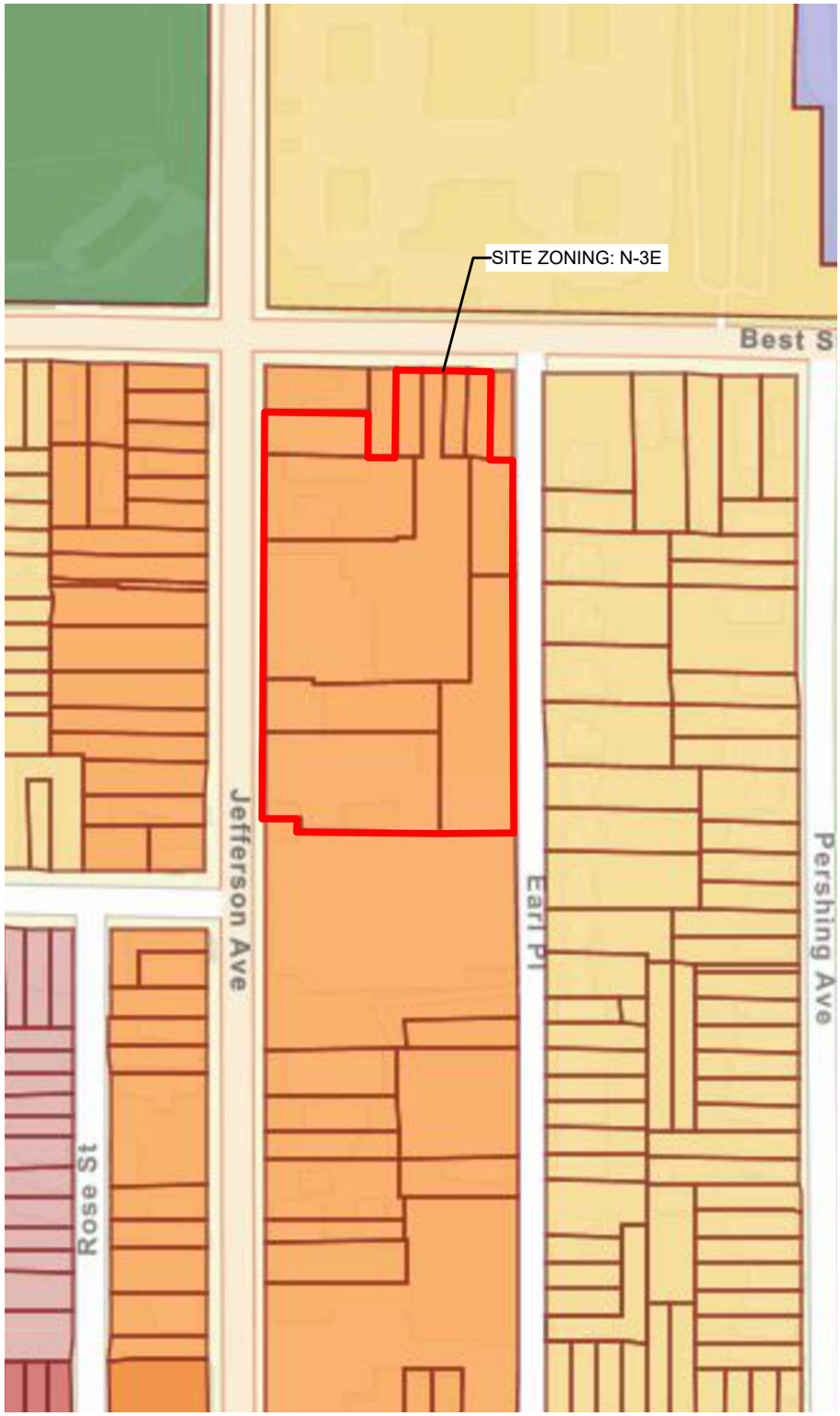


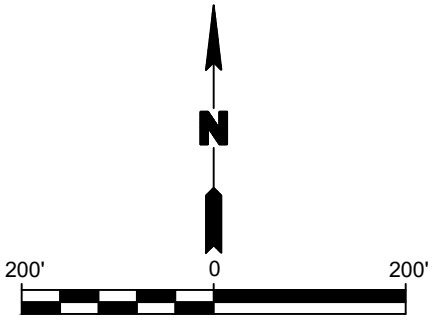
LEGEND

BCP SITE BOUNDARY

ZONING

- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)
- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)
- N-3C (Mixed-Use Center)
- 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)

MAP PER CITY OF BUFFALO PROPERTY VIEWER.



Title:

ZONING MAP
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

Compiled by: CMS	Date: AUGUST 2023
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: MAL	Project: T0562-023-001
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FIGURE 6

F:\CAD\TURNKEY\CB EMANUEL\JEFFERSON AND BEST\BCP APP\FIGURE 6; ZONING MAP-ROUX.DWG

ADJACENT PROPERTY ADDRESS			PROPERTY OWNER MAILING ADDRESS
NO.	STREET	PROPERTY USE	
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983		RELIGIOUS	NEW MT. ARARAT TEMPLE OF PRAYER 971-983 JEFFERSON AVE. BUFFALO, NY 14204
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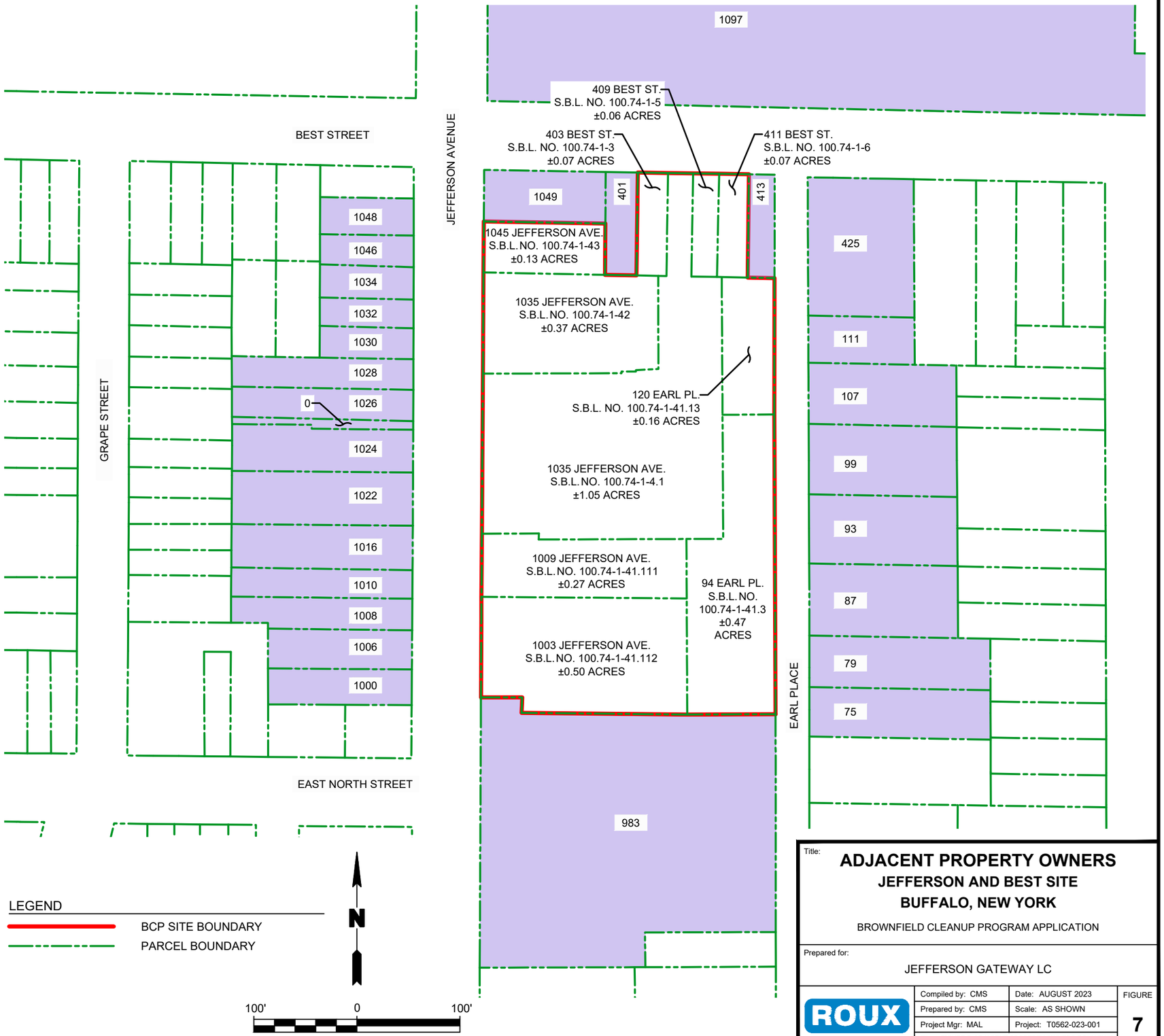
1010			FAITH APOSTOLIC CHURCH OF CHRIST INC. 358 NORTH ST. BUFFALO, NY 14204
1016			84 GROUP INC. 295 MAIN ST., STE. 210 BUFFALO, NY 14203
1022			CITY OF BUFFALO PERFECTING TITLE 323 CITY HALL BUFFALO, NY 14202
1024		VACANT RESIDENTIAL	NEW MT. ARARAT TEMPLE OF PRAYER 973 JEFFERSON AVE. BUFFALO, NY 14208
1026			CITY OF BUFFALO PERFECTING TITLE 323 CITY HALL BUFFALO, NY 14202
1028			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1030			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1032			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1034			NEW MT. ARARAT TEMPLE OF PRAYER 971-983 JEFFERSON AVE. BUFFALO, NY 14204
1046		VACANT COMMERCIAL	ROBBED OF OUR YOUTH 30 EIGHTEENTH ST. BUFFALO, NY 14213
1048			CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1049		AUTOBODY	CITY OF BUFFALO PERFECTING TITLE 65 NIAGARA SQ. BUFFALO, NY 14202
1097		SCHOOL	CITY OF BUFFALO BOARD OF EDUCATION MAKOWSKI CENTER 406 CITY HALL BUFFALO, NY 14202
401	BEST STREET	VACANT RESIDENTIAL	DELORES CROWELL 2130 ALDEN ST. TUCKER, GA 30084
413			BESSIE L. COTHRAN C/O ATTN: DONALD GIDNEY 203 MILLICENT BUFFALO, NY 14215
425			CITY OF BUFFALO 65 NIAGARA SQ., ROOM 901 BUFFALO, NY 14202
75	EARL PLACE	SINGLE FAMILY RESIDENTIAL	CHERYL D. BOWENS 75 EARL PL. BUFFALO, NY 14211
79			JENERIA K. LANE 125 NORTHLAND BUFFALO, NY 14208
87			MONYUETTE T. COPLIN 87 EARL PL. BUFFALO, NY 14211
93			EVA M. JETER 93 EARL PL. BUFFALO, NY 14204
99			SABRINA HILLERY 99 EARL PL. BUFFALO, NY 14211
107			JEFFREY M. RUTHERFORD 107 EARL PL. BUFFALO, NY 14211
111			CODELIA WILLIAMS 111 EARL PL. BUFFALO, NY 14211



Title:

ADJACENT PROPERTY OWNERS
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

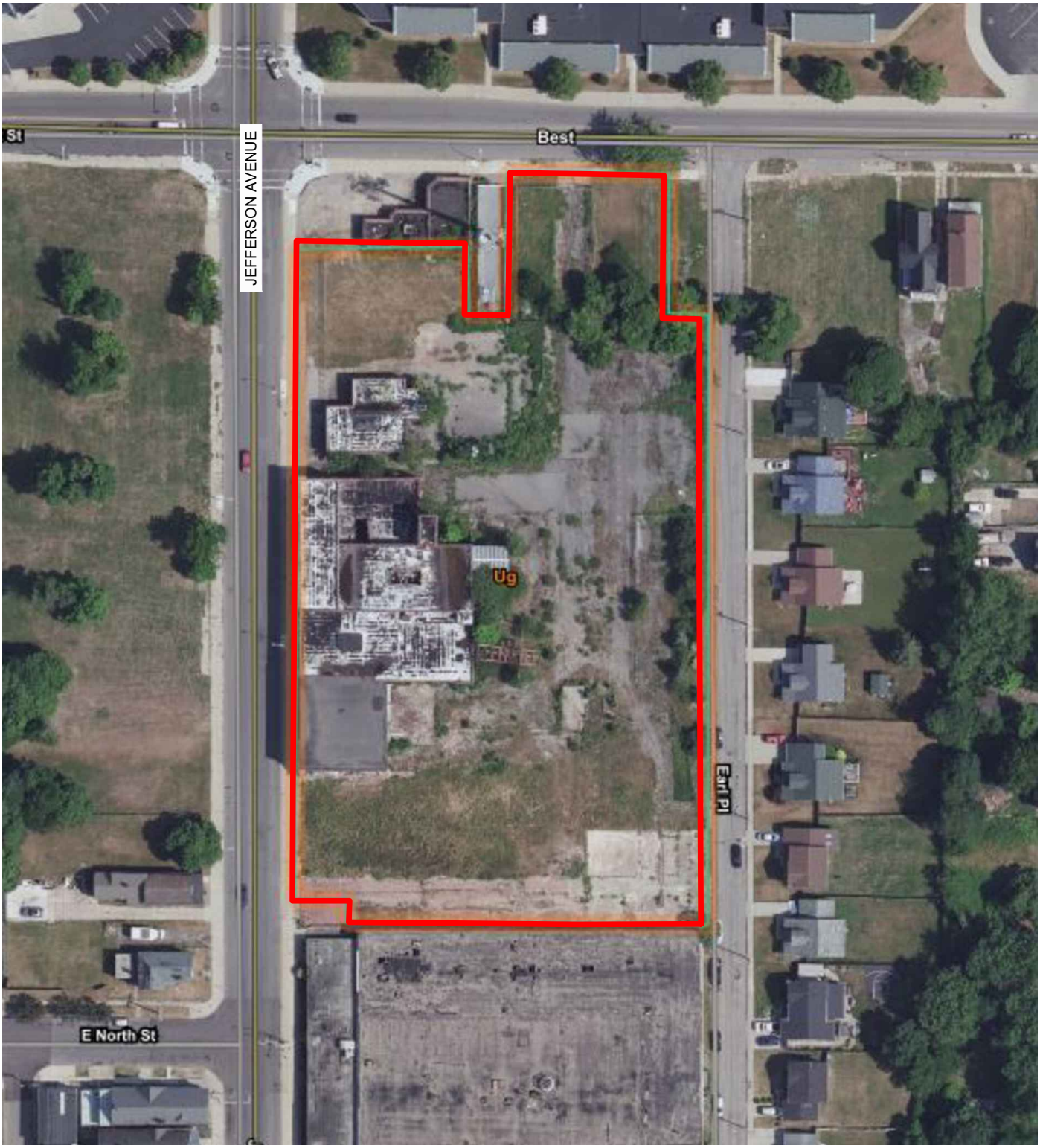
Prepared for:

JEFFERSON GATEWAY LC

ROUX

Compiled by: CMS	Date: AUGUST 2023	FIGURE 7
Prepared by: CMS	Scale: AS SHOWN	
Project Mgr: MAL	Project: T0562-023-001	
File: FIGURE 7; ADJACENT PROPERTY OWNERS-ROUX.DWG		

F:\CAD\TURNKEY\CB EMANUEL\JEFFERSON AND BEST\BCP APP\FIGURE 7; ADJACENT PROPERTY OWNERS-ROUX.DWG



LEGEND

BCP SITE BOUNDARY

MAP UNIT LEGEND	
MAP UNIT SYMBOL	MAP UNIT NAME
Ug	URBAN LAND-CAYUGA COMPLEX

N

10’ 0 10’

Title:

USDA SOIL TYPE MAP
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

ROUX

Compiled by: CMS	Date: AUGUST 2023	FIGURE
Prepared by: CMS	Scale: AS SHOWN	8
Project Mgr: MAL	Project: T0562-023-001	
File: FIGURE 8; USDA SOIL TYPE MAP-ROUX.DWG		

F:\CAD\TURNKEY\CB EMANUEL\JEFFERSON AND BEST\BCP APP\FIGURE 8; USDA SOIL TYPE MAP-ROUX.DWG

LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- BMTP-## — SUPPLEMENTAL PHASE II TEST PIT (TURNKEY, APRIL 2023)
- SB-## — PHASE II SOIL BORING (LIRO, DECEMBER 2021)
- SS-## — SURFACE SOIL SAMPLE (LIRO, OCTOBER 2022)
- SUB-## — SUBSLAB VAPOR (LIRO, OCTOBER 2022)
- EXCEEDS UNRESTRICTED USE SCOs[3]
- EXCEEDS RESTRICTED-RESIDENTIAL USE SCOs[3]
- EXCEEDS COMMERCIAL USE SCOs[3]
- EXCEEDS INDUSTRIAL USE SCOs[3]
- EXCEEDS CLASS GA GROUNDWATER QUALITY STANDARDS[4]

NOTES:
1. IMAGE TAKEN FROM GOOGLE EARTH 2022.
2. ANOMALY LOCATIONS IDENITIFIED AS 'ANOMALY A' THROUGH 'ANOMALY J' NOTED IN GEOPHYSICAL SURVEY RESULTS LETTER REPORT BY MADDAN GEOPHYSICS LLC IN APRIL 2023.
3. RESULTS COMPARED TO 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs).
4. RESULTS COMPARED TO DIVISION OF WATER TECHNICAL AND OPERATIONAL GUIDANCE SERIES (1.1.1) AMBIENT WATER QUALITY STANDARDS AND GUIDANCE VALUES AND GROUNDWATER EFFLUENT LIMITATIONS

LB-01 (0-4 FT)	12/10/2021
PARAMETER	MG/KG
ARSENIC	15.4
LEAD	149

LB-02 (0-4 FT)	12/10/2021
PARAMETER	MG/KG
LEAD	252
MERCURY	0.958

BMTP-5 (4-6 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	2.1
BENZO(A)PYRENE	2.2
BENZO(B)FLUORANTHENE	2.7
BENZO(K)FLUORANTHENE	1.1
CHRYSENE	2.3
DIBENZO(A,H)ANTHRACENE	0.4
INDENO(1,2,3-CD)PYRENE	1.3
LEAD	256
MERCURY	0.49

BMTP-13 (1-3 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	3.2
BENZO(A)PYRENE	3.4
BENZO(B)FLUORANTHENE	3.9
BENZO(K)FLUORANTHENE	1.5
CHRYSENE	2.9
DIBENZO(A,H)ANTHRACENE	0.57
INDENO(1,2,3-CD)PYRENE	1.8
LEAD	967
MERCURY	0.82

BMTP-13 (3-5 FT)	4/17/2023
PARAMETER	MG/KG
MERCURY	1.1

SS-9	10/18/2022
PARAMETER	MG/KG
LEAD	401
MERCURY	0.194

BMTP-14 (0-0.5 FT)	4/17/2023
PARAMETER	MG/KG
ARSENIC	18.1
BARIUM	472
CHROMIUM	32.4
LEAD	3060
MERCURY	0.9

LB-13 (4-5 FT)	10/24/2022
PARAMETER	MG/KG
XYLENES (TOTAL)	0.7
LB-13 (GROUNDWATER)	10/25/2022
PARAMETER	UG/L
BENZENE	8.6

LB-02 (0-4 FT)	12/10/2021
PARAMETER	MG/KG
LEAD	178
MERCURY	0.448

BMTP-1 (1-3 FT)	4/17/2023
PARAMETER	MG/KG
ACENAPHTHENE	120
ANTHRACENE	260
BENZO(A)ANTHRACENE	550
BENZO(A)PYRENE	540
BENZO(B)FLUORANTHENE	680
BENZO(GHI)PERYLENE	340
BENZO(K)FLUORANTHENE	320
CHRYSENE	550
DIBENZO(A,H)ANTHRACENE	100
FLUORANTHENE	1500
FLUORENE	150
INDENO(1,2,3-CD)PYRENE	330
NAPHTHALENE	94
PHENANTHRENE	1300
PYRENE	1100
CADMIUM	3.1
CHROMIUM	101
LEAD	795

LB-16 (GROUNDWATER)	10/25/2022
PARAMETER	UG/L
TRICHLOROETHENE (TCE)	6.3

LB-04 (0-2 FT)	12/10/2021
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	11
BENZO(A)PYRENE	14
BENZO(B)FLUORANTHENE	14
BENZO(K)FLUORANTHENE	5
CHRYSENE	11
DIBENZO(A,H)ANTHRACENE	1.7
INDENO(1,2,3-CD)PYRENE	7.4
CHROMIUM	31.4
LEAD	362
MERCURY	0.455

SS-4	10/18/2022
PARAMETER	MG/KG
INDENO(1,2,3-CD)PYRENE	0.54

SS-5	10/18/2022
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	2.3
BENZO(A)PYRENE	2.4
BENZO(B)FLUORANTHENE	2.6
BENZO(K)FLUORANTHENE	1
CHRYSENE	2.5
INDENO(1,2,3-CD)PYRENE	1.4

BMTP-11 (0-0.5 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	62
BENZO(A)PYRENE	61
BENZO(B)FLUORANTHENE	79
BENZO(K)FLUORANTHENE	31
CHRYSENE	70
DIBENZO(A,H)ANTHRACENE	11
FLUORANTHENE	170
INDENO(1,2,3-CD)PYRENE	34
PHENANTHRENE	130
PYRENE	110
CHROMIUM	98.6
LEAD	7120

LB-10 (0-4 FT)	12/10/2021
PARAMETER	MG/KG
INDENO(1,2,3-CD)PYRENE	0.53

BMTP-12 (1-3 FT)	4/17/2023
PARAMETER	MG/KG
ACENAPHTHENE	41
ANTHRACENE	160
BENZO(A)ANTHRACENE	530
BENZO(A)PYRENE	560
BENZO(B)FLUORANTHENE	640
BENZO(GHI)PERYLENE	320
BENZO(K)FLUORANTHENE	270
CHRYSENE	510
DIBENZO(A,H)ANTHRACENE	84
FLUORANTHENE	1300
FLUORENE	53
INDENO(1,2,3-CD)PYRENE	310
PHENANTHRENE	640
PYRENE	1000

SS-3	10/18/2022
PARAMETER	MG/KG
CADMIUM	3.2
CHROMIUM	57.6
LEAD	251

BMTP-3 (0-1.5 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	1.5
BENZO(A)PYRENE	1.4
BENZO(B)FLUORANTHENE	1.7
BENZO(K)FLUORANTHENE	0.89
CHRYSENE	1.5
INDENO(1,2,3-CD)PYRENE	0.76
BARIUM	415
CADMIUM	3
CHROMIUM	171
LEAD	566

BMTP-6 (1-2 FT)	4/17/2023
PARAMETER	MG/KG
LEAD	747
MERCURY	0.28

BMTP-7 (1-2 FT)	4/17/2023
PARAMETER	MG/KG
LEAD	90.5

SS-1	10/18/2022
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	3.5
BENZO(A)PYRENE	3
BENZO(B)FLUORANTHENE	4
BENZO(K)FLUORANTHENE	1.4
CHRYSENE	3.5
DIBENZO(A,H)ANTHRACENE	0.46
INDENO(1,2,3-CD)PYRENE	2.1
ARSENIC	13.8
BARIUM	1620
CADMIUM	10
CHROMIUM	381
LEAD	26700
MERCURY	3.23

BMTP-15 (0-0.5 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	1.8
BENZO(A)PYRENE	1.8
BENZO(B)FLUORANTHENE	2.2
BENZO(K)FLUORANTHENE	0.85
CHRYSENE	1.9
INDENO(1,2,3-CD)PYRENE	0.89
CHROMIUM	87.8
LEAD	166

SS-6	10/18/2022
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	5.9
BENZO(A)PYRENE	5.6
BENZO(B)FLUORANTHENE	6.7
BENZO(K)FLUORANTHENE	2.3
CHRYSENE	5.6
DIBENZO(A,H)ANTHRACENE	0.76
INDENO(1,2,3-CD)PYRENE	4.2
MERCURY	11.4

BMTP-10 (0-0.5 FT)	4/17/2023
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	3.3
BENZO(A)PYRENE	3.1
BENZO(B)FLUORANTHENE	3.6
BENZO(K)FLUORANTHENE	1.5
CHRYSENE	3.5
DIBENZO(A,H)ANTHRACENE	0.56
INDENO(1,2,3-CD)PYRENE	1.7

SS-8	10/18/2022
PARAMETER	MG/KG
BENZO(A)ANTHRACENE	2.8
BENZO(A)PYRENE	2.5
BENZO(B)FLUORANTHENE	2.9
BENZO(K)FLUORANTHENE	1.1
CHRYSENE	2.4
INDENO(1,2,3-CD)PYRENE	1.7

BEST STREET
403 BEST ST.
409 BEST ST.
411 BEST ST.
1045 JEFFERSON AVE.
1035 JEFFERSON AVE.
1009 JEFFERSON AVE.
1003 JEFFERSON AVE.
120 EARL PL.
94 EARL PL.
TCE REQUIRES MITIGATION IN SUB-SLAB AIR
EAST NORTH STREET
ROSE STREET
JEFFERSON AVENUE
EARL PLACE
LB-13/TWP-13
LB-01
LB-14/TWP-14
LB-15/TWP-15
LB-02
LB-05
LB-12
LB-17/TWP-17
LB-03
LB-16/TWP-16
LB-04
LB-06
LB-07
LB-08
LB-09
LB-10
LB-11
SSV-1
SSV-2
SS-1
SS-2
SS-3
SS-4
SS-5
SS-6
SS-7
SS-8
SS-9
SS-10
BMTP-1 (ANOMALY C)
BMTP-2 (ANOMALY G)
BMTP-3 (ANOMALY H)
BMTP-4
BMTP-5 (ANOMALY A)
BMTP-6 (ANOMALY D)
BMTP-7 (ANOMALY E)
BMTP-8 (ANOMALY F)
BMTP-9 (ANOMALY I)
BMTP-10 (ANOMALY J)
BMTP-11
BMTP-12 (ANOMALY J)
BMTP-13 (ANOMALY B)
BMTP-14 (ANOMALY B)
BMTP-15

N

F:\CAD\TURNKEY\DB_EXAMPLE\JEFFERSON AND BEST\BDP APPLICATION\FIGURE 9- INVESTIGATION LOCATIONS AND AREAS OF CONCERN_24X36-ROUX.DWG

NO.	DATE	REVISION DESCRIPTION	INT.

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DRAWING DATE: 8/2023		PRINT TYPE: COLOR	
OFFICE: NY		PAPER SIZE: ARCH D	
PROJECT NO.: T0562-023-001			
DRAWING FILE: FIGURE 9- INVESTIGATION LOCATIONS AND AREAS OF CONCERN_24X36-ROUX.DWG			

ROUX
Roux Environmental Engineering and Geology, D.P.C.
2558 HAMBURG TPKE BUFFALO NEW YORK 14218
(716) 856-0599

PROJECT NAME:
JEFFERSON AND BEST SITE
BUFFALO, NEW YORK

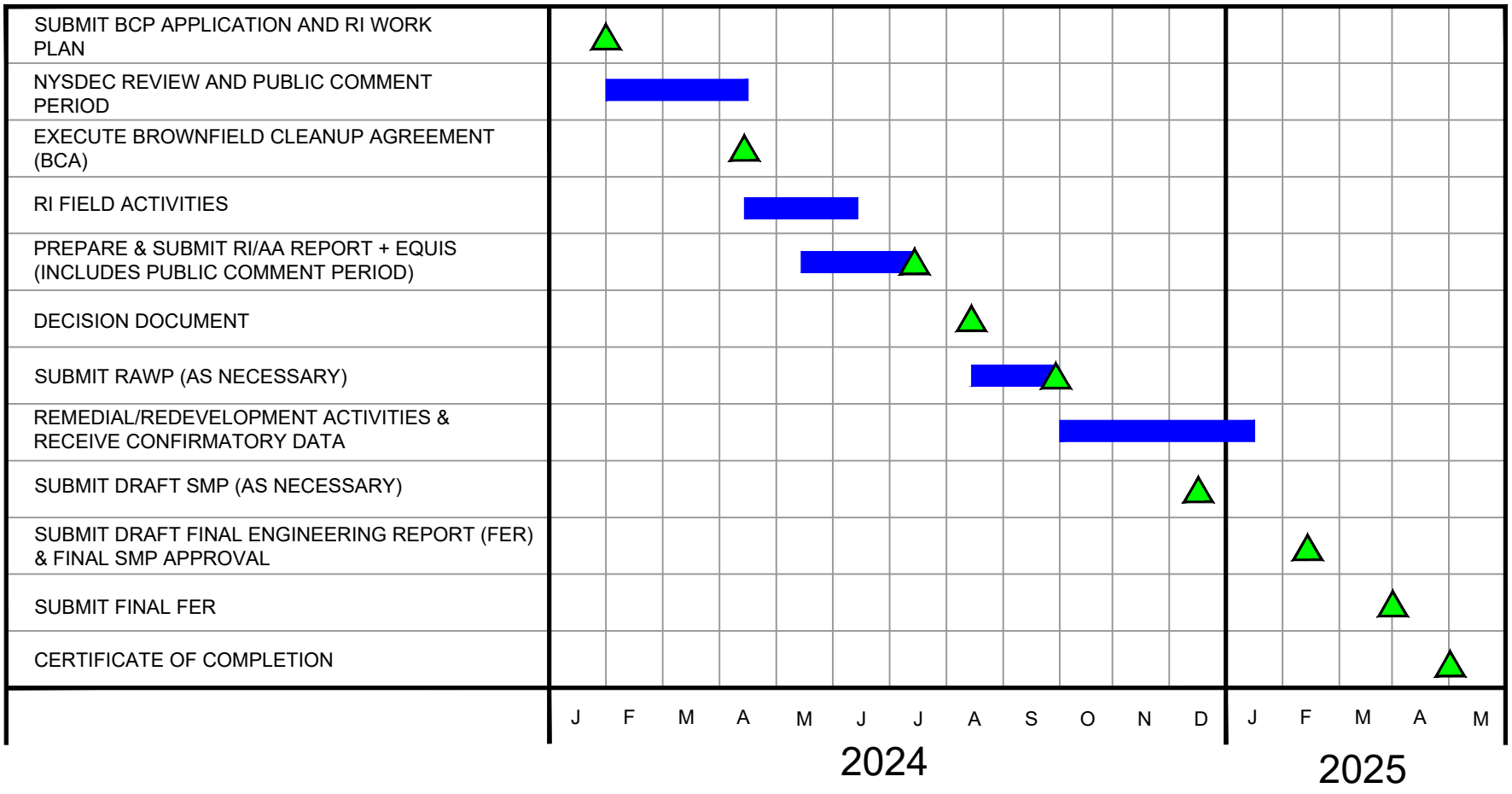
PROJECT FOR:
JEFFERSON GATEWAY LLC

TITLE:
INVESTIGATION LOCATIONS AND AREAS OF CONCERN
BROWNFIELD CLEANUP PROGRAM APPLICATION

DRAWING NO.
9
DRAWING
1 OF 1

F:\CAD\TURNKEY\CB EMANUEL\JEFFERSON AND BEST\BCP APP\FIGURE 10; PRELIMINARY PROJECT SCHEDULE-ROUX.DWG

PROJECT TASKS:



Title:

PRELIMINARY PROJECT SCHEDULE

JEFFERSON AND BEST SITE

BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

JEFFERSON GATEWAY LLC

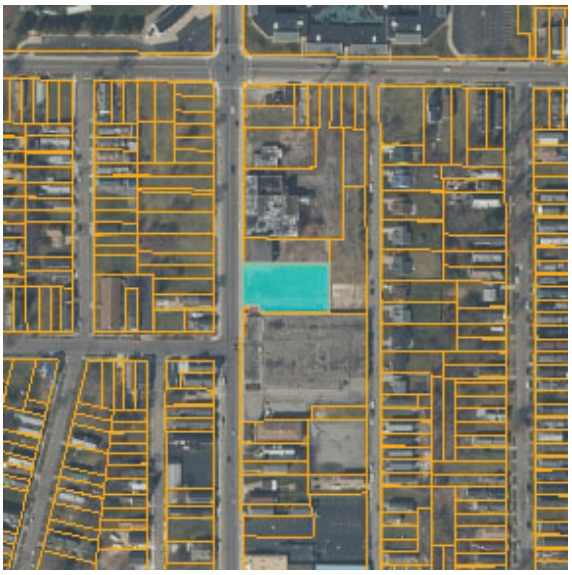
ROUX

Compiled by: CMS	Date: JANUARY 2024	FIGURE
Prepared by: CMS	Scale: AS SHOWN	10
Project Mgr: MAL	Project: T0562-023-001	
File: FIGURE 10; PRELIMINARY PROJECT SCHEDULE-ROUX.DWG		

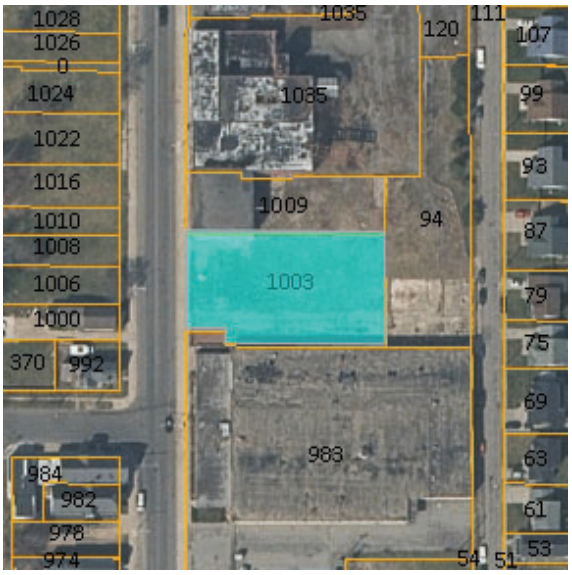
ATTACHMENTS

Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map



Parcel Detail Map

PIN: 140200100740000104112

SBL: 100.74-1-41.112

Address: 1003 JEFFERSON

Owner 1: NEW MT ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 983 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 97.63

Depth: 200.56

Deed Roll: 8

Deed Book: 10973

Deed Page: 08744

Deed Date:

Acreage: 0.50190999

Total Assessment: $20,000

Land Assessment: $20,000

County Taxes: $0

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

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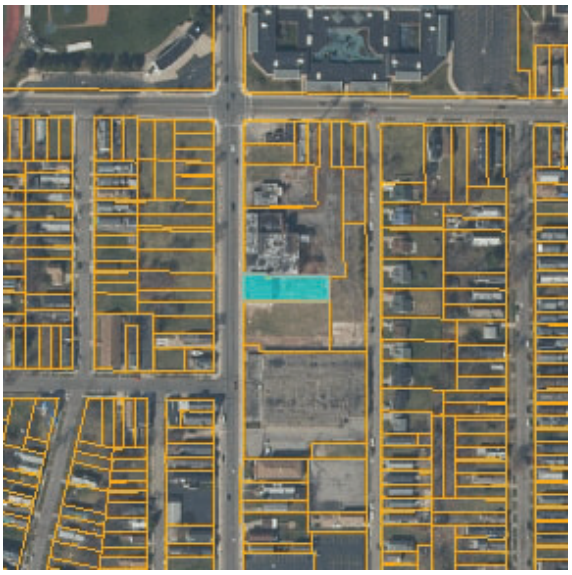
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map

Parcel Detail Map

PIN: 140200100740000104111 1

SBL: 100.74-1-41.111

Address: 1009 JEFFERSON

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 62.2

Depth: 200.56

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.2656925

Total Assessment: $55,000

Land Assessment: $11,800

County Taxes: $0

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

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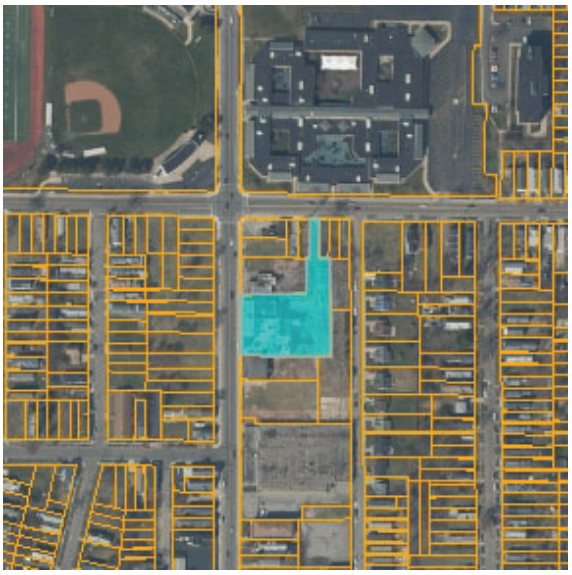
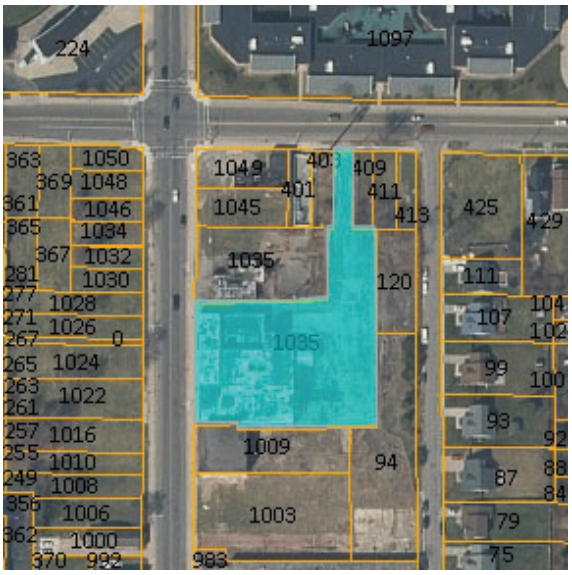
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map



Parcel Detail Map

PIN: 140200100740000100 4100

SBL: 100.74-1-4.1

Address: 1035 JEFFERSON

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 710

Class Description: C - Manufacture

Front: 155

Depth: 241

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 1.04646908

Total Assessment: $185,000

Land Assessment: $44,900

County Taxes: $0

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

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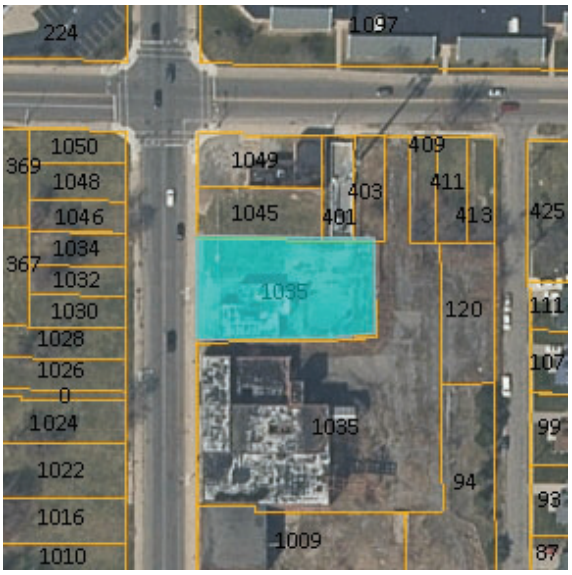
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM

Parcel Overview Map



Parcel Detail Map

PIN: 140200100740000104200 0

SBL: 100.74-1-42

Address: 1035 JEFFERSON

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 710

Class Description: C - Manufacture

Front: 95.86

Depth: 170

Deed Roll: 1

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.37344397

Total Assessment: $25,000

Land Assessment: $16,200

County Taxes: $25,000

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

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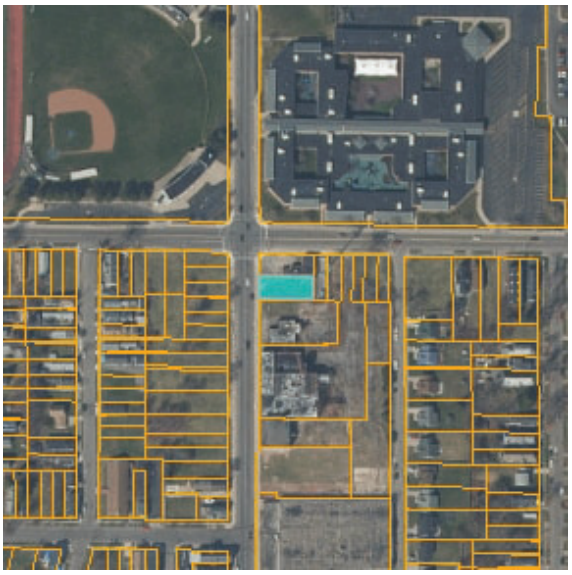
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map

Parcel Detail Map

PIN: 140200100740000104300O

SBL: 100.74-1-43

Address: 1045 JEFFERSON

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 50

Depth: 120

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.13433985

Total Assessment: $20,000

Land Assessment: $20,000

County Taxes: $0

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

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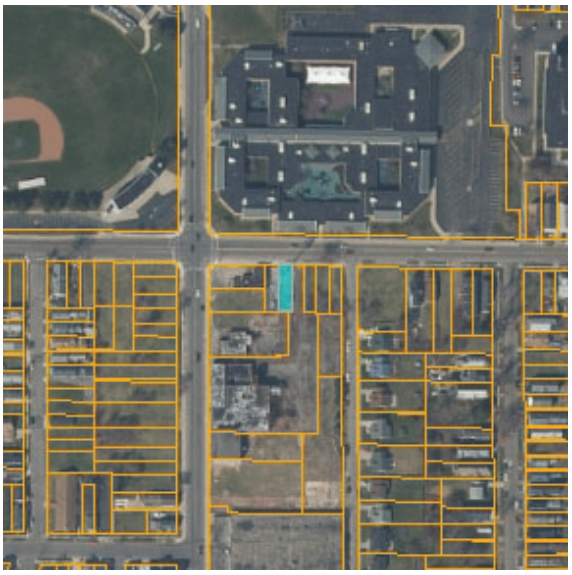
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map

Parcel Detail Map

PIN: 140200100740000100300 0

SBL: 100.74-1-3

Address: 403 BEST

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 311

Class Description: R - Res vac land

Front: 30

Depth: 100

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.06699876

Total Assessment: $2,200

Land Assessment: $2,200

County Taxes: $0

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

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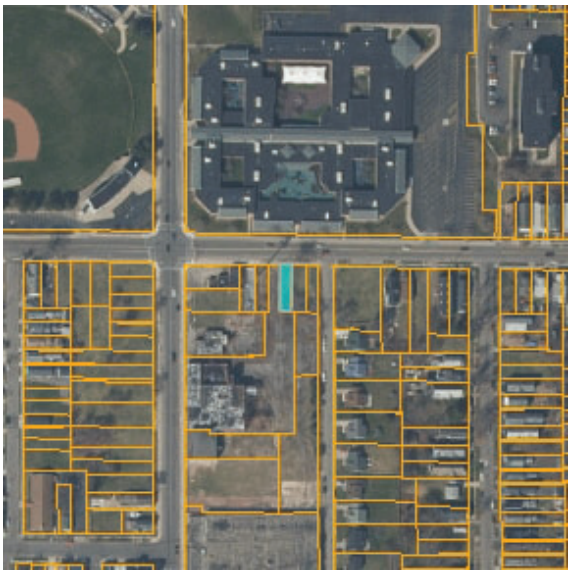
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map

Parcel Detail Map

PIN: 14020010074000010050000

SBL: 100.74-1-5

Address: 409 BEST

Owner 1: WATTS ROBERT LE

Owner information not updated - see City of Buffalo Property Record Card attached

Owner 2: WATTS BRADFORD ROBERT REMAIND

Mailing Address: 80 PARADE NORTH

City/Zip: BUFFALO NY 14211

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 25

Depth: 100

Deed Roll: 1

Deed Book: 11369

Deed Page: 3582

Deed Date:

Acreage: 0.05755289

Total Assessment: $3,000

Land Assessment: $3,000

County Taxes: $3,000

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

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Buffalo Property Record Card

51735
409 Best Buffalo 14208

TOP Enterprises Inc

Total Assessed Value
$3,000

KEY INFORMATION

SWIS #	**140200**
SBL #	**100.74-1-5**
Account #	**02166900**
Owner/s	**TOP Enterprises Inc** ← Entity is "T.O.P. Enterprises, Inc."
Property Address	**409 Best Buffalo 14208**
Mailing Address	**971 Jefferson Ave Buffalo NY 14204**
Type	**Vacant Land**
Use	**330 - COMMERCIAL VACANT LAND**
Ownership Code	**-**
Zoning	**N-3E - UrbNbhd-MixEdge**
School District	**Buffalo School District 140200**
NBHD Code	**5300**
Cenus Tract	**0031001**
Council	**EL**

ASSESSMENT INFORMATION

Total Assessed Value	**$3,000**
Total Land	**$3,000**
County Taxable	**$3,000**
Town Taxable	**$3,000**
School Taxable	**$3,000**
Village Taxable	**$0**
Equalization Rate (2023)	**70%**
Level of Assessment (2023)	**70%**
Full Market Value	**$4,286**

Assessment Values displayed represent the **2023 Final Assessment Roll**

EXEMPTIONS

No data to display

LAND

SITE #	LAND TYPE	ACRES	FRONT	DEPTH	SQFT
1	01 - Primary	0.00	0.00	0.00	2500.00

BUILDINGS

ADDITIONAL IMPROVEMENTS

No data to display

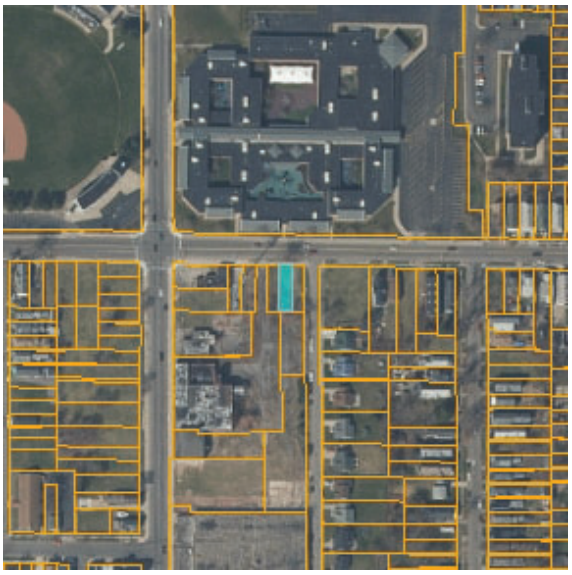
TRANSFER HISTORY

SALE DATE	SALE PRICE	USEABLE SALE	ARMS LENGTH	PRIOR OWNER	DEED BOOK	DEED PAGE	DEED DATE
12/13/2022	$10,000	0	1	Watts, Robert	11412	1232	12/20/2022

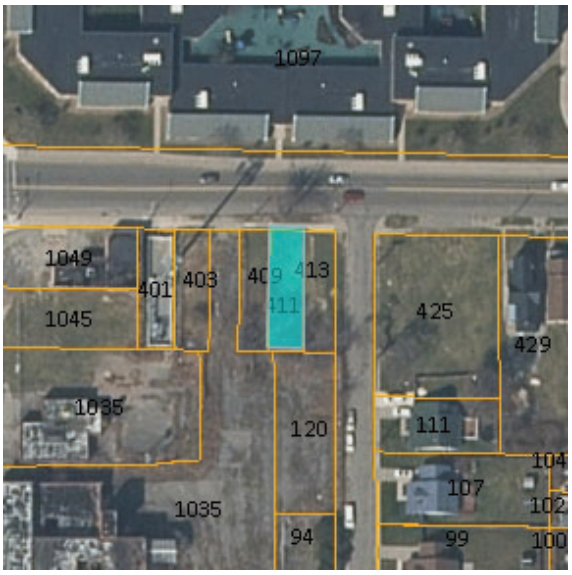
Data last updated: 06/13/2023

Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map



Parcel Detail Map

PIN: 140200100740000100600O

SBL: 100.74-1-6

Address: 411 BEST

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 311

Class Description: R - Res vac land

Front: 30

Depth: 100

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.06758467

Total Assessment: $2,200

Land Assessment: $2,200

County Taxes: $0

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

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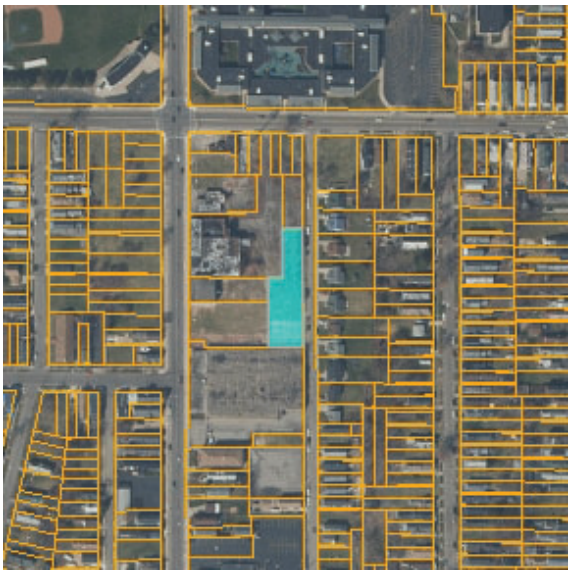
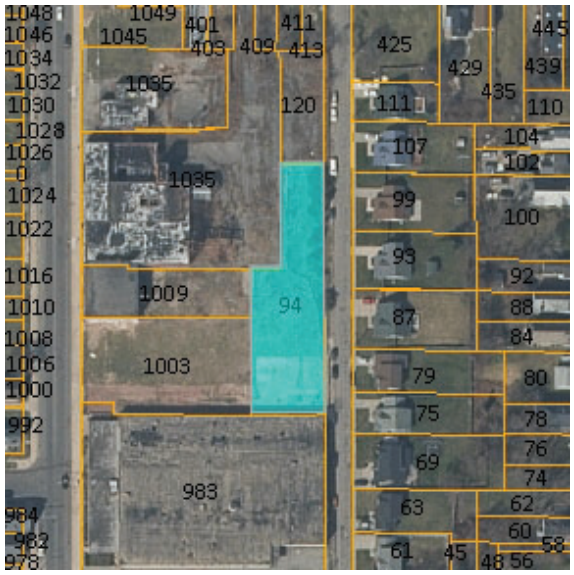
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map



Parcel Detail Map

PIN: 140200100740000104130O

SBL: 100.74-1-41.3

Address: 94 EARL

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971-983 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 331

Class Description: B - Com vac w/imp

Front: 290

Depth: 86

Deed Roll: 8

Deed Book: 10905

Deed Page: 6976

Deed Date:

Acreage: 0.47393083

Total Assessment: $60,000

Land Assessment: $21,000

County Taxes: $0

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

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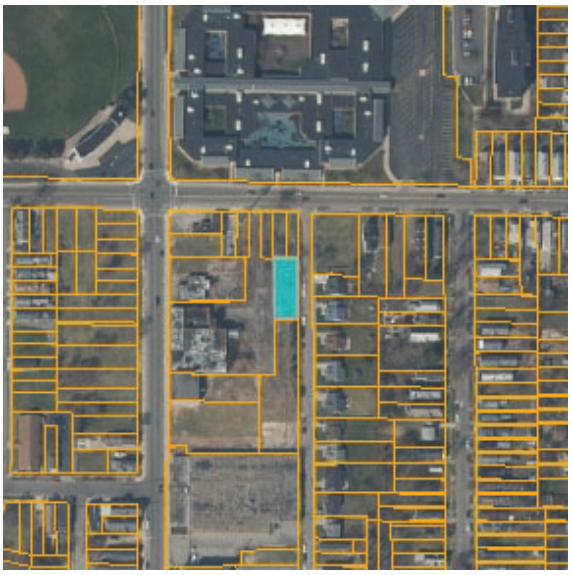
Erie County On-Line Mapping System
Parcel Detail Report

Report generated:
5/18/2023 9:05:55 AM



Parcel Overview Map

Parcel Detail Map

PIN: 140200100740000104113O

SBL: 100.74-1-41.13

Address: 120 EARL

Owner 1: NEW MT. ARARAT TEMPLE OF

Owner 2: PRAYER

Mailing Address: 971 JEFFERSON AVE

City/Zip: BUFFALO NY 14204

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 132

Depth: 50

Deed Roll: 8

Deed Book: 11104

Deed Page: 6069

Deed Date:

Acreage: 0.15500354

Total Assessment: $7,000

Land Assessment: $7,000

County Taxes: $0

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

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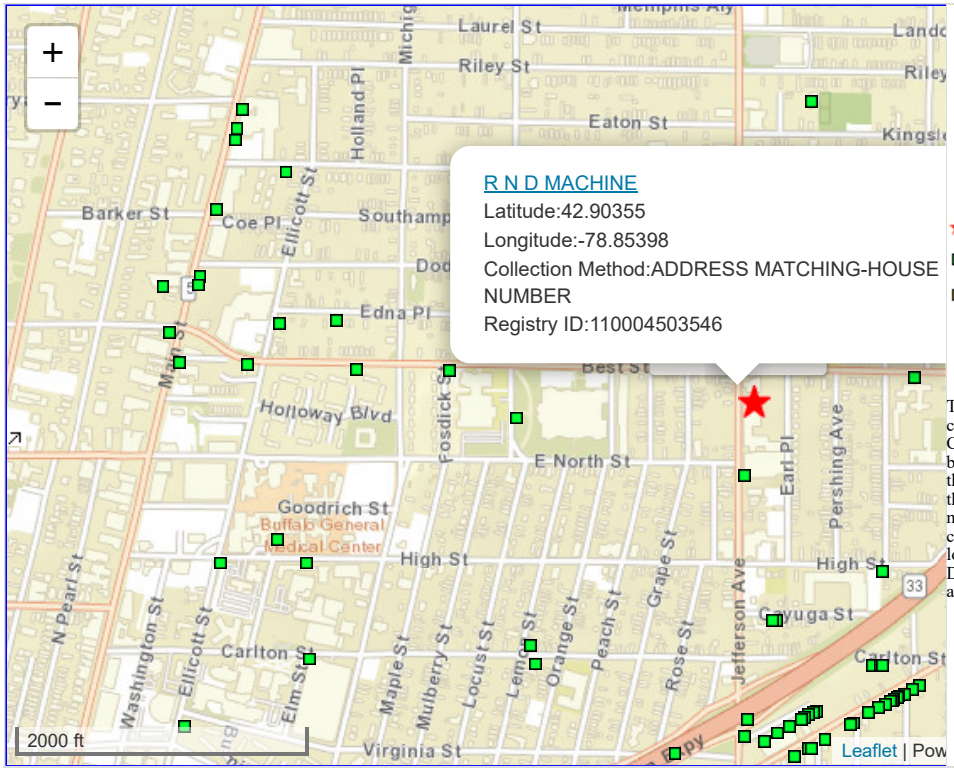
Related Topics: Envirofacts

FRS

FRS Facility Detail Report

R N D MACHINE

EPA Registry Id: 110004503546
1043 JEFFERSON AVE
BUFFALO, NY 14204-1008



Legend

- Selected Facility
- EPA Facility of Interest
- State/Tribe Facility of Interest

The facility locations displayed come from the FRS Spatial Coordinates tables. They are the best representative locations for the displayed facilities based on the accuracy of the collection method and quality assurance checks performed against each location. The North American Datum of 1983 is used to display all coordinates.

Facility Registry Service Links:

- Facility Registry Service (FRS) Overview
- FRS Facility Query
- FRS Organization Query
- EZ Query
- FRS Physical Data Model
- FRS Geospatial Model

Report an Error

Environmental Interests

Information System	System Facility Name	Information System Id/Report Link	Environmental Interest Type	Data Source	Last Updated Date	Supplemental Environmental Interests:
RESOURCE CONSERVATION AND RECOVERY ACT INFORMATION SYSTEM	R N D MACHINE	NYD987032281	UNSPECIFIED UNIVERSE (N)	RCRAINFO		

Additional EPA Reports: MyEnvironment Enforcement and Compliance Site Demographics Facility Coordinates Viewer Environmental Justice Map Viewer Watershed Report

Standard Industrial Classification Codes (SIC)

No SIC Codes returned.

Facility Codes and Flags

EPA Region:	02
Duns Number:	
Congressional District Number:	26
Legislative District Number:	
HUC Code/Watershed:	04120103 / BUFFALO-EIGHTEENMILE
US Mexico Border Indicator:	
Federal Facility:	NO
Tribal Land:	NO

Alternative Names

No Alternative Names returned.

Organizations

No Organizations returned.

National Industry Classification System Codes (NAICS)

No NAICS Codes returned.

Facility Mailing Addresses

Affiliation Type	Delivery Point	City Name	State	Postal Code	Information System
FACILITY MAILING ADDRESS	1043 JEFFERSON AVE	BUFFALO	NY	14204	RCRAINFO
OWNER	2000 MILITARY RD	TONAWANDA	NY	14150	RCRAINFO
OPERATOR	2000 MILITARY RD	TONAWANDA	NY	14150	RCRAINFO

Contacts

No Contacts returned.

Query executed on: JUN-13-2023

Last updated on September 24, 2015

Department of State
Division of Corporations

Entity Information

Return to Results | Return to Search

Entity Details

ENTITY NAME: JEFFERSON GATEWAY LLC
DOS ID: 6886089
FOREIGN LEGAL NAME:
FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY
DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTIONOF LAW: LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW
ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 06/26/2023
REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 06/26/2023
INACTIVE DATE:
FOREIGN FORMATION DATE:
STATEMENT STATUS: CURRENT
COUNTY: QUEENS
NEXT STATEMENT DUE DATE: 06/30/2025
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: JEFFERSON GATEWAY LLC

Address: C/O CB-EMMANUEL REALTY, LLC, 221-10 JAMAICA AVENUE, LL1, QUEENS VILLAGE, NY, UNITED STATES, 11428

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

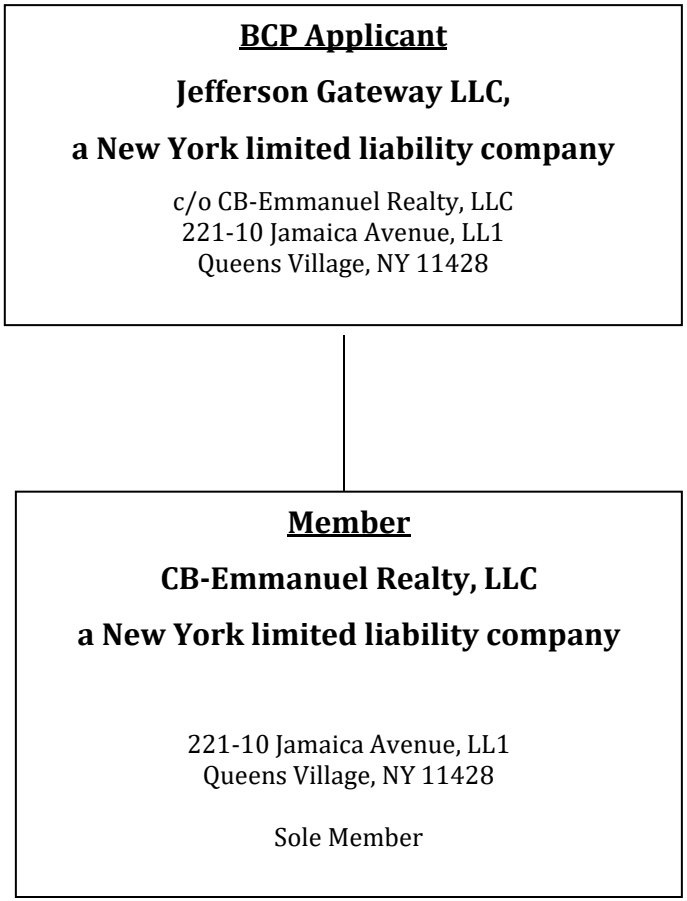
Is The Entity A Farm Corporation: NO

Stock Information

Share Value	Number Of Shares	Value Per Share

JEFFERSON AND BEST SITE

ORGANIZATIONAL CHART – JEFFERSON GATEWAY LLC



JEFFERSON GATEWAY LLC

WRITTEN CONSENT OF THE SOLE MEMBER OF THE COMPANY

The following action required or permitted to be taken at a meeting of the members of Jefferson Gateway LLC, a New York Limited Liability Company (the ***"Company"***), hereby is taken on the written consent of the undersigned, Benathan Upshaw, in his capacity as the Co-Manager of CB-Emmanuel Realty, LLC, the sole member of the Company (the ***"Sole Member"***), without a meeting of the members pursuant to the provisions of the New York Limited Liability Company Law:

RESOLVED, that the Co-Manager of the Sole Member is hereby authorized, empowered, and directed to take all such action on behalf of the Company as he may deem necessary, appropriate, or advisable to enter and participate in the New York State Brownfield Cleanup Program with respect to the properties located at 403 Best, 409 Best, 411 Best, 94 Earl, 120 Earl, 1003 Jefferson, 1009 Jefferson, 1035 Jefferson and 1045 Jefferson, Buffalo, New York.

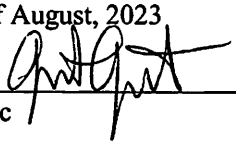
RESOLVED, that should the consummation of the transaction authorized in the foregoing resolutions require additional or more specific authorization of actions to consummate the transactions contemplated herein, including, without limitation, the execution and delivery of any and all agreements, instruments, documents or filings, such additional or specific authorizations are hereby deemed to be included herein as of the date hereof.

Dated: August _____, 2023

Jefferson Gateway LLC

Benathan Upshaw, Co-Manager, CB-Emmanuel Realty, LLC,
sole member of Jefferson Gateway LLC

Sworn to before me this
22nd day of August, 2023



Notary Public

JACOB A. JANISH
Notary Public, State of New York
Qualified in Erie County
Reg. No. 01JA6443437
My Commission Expires Nov. 7, 2026

ARTICLES OF ORGANIZATION
OF
JEFFERSON GATEWAY LLC
Under Section 203 of the Limited Liability Company Law

FIRST: The Name of the limited liability company is: **JEFFERSON GATEWAY LLC**

SECOND: To engage in any lawful act or activity within the purposes for which limited liability companies may be organized pursuant to Limited Liability Company Law provided that the limited liability company is not formed to engage in any act or activity requiring the consent or approval of any state official, department, board, agency, or other body without such consent or approval first being obtained.

THIRD: The county, within this state, in which the office of the limited liability company is to be located is **QUEENS**

FOURTH: The Secretary of State is designated as agent of the limited liability company upon whom process against the limited liability company may be served. The post office address to which the Secretary of State shall mail a copy of any process against the limited liability company served upon the Secretary of State by personal delivery is:

JEFFERSON GATEWAY LLC
C/O CB-EMMANUEL REALTY, LLC
221-10 JAMAICA AVENUE, LL1
QUEENS VILLAGE, NY 11428

FIFTH: The limited liability company is to be managed by: **One or more members**

I certify that I have read the above statements, I am authorized to sign these Articles of Organization, that the above statements are true and correct to the best of my knowledge and belief and that my signature typed below constitutes my signature.

BENATHAN UPSHAW (Signature)

BENATHAN UPSHAW, ORGANIZER
C/O CB-EMMANUEL REALTY, LLC
221-10 JAMAICA AVENUE, LL1
QUEENS VILLAGE, NY 11428

Filed with the NYS Department of State on 06/26/2023
Filing Number: 230626003867 DOS ID: 6886089

Filed by:

RACHEL RZAYEV
C/O CB-EMMANUEL REALTY, LLC
221-10 JAMAICA AVENUE
QUEENS VILLAGE, NY 11428

Filed with the NYS Department of State on 06/26/2023
Filing Number: 230626003867 DOS ID: 6886089

January 11, 2024

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 (BCP)
Jefferson and Best Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that New Mt. Ararat Temple of Prayer owns the following parcels comprising a portion of the above-referenced BCP Site ("Site"):

- 1003 Jefferson Avenue, S.B.L. No. 100.74-1-41.112, 0.50 -acres
- 1009 Jefferson Avenue, S.B.L. No. 100.74-1-41.111, .027-acres
- 1035 Jefferson Avenue, S.B.L. No. 100.74-1-4.1, 1.05-acres
- 1035 Jefferson Avenue, S.B.L. No. 100.74-1-42, 0.37-acres
- 1045 Jefferson Avenue, S.B.L. No. 100.74-1-43, 0.13-acres
- 403 Best Street, S.B.L. No. 100.74-1-3, 0.07-acres
- 411 Best Street, S.B.L. No. 100.74-1-6, 0.07-acres
- 94 Earl Place, S.B.L. No. 100.74-1-41.3, 0.47-acres
- 120 Earl Place, S.B.L. No. 100.74-1-41.13, 0.16-acres

New Mt. Ararat Temple of Prayer is aware of and acknowledges that Jefferson Gateway LLC (Applicant) will be filing an application to enter the NYS BCP 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.

New Mt. Ararat Temple of Prayer hereby authorizes Jefferson Gateway 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 all activities are completed in accordance with NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,
New Mt. Ararat Temple of Prayer

Dwight E. Brown
Pastor

January 11, 2024

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 (BCP)
Jefferson and Best Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that T.O.P. Enterprises, Inc. owns the following parcel comprising a portion of the above-referenced BCP Site ("Site"):

- 409 Best Street, S.B.L. No. 100.74-1-5, 0.06-acres

T.O.P. Enterprises, Inc. is aware of and acknowledges that Jefferson Gateway LLC (Applicant) will be filing an application to enter the NYS BCP and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Agreement ("BCA") with the NYS Department of Environmental Conservation for environmental investigation and/or remediation of the Site.

T.O.P. Enterprises, Inc. hereby authorizes Jefferson Gateway 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 all activities are completed in accordance with NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,

T.O.P. Enterprises, Inc.

Paula McDonald
President

Jefferson Gateway LLC

NYS Department of Environmental Conservation
Brownfield Cleanup Program (BCP) Site No. C915400

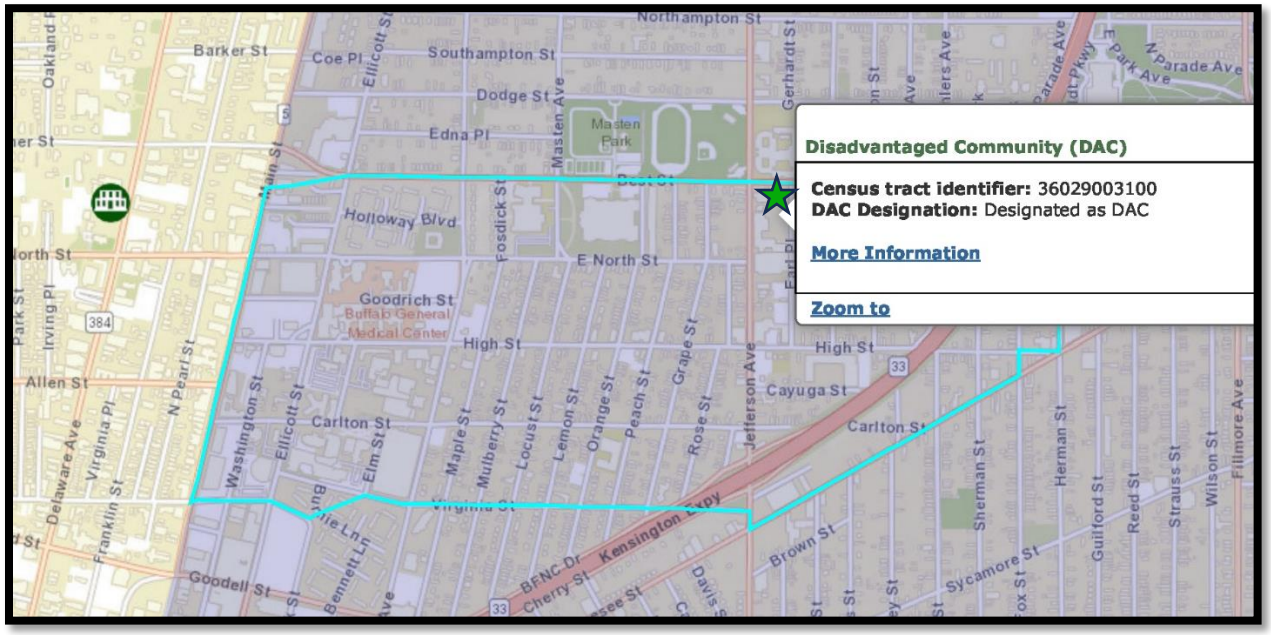
Program Fee Waiver Request

Jefferson Gateway LLC (Jefferson Gateway), requests a waiver of the recently imposed $50,000 program fee should the agency's application to the Brownfield Cleanup Program (BCP) be approved and an Agreement be executed with NYSDEC. Based on the language in the revised guidance initially approved and implement in April 2022, we understand that applicants may seek a waiver of this requirement on demonstration of "financial hardship." To demonstrate hardship, the applicant must demonstrate that "but for the program fee, remediation of the brownfield site would not be economically viable." In evaluating an applicant's hardship request, NYSDEC must consider a number of factors, including: (1) whether the applicant has waived rights to tax credits, (2) whether the site is located in a Disadvantaged Community, (3) whether the site will be developed as an affordable housing project, (4) the assets and income of the applicant, and (5) "other factors deemed relevant." Further, we understand that NYSDEC is in the process of drafting regulations governing the hardship demonstration but, to our knowledge, no detailed guidance has been released to date.

Thus, Jefferson Gateway ("Applicant") have responded to each listed criteria below and has provided backup documentation, as noted.

(1) Whether the applicant has waived rights to tax credits.
No, the Applicants will need to seek tax credits associated with remediation of the brownfield site in order to make the project financing viable.

(2) whether the site is located in a Disadvantaged Community.
Yes, the site is located in a designated disadvantaged community in the Jefferson-Best area of the East Side of Buffalo, New York ("East Buffalo"), the image below shows the site and identifier.



(3) Whether the site will be developed as an affordable housing project.
Yes, this project has been designed to meet the needs of the community where it is located. The rents of the residential units are affordable to individuals with income at or below 60% of the area median income. 100% of residential apartments will be affordable housing units.

(4) Assets and income of the applicant.
The Applicant is dedicated to the revitalization of the Jefferson-Best area and its surrounding communities. Through community involvement with a vision for progression, their goal is to make this neighborhood a must-visit destination for Buffalo, NY; along with a dream live, work, and learning environment for individuals in this area.

Due to regulatory requirements, the cash flow from the affordable residential units will be limited, providing little to no cushion for the project to carry commercial debt. Furthermore, the commercial space, studio space, gallery, and banquet space are vital elements of the project, but are unlikely to net large amounts of cash flow for the building. As a result, commercial debt will be a serious difficulty, and potentially an insurmountable obstacle, for the project to overcome.

A $50,000 fee would consume a large portion of originally budgeted predevelopment costs on a project that is seeing rapid and continued escalation in cost estimates since initially conceived. Any further delay or additional fees to be incurred at this stage will jeopardize the overall project and potentially impact the scope and scale of the facility that is designed to serve some of the neediest and most vulnerable residents in the region. Along with these challenges, payment of the $50,000 application fee entirely forestalls the economic viability of the project site's remediation. However, waiving this fee would enable the project's development team to focus their search on securing capital sources for the site's remediation and project's construction. Waiving the application fee will empower this valuable project to move forward to completion and provide its benefits to the surrounding community.

(5) Other factors deemed relevant.
This project, commonly referred to as TOP Gateway Village (TGV) is a community restoration development project, with a focus to "Build People- Build Community". Located on Jefferson Avenue near the Best Street intersection in the city of Buffalo, NY, this project is designed to improve quality of life, create jobs, generate economic uplift to the area, and introduce programs that spark community involvement for current and future residents.

To get an overview of the areas of importance, the Applicant engaged the communities surrounding the targeted Jefferson/Best site (Fruitbelt, Kingsley, & Masten Park) area to discuss important missing or lacking neighborhood elements with community members. Residents were asked to create a hypothetical wish list, listing things they each would like to see. In subsequent meetings, after gathering the results to establish a focused list of community needs, they asked attendees to list these needs in order of importance. At the top of the list were affordable housing, community services, opportunities for small businesses and maintaining architectural landmarks, which are symbolic of Buffalo. As part of the project, the historic Lion Brewery, dating back to the 1800s, was selected by the community as a component of the redevelopment.

BENCHMARK TURNKEY

June 15, 2023

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

Re: Document Repository for Brownfield Cleanup Program
Jefferson and Best Site
Buffalo, New York

Dear Ms. Tompkins:

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

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

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

Chad M. Schuster
Environmental Scientist

File: B0562-023-002

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

Chad Schuster

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Tuesday, June 20, 2023 3:29 PM
To: Chad Schuster
Subject: RE: Document Repository Request - Jefferson and Best Site
Attachments: Jeff and Best - Document Repository Request.pdf

Good afternoon Chad,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents (and updates) submitted by your company for the Brownfield Cleanup Program at the **Jefferson and Best Site, Buffalo, New York**. 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 via e-mail or by phone at 716-858-7129. Thank you.

Regards,
April

From: Chad Schuster <cschuster@bm-tk.com>
Sent: Thursday, June 15, 2023 2:13 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - Jefferson and Best Site

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

Dear Ms. Tompkins:

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

Sincerely,

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

Benchmark Civil/Environmental Engineering & Geology, PLLC
www.benchmarkturnkey.com
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Phone: (716) 856-0635, *Cell:* (716) 346-2818, *Facsimile: (*716) 856-0583

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