

July 10, 2024

Site Control Section Attn: Len Zinoman New York State Department of Environmental Conservation Bureau of Technical Support 625 Broadway, 11th Floor Albany, NY 12233-7020

Re: Former Gleason's Nursery (NYSDEC Site No. 915407) Comment Response Letter to BCP Application Amherst, NY

Dear Mr. Zinoman,

On behalf of 4780 Sheridan Drive, we are herein responding to the comments from the New York State Department of Environmental Conservation (the Department) on the BCP Application Comment Letter dated July 8, 2024.

Comment 1: Section VII: Requestor Contact Information

• Provide the Requestor's Consultant email address in the space provided on the application form.

Response: The requested information has been provided in Section VII of the application form.

<u>Comment 2</u>: Section IX: Current Property Owner and Operator Information

- Please correct and reconcile the current property ownership throughout the application. Section IX of the application form indicates Rudolph Gleason and Greta Gleason as the current owner. However, the property access agreement provided indicates only Rudolph Gleason as the current owner of the proposed BCP site.
- **Response:** Rudolph Gleason and Greta Gleason are the current owners of 4774 Sheridan Drive and 4780 Sheridan Drive as stated in the application. A revised access agreement has been provided as Exhibit 8 consistent with site ownership.
 - Correct and reconcile the date of current property ownership throughout the application. Section IX of the application form indicates Rudolph Gleason and Greta Gleason have owned the property since June 14, 1974. However, the table provided of Current Property Ownership indicates this owner took ownership on July 16, 2020.
- **Response:** Rudolph Gleason and Greta Gleason are the current owners of 4774 Sheridan Drive since July 16, 2020 and 4780 Sheridan Drive since June 14, 1974 as stated in Appendix A, Section IX. Section IX of the application form has been revised to include the ownership start dates for both parcels.

July 10, 2024 Page 2

• Provide an email address for the current owner in the space provided on the application form.

Response: The requested information has been provided in Section IX of the application form.

 Add at least one more previous owner of each tax parcel to the table provided, as the application requires a list of previous owners.

Response: Previous owners for 4774 Sheridan Drive and 4780 Sheridan Drive have been added to Appendix A, Section IX.

The revised application has been emailed to Len Zinoman; we have selected "yes" on Page 1 to indicate the submittal is a revised application and include the NYSDEC Site code C915407.

Please contact us if you have any questions.

Sincerely,

ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.

Michael Lésakowski Principal Scientist

Attachments

cc: J Vaccaro, NYSDEC G. Scholand, NYSDEC M. Cruden, NYSDEC A Caprio, NYSDEC M. Murphy, NYSDEC M Brady, NYSDEC S. Radon, NYSDEC K. Lewandowski, NYSDEC Robert Savarino, Requestor's Representative Mike Hecker, Requestor's Attorney Chelsea Kanaley, Requestor's Consultant



Brownfield Cleanup Program Application

Former Gleason's Nursery 4774 & 4780 Sheridan Drive BCP Site No. C915407 Amherst, New York

Revised July 2024

Prepared for:

4780 Sheridan Drive LLC 4727 Camp Road Hamburg, NY 14075

Prepared by:

Roux Environmental Engineering and Geology, D.P.C. 2558 Hamburg Turnpike, Suite 300 Buffalo, New York 14218

4649.0001B000

Environmental Consulting & Management +1.800.322.ROUX rouxinc.com

Brownfield Cleanup Program Application Former Gleason's Nursery Table of Contents

Attachment	PDF Page Number
NYSDEC BCP Application Form	Pgs 5 to 18
Appendix A - BCP Application Supporting InformationSection I: Property InformationSection II: Project DescriptionSection III: Land Use FactorsSection IV: Property's Environmental HistorySection V: Requestor InformationSection VI: Requestor Eligibility InformationSection VII: Requestor Contact InformationSection VIII: Program FeeSection IX: Current Property Owner/Operator InformationSection X: Property Eligibility InformationSection X: Contact List Information	Pgs 19 to 41
List of Tables Table 1 – Summary of Subsurface Soil Analytical Results Table 2 – Summary of Sediment Analytical Results Table 3 – Soil Data Summary Table Table 4 – Sediment Data Summary Table	Pgs 42 to 48
List of Figures Figure 1 – Site Location and Vicinity Map Figure 2 – Site Plan (Aerial) Figure 3 – Tax Map Figure 4 – Investigation Locations and Areas of Concern Figure 5 – Zoning Map Figure 6 – Adjacent Property Owners Figure 7 – USDA Soil Type Map Figure 8 – Preliminary Project Schedule	Pgs 49 to 57
Exhibits Exhibit 1 – Erie County Parcel Detail Report Exhibit 2 – Photo Log Exhibit 3 – Preliminary Project Drawing Exhibit 4 – Amherst Town Board Resolution 2023-957 Exhibit 5 – SEQR Negative Declaration Exhibit 6 – NYSDOS Entity Database Printout Exhibit 7 – Organizational Information & Authorization to Sign Exhibit 8 – Access Agreement Exhibit 9 – Document Repository Request & Confirmation	Pgs 58 to 94
Environmental Reports: Environmental Advantage. Focused Environmental Site Assessment; Brief Summary Letter Report, 4780 Sheridan Drive, Amherst, NY. August 17, 2021. Environmental Advantage. Focused Phase II Environmental Site Assessment; Commercial Property, 4780 Sheridan Drive, Amherst, NY. July 15, 2022.	(included as separate PDF files in the submittal folder)



BROWNFIELD CLEANUP PROGRAM (BCP) Environmental 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: Former Gleason's Nursery		
Is this an application to amend an existing BCA with a major modification? I application instructions for further guidance related to BCA amendments. If yes, provide existing site number:	Please refer to	
Is this a revised submission of an incomplete application? If yes, provide existing site number: <u>C915407</u>	• Yes	◯ No



Conservation

Department of BROWNFIELD CLEANUP PROGRAM (BCP) Environmental APPLICATION FORM

BCP App Rev 15 – May 2023

SECTION I: Property Information										
PROP	OSED SIT	E NAME Form	ner Gleason	's Nurs	ery					
ADDR	RESS/LOC/	ATION 4774	& 4780 She	ridan D	rive					
CITY/	TOWNAr	nherst				ZIP	CODE 1	4221		
MUNI	CIPALITY	(LIST ALL IF MOI	RE THAN ONE) TC	own of A	\mh	ers	st			
COUN	^{NTY} Erie	!				SIT	E SIZE (A	CRES)5	.08	
LATIT				LONGITUE	DE					
42	o	58	" 46.24	-78	0	45		' 24.5′	1	"
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.						9				
		Parcel A			Sec		Block	Lot	Acre	
		4774 Sheri	dan Drive		68.	12	1	10	0.6	38
		4780 Sheri	dan drive		68.	12	1	11	4.4	10
description. See Exhibit 1, Figure 3							N) ()) ()) ()			
 Is the project located within a disadvantaged community? See application instructions for additional information. 					С					
5.	Is the pro	ject located withir	n a NYS Department on instructions for a	t of State (NY			ownfield (Opportuni	ty C	
6.	ls this ap developm	plication one of m nent spans more t entify names of pro	ultiple applications for han 25 acres (see a operties and site nur	or a large de dditional crite	velopr eria in	nent appli	cation inst	tructions)'	? C	

SECTI	ON 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 propert application?	\bigcirc	\odot
8	the site subject to the present application? Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27,		
0.	Title 5 of ECL Article 56, or Article 12 of Navigation Law?	\bigcirc	$ \odot$
	If yes, attach relevant supporting documentation.		
9.	Are there any lands under water?	\bigcirc	
10	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?	\bigcirc	\mathbf{O}
11	If yes, please provide the DEC site number: Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2,	$\overline{\bigcirc}$	$\overline{)}$
	3, or 4) or identified as a Potential Site (Class P)?	\bigcirc	$ \bigcirc$
	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.	0	ullet
	Easement/Right-of-Way Holder Description		
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	0	•
14.	Property Description and Environmental Assessment – please refer to the application	\bigcirc	\bigcirc
	instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? See Appendix A, Se		
Noto:	Questions 15 through 17 below pertain ONLY to proposed sites located within the five co		
	ising New York City. Not Applicable	untit	,3
	Is the Requestor seeking a determination that the site is eligible for tangible property tax	Υ	Ν
	credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	0	0
16.	Is the Requestor now, or will the Requestor in the future, seek a determination that the	\bigcirc	\bigcap
	property is Upside Down?	\cup	\bigcirc
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?	0	0
applica	: If a tangible property tax credit determination is not being requested at the time of application, t ant may seek this determination at any time before issuance of a Certificate of Completion by usi mendment Application, except for sites seeking eligibility under the underutilized category.		ıe
Reque	changes to Section I are required prior to application approval, a new page, initialed by ea stor, must be submitted with the application revisions. of each Requestor: 	3ch	

SECT	ION II: Project Description		
1.	The project will be starting at: Investigation Remediation		
Repor Reme	: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Invest t (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Anal dial Action Work Plan (RAWP) are also included (see <u>DER-10, Technical Guidance for Site</u> igation and Remediation for further guidance), then a 45-day public comment period is requir	lysis a	
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 V No		
4.	Please provide a short description of the overall project development, including the date that remedial program is to begin, and the date by which a Certificate of Completion is expected issued.		
	Is this information attached? Ves O No See Figure 8		
SECT	ION III: Land Use Factors		
1.	What is the property's current municipal zoning designation? R-3 (Residential District 3)		
	What uses are allowed by the property's current zoning (select all that apply)? See Figure	5	
	Residential Commercial Industrial		
3.	Current use (select all that apply):		
	Residential Commercial Industrial Recreational Vacant 🗸		
4.	Please provide a summary of current business operations or uses, with an emphasis on	Υ	Ν
	identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.	\bigcirc	\bigcirc
	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?	\odot	\bigcirc
6.	Please provide a statement detailing the specific proposed post-remediation use.		$\overline{\bigcirc}$
7.	Is this summary attached? Is the proposed post-remediation use a renewable energy facility?	$\overline{\mathbf{O}}$	\bigcirc
1.	See application instructions for additional information.	\bigcirc	ullet
8.	Do current and/or recent development patterns support the proposed use?	\bigcirc	\bigcirc
9.	Is the proposed use consistent with applicable zoning laws/maps?		$\overline{\bigcirc}$
10	Please provide a brief explanation. Include additional documentation if necessary. . Is the proposed use consistent with applicable comprehensive community master plans,	$\overline{)}$	\bigcirc
	local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	\odot	Ο
	³ See Appendix A, Se	ction	

See	Ap	pend	lix .	A,	Se

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:

 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 (<u>ASTM</u> <u>E1903</u>). 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					
Petroleum					
Chlorinated Solvents					
Other VOCs					
SVOCs	\checkmark				
Metals	\checkmark				
Pesticides	\checkmark				
PCBs					
PFAS					
1,4-dioxane					
Other – indicated below					
*Please describe other known contaminants and the	media affecte	d:			
 3. For each impacted medium above, include a site drawing indicating: Sample location Date of sampling event Key contaminants and concentration detected For soil, highlight exceedances of reasonably anticipated use For groundwater, highlight exceedances of 6 NYCRR part 703.5 For soil gas/soil vapor/indoor air, refer to the NYS Department of Health matrix and highlight exceedances that require mitigation 					

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

Are the required drawings inclu	ded with this applicatior	1? See Figure 4	es Ono		
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: The Site has been used as a commercial nursery since in the 1970s until the current owners shut down operations approximately 4 years ago. Site use also included on-site heavy equipment repair and maintenance.					

SECTION V: Requestor Information				
NAME 4780 Sheridan Drive LLC				
ADDRESS4727 Camp Road				
CITY/TOWN Hamburg	STATE NY	ZIP CODE 14075	5	
PHONE (716) 908-8322 EMAIL ro	pert.savarino@ccim.net	•		
			Υ	Ν
1. Is the requestor authorized to conduct business in New York State (NYS)?			$oldsymbol{igo}$	\bigcirc
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 <u>NYS Department of State's Corporation & Business Entity Database.</u> 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?			•	0
 If the requestor is an LLC, a list of the n separate attachment. Is this attached? 	mes of the members/owners is See Exhibit 7	required on a N/A O	0	\bigcirc
 Individuals that will be certifying BCP do the requirements of Section 1.5 of <u>DER</u> <u>Remediation</u> and Article 145 of New Yo be certifying documents meet these req Documents that are not properly cert 	<u>10: Technical Guidance for Site</u> k State Education Law. Do all ir iirements?	Investigation and ndividuals that will		0

SECT	ON VI: Requestor Eligibility		
	vering "yes" to any of the following questions, please provide appropriate explanation and/or nentation as an attachment.		
		Υ	Ν
1.	Are any enforcement actions pending against the requestor regarding this site?	\bigcirc	\bigcirc
2.	Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	Õ	\overline{ullet}
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.	0	$\textcircled{\bullet}$
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?	0	$oldsymbol{eta}$
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.	0	$oldsymbol{ightarrow}$
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?	0	ullet

SECTION VI: Requestor Eligibility (CONTINUED)				
7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing,	Y	Ν		
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?	0	$\textcircled{\bullet}$		
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?	0	$oldsymbol{O}$		
11. Are there any unregistered bulk storage tanks on-site which require registration?	\bigcirc	\bigcirc		
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLU IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:	JNTE	ER		
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. NOTE: By selecting this option, a requestor he/she has exercised appropriate care with to the hazardous waste for dimit human, environmen natural resource exposure to any previously hazardous waste. If a requestor whose liability arises solel you should be considered a volunteer – specific as to the appropriate care taken 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 13. If the requestor is a volunteer, is a statement describing why the requestor should be considered 14. If the requestor is a volunteer, is a statement describing why the requestor should be considered 15. If the requestor is a volunteer, is a statement describing why the requestor should be considered 15. If the requestor is a volunteer, is a statement describing why the requestor should be considered 15. If the requestor is a volunteer is a volunteer is a volunteer is a volunteer is a vol	whos p, tifies respe by tal e relea ntal or relea y as a blvem ing w	ite r se that ect king ase; ased ased a ent /hy		
volunteer attached?				
Yes No N/A N/A	V 1			

SECTION VI: Requestor Eligibility (CONTINUED)				
14. Requestor relationship to the p	property (check one	e; if multiple app	olicants, check all	that apply):	
Previous Owner Current	Owner Pote	ential/Future Pur	chaser Ot	her:	
If the requestor is not the current own provided. Proof must show that the rethroughout the BCP project, including	equestor will have	access to the pr	operty before sig	ning the BCA and	
Is this proof attached?	• Yes	O No	🔘 N/A	See Exhibit 8	
Note: A purchase contract or lease agreement does not suffice as proof of site access.					

SECTION VII: Requestor Contact Information				
REQUESTOR'S REPRESENTATIVE	Andrew Romand	owski c/o Robert Sa	avarino	
ADDRESS 4727 Camp Road				
CITYHamburg		STATE NY	ZIP CODE 14075	
PHONE (716) 908-8322	EMAIL robert.sa	/arino@ccim.net		
REQUESTOR'S CONSULTANT (COI	NTACT NAME) Mich	nael Lesakowski		
COMPANY Roux Environmental Engineering and Geology, D.P.C.				
ADDRESS 2558 Hamburg Turnpike, Suite 300				
CITY Buffalo STATE NY ZIP CODE 14218				
PHONE (716) 856-0599	EMAIL mlesakowski@rouxinc.com			
REQUESTOR'S ATTORNEY (CONTACT NAME) Michael J. Hecker				
COMPANY Hodgson Russ LLP				
ADDRESS 140 Pearl Street, Suite 100				
CITY Buffalo STATE NY ZIP CODE 14202			ZIP CODE 14202	
PHONE (716) 848-1599 EMAIL mhecker@hodgsonruss.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 ba	ased	on		
demonstration of financial hardship.				
	Υ	Ν		
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?	\bigcirc			
	\cup	\mathbf{U}		
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with				
the application. See application instructions for additional information.				
	\cap	\cap		
Is the appropriate documentation included with this application? N/A 🛡	\cup	\cup		

SECTION IX: Current Property Owner and Operator Information					
CURRENT OWNER Rudolph Glea	ason and Greta G	Bleason			
CONTACT NAME Diane Wolf, Po	wer of Attorney f	or Rudolph and G	reta Gleason		
ADDRESS 4780 Sheridan Drive					
CITYAmherst	CITY Amherst STATE NY ZIP CODE 14221				
PHONE (716) 741-2180	EMAIL kndwolf@verizon.net				
OWNERSHIP START DATE 4774 Sheridan Drive - July 16, 2020 / 4780 Sheridan Drive - June 14, 1974					
CURRENT OPERATOR Same as Owner					
CONTACT NAME					
ADDRESS					
CITY		STATE	ZIP CODE		
PHONE	EMAIL				
OPERATION START DATE					

SECTION X: Property Eligibility Information			
		Y	Ν
 Is/was the property, or any portion of the property, listed on the lf yes, please provide additional information as an attachmen 		С	$oldsymbol{O}$
 Is/was the property, or any portion of the property, listed on the Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: 	he NYS Registry of Inactive Class:	С	$\textcircled{\bullet}$

SECTIO	ON X: Property Eligibility Information (continued)		
3.	Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim	Υ	Ν
	Status facility?	\cap	
	If yes, please provide:	\cup	$\mathbf{\Theta}$
	Permit Type: EPA ID Number:		
	Date Permit Issued: Permit Expiration Date:		
	If the answer to question 2 or 3 above is <i>YES</i> , 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.	0	0
	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:	0	$ \bullet $
	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.	0	

SECTION XI: Site Contact List

See Appendix A, Section XI

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

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

SECTION XII: Statement of Certification and Signatures

(By a requestor other than an individual)

I hereby affirm that I am <u>Sole Member</u> (title) of <u>4780 Sheridan Drive LLC</u> (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 <u>DER-32</u>, <u>Brownfield Cleanup Program Applications and Agreements</u>; 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: 6/19/24

Signature:

Print Name: Andrew Romanowski

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

Not Applicable

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

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

BCP App Rev 15

Please respond to the questions below and provide additional information and/or documentation as required. <i>Please refer to the application instructions.</i>	Y	Ν
1. Is the property located in Bronx, Kings, New York, Queens or Richmond County?	\bigcirc	\bigcirc
Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	0	\bigcirc
 Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? 	Ο	\bigcirc
4. Is the property upside down or underutilized as defined below?		
Upside down	\bigcirc	\bigcirc
Underutilized	\bigcirc	\bigcirc

From ECL 27-1405(31):

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

From 6 NYCRR 375-3.2(I) as of August 12, 2016 (Please note: Eligibility determination for the underutilized category can only be made at the time of application): 375-3.2:

- (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and
 - (1) the proposed use is at least 75 percent for industrial uses; or
 - (2) at which:
 - (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;
 - (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and
 - (iii) one or more of the following conditions exists, as certified by the applicant:
 - (a) property tax payments have been in arrears for at least five years immediately prior to the application;
 - (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or
 - (c) there are no structures.

"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.

Not Applicable
FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)
5. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the New York City Department of Housing, Preservation and Development; the New York State Housing Trust Fund Corporation; the New York State Department of Housing and Community Renewal; or the New York State Housing Finance Agency, though other entities may be acceptable pending Department review). Check appropriate box below:
O Project is an Affordable Housing Project – regulatory agreement attached
Project is planned as Affordable Housing, but agreement is not yet available* *Selecting this option will result in a "pending" status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
O This is not an Affordable Housing Project
From 6 NYCRR 375-3.2(a) as of August 12, 2016:
(a) "Affordable housing project" means, for purposes of this part, title fourteen of article twenty-seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.
(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants' household's annual gross income.
(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency's affordable housing program, or a local government's regulatory agreement or legally binding restriction, which sets affordable units aside for homeowners at a defined maximum percentage of the area median income.
(3) "Area median income" means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

Not Applicable

Г

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY (continued)
6. Is the site a planned renewable energy facility site as defined below?
Yes – planned renewable energy facility site with documentation
Pending – planned renewable energy facility awaiting documentation *Selecting this option will result in a "pending" status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
No – not a planned renewable energy facility site
If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.
From ECL 27-1405(33) as of April 9, 2022:
"Renewable energy facility site" shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.
From Public Service Law Article 4 Section 66-p as of April 23, 2021:
(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.
7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine- hundred-seventy-r of the general municipal law?
Yes - *Selecting this option will result in a "pending" status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
No
From ECL 75-0111 as of April 9, 2022:
(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

Brownfield Cleanup Program Application Former Gleason's Nursery

APPENDIX A

Section I – Property Information

Parcel Description

The Former Gleason's Nursery Site (hereinafter, the "Site"), subject to this Brownfield Cleanup Program (BCP) application, is located in a highly developed residential area in the Town of Amherst, Erie County, New York. The 5.08-acre Site consists of two parcels as summarized below (see Figures 1 and 2):

Parcel Address	SBL No.	Acreage
4774 Sheridan Drive	68.12-1-10	0.68
4780 Sheridan Drive	68.12-1-11	4.40

A drawing of the tax map for 4774 Sheridan Drive, 4780 Sheridan Drive, and the surrounding area is provided as Figure 3. The proposed BCP Site contains the entirety of two existing parcels. Therefore, the boundaries of the BCP site correspond with the tax boundaries of the parcels. The Erie County parcel detail reports for 4774 Sheridan Drive and 4780 Sheridan Drive are attached as Exhibit 1.

The Applicant, 4780 Sheridan Drive LLC, does not own the Site. It is currently privately owned by Rudolph and Greta Gleason, who formerly operated the Site as Gleason's Nursery. Additional Owner/Applicant information is provided in Sections V through IX.

EN-Zone – The Site is not located within an EN-Zone according to New York State Department of Environmental Conservation (NYSDEC) Environmental Zone (EN-Zone) mapping.

Disadvantaged Communities – The Site is not located within a Disadvantaged Community according to the NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map.

Brownfield Opportunity Areas (BOA) – The Site is not located within a BOA according to the NYS Department of State (DOS) Brownfield Redevelopment website.

Hazardous Waste Disposal Site- 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

4780 Sheridan Drive LLC is not aware of any formal enforcement action, or civil, judicial, or administrative enforcement cases in connection with the Site. In addition, based on information gathered to date, there are no institutional controls recorded for the Site. Utilities are located in the right-of-way along Sheridan Drive. The Site has access to municipal sanitary sewer, electric, natural-gas, and public water systems.

Location

The Site is located in a suburban area, north of Sheridan Drive between Fleetwood Terrace and Jordan Road in the Town of Amherst, New York. The Site sits within a highly developed residential area of the Town of Amherst. The Site is bordered by residential properties to the north, east, and west, and Sheridan Drive to the south.

Site Features

The 4774 Sheridan Drive parcel is improved with one vacant residential structure (Building 1) and an unattached garage (Building 2). Discarded chemical and containers were noted on the exterior of the garage. The remaining area is covered with an asphalt paved driveway and vegetated areas, included former growing areas.

The 4780 Sheridan Drive parcel is improved with one vacant residential structure (Building 3), a shed (Building 4), and two unattached storage and repair garages (Buildings 5 and 6). Building 6 is a large repair garage used for storage of equipment and materials used by the former nursery. Based on the numerous containers of regulated/hazardous materials, chemicals, petroleum products, and open container of waste oil, this garage was used for heavy equipment repair and maintenance. Of note, two floor drains with discharge pipes discharging in a western direction toward an apparent septic leach field were noted within this building proximate to regulated/hazardous materials storage. Further, the garage floor showed visual evidence of apparent oil staining, likely associated with heavy equipment repair. The exterior of the garage contained discarded containers, including an open (uncovered) container that appeared to be waste hydraulic oil based on its red hue.

Vegetated areas at both parcels include grass, landscaped areas, and former planting areas. An apparent septic leach field was identified in the western portion of the 4780 Sheridan Drive parcel and several manholes were identified leading from the residential structure and/or garages toward the leach field (see Figure 4 and Photo Log).

Current Zoning and Land Use

The current zoning for the Site is R-3 (Residential District 3), which allows for low-density, single-family, detached residential development (see Figure 5). The redevelopment plan consists of construction of 11 twostory, two-unit townhouses with attached garages, a private drive, stormwater management areas, and associated greenspace/landscaping. The Amherst Town Board voted to approve rezoning of the Site to R-4 (Residential District 4), which allows for attached dwellings, to allow for the construction of two-unit townhomes. Therefore, the project's proposed redevelopment is consistent with the planned Site zoning, as approved by the Town of Amherst, as further discussed in Section III.

The Site is currently developed with two small vacant structures, three garages, a shed, asphalt pavement, and vegetated areas (including former planting and landscaped areas). The surrounding parcels are as follows:

- north residential properties;
- south residential properties and Sheridan Drive;
- east residential properties; and
- west residential properties.

Figure 6 identifies the adjacent property owners.

Past Uses of the Site

The Site was originally developed for residential purposes in 1930. The residential structure at 4780 Sheridan Drive was built 1930 and the residential structure at 4774 Sheridan Drive was built in 1955. The Site was

converted into a landscaping nursery in the 1950s and was used as such until the current owners shut down operations in approximately 2020. The nursery provided commercial and residential landscaping services, which included the use of pesticides, herbicides, and heavy equipment.

Although nursery operations were shut down in approximately 2020, equipment, materials, and construction vehicles associated with the former nursery remain at the Site (see Exhibit 2).

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards 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 Schoharie silt loam (SaA) and Urban land-Odessa complex, 0 to 3 percent slopes (Ut) (see Figure 7). Schoharie silt loam is characterized as a moderately well drained glaciolacustrine silty loam/clay soil with 0 to 3 percent slopes. The Schoharie silt loam consists of 85 percent Schoharie soils and 15 percent minor components. The Odessa complex is characterized as a somewhat poorly drained glaciolacustrine silty loam/clay soil with 0 to 3 percent slopes. Urban land is characterized as 80 percent urban land and 20 percent minor components. Soils within and in the vicinity of the City of Buffalo with the majority of soil surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment, are characterized as urban land. The Urban land-Odessa complex consists of 60 percent urban soils, 25 percent Odessa soils, and 15 percent minor components.

Subsurface soil at the Site generally consists of light to dark brown organic silty sand with clay between 1 and 2 feet below ground surface (fbgs). The amount of organic material present in the soil varies across the Site, with the highest amounts of organic material observed in former planning areas. A septic leach field, which generally consisted of 6 inches of topsoil overlying 6 inches of stone with silty clay and at least 2.5 ft of coarse sand was identified in the western portion of the 4780 Sheridan Drive parcel.

Groundwater flow is likely south or west toward Ellicott Creek, located 650 ft south of the Site and 0.4 miles west of the Site. Regional groundwater flow is likely west/northwest toward the Niagara River. Locally, groundwater may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions. Monitoring wells will be installed during the Remedial Investigation to assess groundwater flow and quality.

Environmental Assessment

Environmental impacts at the Site resulted from the past use of the Site as a commercial landscaping nursery. The former use of the Site has resulted in elevated concentrations of pesticides in former planting areas and elevated concentrations of metals and PAHs due to the use of mechanical equipment during nursery operations. A septic system was identified at the Site and a septic leach field was identified on the western portion of the 4780 Sheridan Drive parcel. Two floor drains filled with sediment with elevated metals and/or PAHs were identified in Building 6, a large repair garage associated with former nursery activities. The drainage pipes from the floor drains appear to lead in the direction of the septic leach field; the Site is not currently connected to the municipal sewer system. Materials and equipment associated with nursery activities remain on Site. Heavy equipment (i.e. trucks, loaders, etc.) were identified abandoned throughout the Site and inside Building 6. An uncovered 5-gallon bucket and small metal can filled with a petroleum-like substance, assumed to be waste hydraulic oil, were identified outside the northeast corner of Building 6.

Chemicals including commercial pesticide and herbicide sprays, unknown black liquid in a five-gallon bucket (likely waste oil), rubberized driveway sealer, anti-freeze coolant, air canisters, engine oil, paint, concrete mix, chlorine tablets, power steering fluid, spray paint, engine degreaser, and silicone lubricant were identified inside Building 6 (see Figure 4 and Exhibit 2).

Soil – Black staining, petroleum odors, and a PID measurement of 60 ppm were identified in soil underlying the five-gallon bucket outside the northeast corner of Building 6, indicating the presence of Grossly Contaminated Material (GCM) due to apparent overflow of material from the uncovered containers.

Laboratory analytical results indicate soil exceeding Unrestricted SCOs (USCOs), Residential SCOs (RSCOs), Restricted-Residential SCOs (RRSCOs), Commercial SCOs (CSCOs), and Industrial SCOs (ISCOs) for SVOCs, specifically PAHs, and metals including arsenic, chromium, lead, mercury, and silver across the Site. The Site redevelopment plan will include single-family residential townhomes, therefore RSCOs are applicable to the Site. However, the Town of Amherst has mandated that a Track 1 Unrestricted Cleanup as part of the Site's redevelopment plan; therefore, USCO exceedances have also been considered. Analytical results are presented in the data tables and on Figure 4.

PAHs were detected exceeding RSCOs, RRSCOs, and ISCOs in soil collected from the Site at HA-5 (0-6 in) and HA-8 (0-6 in), collected in the southwest portion of the Site. HA-5 was collected from soil/fill adjacent to Building 2 and HA-8 was collected near the southern boundary. Specifically, benzo(a)anthracene was detected exceeding its RRSCO (1 mg/kg) at both locations, benzo(a)pyrene was detected exceeding its ISCO (1.1 mg/kg) at both locations, benzo(b)fluoranthene was detected exceeding its RRSCO (1 mg/kg) at both locations, benzo(k)fluoranthene was detected exceeding its RSCO (1 mg/kg) at both locations, benzo(a,h)was detected exceeding its RRSCO (0.33 mg/kg) at HA-5, and indeno(1,2,3-cd)pyrene was detected exceeding its RRSCO (0.5 mg/kg) at both locations.

Grossly contaminated soil collected from HA-20 was analyzed for PAHs, however, the sample needed to be significantly diluted in the laboratory in order to be run due to high matrix interference. As a result, PAH concentrations were mostly reported non-detect, but at very high detection levels above RSCOs, apparently due to the petroleum in the sample. Because the presence of petroleum like-material noted in the soil in the field screening, it did not seem reasonable that the soil sample from HA-20 was "clean". Therefore, to confirm the presence/absence of contamination in the sample, the sample was rerun for Total Petroleum Hydrocarbons (TPH), diesel range organics (DRO). The DRO concentration for this sample was 34,000 mg/kg, confirming the presence of a high concentration of petroleum hydrocarbons in the sample.

Metals including arsenic, chromium, lead, and mercury were detected exceeding USCOs, RSCOs, and ISCOs in soil collected from five locations collected in the north, central, and southern portions of the Site, including SS-011 (0-12 in), HA-5 (0-6 in), HA-7 (0-6 in), HA-8 (0-6 in), and HA-12 (0-6 in). Metals detected exceeding at least RSCOs include the following:

- Arsenic was detected exceeding its ISCO (16 mg/kg) at HA-7 (18.4 mg/kg), collected near the southern boundary, and HA-12 (24.4 mg/kg), collected north of Building 6 in a former planting/storage area.
- Chromium was detected exceeding its RSCO (36 mg/kg) at HA-7 (44.2 mg/kg) and HA-8 (41.6 mg/kg), both collected near the southern boundary.
- Mercury was detected exceeding its USCO (0.18 mg/kg) at HA-5 (0.18 mg/kg), collected from soil adjacent to Building 2, and HA-7 (0.48 mg/kg), collected near the southern boundary.

Pesticides including 4,4'-DDE, 4,4'-DDT, and dieldrin were detected exceeding USCOs, RSCO, and RRSCOs, and CSCOs from numerous locations, including SS-006 (0-12 in), SS-012 (0-12 in), SS-020 (0-12 in), SS-025 (0-12 in), and DS-001 (0-2 ft), MS-050 (0-6 in), MS-051 (6-12 in), MS-052 (0-6 in), MS-053 (0-6 in), MS-054 (0-6 in), MS-055 (6-12 in), MS-056 (0-6 in), MS-057 (6-12 in), MS-058 (0-6 in), MS-059 (0-6 in), MS-060 (0-6 in), MS-061 (0-6 in), MS-062 (0-6 in), MS-063 (0-6 in), MS-064 (0-6 in), MS-065 (6-12 in), HA-1 (0-6 in), HA-5 (0-6 in), HA-12 (0-6 in), and HA-15 (0-6 in). Pesticides detected exceeding at least RSCOs include the following:

Dieldrin was detected exceeding its RSCO (0.039 mg/kg), RRSCO (0.2 mg/kg), or CSCO (1.4 mg/kg) at 11 sample locations collected from the northern and southern former planting areas. The highest concentration of dieldrin were detected at MS-059 (1.7 mg/kg), MS-058 (0.772 mg/kg), and MS-063 (0.704 mg/kg), which were all collected in the large planting area located in the northern area of the Site.

Sediment – Laboratory analytical results indicate sediment samples collected from the floor drains inside Building 6 (SED-2 and SED-3), the concrete rinsing pit located north of Building 6 (SED-1), and a broken metal drum filled with cinders and ash (SED-4) were detected at concentrations exceeding USCOs, RSCOs, RRSCOs, and ISCOs for PAHs and metals.

One PAH, benzo(b)floranthene, was detected exceeding its RRSCO (1 mg/kg) at SED-2 (1.1 mg/kg).

Metals, including arsenic, chromium, and silver were detected exceeding USCOs, RSCOs, and ISCOs at SED-1, SED-2, SED-3, and SED-4. Metals exceeding at least RSCOs include the following:

- Arsenic was dectected exceeding its ISCO (16 mg/kg) at SED-1 (18.4 mg/kg) and SED-3 (21.1 mg/kg).
- Chromium was detected exceeding its RSCO (36 mg/kg) at SED-2 (59.6 mg/kg) and SED-3 (46.6 mg/kg).

It should be noted that the materials within drainage structures do not appear to discharge to a municipal sanitary sewer and either enter the subsurface directly or may discharge to the septic leach field.

Previous investigation reports (Phase II reports) completed by others are provided electronically and are discussed in Section IV. Analytical results are summarized in Tables 1 and 2.

Section II – Project Description

4780 Sheridan Drive LLC, 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 eligibility acceptance into the program as a Volunteer.

Upon acceptance into the BCP, 4780 Sheridan Drive LLC will submit a Remedial Investigation Work Plan (RIWP) in October/November 2024 for NYSDEC review and public comment. Upon acceptance of the RIWP, 4780 Sheridan Drive LLC is prepared to complete Remedial Investigation (RI) field activities in March/April 2025 and submit an RI Report in May/June 2025. A Remedial Action Work Plan (RAWP) would be submitted in Summer/Fall 2025 and remedial activities would be completed in Winter/Spring of 2025/2026 in anticipation of the Certificate of Completion in December 2027. Redevelopment activities would begin in Spring/Summer 2026 and be completed by 2027. A preliminary project schedule is shown on Figure 8.

The Volunteer plans to redevelop the entire ±5.08-acre Site with eleven two-story townhouses with attached garages, a private drive, stormwater management areas, and associated green-space/landscaping. The structures currently on the Site will be removed. The Project will result in the remediation and redevelopment of an underutilized and environmentally impacted Site within a highly developed residential area in the Town of Amherst, New York. A drawing of the anticipated redevelopment plan is included as Exhibit 3.

Section III – Land Use Factors

Zoning and Current Use

The Amherst Town Board voted on February 5, 2024 to approve rezoning of the site to R-4 (Residential District 4) to allow for the construction of two-unit attached townhouses. The Resolution to amend the zoning (Resolution 2023-957) was approved on the condition that the project site's contaminated soil would be remediated to Track 1 Unrestricted standards in accordance with the NYS BCP (see Exhibit 4, condition No. 3). Exhibit 4 also indicates that the requirements of the NYSDEC State Environmental Quality Review (SEQR) Act were completed for the Site. The SEQR Negative Declaration indicating the proposed Site plan will not have a significant adverse effect on the environment is included as Exhibit 5.

The Site consists primarily of vacant, underutilized land in a highly developed residential area in the Town of Amherst. The Site became vacant in approximately 2020 when Gleason's Nursery shut down operations. Two vacant buildings, three garages, and one shed remain at the Site. The remaining area of the Site is covered with grass areas, landscaped areas, former planting areas, and asphalt pavement. PAHs, pesticides, metals, and grossly contaminated material have been identified in site soil.

Anticipated Use

The Volunteer plans to redevelop the entire 5.08-acre property with 11 two-story, two-unit townhouses with attached garages, a private drive, stormwater management areas, and associated greenspace/landscaping. The Town of Amherst Planning Board indicated that the proposed zoning (R-4) is consistent with the Bicentennial Comprehensive Plan as the planned redevelopment project will result in low-intensity residential use while allowing for environmental remediation to address remaining impacts resulting from the former Site use as a landscaping nursery.

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

Section IV – Property's Environmental History

A summary of the previous environmental investigation findings at the Site are provided below. Investigation locations and associated analytical results are provided on Figure 4. Summaries of soil and sediment analytical results exceeding the SCOs applicable for the intended reuse of the Site (RSCOs) are provided as Tables 3 and 4 along with the maximum detections and the depth of detection. Electronic copies of the previous investigation reports are provided.

Focused Environmental Site Assessment (August 2021)

Environmental Advantage (EA) completed a Focused Environmental Site Assessment (ESA) in August 2021 at the parcel addressed at 4780 Sheridan Drive. The investigation consisted of completion of 27 manual test pits completed in the northern and southern areas of the parcel. A grab sample representing a depth of 0 to 12 inches below ground surface was collected from each location (SS-001 through SS-026) with the exception of DS-001, which was collected from 0 to 24 inches below ground surface. Results of the investigation are summarized below:

- Subsurface conditions generally consisted of brown silt mixed with fine to coarse sand and trace gravel.
- A slight odor and a PID reading of 12 ppm was identified at SS-012. No visual impacts were noted.
- SVOCs were non-detect at the one location sampled (SS-012).
- Arsenic, copper, and lead were detected at all 27 sample locations. Lead was detected above its USCO (63 mg/kg) at one location, SS-011 (80.3 mg/kg).
- Pesticides were detected at the five sample locations analyzed for pesticides (SS-006, SS-012, SS-020, SS-025, and DS-001). 4,4'-DDE, 4,4'-DDT, and/or dieldrin were detected exceeding USCOs at 4 of the 5 locations (SS-006, SS-012, SS-025, and DS-001) and dieldrin was detected exceeding its RRSCO (0.2 mg/kg) at one location, SS-020 (0.35 mg/kg).

Focused Phase II Environmental Site Assessment (July 2022)

EA completed a Focused Phase II Environmental Site Assessment in July 2022 to follow up on results achieved during the initial focused ESA in August 2021. The investigation consisted of completion of 16 manual test pits in the areas of the samples collected during the initial investigation to attempt to delineate areas of concern. A grab sample representing a depth of 0 to 6 inches below ground surface or 6 to 12 inches below ground surface was collected from each location (MS-050 through MS-065). The 16 samples were analyzed for pesticides. Results of the investigation are summarized below:

- Subsurface conditions generally consisted of brown silt mixed with fine to medium sand and trace gravel.
- Pesticides were detected at all 16 sample locations analyzed for pesticides. 4,4,'-DDE, 4,4'-DDT, and/or dieldrin were detected above USCOs at all 16 locations. Dieldrin was detected exceeding its RSCO (0.039 mg/kg) at six locations (MS-052 0-6", MS-054 0-6", MS-056 6-12", MS-060 0-6", MS-061 0-6", MS-065 6-12") and above its RRSCO (0.2 mg/kg) at four locations (MS-058 0-6", MS-059 0-6", MS-063 0-6", MS-065 0-6").

Additional Investigation (April/May 2024)

Roux completed additional investigation activities in April and May 2024. These investigation activities consisted of completion of 20 shallow soil borings using a hand auger (HA-1 through HA-20), collection of sediment/waste samples at notable locations identified at the 4780 Sheridan Drive parcel, and collection of water samples. Soil, sediment/waste, and water samples were analyzed for PAHs, pesticides, and/or metals. Soil/fill from one hand auger location (HA-20) was analyzed for Diesel Range Organics (DRO). Results of this investigation are summarized below:

- A site walkthrough was completed prior to the start of investigation activities. A photo log was completed and is provided in Exhibit 3. The following observations were noted:
 - One five-gallon bucket and one smaller approx. 1-gallon can, each half filled with an unknown, petroleum-type material with a strong petroleum odor, were identified at the exterior northeast corner of the large garage on the 4780 Sheridan Drive parcel. Both containers were uncovered, suggesting overflow and spillage onto surrounding soils likely has occurred.
 - A septic leach field was observed in the western portion of the 4780 Sheridan Drive parcel.
 Several manholes were observed leading from the house and/or garages to the leach field.
 - A pile of soil/fill was identified in the northern portion of the site. The pile was partially covered.
 No PIDs or visual/olfactory observations were noted, however the origin is unknown.
 - A broken, uncovered, metal drum was noted in the northern portion of the site partially filled with ash, cinders, and other fill material. The use for this drum is unknown.
 - Several construction vehicles were identified across the site, apparently associated with the former nursery.
 - An apparent rinse area was identified north of the large garage, with a drain likely connected to observed manholes leading toward leach field. The rinse pit was partially filled with sediment and water.
 - The large storage/repair garage is currently filled with equipment and materials associated with former nursery. Two floor drains filled with sediment were identified in the large garage.
 - Commercial pesticide and herbicide sprays, unknown black liquid in a five-gallon bucket, rubberized driveway sealer, anti-freeze coolant, air canisters, engine oil, paint, concrete mix, chlorine tablets, power steering fluid, spray paint, engine degreaser, and silicone lubricant.
- Subsurface soil generally consisted of light to dark brown organic silty sand with clay (topsoil). The
 amount of organic material present varied across the Site, and was highest in former planting areas.
 HA-10 and HA-11 were collected in a septic leach field, which generally consisted of 6 inches of topsoil
 overlying 6 inches of stone with silty clay and at least 2.5 ft of coarse sand.
- Petroleum odors, sheen, and a PID measurement of 60 ppm were identified at HA-20, collected from soil collected from under the large five-gallon bucket filled with an unknown petroleum-like substance. The sample was analyzed for PAHs, however the sample had to be diluted ten times due to matrix interference. The sample was analyzed for Total Petroleum Hydrocarbons (TPH). Diesel Range Organics (DRO) were detected at a concentration of 34,000 mg/kg, confirming the presence of a high concentration of petroleum compounds in the soil at this location.
- PAHs and metals were detected in soil/fill at HA-5 (0-6 in), HA-6 (0-6 in), HA-7 (0-6 in), HA-8 (0-6 in), and HA-12 (0-6 in). A summary of soil/fill analytical results is included as Table 3.
 - PAHs including benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene were detected exceeding RSCOs, RRSCOs, CSCOs, and/or ISCOs at HA-5 and HA-8.
 - Arsenic was detected exceeding its ISCO (16 mg/kg) at HA-7 (18.4 mg/kg) and HA-12 (24.4 mg/kg).

- Chromium was detected exceeding its RSCO (36 mg/kg) at HA-7 (44.2 mg/kg) and HA-8 (41.6 mg/kg).
- PAHs and metals were also detected in sediment samples collected from the rinse area (SED-1) and the floor drains located in the large garage (SED-2 and SED-3). A summary of sediment analytical results is included as Table 4.
 - Benzo(b)pyrene was detected exceeding its RRSCO (1 mg/kg) at SED-2 (1.1 mg/kg).
 - Arsenic was detected exceeding its ISCO (16 mg/kg) at SED-1 (18.4 mg/kg) and SED-3 (21.1 mg/kg).
 - Chromium was detected exceeding its RSCO (36 mg/kg) at SED-2 (59.6 mg/kg) and SED-3 (46.6 mg/kg).

Soil and sediment analytical results are provided in Tables 1 and 2, respectively.

Based on the existing site-wide data with numerous samples demonstrating exceedances of regulatory criteria at the north, central, and southern portions of the Site, the Site is a candidate for the BCP. Further, the Site meets the definition of a BCP site per the current BCP law, which states a "brownfield site or sites shall mean any real property where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria, or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property, in accordance with applicable regulations."

Section V – Requestor Information

The New York State Department of State's (NYSDOS) Corporation & Business Entity Database print-out for 4780 Sheridan Drive LLC is attached as Exhibit 6.

Roux Environmental Engineering and Geology, D.P.C. (Roux), a registered NYS engineering firm, and a licensed NYS Professional Engineer (PE), will be acting as the Engineer of Record for this BCP project. Michael J. Hecker (Hodgson Russ LLP) will be acting as the Volunteer's attorney.

4780 Sheridan Drive LLC member/owner information, as well information for the individuals authorized to sign on behalf of 4780 Sheridan Drive LLC are attached as Exhibit 7.

Section VI – Requestor Eligibility

The Applicant, 4780 Sheridan Drive LLC, qualifies as a "Volunteer" in accordance with NY ECL 27-1405(1)(b) and 6 NYCRR 375-3.2(c)(2). 4780 Sheridan Drive LLC does not own the 4774 Sheridan Drive or 4780 Sheridan Drive parcels; the parcels are currently privately owned as shown in the parcel history found in Section IX. An access letter signed by Diane Wolf, Power of Attorney for the current owner, authorizing 4780 Sheridan Drive LLC and any of its designated contractors and consultants unlimited access to the Site to perform work related to the BCP is provided as Exhibit 8.

The Applicant does not own or operate the Site. The Applicant became involved with the property after the disposal or discharge of contaminants and have no relationship with the current or previous owners/operators of the Site, beyond that of a planned real estate transaction. Additionally, the Site is vacant and has been unused since Nursery operations were shut down in approximately 2020.

As such, 4780 Sheridan Drive LLC is entitled to Volunteer status under NY ECL §27-1405(1)(b).

Section VII – Requestor Contact Information

No additional information.

Section VIII: Program Fee

The Applicant is not applying for a fee waiver and will pay the program fee upon submission of an executed Brownfield Cleanup Agreement to the Department.

Section IX – Current Property Owner and 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 described in an abstract of title for the properties prepared by Trinity Title and Abstract Corp.

4774 Sheridan Drive – Owner/Operator Information				
Owner Name and Address	Use	Approx. Date(s)	Relationship to Applicant	
Current Owner/Operator				
Rudolph & Greta Gleason 4774 Sheridan Drive Amherst, NY 14221	Vacant- residential and commercial nursery	July 16, 2020 – Present	None	
Previous Owners/Operators				
Robert Fruehauf & Edith Fruehauf	Residential	1985 - 2020	None	
Rudoph Gleason and Edith Gleason	Unknown	1968 - 1985	None	
Ewald and Gertrude Merker	Unknown	1951 - 1968	None	
William and Emma Kraus	Unknown	1949 - 1951	None	
Michael and Elsie Trenz	Unknown	1943 – 1949	None	
Mabel Stoll	Unknown	1933 – 1943	None	
Acme Development Company, Inc.	Unknown	1917 – 1933	None	
William Lehman	Unknown	Prior to 1917	None	

4780 Sheridan Drive – Owner/Operator Information				
Owner Name and Address	Use	Approx. Date(s)	Relationship to Applicant	
Current Owner/Operator				
Rudolph & Greta Gleason 4780 Sheridan Drive Amherst, NY 14221	Commercial use, on-Site residence	June 14, 1974 – Present	None	
Previous Owners/Operators				
Rudolph Gleason	Commercial/ Residential	1964 - 1974	None	
Rudolph Gleason and Patricia Gleason	Commercial/ Residential	1961 - 1964	None	
Michael and Elsie Trenz	Commercial/ Residential	1943 - 1961	None	
Mabel Stoll	Unknown	1933 - 1943	None	
Acme Development Company, Inc.	Unknown	1917 - 1933	None	
William Lehman	Unknown	Prior to 1917	None	

Section X – Property Eligibility Information

No additional information.

Section XI – Site Contact List

Site Contact List

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

Erie County Contacts:

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

Mr. Daniel Castle, AICP Commissioner 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. Olivia M. Owens Erie County Legislature Clerk 92 Franklin Street, 4th Floor Buffalo, NY 14202

Ms. Gale Burstein, MD, MPH, FAAP Commissioner of Health Erie County Department of Health 95 Franklin Street Buffalo, NY 14202 Hon. Jeanne M. Vinal Erie County Legislator – District 5 92 Franklin Street, 4th 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

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

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

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

Town of Amherst Contacts:

Brian J. Kulpa Town Supervisor 5583 Main Street Williamsville, NY 14221

Michael J. Chmiel, Esq. Town Planning Board Chairperson 5583 Main Street Williamsville, NY 14221

Supplier of Potable Water:

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

Local News Media:

Buffalo News ATTN: Mr. Aaron Besecker 1 News Plaza Buffalo, NY 14203

WIVB - Ch. 4 ATTN: Mr. Joshua Roy 2077 Elmwood Avenue Buffalo, NY 14207

Business First ATTN: Donna Collins 465 Main Street, Suite 100 Buffalo, NY 14203

WBEN News Radio 930 Entercom Radio of Buffalo 500 Corporate Pkwy, Suite 200 Buffalo, NY 14226 Jacqualine G. Berger Councilmember, Planning Board Liaison 5583 Main Street Williamsville, NY 14221

Francina J. Spoth Town Clerk 5583 Main Street Williamsville, NY 14221

WGRZ TV - Ch. 2 ATTN: Mr. Jeremy Settle 259 Delaware Avenue Buffalo, NY 14202

WKBW News Channel 7 ATTN: Mr. Aaron Mason 7 Broadcast Plaza Buffalo, NY 14202

WNED ATTN: Ms. Brigid Jaipaul-Valenza P.O. Box 1263, Horizons Plaza Buffalo, NY 14240

Nearby Schools and Daycares:

Mr. J. Richard Crozier, Principal Smallwood Drive Elementary School 300 Smallwood Drive Amherst, NY 14226

Ms. Maria Wangler, Principal Christ the King School 2 Lamarck Drive Snyder, NY 14226

Mr. Marc Bandelian, Principal Saints Peter & Paul School 5480 Main Street Williamsville, NY 14221

Mr. Jason Smith, Principal Maple West Elementary School 851 Maple Road Williamsville, NY 14221

Mr. Chris McDuffie, Principal Mill Middle School 505 Mill Street Williamsville, NY 14221

Butterfly Kisses Childcare 821 Maple Road Williamsville, NY 14221

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 Ms. Lisa Conrad, Head of School The Park School of Buffalo 4625 Harlem Road Amherst, NY 14226

Mr. James Ryan, Principal Maplemere Elementary School 236 E Maplemere Road Amherst, NY 14228

Dr. Vincent Montoro, Principal Christian Central Academy 39 Academy Street Williamsville, NY 14221

Mr. Keith Wing, Principal Forest Elementary School 250 North Forest Road Williamsville, NY 14221

Mr. Keith Boardman, Principal Williamsville South High School 5950 Main Street Williamsville, NY 14221

Cozy Home Family Child Care 479 Lakewood Parkway Amherst, NY 14226

Williamsville Branch Library 5571 Main Street Williamsville, NY 14221

Adjacent Property Owners

Information related to the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below and is also shown on Figure 6.

	Adjacent Property	Address	Property Owner Mailing
No.	Street	Property Use	Address
4764	Sheridan Drive	One family year-round residence	Paramjit Singh 4764 Sheridan Drive Amherst, NY 14221
4765	Sheridan Drive	One family year-round residence	Edward J. & Laura Marecki 4765 Sheridan Drive Williamsville, NY 14221
4775	Sheridan Drive	One family year-round residence	Carrie A. Wanamaker & Philip Van Peursem 4775 Sheridan Drive Amherst, NY 14221
4784	Sheridan Drive	Two family year-round residence	Charles E. Frank 4784 Sheridan Drive Amherst, NY 14221
4785	Sheridan Drive	One family year-round residence	Marc & Christine A. Digiore 4795 Sheridan Drive Amherst, NY 14221
4786	Sheridan Drive	One family year-round residence	Annette L. & Paul F. Granville 4790 Sheridan Drive Amherst, NY 14221
40	Jordan Road	One family year-round residence	Eric Granville 40 Jordan Road Williamsville, NY 14221
44	Jordan Road	One family year-round residence	Beth A. Gianno 44 Jordan Road Williamsville, NY 14221
50	Jordan Road	One family year-round residence	Edgar A. and Michelle R. Deleon 50 Jordan Road Williamsville, NY 14221
60	Jordan Road	One family year-round residence	Alexis Alfasso 60 Jordan Road Williamsville, NY 14221
74	Jordan Road	One family year-round residence	Jennifer M. Polito 74 Jordan Road Williamsville, NY 14221
23	Fleetwood Terrace	One family year-round residence	Terry E. Dunn 23 Fleetwood Terrace Williamsville, NY 14221

			Sebastiano Andreana & Carla
31	Fleetwood Terrace	One family year-round residence	Beneduce 31 Fleetwood Terrace Williamsville, NY 14221
41	Fleetwood Terrace	One family year-round residence	Iryna Zottola & Ruslan Demus 41 Fleetwood Terrace Williamsville, NY 14221
49	Fleetwood Terrace	One family year-round residence	Iryna Zottola & Ruslan Demus 41 Fleetwood Terrace Williamsville, NY 14221
57	Fleetwood Terrace	One family year-round residence	Gordan J. Smith 57 Fleetwood Terrace Williamsville, NY 14221
65	Fleetwood Terrace	One family year-round residence	United Cerebral Palsy Association of WNY Inc. 2356 N Forest Road Getzville, NY 14068
73	Fleetwood Terrace	One family year-round residence	Gail G. Lannon 73 Fleetwood Terrace Williamsville, NY 14221
81	Fleetwood Terrace	One family year-round residence	Roger H. Lintner & Arlene Pierce 81 Fleetwood Terrace Williamsville, NY 14221
85	Deville Circle	One family year-round residence	Michael N. Straeck 85 Deville Circle Williamsville, NY 14221
90	Deville Circle	One family year-round residence	Inge L. Strauss Rev Trust 4201 NE 23 rd Terrace Lighthouse Point, FL 33064
100	Deville Circle	One family year-round residence	Gregory Pavlov & Marsha E. Shapiro 100 Deville Circle Williamsville, NY 14221

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 Exhibit 9.

TABLES

- 1. Summary of Subsurface Soil Analytical Results
- 2. Summary of Sediment Analytical Results
- 3. Soil Data Summary Table
- 4. Sediment Data Summary Table

Table 1 Summary of Subsurface Soil/Fill Analytical Results

1					SS-001	SS-002	SS-003	SS-004	SS-005	SS-006	SS-007	SS-008	SS-009	SS-010	SS-011	SS-012	SS-013	SS-014
Location					(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")
Sampling Date	UUSCO	RUSCO	RRUSCO	CUSCO	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021
Lab Sample ID					213387-01	213387-02	213387-03	213387-04	213387-05	213387-06	213387-07	213387-08	213387-09	213387-10	213387-11	213387-12	213387-13	213387-14
Semi-Volatiles (SVOCs) Ana	lysis via EP	A Method 8	3270 TCL (u	g/kg)														
All Parameters Analyzed*	NV	NV	NV	NV	NT	ND	NT	NT										
Metals Analysis via EPA Me	thod 6010C	/ 3050B (m	g/kg)															
Arsenic	13	16	16	16	2.74	2.71	3.04	3.31	2.82	2.35	2.48	3.46	4.34	5.31	4.8	7.79	4.98	3.66
Copper	50	270	270	270	12.1	15.5	12.8	14.9	15.1	11.9	13.3	13.5	20.8	11.9	22.9	24.6	26.8	22.3
Lead	63	400	400	1,000	15.2	19.2	14.4	20.8	20.2	14.7	13.6	20.5	23.1	26.1	80.3	51.7	42.7	30.6
Pesticides Analysis via EPA	Method 80	81B / 3546 ((ug/kg)															
4,4'-DDE	3.3	1,800	8,900	62,000	NT	NT	NT	NT	NT	6.78	NT	NT	NT	NT	NT	ND	NT	NT
4,4'-DDT	3.3	1,700	7,900	47,000	NT	NT	NT	NT	NT	3.52	NT	NT	NT	NT	NT	ND	NT	NT
Cis-Chlordane (alpha)	94	910	4,200	24,000	NT	NT	NT	NT	NT	5.80 P	NT	NT	NT	NT	NT	6.30 P	NT	NT
Dieldrin	5	39	200	1,400	NT	NT	NT	NT	NT	21.8	NT	NT	NT	NT	NT	8.76 P	NT	NT
Endosulfan II	2,400	4,800	24,000	200,000	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	NT	4.21 P	NT	NT
Endosulfan sulfate	2,400	4,800	24,000	200,000	NT	NT	NT	NT	NT	4.90 P	NT	NT	NT	NT	NT	ND	NT	NT
Methoxychlor	NV	NV	NV	NV	NT	NT	NT	NT	NT	4.62	NT	NT	NT	NT	NT	5.12	NT	NT
trans-Chlordane	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	NT	4.94	NT	NT
Herbicides Analysis via EPA	Method 81	51A (ug/kg)															
All Parameters Analyzed**	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	NT	ND	NT	NT

Leastion					SS-015	SS-016	SS-017	SS-018	SS-019	SS-020	SS-021	SS-022	SS-023	SS-024	SS-025	SS-026	DS-001
Location					(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-12")	(0-2')
Sampling Date	UUSCO	RUSCO	RRUSCO	CUSCO	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021	7/27/2021
Lab Sample ID					213387-15	213387-16	213387-17	213387-18	213387-19	213387-20	213387-21	213387-22	213387-23	213387-24	213387-25	213387-26	213387-27
Semi-Volatiles (SVOCs) Ana	alysis via EP	PA Method 8	8270 TCL (ug	g/kg)													
All Parameters Analyzed*	NV	NV	NV	NV	NT												
Metals Analysis via EPA Me	thod 6010C	/ 3050B (m	g/kg)														
Arsenic	13	16	16	16	4.26	4.9	3.84	3.1	3.36	3.9	4.61	3.66	10.1	3.4	3.93	4.16	5.33
Copper	50	270	270	270	19.4	21.8	19.1	16	13.3	11	14.5	11.3	12.7	11.6	37.5	15.9	33.2
Lead	63	400	400	1,000	41.3	47.6	38.5	21.5	22.4	23.9	26.8	23.4	24.1	22.3	26.1	46.9	50
Pesticides Analysis via EPA	A Method 80	81B / 3546 (ug/kg)														
4,4'-DDE	3.3	1,800	8,900	62,000	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	20.7	NT	ND
4,4'-DDT	3.3	1,700	7,900	47,000	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	7.94	NT	ND
Cis-Chlordane	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	11.2 P	NT	4.68
Dieldrin	5	39	200	1,400	NT	NT	NT	NT	NT	350	NT	NT	NT	NT	23.4	NT	18.6
Endosulfan II	2,400	4,800	24,000	200,000	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	ND	NT	ND
Endosulfan sulfate	2,400	4,800	24,000	200,000	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	ND	NT	ND
Methoxychlor	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	17.7	NT	ND
trans-Chlordane	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	ND	NT	ND
Herbicides Analysis via EP/	A Method 81	51A (ug/kg)															
All Parameters Analyzed**	NV	NV	NV	NV	NT	NT	NT	NT	NT	ND	NT	NT	NT	NT	ND	NT	ND

Notes:

1. Analytical testing performed by Paradigm Environmental Services, Inc. Compounds detected in one or more samples are presented in this table. Refer to Appendix for the full analytical report.

2. mg/kg = parts per million; ug/kg = parts per billion.

3. ND = not detected; NT = not tested; NV = no value.

4. Analytical results compared to NYSDEC 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (SCOs); Table 375-6.8(a) Unrestricted Use SCOs and Table 375-6.8(b): Restricted Use SCOs.

5. * = SVOC analytes include total compound list (TCL).

6. ** = Herbicides analyzed include 2,4,5-T, 2,4,5-TP (Silvex), and 2,4-D.

7. P = Concentration differs by more than 40% between the primary and secondary analytical columns.

8. Shading indicates:

exceeds UUSCO - Unrestriced Use Soil Cleanup Objective exceeds RUSCO - Residential Use Soil Cleanup Objective

exceeds reader a residential ose con cleanup objective

exceeds RRUSCO - Restricted Residential Use Soil Cleanup Objective exceeds CUSCO - Commercial Use Soil Cleanup Objective

Environmental Advantage

Table 1 Summary of Subsurface Soil/Fill Analytical Results

Location				MS-050 (0-6")	MS-051 (6-12")	MS-052 (0-6")	MS-053 (0-6")	MS-054 (0-6")	MS-055 (6-12")	MS-056 (0-6")	MS-057 (6-12")	MS-058 (0-6")	MS-059 (0-6")	MS-060 (0-6")	MS-061 (0-6")	MS-062 (0-6")	MS-063 (0-6")	MS-064 (0-6")	MS-065 (6-12")
Sampling Date	UUSCO	RUSCO	RRUSCO	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022	6/22/2022
Lab Sample ID				L2233232-01	L2233232-02	L2233232-03	L2233232-04	L2233232-08	L2233232-09	L2233232-10	L2233232-15	L2233232-11	L2233232-13	L2233232-16	L2233232-17	L2233232-18	L2233232-12	L2233232-14	L2233232-07
Pesticides Analysis via I	EPA Method	8081B / 35	46 (ug/kg)																
4,4'-DDD	3.3	2,600	13,000	ND	ND	ND	ND	ND	1.11 J	ND	ND	ND	1.28 J	ND	ND	0.757 J	ND	0.807 JP	2.26
4,4'-DDE	3.3	1,800	8,900	14.3	9.3	27.2	8.3	10.1	20.7	7.23	6.56	15.1	45	13.2	16.9	34.8	25.7	19.1	40.9
4,4'-DDT	3.3	1,700	7,900	6.1	5.86 P	11.9	1.53 J	3.91 IP	7.09 IP	2.48	2.46	2.46	11.9	2.98	4.03	14.7	6.81	9.38	6.34 IP
Aldrin	5	19	97	ND	ND	ND	ND	ND	ND	ND	ND	ND	1.13 J	ND	ND	ND	0.666 J	ND	ND
Chlordane	NV	NV	NV	ND	ND	29 IP	ND	ND	ND	ND	ND	ND	64.7 IP	ND	ND	ND	ND	ND	ND
Cis-Chlordane (alpha)	94	910	4,200	4.98 P	11.5 P	15.5	ND	ND	ND	ND	ND	5.8	31.9	2.96 IP	2.24 IP	1.56 JIP	5.04 IP	5.54	ND
Dieldrin	5	39	200	11.5	22.9	59.6	2.62	40	8.56	122	5.91	772	1700	194	136	18.3	704	357	83.9
Endosulfan sulfate	2,400	4,800	24,000	ND	ND	ND	ND	ND	ND	ND	0.494 J	ND	0.816						
Endrin	14	2,200	11,000	ND	ND	0.384 JIP	ND	ND	ND	0.494 JP	ND	8.57	17.4	2.95 P	0.77 IP	ND	8.82	2.64	ND
Endrin ketone	NV	NV	NV	ND	ND	ND	ND	ND	ND	ND	ND	5.44	8.08	ND	ND	ND	5.27	1.58 J	ND
Heptachlor epoxide	NV	NV	NV	ND	ND	1.71 JIP	ND	ND	ND	ND	ND	ND	3.3 JIP	ND	ND	ND	ND U	ND	1.18 J
Methoxychlor	NV	NV	NV	ND	ND	14.4 IP	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	3.39 U	ND	ND
Toxaphene	NV	NV	NV	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	64.7 P	33.9 U	ND	ND
trans-Chlordane	NV	NV	NV	2.01 J	8.32	6.19	ND	1.55 JIP	1.18 JIP	1.3 J	0.923 J	3.14	17.5	2.3	1.73 J	0.952 JIP	5.51 P	2.21	3.61

8. Shading indicates:

exceeds UUSCO - Unrestriced Use Soil Cleanup Objective exceeds RUSCO - Residential Use Soil Cleanup Objective exceeds RRUSCO - Restricted Residential Use Soil Cleanup Objective



TABLE 1 SUMMARY OF SUBSURFACE SOIL ANALYTICAL RESULTS 4774 & 4780 SHERIDAN DRIVE AMHERST, NEW YORK

		Restricted		4774 Sheridan Drive						4780 Sheridan Drive												
Parameter ¹	Unrestricted Use SCOs ²	Residential Use SCOs ³	Restricted Residential Use SCOs ³	Commercial Use SCOs ³	Industrial Use SCOs ³	HA-1 (0-6 IN)	HA-3 (0-6 IN)	HA-5 (0-6 IN) 4/18/	HA-6 (0-6 IN)	HA-7 (0-6 IN)	HA-8 (0-6 IN)	HA-10 (3-3.5 FT)	HA-11 (3-3.5 FT)	HA-12 (0-6 IN)	HA-13 (0-6 IN)	HA-14 (0-6 IN)	HA-15 (0-6 IN) 4/22/2024	HA-16 (0-6 IN)	HA-17 (0-6 IN)_	HA-18 (0-6 IN)	HA-19 (0-6 IN)	HA-20 (0-6 IN)
emi-Volatile Organic Compounds	(SVOCs) - mg/Kg	a⁴			I			4/10/	2024								4/22/2024					DILUTED X 10
Acenaphthene	20	100	100	500	1000	ND	ND	0.17 J	ND	ND	ND			-	-				-	-		ND
Anthracene	100	100	100	500	1000	0.068 J	ND	0.78 J	ND	ND	ND			-	-				-	-		ND
Benzo(a)anthracene	1	1	1	5.6	11	0.32	0.13 J	2.8	0.78 JH	0.44 JH	1.1 J	-			-			-	-			ND
Benzo(a)pyrene	1	1	1	1	1.1	0.33	0.15 J	2.2	0.78 JH	0.58 JH	1.4 J	-			-		-	-	-			ND
Benzo(b)fluoranthene	1	1	1	5.6	11	0.48	0.23	3.2	0.98 JH	0.78 JH	2.1 J	-			-		-	-	-			ND
Benzo(ghi)perylene	100	100	100	500	1000	0.25	0.12 J	1.4	0.53 JH	0.5 JH	1.2 J	-			-		-	-	-	-	-	ND
Benzo(k)fluoranthene	0.8	1	3.9	56	110	0.17 J	0.076 J	1.1	0.47 JH	0.32 JH	0.77 J			-	-				-	-		ND
Chrysene	1	1	3.9	56	110	0.33	0.14 J	2.9	0.85 JH	0.56 JH	1.4 J	-	-	-	-			-	-	-		ND
Dibenzo (a,h)anthracene	0.33	0.33	0.33	0.56	1.1	ND	ND	0.49 J	ND	ND	ND	-			-			-	-			ND
Fluoranthene	100	100	100	500	1000	0.71	0.28	5.2	1.8 H	1.2 H	2.6	-	-		-		-	-	-			ND
Fluorene	30	100	100	500	1000	ND	ND	0.25 J	ND	ND	ND	-			-		-	-				ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	0.5	5.6	11	0.2 J	0.096 J	1.2	0.46 JH	0.4 JH	0.95 J	-		-	-				-	-		ND
Naphthalene	12	100	100	500	1000	ND	ND	ND	ND	ND	ND			-	-				-	-		3.7 DJ
Phenanthrene	100	100	100	500	1000	0.36	0.12 J	3.2	0.77 JH	0.4 JH	0.83 J			-	-				-	-		ND
Pyrene	100	100	100	500	1000	0.5	0.26	4.7	1.2 H	0.75 JH	2.2	-			-			-	-			ND
Total Metals - mg/Kg						ł		•			•		•	1		•				•	•	
Arsenic	13	16	16	16	16	4.2	2.8 J	5.1		18.4	4.6	4.6	2.7	24.4	8.8	3.2	3.1	3.3	3.6	ND	3.9	-
Barium	350	350	400	400	10000	24.9 J	21.3 J	37.7		41.1	34.1 J	25.7 J	25	26.2 J	29.2 J	36.2 J	41.8	47.4	44.1 J	66.4	22.1	-
Cadmium	2.5	2.5	4.3	9.3	60	0.23 J	ND	0.9		0.72 B	0.29 J	ND	0.19 JB	ND	0.28 J	0.18 J	0.2 J	0.39 B	0.21 J	0.96 B	0.39 B	-
Chromium	30	36	180	1500	6800	12.1	5.8	17.5	-	44.2 B	41.6	6.3	7.6 B	21.4	12.7	7.7	10.7	15.3 B	8.3	8.2 B	9.3 B	-
Lead	63	400	400	1000	3900	33.1	18.2	104		56.3	53.5	8	7.8	13	24.3	11.9	16.4	23.9	14.2	13.4	28.3	-
Mercury	0.18	0.81	0.81	2.8	5.7	0.11	0.089	0.18	-	0.48 H	0.054	0.015 J	0.0068 JH	0.054	0.071	0.025	0.042	0.07 H	0.03	0.054 JH	0.028 H	-
Selenium	3.9	36	180	1500	6800	ND	ND	ND	-	0.71 J	ND	ND	ND	ND	ND	ND	ND	0.59 J F1 B	ND	2.4 JB	0.51 JB	-
Pesticides - mg/Kg ⁴																						
4,4'-DDE	0.0033	1.8	8.9	62	120	0.0041 J	ND	ND	-	-	ND	ND	-	0.009 J	0.026	ND	ND	ND	ND	-	-	-
4,4'-DDT	0.0033	1.7	7.9	47	94	ND	ND	0.004 J			ND	ND		ND	0.0087 J	ND	ND	ND	ND	-		-
cis-Chlordane (alpha)	0.094	0.91	4.2	24	47	ND	ND	0.0053 Jp			ND	ND	-	ND	ND	ND	ND	ND	ND	-		-
Dieldrin	0.005	0.039	0.2	1.4	2.8	ND	ND	ND			ND	ND	-	ND	ND	ND	ND	0.0091 H	ND			-
trans-Chlordane	-	-	-	-	-	ND	ND	0.0034 J			ND	ND		ND	ND	ND	ND	ND	ND			-
Total Petroleum Hydrocarbons	s - mg/kg							•		÷	•	÷	•	•	•	•				•	•	•
Diesel Range Organics (DRO)								-			-	-					-					34000 H

 Notes:
 1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.

 2. Values per 6WCRR Part 375 Unrestricted Use Sol Cleanup Objectives (SCOs), Table 375-6 8(p).

 3. Values per 6WCRR Part 375 Restricted Use Sol Cleanup Objectives (SCOs), Table 375-6 8(p).

 3. Values per 6WCRR Part 375 Restricted Use Sol Cleanup Objectives (SCOs), Table 375-6 8(p).

 3. Sample madula were reported by the locatory in updag and corrected table and splat of comparisons to SCOs

 4. Diesel Renge Organics (RRO) are identified by a typical carbon may of C10-C28.

Definitions:

Entitions: ND = Parameter not detected above laboratory detection limit. *...* = No value available for the parameter, or the parameter was not analyzed for: p = The S(RPD betwent the primary and confirmation columnificator is >40%. The lower value has been reported. J = Recut is less than the RL but greater than or equal to the MDL and the concentration is an approximate value. D = Indicates sample was ditude. H = Sample was prepped or analyzed beyond the specified holding time. This does not meet regulatory requirements. B = Compound was found in the than and sample. F1 = MS and/or MSD recovery exceeds control limits.



= Exceeds Unrestricted SCOs = Exceeds Residential SCOs = Exceeds Restricted Residential SCOs = Exceeds Commercial SCOs = Exceeds Industrial SCOs



TABLE 2 SUMMARY OF SEDIMENT ANALYTICAL RESULTS 4774 & 4780 SHERIDAN DRIVE AMHERST, NEW YORK

					4780 Sheridan Drive								
Unrestricted Use SCOs ²	Residential Use SCOs ³	Restricted Residential Use SCOs ³	Commercial Use SCOs ³	Industrial Use SCOs ³	SED-1	SED-2	SED-3	SED-4	SED-5				
	.4												
		400	500	4000		ND		ND					
-													
	-												
				-									
1			56	110			ND						
0.33	0.33	0.33	0.56	1.1		ND	ND	ND					
100	100	100	500	1000		1.3 JH	ND	0.032 JH					
30	100	100	500	1000		ND	ND	ND					
0.5	0.5	0.5	5.6	11		0.49 JH	ND	ND					
12	100	100	500	1000		ND	ND	ND					
100	100	100	500	1000		0.46 JH	ND	ND					
100	100	100	500	1000		0.75 J F1 H	ND	ND					
13	16	16	16	16	18.4	5.2	21.1	1.9 J	5.8				
350	350	400	400	10000	61.7 J	56.1	50.3	110	84.2				
2.5	2.5	4.3	9.3	60	0.9 J	0.94 B	0.58 J	2.2 B	0.56 B				
30	36	180	1500	6800	23.7	59.6 B	46.6	23.8 B	20.4 B				
63	400	400	1000	3900	50.4	45.4	43.2	45.8	41.6				
0.18	0.81	0.81	2.8	5.7	0.073	0.084 H	0.063	0.024 JH	0.063 H				
3.9	36	180	1500	6800	2.2 J	0.45 JB	ND	1.6 JB	0.94 JB				
2	36	180	1500	6800	ND	ND	ND	18.6	ND				
					ND								
	Use SCOs ² 20 100 1 1 1 1 1 0.8 1 1 0.33 100 0.5 12 100 100 100 100 13 350 2.5 30 63 0.18 3.9	Use SCOs ² Use SCOs ³ 20 100 100 100 1 1 1 1 1 1 1 1 100 100 1 1 1 1 1 1 1 1 1 100 0.3 0.33 100 100 30 100 0.5 0.5 12 100 100 100 100 100 100 350 2.5 2.5 30 36 63 400 0.18 0.81 3.9 36	Une STricted Use SCOs ² Residential Use SCOs ³ Residential Use SCOs ³ 20 100 100 100 100 100 100 100 100 101 1 1 1 1 1 1 1 1 100 100 100 0.3 0.33 0.33 0.33 0.33 0.33 100 100 100 0.33 0.33 0.33 100 100 100 30 100 100 12 100 100 100 100 100 100 100 100 13 16 16 350 350 400 2.5 2.5 4.3 30 36 180 63 400 400 0.18 0.81 0.81	Unrestricted Use SCOs ² Residential Use SCOs ³ Residential Use SCOs ³ Commercial Use SCOs ³ SVOCs) - mg/Kg ⁴ 100 500 100 100 100 500 11 1 5.6 1 1 1 5.6 11 1 1 1 1 1 1 5.6 100 100 100 500 0.8 1 3.9 56 1 1 3.9 56 0.33 0.33 0.33 0.56 100 100 100 500 30 100 100 500 0.5 0.5 5.6 12 100 100 500 100 100 100 500 1100 100 100 500 100 100 100 500 100 100 100 500 100 100 100 <td< td=""><td>Unrestricted Use SCOs² Residential Use SCOs³ Commercial Use SCOs³ Industrial Use SCOs³ 20 100 100 500 1000 100 100 500 1000 100 100 500 1000 11 1 5.6 11 1 1 1 1.1 1 1 1 1.1 100 100 100 500 1000 0.8 1 3.9 56 110 0.33 0.33 0.33 0.56 1.1 100 100 100 500 1000 3.0 3.3 0.33 0.56 1.1 100 100 100 500 1000 3.0 100 100 500 1000 11 1 1.6 1.6 1.1 100 100 500 1000 1000 3.0 100 100 500 1000</td><td>Unrestricted Use SCOs² Residential Use SCOs³ Residential Use SCOs³ Commercial SCOs³ Industrial Use SCOs³ SED-1 20 100 100 500 1000 100 100 100 500 1000 11 1 1 5.6 11 11 1 1 1.1 100 100 100 500 1000 11 1 1 1.1 100 100 100 500 1000 0.8 1 3.9 56 110 11 1 3.9 56 110 100 100 100 500 1000 30 100 100 500 1000 11 1 12 100 100 500 <</td><td>Unestricted Use SCOs² Residential Use SCOs³ Commercial SCOs³ Industrial Use SCOs³ SED-1 SED-2 20 100 100 500 1000 - ND 100 100 100 500 1000 - ND 11 1 1 5.6 11 - 0.41 JH 1 1 1 5.6 11 - 0.54 JH 1 1 1 5.6 11 - 0.67 JH 100 100 100 500 1000 - ND 1 1 3.9 56 110 - ND 1 1 3.9 56 110 - ND 100 100 100 500 1000 - ND 13 0.5 0.5 5.6 11 - ND 100 100 100 500 1000 - ND 1010 <t< td=""><td>Unestricted Use SCOs² Residential Use SCOs³ Commercial SCOs³ SED-1 SED-2 SED-3 20 100 100 500 1000 ND ND 100 100 100 500 1000 ND ND 11 1 5.6 11 ND ND 11 1 1 5.6 11 0.67 JH ND 11 1 1 5.6 11 0.67 JH ND 100 100 100 500 1000 0.67 JH ND 11 1 3.9 5.6 110 0.67 JH ND 100 100 500 1000 0.67 JH ND ND 11 1 3.9 56 110 ND ND 100 100 500 1000 ND ND 100<</td><td>Unrestricted Use SCOs² Residential Use SCOs³ Residential Use SCOs³ Commercial SCOs³ Industrial Use SCOs³ SED.1 SED.2 SED.3 SED.4 3VOCs) - my/Kg⁴ - - ND ND ND 100 100 500 1000 ND ND ND 11 1 5.6 11 0.41 JH ND ND 11 1 5.6 11 0.67 JH ND ND 100 100 500 1000 0.67 JH ND ND 11 3.9 56 110 ND ND ND 100 100 500 1000 -</td></t<></td></td<>	Unrestricted Use SCOs ² Residential Use SCOs ³ Commercial Use SCOs ³ Industrial Use SCOs ³ 20 100 100 500 1000 100 100 500 1000 100 100 500 1000 11 1 5.6 11 1 1 1 1.1 1 1 1 1.1 100 100 100 500 1000 0.8 1 3.9 56 110 0.33 0.33 0.33 0.56 1.1 100 100 100 500 1000 3.0 3.3 0.33 0.56 1.1 100 100 100 500 1000 3.0 100 100 500 1000 11 1 1.6 1.6 1.1 100 100 500 1000 1000 3.0 100 100 500 1000	Unrestricted Use SCOs ² Residential Use SCOs ³ Residential Use SCOs ³ Commercial SCOs ³ Industrial Use SCOs ³ SED-1 20 100 100 500 1000 100 100 100 500 1000 11 1 1 5.6 11 11 1 1 1.1 100 100 100 500 1000 11 1 1 1.1 100 100 100 500 1000 0.8 1 3.9 56 110 11 1 3.9 56 110 100 100 100 500 1000 30 100 100 500 1000 11 1 12 100 100 500 <	Unestricted Use SCOs ² Residential Use SCOs ³ Commercial SCOs ³ Industrial Use SCOs ³ SED-1 SED-2 20 100 100 500 1000 - ND 100 100 100 500 1000 - ND 11 1 1 5.6 11 - 0.41 JH 1 1 1 5.6 11 - 0.54 JH 1 1 1 5.6 11 - 0.67 JH 100 100 100 500 1000 - ND 1 1 3.9 56 110 - ND 1 1 3.9 56 110 - ND 100 100 100 500 1000 - ND 13 0.5 0.5 5.6 11 - ND 100 100 100 500 1000 - ND 1010 <t< td=""><td>Unestricted Use SCOs² Residential Use SCOs³ Commercial SCOs³ SED-1 SED-2 SED-3 20 100 100 500 1000 ND ND 100 100 100 500 1000 ND ND 11 1 5.6 11 ND ND 11 1 1 5.6 11 0.67 JH ND 11 1 1 5.6 11 0.67 JH ND 100 100 100 500 1000 0.67 JH ND 11 1 3.9 5.6 110 0.67 JH ND 100 100 500 1000 0.67 JH ND ND 11 1 3.9 56 110 ND ND 100 100 500 1000 ND ND 100<</td><td>Unrestricted Use SCOs² Residential Use SCOs³ Residential Use SCOs³ Commercial SCOs³ Industrial Use SCOs³ SED.1 SED.2 SED.3 SED.4 3VOCs) - my/Kg⁴ - - ND ND ND 100 100 500 1000 ND ND ND 11 1 5.6 11 0.41 JH ND ND 11 1 5.6 11 0.67 JH ND ND 100 100 500 1000 0.67 JH ND ND 11 3.9 56 110 ND ND ND 100 100 500 1000 -</td></t<>	Unestricted Use SCOs ² Residential Use SCOs ³ Commercial SCOs ³ SED-1 SED-2 SED-3 20 100 100 500 1000 ND ND 100 100 100 500 1000 ND ND 11 1 5.6 11 ND ND 11 1 1 5.6 11 0.67 JH ND 11 1 1 5.6 11 0.67 JH ND 100 100 100 500 1000 0.67 JH ND 11 1 3.9 5.6 110 0.67 JH ND 100 100 500 1000 0.67 JH ND ND 11 1 3.9 56 110 ND ND 100 100 500 1000 ND ND 100<	Unrestricted Use SCOs ² Residential Use SCOs ³ Residential Use SCOs ³ Commercial SCOs ³ Industrial Use SCOs ³ SED.1 SED.2 SED.3 SED.4 3VOCs) - my/Kg ⁴ - - ND ND ND 100 100 500 1000 ND ND ND 11 1 5.6 11 0.41 JH ND ND 11 1 5.6 11 0.67 JH ND ND 100 100 500 1000 0.67 JH ND ND 11 3.9 56 110 ND ND ND 100 100 500 1000 -				

Notes:

1. Only those parameters detected at a minimum of one sample location are presented in this table; all other compounds were reported as non-detect.

2. Values per 6NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (SCOs), Table 375-6.8(a).

3. Values per 6NYCRR Part 375 Restricted Use Soil Cleanup Objectives (SCOs), Table 375-6.8(b).

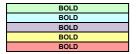
Sample results were reported by the laboratory in ug/kg and converted to mg/kg for comparisons to SCOs

Definitions: ND = Parameter not detected above laboratory detection limit. "--" = No value available for the parameter, or the parameter was not analyzed for.

J = Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.

H = Sample was prepped or analyzed beyond the specified holding time. B = Compound was found in blank and sample.

F1 = MS and/or MSD recovery exceeds control limits.



= Exceeds Unrestricted SCOs = Exceeds Residential SCOs

- = Exceeds Restricted Residential SCOs
- = Exceeds Commercial SCOs
- = Exceeds Industrial SCOs



TABLE 3

SOIL DATA SUMMARY TABLE 4774 & 4780 SHERIDAN DRIVE

BROWNFIELD CLEANUP PROGRAM APPLICATION

AMHERST, NEW YORK

Analytes > Residential SCOs	Number of Detections > Residential SCOs	Maximum Detection (ppm)	Residential SCOs ¹ (ppm)	Depth (fbgs)
Benzo(a)anthracene	2	2.8	1	0.5
Benzo(a)pyrene	2	2.2	1	0.5
Benzo(b)fluoranthene	2	3.2	1	0.5
Benzo(k)fluoranthene	1	1.1	1	0.5
Chrysene	2	2.9	1	0.5
Dibenzo (a,h)anthracene	1	0.5	0.33	0.5
Indeno(1,2,3-cd)pyrene	2	1.2	0.5	0.5
Arsenic	2	24	16	0.5
Chromium	2	44.2	36	0.5
Dieldrin	11	1.7	0.039	1

Notes:

1. Values per 6NYCRR Part 375 Restricted Use Soil Cleanup Objectives (SCOs), Table 375-6.8(b).



TABLE 4

SEDIMENT DATA SUMMARY TABLE

4774 & 4780 SHERIDAN DRIVE

BROWNFIELD CLEANUP PROGRAM APPLICATION

AMHERST, NEW YORK

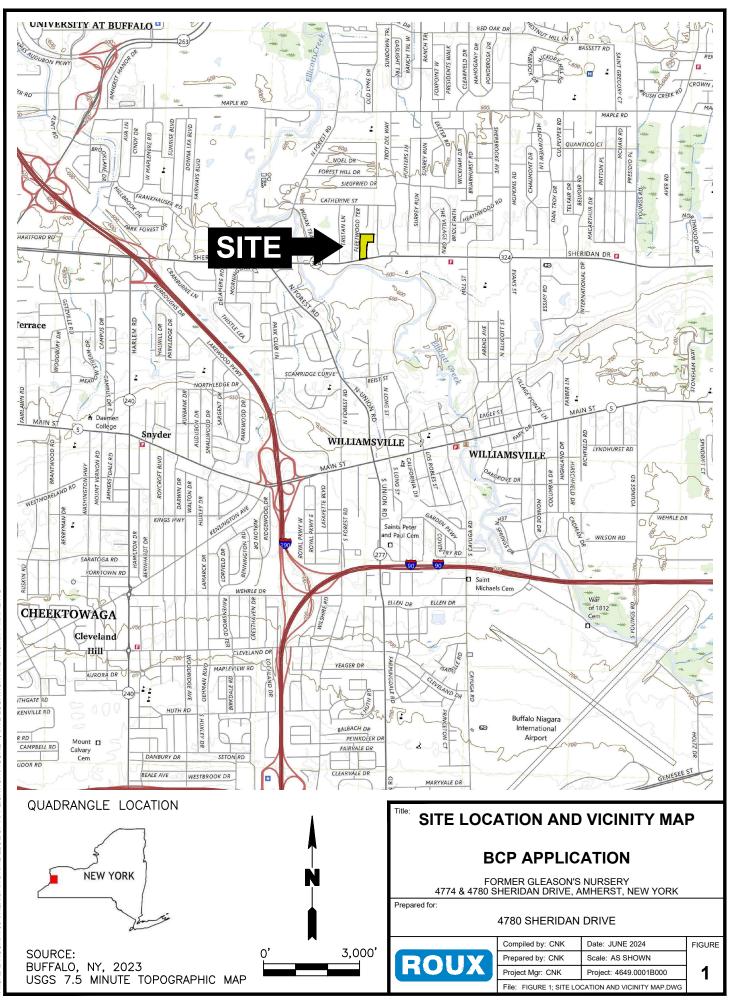
Analytes > Residential SCOs	Number of Detections > Residential SCOs	Maximum Detection (ppm)	Residential SCOs ¹ (ppm)	Depth (fbgs)
Benzo(b)fluoranthene	1	1.1	1	0
Arsenic	2	21	16	0
Chromium	2	59.6	36	0

Notes:

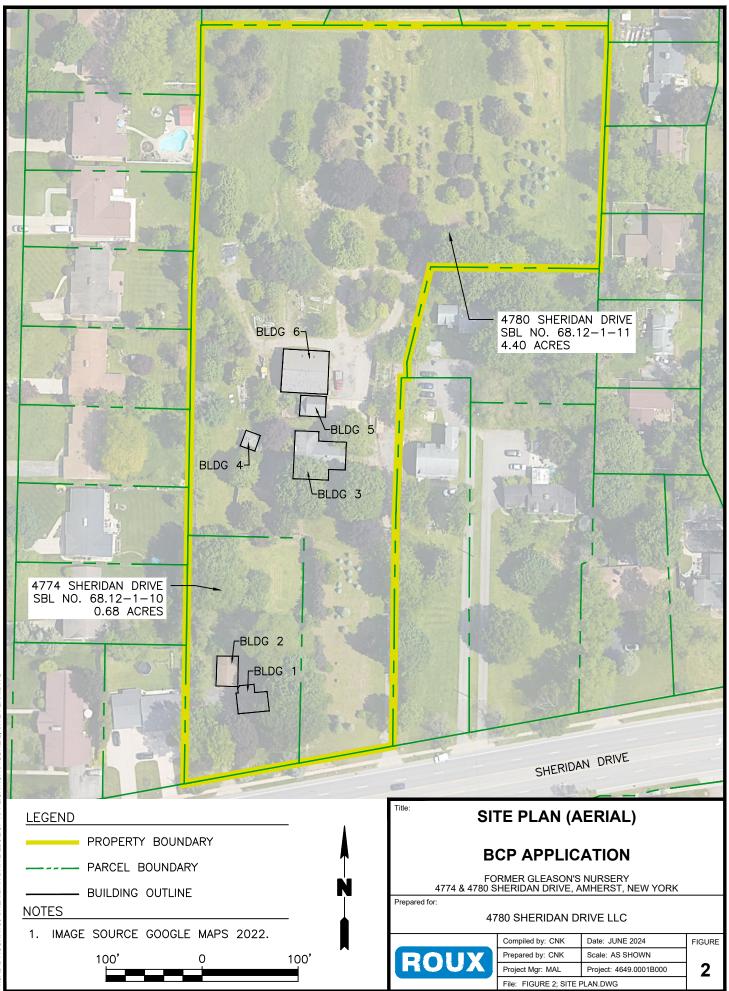
1. Values per 6NYCRR Part 375 Restricted Use Soil Cleanup Objectives (SCOs), Table 375-6.8(b).

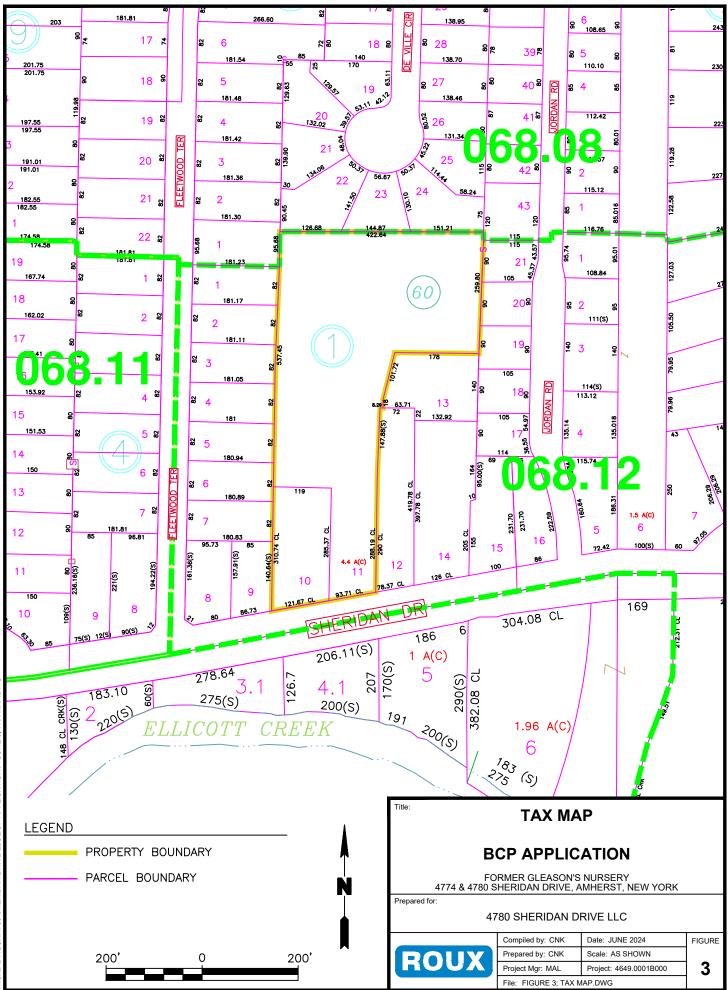
FIGURES

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



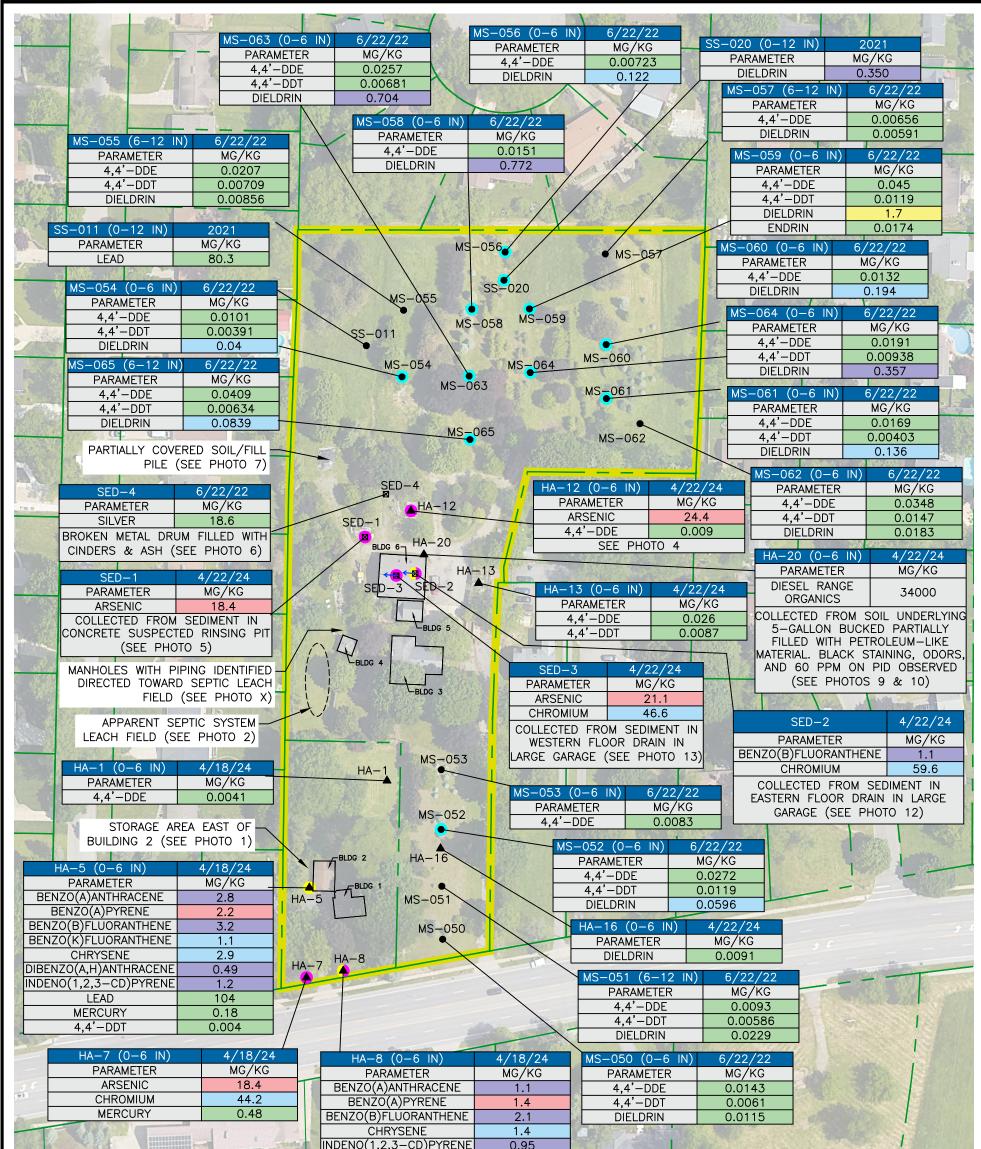
F:\CAD\0-ROUX\4780 SHERIDAN DRIVE LLC\BCP APPLICATION\FIGURE 1; SITE LOCATION AND VICINITY MAP.DWG

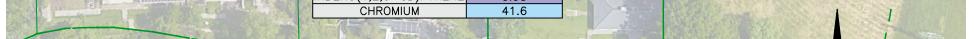




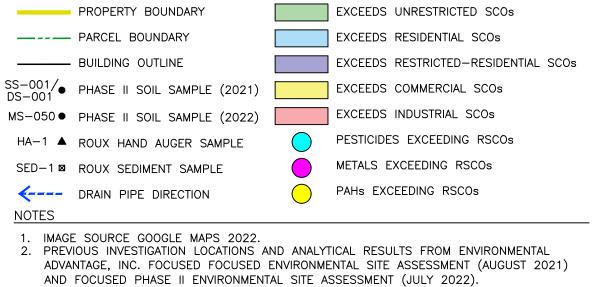
F:\CAD\0-ROUX\4780 SHERIDAN DRIVE LLC\BCP APPLICATION\FIGURE 3; TAX MAP.DWG

F:\CAD\0-ROUX\4780 SHERIDAN DRIVE LLC\BCP APPLICATION\FIGURE 4; INVESTIGATION LOCATIONS AND AREAS OF CONCERN.DWG

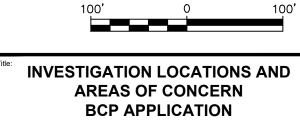




LEGEND



3. PHOTO LOG INCLUDED IN BCP APPLICATION AS EXHIBIT 2.

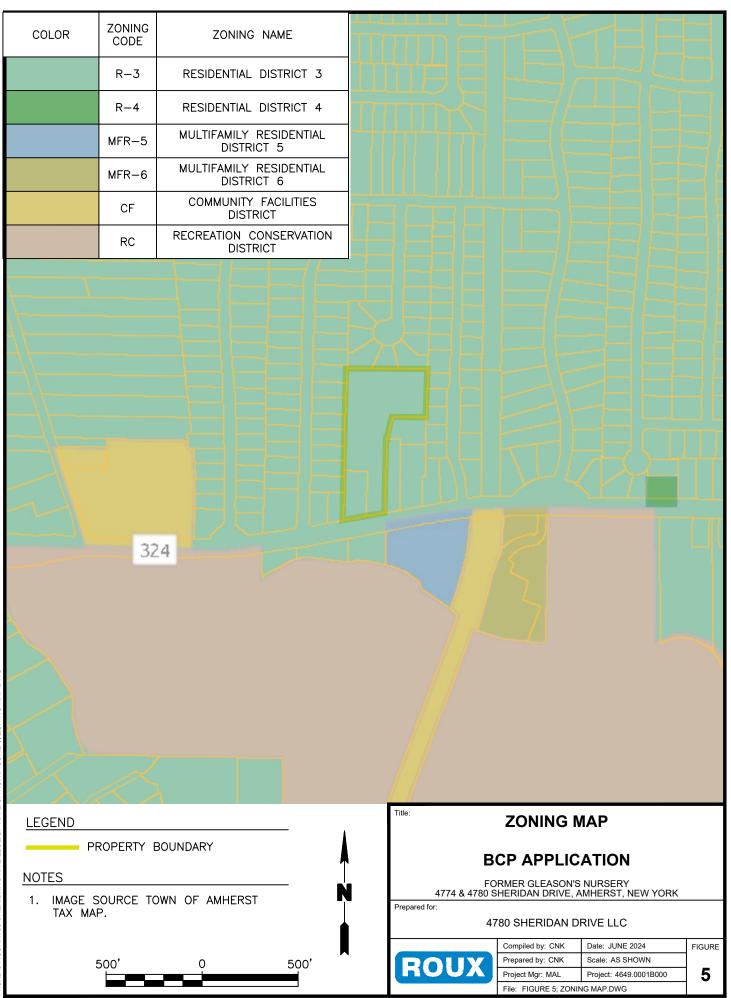


FORMER GLEASON'S NURSERY 4774 & 4780 SHERIDAN DRIVE, AMHERST, NEW YORK

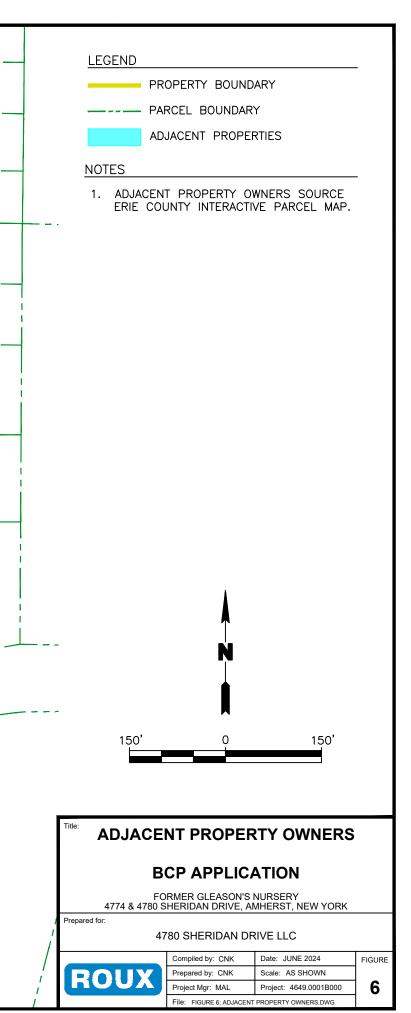
Prepared for

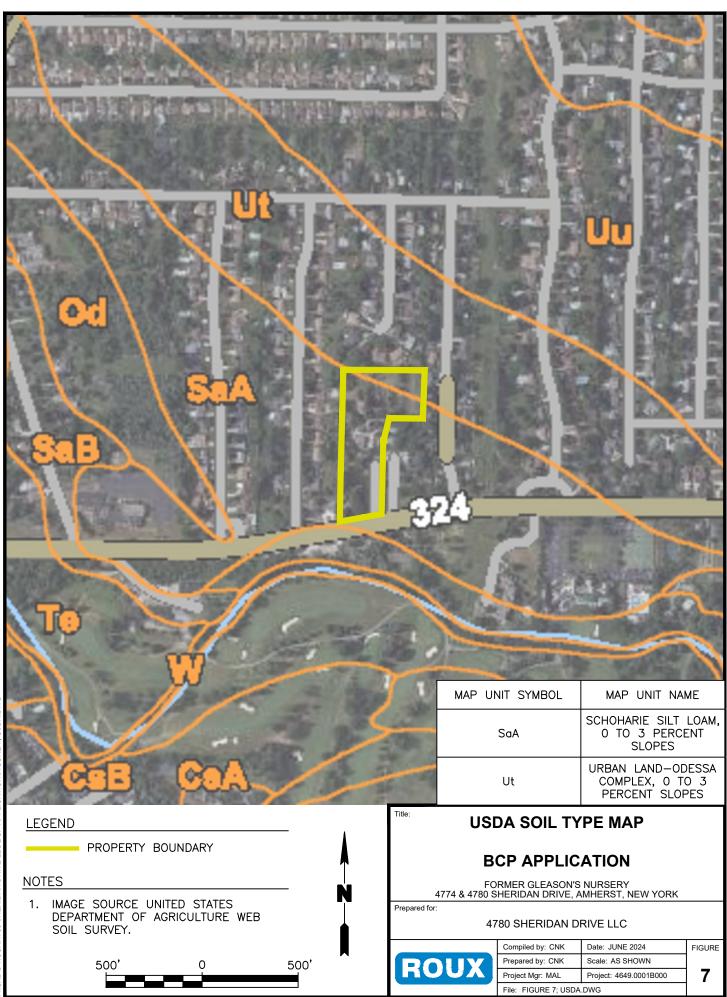
4780 SHERIDAN DRIVE LLC

	Compiled by: CNK	Date: JUNE 2024	FIGURE
DOUV	Prepared by: CNK	Scale: AS SHOWN	
HUUA	Project Mgr: MAL	Project: 4649.0001B000	4
	File: FIGURE 4; INVESTIGATION	LOCATIONS AND AREAS OF CONCERN.DWG	

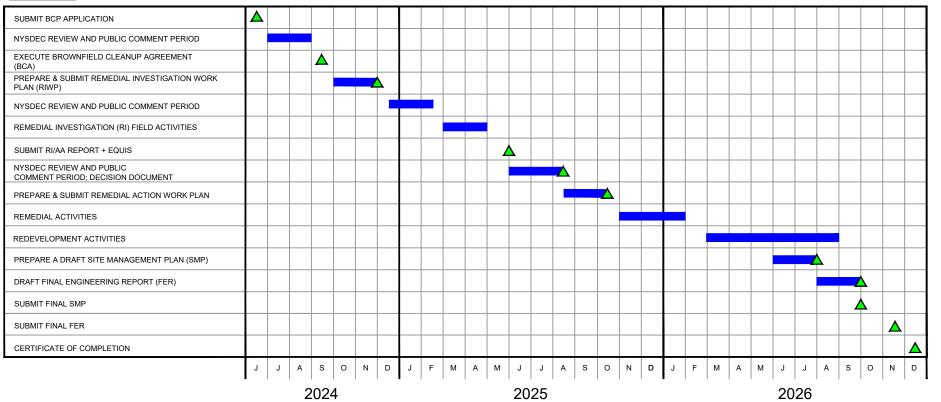


	discont Durant							1		
	djacent Property Ac		Property Owner Mailing Address				`\	, <u> </u>		
No.	Street	Property Use	Deve with Qin sh							
4764	Sheridan Drive	One family year-	Paramjit Singh 4764 Sheridan Drive							
1701	Shendan Brite	round residence	Amherst, NY 14221		_			EVILLE		
			Edward J. & Laura Marecki							┦ ┝──
4765	Sheridan Drive	One family year- round residence	4765 Sheridan Drive							
			Williamsville, NY 14221		_					
		One family year-	Carrie A. Wanamaker & Philip Van Peursem							
4775	Sheridan Drive	round residence	4775 Sheridan Drive Amherst. NY 14221				85 DEVILLE /			
			Charles E. Frank				CIRCLE / 100	DEVILLE 90 DEVILLE	74 JORDAN ROAD	
4784	Sheridan Drive	Two family year-	4784 Sheridan Drive							
		round residence	Amherst, NY 14221			81 FLEETWOOD				
		One family was	Marc & Christine A. Digiore			TERRACE			60 JORDAN	
4785	Sheridan Drive	One family year- round residence	4795 Sheridan Drive						ROAD	
			Amherst, NY 14221							/
1700		One family year-	Annette L. & Paul F. Granville			73 FLEETWOOD TERRACE				
4786	Sheridan Drive	round residence	4790 Sheridan Drive Amherst, NY 14221						50 JORDAN	1
			Beth A. Gianno						ROAD	
44	Jordan Road	One family year-	44 Jordan Road			65 FLEETWOOD TERRACE			<u> </u>	
		round residence	Williamsville, NY 14221		1				44 JORDAN	
		One family year-	Edgar A. and Michelle R. Deleon					<u> </u>	ROAD	
50	Jordan Road	round residence	50 Jordan Road			57 FLEETWOOD TERRACE				ROAD
			Williamsville, NY 14221		Ы			4786 SHERIDAN		
60	Jordan Road	One family year-	Alexis Alfasso 60 Jordan Road		TERRACE			DRIVE		
00	Jordan Koad	round residence	Williamsville, NY 14221		ЦЦ	49 FLEETWOOD				ORD
			Jennifer M. Polito			TERRACE				
74	Jordan Road	One family year- round residence	74 Jordan Road		Ŋ					I.
		Touria residence	Williamsville, NY 14221		ž	41 FLEETWOOD TERRACE				
		One family year-	Terry E. Dunn		FLEETWOOD	TERRACE				م <u>لــــ</u> ــ
23	Fleetwood Terrace	round residence	23 Fleetwood Terrace		Ē					$\langle 1 \rangle$
			Williamsville, NY 14221 Sebastiano Andreana & Carla Beneduce			31 FLEETWOOD		DRIVE		
31	Fleetwood Terrace	One family year-	31 Fleetwood Terrace			TERRACE				
31		round residence	Williamsville, NY 14221					ERIDAN	1	
		One family year	Iryna Zottola & Ruslan Demus			23 FLEETWOOD				i i i
41	Fleetwood Terrace	One family year- round residence	41 Fleetwood Terrace			TERRACE			i i	
			Williamsville, NY 14221					4784		
49	Fleetwood Terrace	One family year-	Iryna Zottola & Ruslan Demus 41 Fleetwood Terrace			NAC	i	4		L
49	Fleetwood Telface	round residence	Williamsville, NY 14221	1						
<u> </u>			Gordan J. Smith			4764 SHERIDAN				
57	Fleetwood Terrace	One family year- round residence	57 Fleetwood Terrace			64				
		Touria residence	Williamsville, NY 14221			4				
			United Cerebral Palsy Association				SHERIDAN DRIVE	-		
65	Fleetwood Terrace	One family year-	of WNY Inc.			-	SHERIDAN DAW			
		round residence	2356 N Forest Road					T i		i
			Getzville, NY 14068 Gail G. Lannon							1
73	Fleetwood Terrace	One family year-	73 Fleetwood Terrace							1
		round residence	Williamsville, NY 14221			4765 SHERIDAN	4775 SHERIDAN DRIVE	4785 SHERIDAN		Î.
		One family years	Roger H. Lintner & Arlene Pierce			DRIVE	DRIVE	DINIVE		
81	Fleetwood Terrace	One family year- round residence	81 Fleetwood Terrace							/
	ļ		Williamsville, NY 14221							/
05		One family year-	Michael N. Straeck		ELLI	COTT CREEK				/
85	Deville Circle	round residence	85 Deville Circle Williamsville, NY 14221	·						i
			Inge L. Strauss Rev Trust	1					/	
90	Deville Circle	One family year-	4201 NE 23 rd Terrace						k.	/
		round residence	Lighthouse Point, FL 33064	1				`		
		One family year-	Gregory Pavlov & Marsha E. Shapiro						\mathbf{X}	, í
100	Deville Circle	round residence	100 Deville Circle							\times /
			Williamsville, NY 14221						<u>``\\</u>	X





PROJECT TASKS:



THE: PRELIMINARY PROJECT SCHEDULE

BCP APPLICATION

FORMER GLEASON'S NURSERY 4774 & 4780 SHERIDAN DRIVE, AMHERST, NEW YORK

Prepared for:

4780 SHERIDAN DRIVE LLC



Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBITS

EXHIBIT 1

Erie County Parcel Detail Reports

Erie County On-Line Mapping System Parcel Detail Report



Parcel Overview Map

Parcel Detail Map

PIN: 1422890681200001010000	Acreage: 0.67934233
SBL: 68.12-1-10	Total Assessment: \$135,000
Address: 4774 SHERIDAN DR	Land Assessment: \$65,400
Owner 1: GLEASON RUDOLPH H/W	County Taxes: \$135,000
Owner 2: GLEASON GRETA H/W	Town Taxes: \$0
Mailing Address: 4780 SHERIDAN DR	School Taxes: \$0
City/Zip: WILLIAMSVILLE NY 14221	Village Taxes: \$0
Municipality: Amherst	School District: WILLIAMSVILLE CENTRAL SCHOOL DISTRICT
Property Class: 210	Year Built: 1955
Class Description: R - 1 Family Res	Sqft Living Area: 1312
Front: 121.67	Condition: 0
Depth: 260	Heating: 0
Deed Roll: 1	Basement: 0
Deed Book: 11363	Fireplace: 1
Deed Page: 97	Beds: 2
Deed Date:	Baths: 1

Erie County, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Erie County On-Line Mapping System Parcel Detail Report



Parcel Overview Map

Parcel Detail Map

PIN: 1422890681200001011000	Acreage: 4.40053707
SBL: 68.12-1-11	Total Assessment: \$303,200
Address: 4780 SHERIDAN DR	Land Assessment: \$120,000
Owner 1: GLEASON RUDOLPH L	County Taxes: \$303,200
Owner 2: GLEASON GRETA J	Town Taxes: \$0
Mailing Address: 4780 SHERIDAN DR	School Taxes: \$0
City/Zip: WILLIAMSVILLE NY 14221	Village Taxes: \$0
Municipality: Amherst	School District: WILLIAMSVILLE CENTRAL SCHOOL
Property Class: 283	DISTRICT Year Built: 1930
Class Description: B - Res w/Comuse	Sqft Living Area: 3011
Front: 93.71	Condition: 0
Depth: 0	Heating: 0
Deed Roll: 1	Basement: 0
Deed Book: 08176	Fireplace: 0
Deed Page: 00155	Beds: 4
Deed Date:	Baths: 2.5

Erie County, its officials, and its employees assume no responsibility or legal liability for the accuracy, completeness, reliability, timeliness, or usefulness of any information provided. Tax parcel data was prepared for tax purposes only and is not to be reproduced or used for surveying or conveyancing. This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBIT 2

Photo Log

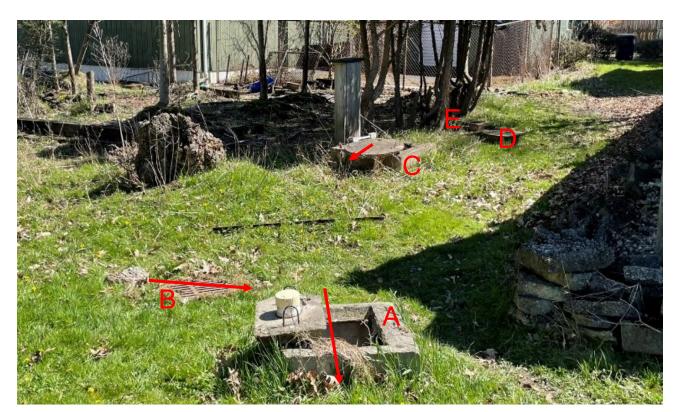


Photograph 1: Material stored on the eastern side of the garage located at the 4774 Sheridan Drive parcel (Building 2). HA-5 was collected from this area. Suspected pesticide spray in the two plastic containers located in the center of the photo, circled in red (looking northeast).



Photograph 2: Apparent Septic system leach field, located on the western portion of the 4780 Sheridan Drive parcel (looking south). Manhole A & B shown in foreground (see Photo 3).





Photograph 3: Five manholes were identified likely leading to the septic system leach field, identified as Manhole A through Manhole E (looking northeast). Red arrows show approximate flow through direction.



Photograph 4: Apparent former planting/storage area, located north of Building 6. HA-12 was collected from this area (looking northeast). Two abandoned trucks associated with former nursery shown in the background.





Photograph 5: Suspected concrete rinsing pit, grated top was originally over the concrete pit. Removed the grated top to collect a sample of the sediment material within the pit (SED-1). This structure is located in an apparent former storage area (top of photo is north).



Photograph 6: Broken metal drum, filled with apparent cinders and ash. SED-4 was collected from the ash/cinder material (looking north).





Photograph 7: Piled, partially covered apparent fill material observed in the northern portion of the Site (looking northwest).



Photograph 8: Equipment associated with the former nursery stored on the north and west sides of Building 6 (looking South).





Photograph 9: An uncovered 5-gallon bucket and smaller uncovered container with unknown petroleum-type material (suspected hydraulic oil) mixed with water observed outside the northeast corner of Building 6 (looking southwest).



Photograph 10: The 5-gallon bucket was moved aside to sample underlying soil (HA-20). Grossly contaminated material was identified in the soil (black staining, strong petroleum odors, PID reading of 60 ppm).





Photograph 11: Inside Building 6, apparently used as a garage and office area for the former nursery. Filled with equipment and materials associated with the former nursery. Two floor drains were identified within the garage, one shown on the right side of this photo (Eastern Floor Drain) and the other located behind the loader bucket (Western Floor Drain) (looking west).



Photograph 12: Eastern Floor Drain located in Building 6 with drainage pipe directed west. SED-2 was collected from this floor drain (top of photo is northwest).



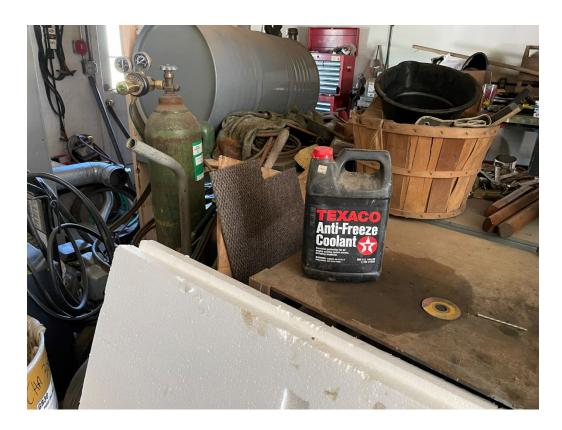


Photograph 13: Western Floor Drain located in Building 6 with drainage pipe directed west. SED-3 was collected from this floor drain (top of photo is southwest).



Photograph 14: Equipment and materials stored in Building 6.



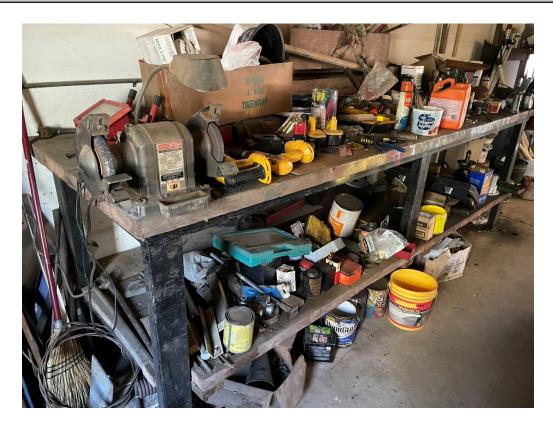


Photograph 15: Equipment and materials stored in Building 6.



Photograph 16: Equipment and materials stored in Building 6.





Photograph 17: Equipment and materials stored in Building 6.



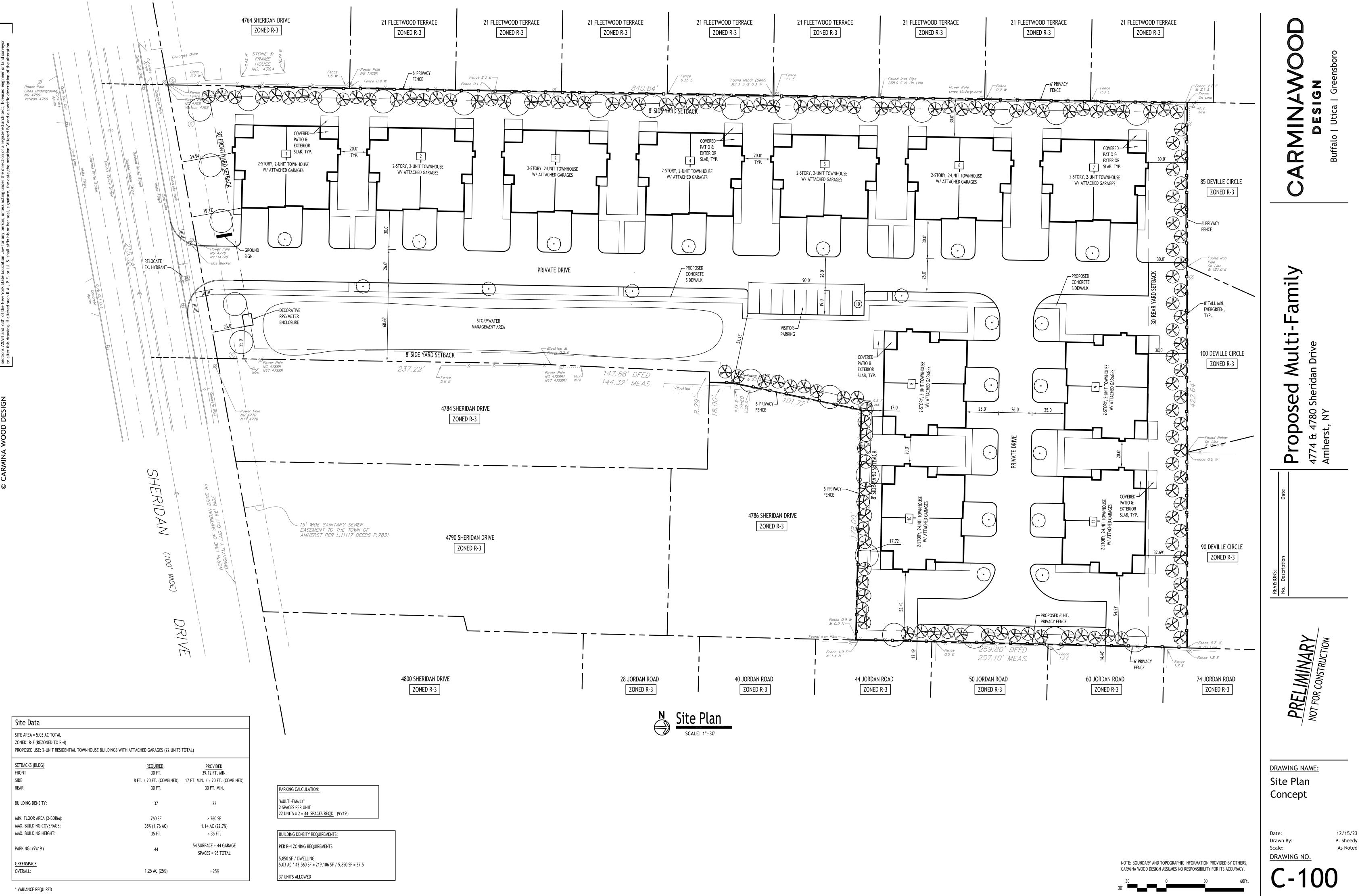
Photograph 18: Equipment and materials stored in Building 6.



Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBIT 3

Preliminary Project Drawing



Project No: 23-4xxx

EXHIBIT 4

Amherst Town Board Resolution 2023-957



TOWN OF AMHERST

TOWN CLERK'S OFFICE

5583 MAIN STREET WILLIAMSVILLE, NEW YORK 14221 (716) 631-7021 FAX (716) 631-7152 www.amherst.ny.us Francina J. Spoth Town Clerk

Timothy Koller Deputy Town Clerk

CERTIFICATE OF TOWN CLERK

I, Francina J. Spoth, Town Clerk of the Town of Amherst, in the County of Erie, State of New York, HEREBY CERTIFY, as follows:

That the attached Resolution 2023-957 "Adoption of Local Law to Amend the Zoning Map (4774 & 4780 Sheridan Drive, Z-2023-07)" is a true and exact copy of the Resolution enacted by the Town Board at its meeting on February 5, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of Amherst this 9th day of February, 2024.

Dott

Francina J. Spoth Town Clerk Town of Amherst, Erie County, NY

Sworn to before me This 9th day of February, 2024

Notary Public TIMOTHY J. KOLLER No. 01KO6263885 Notary Public, State of New York Qualified in Erie County My Commission Expires 06/11/20_24



Amherst Town Board 5583 Main Street Williamsville, NY 14221 www.amherst.ny.us

Francina J. Spoth Town Clerk

Meeting: 02/05/24 07:00 PM Department: Town Clerk Initiated by: **Timothy Koller** Co-Sponsored by:

DOC ID: 28261

RESOLUTION 2023-957

ADOPTED AS AMENDED

Adoption of Local Law to Amend the Zoning Map (4774 & 4780 Sheridan Drive, Z-2023-07)

RESOLVED, that pursuant to 6NYCRR Part 617 (SEQR) and Town Code Section 104, as amended, that the requirements of SEQR are complete, and be it further

RESOLVED, that pursuant to NYS Town Law Sec.272-a, the Town Board concurs with the findings of the Planning Board as stated in their resolution of October 19, 2023 that the proposed Residential District 4 zoning at 4774 & 4780 Sheridan Drive is consistent with the adopted Bicentennial Comprehensive Plan, as amended, and be it further

RESOLVED, that in accordance with Section 203-8-3 of the Town Code (Zoning), the Town Board adopts Local Law (#____) to amend the Town Zoning map subject to the following conditions as recommended by the Planning Board:

- 1. That the density of the project site shall not exceed 4.4 units per acre.
- That the use of the project site to be rezoned from R-3 to R-4 shall be limited to two (2) unit-attached townhomes only.
- 3. That the maximum allowable height of any residential building on the project site as measured from finished grade shall be thirty (30) feet.
- 4. That the project site's contaminated soil be remediated to Track 1 Unrestricted standards under the purview of, and in accordance with the NYSDEC's Brownfield Cleanup Program.
- 5. <u>That proposed buildings numbered 9 and 11 on the attached site concept plan</u> prepared by CarminaWood Design dated 12/15/2023 shall not have any upper story windows along the north facing walls.
- 6. That the conditions stated above shall be memorialized via the recording of a Declaration of Restrictions at the Erie County Clerk's Office.

12/4/2023

A motion to open the public hearing was made by Supervisor Kulpa, seconded by Deputy Supervisor Bucki and unanimously approved 5-0. The public hearing was opened at 8:54 PM.

Sean Hopkins, Esq., presented.

The following speakers spoke in opposition: Sharon Easterbrook, 80 Tristan Ln Alicia Schreier, 79 Tristan Ln

There were no further speakers from the public, therefore Supervisor Kulpa moved to close the hearing and set a decision date for the December 18th Town Board meeting, seconded by Councilmember Lavin and unanimously approved 5-0. The public hearing was closed at 9:23 PM.

12/18/2023

Councilmember Berger made a motion to adjourn to the second Town Board meeting in January, seconded by Councilmember Szukala and unanimously approved 5-0.

1/22/2024

Supervisor Kulpa made a motion to adjourn, seconded by Councilmember Berger and unanimously approved 5-0.

2/5/2024

A motion to approve was made by Supervisor Kulpa and seconded by Councilmember Lavin. A motion to amend was made by Supervisor Kulpa, seconded by Councilmember Berger and unanimously approved 5-0. Amendment adds the underlined language. A motion to approve as amended was made by Supervisor Kulpa, seconded by Councilmember Berger and approved 4-1 (nay, Marinucci).

RESULT:	ADOPTED AS AMENDED [4 TO 1]
MOVER:	Brian J. Kulpa, Supervisor
SECONDER:	Jacqualine Berger, Councilmember
AYES:	Kulpa, Berger, Lavin, Szukala
NAYS:	Marinucci

Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBIT 5

SEQR Negative Declaration

Town of Amherst Planning Department



Erie County, New York

Brian J. Kulpa Supervisor

Daniel C. Howard, AICP Planning Director

Daniel J. Ulatowski, AICP Assistant Planning Director

SEQR

NEGATIVE DECLARATION

NOTICE OF DETERMINATION OF NON-SIGNIFICANCE

Lead Agency:

Town of Amherst Town Board Project: Z-2023-07

Address:

5583 Main Street Williamsville, NY 14221 (716) 631-7051 Date: February 5, 2024

This notice is issued pursuant to Part 617 and Local Law #3-82, as amended, of the implementing regulations pertaining to Article 8 (State Environmental Quality Review) of the Environmental Conservation Law.

The Lead Agency has determined that the proposed action described below will not have a significant adverse effect on the environment.

Title of Action:	Rezoning Request.	
SEQR Status:	Unlisted Action	
Description of Action:	Rezoning of 5.03± acres of land from Residential District 3 (R-3) to Residential District 4 (R-4) to allow for a potential future development of the subject site as attached single-family residential homes	
Location:	4774 & 4780 Sheridan Drive, Town of Amherst, Erie County, New York	
Petitioner:	RAS Development Company LLC	

Negative Declaration, Z-2023-07 February 5, 2024 Page 2

Reasons Supporting This Determination

Based on information submitted by the applicant, including a Full Environmental Assessment Form (EAF) - Part 1, a complete rezoning application, concept plan, and a Focused Environmental Analysis Summary prepared by Environmental Advantage, a preliminary staff analysis was undertaken. Based on the results of the EAF Part 2 and compared to the criteria listed in Section 617.7, all indications are that the proposed rezoning of $5.03 \pm$ acres of land from Residential District 3 (R-3) to Residential District 4 (R-4) for the potential future development of the subject site as attached single-family residential homes will not have a significant impact on the environment, as follows:

- 1. The project is not expected to cause a substantial adverse change in existing air quality, ground or surface water quality or quantity, or noise levels; a substantial increase in solid waste production; or a substantial increase in the potential for erosion, flooding, leaching or drainage problems. The Town Engineering Department on October 18, 2023 reviewed the application and EAF submitted on July 17, 2023, the Geotechnical Engineering Report prepared by Ray M. Teeter, P.E. and submitted on July 18, 2023 and had no objection or comments on the proposed rezoning.
- 2. The project will not result in the removal or destruction of large quantities of vegetation or fauna; or in significant adverse impacts to fish or wildlife species, habitats or other natural resources. A Landscape/Tree preservation Plan shall be required of the applicant upon submittal of a site plan application for development of the site at which stage all landscape requirements of the Zoning Ordinance will be met.
- 3. The project is not expected to create any material conflict with the Town Comprehensive Plan. The project will comply with all regulations of the Town Zoning Ordinance before final site plan approval is granted. The Town Building Department on July 27, 2023 reviewed the application and EAF submitted on July 17, 2023, and has no objection or comments on the proposed rezoning.
- 4. The project is within an area identified by the State as potentially containing significant cultural or archeological resources, nor will it impair the character or quality of important historical resources. In a letter dated December 14, 2018 the NYS Office of Parks, Recreation, Historic Preservation stated that no properties including archaeological and/or historical resources will be impacted by this project.
- 5. The project will not impair the character or quality of important aesthetic resources or of existing community or neighborhood character. The subject request is for rezoning from Residential District 3 (R-3) to Residential District 4 (R-4). Neighboring uses are detached single-family residential to the north, south, east and west, zoned R-3; therefore, the project is consistent with surrounding land use.
- 6. The proposed rezoning to Residential District 4 (R-4) for a proposed potential future development of the subject site as attached single-family residential homes will not cause a major change in the use of either the quantity or type of energy.

Negative Declaration, Z-2023-07 February 5, 2024 Page 3

7. The rezoning to Residential District 4 (R-4) for the proposed potential future development of the subject site as attached single-family residential homes will not create any hazard to human health based on the following.

The Fire Chief's Association on August 18, 2023, has reviewed the rezoning request and supporting documentation and has no objection to or adverse comments on the proposed rezoning.

A Focused Environmental Site Assessment, was prepared by Environmental Advantage Inc. on August 17, 2021. The results of the report describe that the evidence of historical metal-based pesticides was identified below NYSDEC/NYSDOH unrestricted site use levels in NYSDEC 6 NYCCR Subpart 375-6 with two exceptions. Once remediated to applicable NYDEC standards it is not anticipated that the project will create a hazard to human health. Further reporting to the NYSDEC may be required based on future potential field work at the subject site.

- 8. The rezoning to Residential District 4 (R-4) will not cause a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. The proposed potential future development of the subject site as attached single-family residential homes will be consistent with the scale of surrounding land uses.
- 9. The rezoning to Residential District 4 (R-4) for the proposed potential future development of the subject site as attached single-family residential homes will not significantly increase the number of people using the site over its previous level of use.
- 10. Review by the Town Traffic/Safety Board on August 8, 2023 indicates that significant negative traffic impacts are not expected to result from the proposed project.
- 11. Coordinated reviews of the project have been undertaken by Town Departments including the Town Assessor on December 1, 2023, and Right-of-Way Agent on July 24, 2023 along with outside agencies including the Williamsville Central School District on July 25, 2023. These reviews have not identified any significant environmental issues and indicate that the proposal will not have a significant damaging impact on the environment.
- 12. Issues not specifically mentioned above and/or those not specifically reviewed were not raised by Town departments, outside agencies or the public and are not determined to be causing significant negative environmental impacts.

Negative Declaration, Z-2023-07 February 5, 2024 Page 4

Thomas J. Voigt, Assistant Planner

 $\frac{2/13/2024}{date}$

Brian J. Kulpa, Supervisor

TV/ac

X\Current_Planning\Files\Rezonings\2023\Z-2023-07_(4774_&_4780_Sheridan_Dr)_2023\Z-2023-07_TB SEQR neg dec 020524.docx cc: Amherst Town Clerk Amherst Building Department ECDEP NYSDEC NYSDOT RAS Development Company LLC Sean Hopkins

Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBIT 6

NYSDOS Entity Database Printout

Department of State Division of Corporations

Entity Information

	Return to	o Results Return to Search
Entity Details		^
ENTITY NAME: 4780 SHERIDAN DRIVE LLC DOS ID: 7299151 FOREIGN LEGAL NAME: FICTITIOUS NAME: ENTITY TYPE: DOMESTIC LIMITED LIABILITY CC DURATION DATE/LATEST DATE OF DISSOLUTIC SECTIONOF LAW: LIMITED LIABILITY COMPANY ENTITY STATUS: ACTIVE DATE OF INITIAL DOS FILING: 04/08/2024 REASON FOR STATUS: EFFECTIVE DATE INITIAL FILING: 04/08/2024 NACTIVE DATE: FOREIGN FORMATION DATE: STATEMENT STATUS: CURRENT COUNTY: ERIE	DN:	
NEXT STATEMENT DUE DATE: 04/30/2026 JURISDICTION: NEW YORK, UNITED STATES NFP CATEGORY:		
	ENTITY DISPLAY NAME HISTORY FIL	ING HISTORY MERGER HISTORY ASSUMED NAME HISTORY
Service of Process on the Secretary of State as A	gent	
The Post Office address to which the Secretary	of State shall mail a copy of any process aga	ainst the corporation served upon the Secretary of State by personal delivery:
Name: 4780 SHERIDAN DRIVE LLC		
Address: C/O ANDREW ROMANOWSKI, 4727	CAMP ROAD, HAMBURG, NY, UNITED STATE	ES, 14075
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:		
Autos.		
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

EXHIBIT 7

Organizational Information & Authorization to Sign

4780 SHERIDAN DRIVE, LLC

<u>Volunteer Applicant</u>

4780 Sheridan Drive LLC

4727 Camp Road Hamburg, New York, 14075

Andrew Romanowski

(Managing Member)

4780 SHERIDAN DRIVE LLC

JOINT UNANIMOUS WRITTEN CONSENT

OF THE SHAREHOLDERS AND OFFICERS

June 14, 2024

The undersigned and Sole Member of **4780 SHERIDAN DRIVE LLC**, a New York limited corporation (the "Company"), herby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that Andrew Romanowski (an "Authorized Person") be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Corporation, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation's Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 4774 Sheridan Drive (S.B.L. No. 68.12-1-10) and 4780 Sheridan Drive (S.B.L. No. 68.12-1-11), Amherst, New York; and be it further

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

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

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

Name: Andrew Romanowski Sole Member, 4780 Sheridan Drive LLC

Brownfield Cleanup Program Application Former Gleason's Nursery

EXHIBIT 8

Access Agreement

July 8, 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 4774 & 4780 Sheridan Drive Site Amherst, New York

Dear Ms. Lewandowski:

Please be advised that I, Diane Wolf, am Power of Attorney for Rudolph and Greta Gleason, who are the current owners of the referenced properties located in Amherst, New York (the "Site"). I am aware of and acknowledge that 4780 Sheridan Drive, LLC will be filing an application to enter the New York State Brownfield Cleanup Program ("BCP") and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Agreement ("BCA") with the New York State Department of Environmental Conservation ("NYSDEC") for environmental investigation and/or remediation of the Site.

As Power of Attorney for the owners of the Site, I authorize 4780 Sheridan Drive, 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,

Diane Wolf, as Power of Attorney

07/09/24

Diane Wolf Power of Attorney for Rudolph and Greta Gleason

EXHIBIT 9

Document Repository Request & Confirmation

RE: Document Repository Request - Former Gleason's Nursery

April Tompkins <tompkinsa@buffalolib.org> Thu 2024-06-06 2:09 PM To:Chelsea Kanaley <ckanaley@rouxinc.com> This message originated outside your organization. Please use caution!

Good afternoon Chelsea,

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 **Former Gleason's Nursery Site**. These documents will be made available for public viewing at the **Williamsville Branch 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 <u>cover letter</u> 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 are not accessible 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.

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

Regards, April

April Tompkins, Sr. Library Clerk

Office of Chief Operating Officer Buffalo and Erie County Public Library 1 Lafayette Square | Buffalo, NY 14203 Voice: 716-858-7129 | Fax: 716-845-9053 E-mail: tompkinsa@buffalolib.org

From: Chelsea Kanaley <ckanaley@rouxinc.com>
Sent: Thursday, June 6, 2024 10:45 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - Former Gleason's Nursery

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

Ms. Tompkins,

Please see the attached document repository request for the Brownfield Cleanup Program.

Thank you, Chelsea Kanaley

Chelsea Kanaley | Project Hydrogeologist

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218 Main: 716-856-0599 | Direct: 716-783-2822 Email: <u>ckanaley@rouxinc.com</u> | Website: <u>www.rouxinc.com</u>

Please consider the environment before printing this email.

NOTICE: This electronic communication, including any authorized attachments, contains information that may be legally privileged, protected, confidential and/or exempt from disclosure or certain types of use under applicable law. This information is for the sole use of the intended recipient(s). If you are not the intended recipient(s) or the employee or agent responsible for delivery of this message to the intended

recipient(s), you are hereby notified that any review, use, disclosure, copying, distribution or the taking of any action in reliance on the contents of this e-mail or any attachments is strictly prohibited. You are further advised that review by an individual other than the intended recipient(s) shall not constitute a waiver of any attorney-client privilege which may apply to this communication. If you have received this communication in error, please notify the sender immediately by return e-mail, permanently delete this e-mail and any attachments from all computers on which they may be stored and destroy any print-outs of this email and any attachments.

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



June 6, 2024

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

Re: Document Repository for Brownfield Cleanup Program Former Gleason's Nursery 4774 & 4780 Sheridan Drive Amherst, NY 14221

Dear Ms. Tompkins:

On behalf of our client, Roux Environmental Engineering and Geology, D.P.C. would like to request the Buffalo & Erie County Public Library (Williamsville Branch) 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 at the Williamsville Branch library.

Sincerely,

ROUX ENVIRONMENTAL ENGINEERING AND GEOLOGY, D.P.C.

Chebea Kanaley

Chelsea Kanaley Project Hydrogeologist