



Brownfield Cleanup Program Application

1440 Main Street
Buffalo, New York

October 2024

Prepared for:

1440 Main Street LLC
8615 Roll Road
Clarence Center, New York 14032

Prepared by:

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

Brownfield Cleanup Program Application

1440 Main Street

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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 DESiteControl@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: 1440 Main Street

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

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C915408

☒

Yes

☐

No



BCP App Rev 15 – May 2023

SECTION I: Property Information

PROPOSED SITE NAME **1440 Main Street**

ADDRESS/LOCATION **1440 Main Street**

CITY/TOWN **Buffalo**

ZIP CODE **14209**

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

COUNTY **Erie**

SITE SIZE (ACRES) **1.43**

LATITUDE

LONGITUDE

42°	54'	46.36 N	78°	51'	57.12 W
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Provide tax map information for all tax parcels included within the proposed site boundary below. If a portion of any lot is to be included, please indicate as such by inserting "p/o" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding acreage column.

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
1440 Main Street	100.39	2	6.1	0.73
1458 Main Street	100.39	2	4	0.70

1. Do the proposed site boundaries correspond to tax map metes and bounds?
If no, please attach an accurate map of the proposed site including a metes and bounds description. See Figure 3, Exhibit 1

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

2. Is the required property map included with the application?
(Application will not be processed without a map)

<input checked="" type="radio"/>	<input type="radio"/>
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3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See [DEC's website](#) for more information)

If yes, identify census tract: _____

Percentage of property in En-zone (check one): 0% ☒ 1-49% ☐ 50-99% ☐ 100% ☐

<input type="radio"/>	<input checked="" type="radio"/>
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4. Is the project located within a disadvantaged community?
See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.

<input type="radio"/>	<input checked="" type="radio"/>
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6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)?
If yes, identify names of properties and site numbers, if available, in related BCP applications:

<input type="radio"/>	<input checked="" type="radio"/>
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SECTION I: Property Information (CONTINUED)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		<input type="radio"/>	<input checked="" type="radio"/>
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		<input type="radio"/>	<input checked="" type="radio"/>
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		<input type="radio"/>	<input checked="" type="radio"/>
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		<input type="radio"/>	<input checked="" type="radio"/>
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <div style="display: flex; justify-content: space-between;"> <div><u>Easement/Right-of-Way Holder</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <div style="display: flex; justify-content: space-between;"> <div><u>Type</u></div> <div><u>Issuing Agency</u></div> <div><u>Description</u></div> </div>		<input type="radio"/>	<input checked="" type="radio"/>
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? See Appendix A - Section I		<input checked="" type="radio"/>	<input type="radio"/>
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. N/A			
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.		<input type="radio"/>	<input checked="" type="radio"/>
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		<input type="radio"/>	<input checked="" type="radio"/>
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?		<input type="radio"/>	<input checked="" type="radio"/>
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions. Initials of each Requestor: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> <div>_____</div> </div>			

SECTION II: Project Description

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

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

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

☐ Yes ☐ No ☒ N/A

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

☒ RIWP ☐ RAWP ☐ IRM ☐ No

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

Is this information attached?

☒ Yes ☐ No

See Figure 8, Appendix A - Section II

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? N-2C (Mixed-Use Center)

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

Residential ☒ Commercial ☒ Industrial ☐

See Figure 5

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. [See Appendix A - Section III](#)

Y ☒ N ☐

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

Residential ☒ Commercial ☒ Industrial ☐

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

N/A ☐

☐ ☒

6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? [See Appendix A - Section III](#)

☒ ☐

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

☐ ☒

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

☒ ☐

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

☒ ☐

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

☒ ☐

SECTION IV: Property's Environmental History

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

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

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

*Please describe other known contaminants and the media affected:

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

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

Are the required drawings included with this application? See Figure 4 ☒ YES ☐ NO

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

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

Other: Storage/Packing/Moving
Plumbing Supplier
Radio Station

SECTION V: Requestor Information

NAME 1440 Main Street LLC

ADDRESS 8615 Roll Road

CITY/TOWN Clarence Center

STATE NY

ZIP CODE 14032

PHONE (716) 741-4819

EMAIL Patrick@remcnamara.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	<input checked="" type="radio"/>	<input type="radio"/>
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. See Exhibit 5 Is this attached?	<input checked="" type="radio"/>	<input type="radio"/>
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? See Exhibit 6 N/A <input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? See Exhibit 6 Documents that are not properly certified will not be approved under the BCP.	<input checked="" type="radio"/>	<input type="radio"/>

SECTION VI: Requestor Eligibility

If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.

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

SECTION VI: Requestor Eligibility (CONTINUED)

7. Has the requestor been convicted of a criminal offense (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/> Y	<input checked="" type="radio"/> N
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	<input type="radio"/>	<input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?	<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
PARTICIPANT A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.	VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes <input checked="" type="radio"/>	No <input type="radio"/>	N/A <input type="radio"/> See Appendix A - Section VI

SECTION VI: Requestor Eligibility (CONTINUED)

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

☐ Previous Owner ☐ Current Owner ☒ Potential/Future Purchaser ☐ Other: _____

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

Is this proof attached?

☒ Yes☐ No☐ N/ASee Exhibit 7**Note:** A purchase contract or lease agreement does not suffice as proof of site access.**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE Patrick McNamara

ADDRESS 8615 Roll Road

CITY Clarence Center

STATE NY

ZIP CODE 14032

PHONE (716) 390-4411

EMAIL Patrick@remcnamara.com

REQUESTOR'S CONSULTANT (CONTACT NAME) Michael Lesakowski

COMPANY Roux Environmental Engineering and Geology, D.P.C.

ADDRESS 2558 Hamburg Turnpike, Suite 300

CITY Buffalo

STATE NY

ZIP CODE 14218

PHONE (715) 856-0599

EMAIL MLesakowski@rouxinc.com

REQUESTOR'S ATTORNEY (CONTACT NAME) Michael J. Hecker

COMPANY Hodgson Russ LLP

ADDRESS 140 Pearl Street

CITY Buffalo

STATE NY

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 based on demonstration of financial hardship.

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Stephen & Wallis Sireci

CONTACT NAME Same as Owner

ADDRESS 1440 Main Street

CITY Buffalo

STATE NY

ZIP CODE 14209

PHONE

EMAIL

OWNERSHIP START DATE July 6, 1994

CURRENT OPERATOR Same as Owner

CONTACT NAME Same as Owner

ADDRESS Same as Owner

CITY Buffalo

STATE NY

ZIP CODE 14209

PHONE

EMAIL

OPERATION START DATE July 6, 1994

SECTION X: Property Eligibility Information

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

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER Frederick A Culliton Jr.

CONTACT NAME Same as Owner

ADDRESS 1458 Main Street

CITY Buffalo

STATE NY

ZIP CODE 14209

PHONE

EMAIL

OWNERSHIP START DATE May 20, 2004

CURRENT OPERATOR Same as Owner

CONTACT NAME Same as Owner

ADDRESS Same as Owner

CITY Buffalo

STATE NY

ZIP CODE 14209

PHONE

EMAIL

OPERATION START DATE May 20, 2004

SECTION X: Property Eligibility Information

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

SECTION X: Property Eligibility Information (continued)

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

SECTION XI: Site Contact List

See Figure 6, 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 requestor who is an individual)

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

Date: _____

Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 1440 Main Street LLC (entity); that I am authorized by that entity to make this application and execute a Brownfield Cleanup Agreement (BCA) and all subsequent documents; that this application was prepared by me or under my supervision and direction. If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: 8/22/24

Signature:  _____

Print Name: Patrick McNamara

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY N/A

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

From ECL 27-1405(31):

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

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

375-3.2:

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

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

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

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

Check appropriate box below:

- ☐ Project is an Affordable Housing Project – regulatory agreement attached
- ☐ Project is planned as Affordable Housing, but agreement is not yet available*
- *Selecting this option will result in a “pending” status. The regulatory agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.
- ☐ This is not an Affordable Housing Project

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

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

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

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

☐ Yes – planned renewable energy facility site 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.

BCP Application Supporting Information

Section I – Property Information

Parcel Description

The parcels addressed as 1440 and 1458 Main Street in the City of Buffalo, Erie County, New York (hereinafter, the “Site”), subject to this Brownfield Cleanup Program (BCP) application, are located in a highly developed residential, commercial, and recreational use area in the City of Buffalo. The Site consists of a 0.73-acre parcel at 1440 Main Street (SBL No. 100.39-2-6.1) and a 0.70-acre parcel at 1458 Main Street (SBL No. 100.39-2-4), Buffalo, Erie County, New York (see **Figures 1 and 2**). A drawing of the tax map for the adjacent parcels and the surrounding area is provided as **Figure 3 and 6**. The Erie County parcel detail report for each parcel is attached as **Exhibit 1**.

The Applicant, 1440 Main Street LLC, does not own the Site. The parcel at 1440 Main Street is currently owned by Stephen & Wallis Sireci who purchased the property on July 6, 1994, the parcel at 1458 Main Street is currently owned by Frederick A Culliton Jr. who purchased the property on May 20, 2004. 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 the Buffalo Harbor Brownfield Opportunity Area 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

1440 Main Street 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 Glenwood Avenue, Woodlawn Avenue, and Main Street. The Site has access to municipal sanitary sewer, electric, natural-gas, and public water systems.

NYS Recorded Spills – There are two New York Spill Records for the 1440 Main Street property and one for the 1458 Main Street property, as summarized below. The three spills did not occur within the boundary of the proposed 1440 Main Street BCP Site. All three spills have been closed by the NYSDEC with no indication of a subsurface release or significant remediation required to address the spill incidents, which are further discussed below, respectively:

- Spill No. 0075377 – Spill name “Cab Drivers Wanted” recorded August 19, 2000, involved a spill of an unknown quantity of motor oil (used/waste) to a nearby sewers due to poor housekeeping. The NYSDEC closed Spill No. 0075377 on October 16, 2000.

- Spill No. 1402872 – Spill name “Road Side” recorded June 17, 2014, involved a spill of 30 gallons of hydraulic oil from surface water to an impervious surface deliberately. The NYSDEC closed Spill No. 1402872 on June 17, 2014.
- Spill No. 9975238 – Spill name “Former Auto Repair Shop” recorded June 23, 1997, involved a spill of an unknown quantity of unknown material to the soil due to abandoned drums. The NYSDEC closed Spill No. 9975238 on June 25, 1999.

As previously indicated, based on the spill listing details, there is no indication of a subsurface release or significant remediation required to address the spill incidents. Spill records are included as **Exhibit 2**.

Location

The Site is located in an urban area, west of Main Street between Glenwood Avenue and Woodlawn Avenue in the urban center district of the City of Buffalo in Erie County, New York, Buffalo zoning areas identified in **Figure 5**. The Site sits within a highly developed mixed-use residential, commercial, and recreational area of the City of Buffalo. To the north, the Site is bordered by commercial businesses consisting of Buffalo RPM Mobile Mechanic, Sherwin-Williams Paint Store, and KD Pool Builders; to the south of the Site sits commercial businesses, which includes Main Events Banquet Hall, a WNY Iraq and Afghanistan Veteran's War Memorial, and the Pegasus Cleaning Corporation; east of the Site across Main Street are a commercial businesses like car rentals, community administration buildings, insurance broker, and bar; on the west, the Site is bordered by residential homes. Adjacent property owners are identified in **Figure 6**.

Site Features

The Site is mostly vacant and covered with impervious material (asphalt and northern parking lot), light vegetation, and storage buildings. The southern portion of the Site is developed with two structures associated with the 1440 property, including a 2,600-square-foot (SF) two-story vacant building (Building 5), a 7,100 SF commercial storage warehouse building currently being used for Diamond Moving & Storage facilities (Building 4). The Site has concrete sidewalks associated with the Main Street eastern boundary. A chain link fence surrounds the majority of this southern section of the Site, which restricts access. The northern portion of the Site is developed with three structures associated with the 1458 property, including a 5,500 SF single-story building currently occupied by AAA Safe and Lock Co. (Building 3), and two single-story storage vacant commercial buildings (Buildings 1 and 2).

Current Zoning and Land Use

The current zoning for the Site is N-2C (Mixed-Use Center), which is defined as mixed-use centers of high intensity in strategic locations such as on the edges of downtown or proximate to light rail rapid transit, and often featuring mid-rise buildings (see **Figure 5**). According to the City of Buffalo Unified Development Ordinance, the project's proposed redevelopment with a mix of residential and commercial uses is consistent with the zoning assigned to the Site, as further discussed in Section III.

The Site is currently developed with three moderate commercial structures, consisting of the main building (Building 4) and two outbuildings (Building 3, AAA Safe and Lock Co., and Building 5, a two-story vacant building). The surrounding parcels are as follows:

- North – various commercial properties (Buffalo RPM Mobile Mechanic, Sherwin-Williams Paint Store, and KD Pool Builders);

- East – various commercial properties (car rentals, community administration buildings, insurance broker, and bar), and Main Street (including the above-ground portion of the Buffalo Metro Rail);
- South – the remaining portion of 1430 Main Street (a vacant commercial property), which include the asphalt area to the east of Building 5, Main Events Banquet Hall, a WNY Iraq and Afghanistan Veteran's War Memorial, and the Pegasus Cleaning Corporation; and
- West – residential neighborhoods.

Figure 6 identifies the adjacent property owners.

Past Uses of the Site

Based on historic records and Sanborn Fire Insurance Maps, the Site performed operations including storage, a plumbing shop, packing, storefronts, and various auto houses/private garages from at least 1925 through at least 1951. In addition, a former radio station (WKBW Studio) was on-Site at least in 1951. One gasoline underground storage tank (UST) was identified west of Building 4 (off the northwest corner) on the 1440 Main Street parcel in at least 1925. One additional gasoline UST was identified on the southwest portion of the 1458 Main Street parcel. Sanborn Maps are included as **Exhibit 3**.

The following summarizes municipal records provided to Roux at the time of the Limited Phase II Environmental Investigation:

- Past owners were identified as Cold Spring Storage Co., Churchill Evan Association, Powell Moving and Storage Co., H. Knepper and Son (plumbing supplies);
- General building permits on file for the Site apparently associated with a hazardous/regulated material assessment indicates 60-gallons of presumed petroleum and a pump at 1430 Main Street for a plumbing supply store (H. Knepper and Son) and 500-gallons of presumed petroleum at a storage facility (Cold Spring Storage);
- A survey document of 1432 Main Street, dated 1946, indicates the presence of two 750-gallon gasoline USTs, one of which is identified as being filled with water, in connection with a private filling station; an associated sketch depicts these USTs and a pump to the south of a former shed and between a horse barn and warehouse (this area is presumably west of Building 4); and
- An application to Store or Keep for Sale Inflammable Oils or Explosives document, dated 1927, indicates that the applicant, N. Nielsen and Son, has installed one additional 280-gallon gasoline curb tank and pump, which complies with the application and was approved.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, south of Hoyt Lake, which is typified by little topographic relief that gently slopes northward towards the Scajaquada Creek, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as urban land (Ud, see **Figure 7**). This soil type is characterized as 80 percent urban land and 20 percent minor components. Soils within 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 Site generally consists of stone cover material overlying urban fill materials to depths ranging between 0.5 feet below ground surface (fbgs) and 9 fbgs and native sand beneath the fill units. Fill materials, as per previous intrusive assessments, were generally noted to include cinders, ash, and fragments of brick, coal, and concrete. Of note, black sand was observed along the western portion of the Site (SB-1, SB-3 through, SB-5). In addition, this unknown black material was also identified in the southern portion of the 1440 Main

Street parcel (SB-8 through SB-12). Cinders and ash were observed mixed with fill at several soil borings throughout the Site. Fill materials were identified to the base (0.5 to 9 fbgs) of all investigation locations within the BCP parcel bounds, the maximum reach of the excavator. Native soil beneath the fill units was identified as predominantly sandy clay with layers of poorly graded sand.

Regional groundwater flow is likely to the west towards the Niagara River or north towards Scajaquada Creek. Locally, groundwater may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions. Standing water was encountered in soil borings at depths ranging between 7.0 fbgs and 15 fbgs. Monitoring wells will be installed during the Remedial Investigation to assess groundwater flow and quality.

Environmental Assessment

Laboratory analysis indicates wide-spread environmental impacts in soil/fill at the Site likely resulted from both the past uses of the Site (e.g. historic petroleum USTs with a variety of commercial uses) and the addition of urban fill material likely during demolition and backfill of former structures on the Site.

Soil – Fill material present across the Site is impacted by PAHs and/or metals with concentrations exceeding RRSCOs (the most applicable SCO based on the future intended use of the Site) at sample locations from each Site parcel. Of note, total PAH concentrations of 603 mg/kg at SB-2 and 184 mg/kg at SB-10 would be considered “hot spots” requiring remediation if the Site were in a regulatory program under a restricted residential scenario. Regarding metals, arsenic (up to 22.1 mg/kg), barium (up to 311 mg/kg), cadmium (up to 7.7 mg/kg), lead (up to 4,370 mg/kg), and mercury (up to 64.9 mg/kg) were identified at concentrations exceeding their CSCO and/or ISCO and based on the concentrations identified, would also require remediation if the Site were in a regulatory program. No VOCs were detected at concentrations above their respective USCOs in soil samples selected for analysis in Sanborn UST areas. Analytical results are presented in **Figure 4**.

The metals were detected exceeding USCOs, RRSCOs, CSCOs, and ISCOs in soil/fill collected from ten locations across the Site, including SB-1 (0.5-1.5 ft), SB-2 (0.5-1.5 ft), SB-3 (0-4 ft), SB-8 (0.5-1.5 ft), SB-9 (0.5-1.5 ft), SB-10 (0.5-2 ft), and SB-12 (0.5-2 ft).

Specifically, arsenic, barium, cadmium, lead, and mercury exceedance levels were detected at the following locations:

- Arsenic was detected exceeding its ISCO (16 mg/kg) at SB-3 (22.1 mg/kg) and SB-8 (16.2 mg/kg);
- Barium was detected exceeding its USCO (350 mg/kg) at SB-1 (367 mg/kg) and SB-8 (311 mg/kg);
- Cadmium was detected exceeding its USCO (2.5 mg/kg) at SB-3 (3.9 mg/kg) and exceeding its RRSCO (4.3 mg/kg) SB-8 (7.7 mg/kg);
- Lead was detected exceeding its USCO (63 mg/kg) at SB-1 (111 mg/kg), SB-2 (87.6 mg/kg), SB-9 (64.7 mg/kg), and SB-12 (99.1 mg/kg), its CSCO (1,000 mg/kg) at SB-8 (1610 mg/kg), its ISCO (3,900 mg/kg) at SB-3 (4,370 mg/kg); and
- Mercury was detected exceeding its USCO (0.18 mg/kg) at SB-8 (0.5 mg/kg), SB-10 (0.34 mg/kg), and SB-12 (0.33 mg/kg), its RRSCO (0.81 mg/kg) at SB-9 (0.84 mg/kg), its ISCO (5.7 mg/kg) at SB-3 (64.9 mg/kg).

A supplemental hand auger investigation was conducted to further characterize the soil for PAHs and RCRA metals. Five sample locations (HA-1 through HA-5) were taken for analysis; however, only HA-1 through HA-

3 were submitted for standard turn around while HA-4 and HA-5 were placed on hold and never analyzed. Results of the investigation are summarized below:

- Urban fill materials were identified across the Site to depths ranging from 0.5 fbgs to about 3 fbgs.
- PAHs were identified at concentrations exceeding USCOs, RRSCOs, CSCOs, and ISCOs at HA-1 and HA-2.
- Metals, including arsenic, lead, and mercury, were identified exceeding USCOs and RRSCOs at HA-2 and HA-3.

Historic documents and the previous investigation reports (Limited Phase II, Phase II Supplemental, and geotechnical reports) are provided electronically and are discussed below.

Section II – Project Description

1440 Main Street 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.

1440 Main Street LLC is submitting a Remedial Investigation Work Plan (RIWP) concurrent with this BCP application. Upon acceptance into the BCP, 1440 Main Street LLC is prepared to complete Remedial Investigation (RI) activities starting in fall/winter 2024/2025. Remediation and Redevelopment activities would begin in spring/summer 2025. A preliminary project schedule is shown in **Figure 8**.

The Volunteer plans to redevelop the entire ±1.43-acre Site for mixed-use commercial and residential facility, which will provide affordable housing and business retail space. A rendering of the anticipated redevelopment plan is included as **Exhibit 4**.

Section III – Land Use Factors

Zoning and Current Use

The current zoning for the Site is N-2C (Mixed-Use Core), which is defined as mixed-use, walkable centers of Buffalo's most compact neighborhoods, many of which were fully developed before the automobile became prominent. The current zoning permits limited residential and commercial uses including carriage houses, civic buildings, commercial block, and shopfront housing.

The Site consists of underutilized commercial buildings, currently being used for commercial warehouse storage and locksmith, in a highly developed residential and commercial area in the City of Buffalo. During its redevelopment, one existing building on the 1440 Main Street parcel and three existing buildings on the 1458 Main Street parcel will be demolished. PAH and metals-impacted subsurface soil/fill has been identified across the BCP Site to depths of at least 4 fbg.

Anticipated Use

The Volunteer plans to redevelop the entire ±1.43-acre Site for a mixed-use commercial and residential facility. The proposed redevelopment is consistent with the City of Buffalo zoning plan.

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 in **Figure 4**. A summary of soil analytical results exceeding the SCOs applicable for the intended reuse of the Site (USCOs) are provided as **Table 1** along with the maximum detections and the depth of detection. A full list of soil analytical results compared to USCOs, RRSCOs, CSCOs, and ISCOs is provided on **Table 2**. Electronic copies of the previous investigation reports are provided.

Phase II Limited Environmental Investigation (November 2023)

Roux Environmental Engineering and Geology, D.P.C. (Roux) completed a test pit investigation on the Site in October 2023, which was summarized in the November 2023 Phase II Limited Environmental Investigation report. Twelve soil borings (designated as SB-1 through SB-12) were advanced at the Site on October 13, 2023. Soil boring subsurface field observations are included in **Table 3**. Twelve samples (SB-1 0.5-1.5 ft, SB-2 0.5-1.5 ft, SB-3 0-4 ft, SB-5 12-14 ft, SB-6 0.5-1.5 ft, SB-7 11-12 ft, SB-8 0.5-1.5 ft, SB-9 0.5-1.5 ft, SB-10 0.5-2 ft, and SB-12 0.5-2 ft) were submitted for chemical analysis of PAHs and Resource and Recovery Act (RCRA) metals. Select samples were also submitted for volatile organic compounds (VOCs). Results of the investigation are summarized below:

- Urban fill materials were identified across the Site to depths ranging from about 0.5 fbs to greater than 9 fbs.
- Nine different PAHs were identified at various concentrations exceeding USCOs, RRSCOs, CSCOs, and ISCOs at SB-1, SB-2, SB-3, SB-9, SB-10, SB-12.
- Metals, including arsenic, barium, cadmium, lead, and mercury, were identified exceeding USCOs, RRSCOs, CSCOs, and ISCOs at SB-1, SB-2, SB-3, SB-8, SB-9, SB-10, and SB-12.
 - Arsenic was detected up to 22.1 mg/kg, exceeding its ISCO (16 mg/kg) at SB-3, SB-8, and SB-13; barium was detected up to 367 mg/kg, exceeding its USCO (350 mg/kg) at SB-1 and SB-8; cadmium was detected up to 7.7 mg/kg, exceeding its RRSCO (4.3 mg/kg) at SB-8; lead was detected up to 4,370 mg/kg, exceeding its ISCO (3,900 mg/kg) at SB-3, and mercury was detected up to 64.9 mg/kg, exceeding its ISCO (5.7 mg/kg) at SB-3.
- VOCs were not detected at concentrations above laboratory detection limits for SB-5 and SB-7.

Based on the existing data with more than fifty percent (50%) of samples taken for the limited investigation demonstrating significant exceedances of regulatory criteria at multiple locations across the BCP Site parcels, 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.”

Phase II Supplemental Environmental Investigation (May 2024)

Roux completed a supplemental hand auger investigation on the Site in May 2024, who’s results were also summarized in **Table 2**. Five hand augers (designated as HA-1 through HA-5) were advanced at the Site on May 17, 2024. Hand auger subsurface field observations are included in **Table 3**. Three samples (HA-1 0.5-3 ft, HA-2 0.5-3 ft, and HA-3 0.5-3 ft) were submitted for chemical analysis of PAHs and RCRA metals while

the other two (HA-4 and HA-5) were placed on hold with the lab. Results of the investigation are summarized below:

- Urban fill materials were identified across the Site to depths ranging from 0.5 fbgs to about 3 fbgs.
- PAHs were identified at concentrations exceeding USCOs, RRSCOs, CSCOs, and ISCOs at HA-1 and HA-2.
- Metals, including arsenic, lead, and mercury, were identified exceeding USCOs and RRSCOs at HA-2 and HA-3.
 - Arsenic was detected up to 13.7 mg/kg, exceeding its USCO (13 mg/kg) at HA-3, lead was detected up to 341 mg/kg, exceeding its USCO (63 mg/kg) at HA-2 and HA-3, and mercury was detected up to 2.5 mg/kg, exceeding its RRSCO (0.81 mg/kg) at HA-2.

Based on the existing data with more than fifty percent (50%) of samples taken for the supplemental investigation demonstrating significant exceedances of regulatory criteria at multiple locations across the single Site parcel, 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 1440 Main Street LLC is attached as **Exhibit 5**.

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.

1440 Main Street LLC member/owner information, as well information for the individuals authorized to sign on behalf of 1440 Main Street LLC are attached as **Exhibit 6**.

Section VI – Requestor Eligibility

The Applicant, 1440 Main Street LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6 NYCRR 375-3.2(c)(2). 1440 Main Street LLC does not own the 1440 Main Street or 1458 Main Street parcel; Access letters signed by the current owners, authorizing 1440 Main Street LLC and any of its designated contractors and consultants unlimited access to the Site to perform work related to the BCP are provided in **Exhibit 7**. The NYSDOS Corporation & Business Entity Database print-out for 1440 Main Street LLC is included in **Exhibit 5**.

The Applicant does not own the Site. The Applicant and the owner became involved with the property after the disposal or discharge of contaminants, and they have no relationship with the previous owners/operators of the Site.

As such, 1440 Main Street 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

No additional information.

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 available.

1440 Main Street – Owner/Operator Information*				
Owner Name and Address	Operator	Use	Approx. Date(s)	Relationship to Applicant
Current Owner				
Stephen & Wallis Sireci 1440 Main Street Buffalo, New York 14209	Diamond Moving & Storage, Inc.	Vacant Commercial	July 6, 1994 – Present	None
Previous Owners				
Diamond Moving & Storage, Inc.	Unknown/Assumed Same as Owner	Commercial	1978 to 1994	None
Cold Spring Storage Co., Inc.	Unknown/Assumed Same as Owner	Commercial	1921 to 1978	None
Joseph & Sarah Powell	Unknown/Assumed Same as Owner	Unknown	Prior to 1921	None

*Applicant is not current owner/operator of either property, applicant is unaware if previous owner and operators were one and the same

1458 Main Street – Owner/Operator Information*				
Owner Name and Address	Operator	Use	Approx. Date(s)	Relationship to Applicant
Current Owner				
Frederick A Culliton Jr. 1458 Main Street Buffalo, New York 14209	AAA Lock and Safe Co.	Vacant Commercial	May 20, 2004 – Present	None
Previous Owners				
Geo Property Corporation Gerard F. Forton, Esq. 610 Main Street Buffalo, NY 14202	Unknown/Assumed Same as Owner	Commercial	1999 – 2004	None
William & Maureen Downey	Unknown/Assumed Same as Owner	Unknown	1979- 1999	None
Balco-Pedrick Parts	Unknown/Assumed Same as Owner	Unknown	1944 – 1979	None

*Applicant is not current owner/operator of either property, applicant is unaware if previous owner and operators were one and the same

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.

Site Owner/Operator Contacts:

Stephen & Wallis Sireci
1440 Main Street (Owner)
Buffalo, New York 14209

Diamond Moving & Storage, Inc.
1440 Main Street (Operator)
Buffalo, New York 14209

Frederick A Culliton Jr.
1458 Main Street (Owner)
Buffalo, New York 14209

AAA Lock and Safe Co.
1458 Main Street (Operator)
Buffalo, New York 14209

Erie County Contacts:

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

Hon. Lawrence J. Dupre
Erie County Legislator – District 1
1367 Fillmore Avenue
Buffalo, NY 14211

Mr. Daniel Castle, AICP
Commissioner
Erie County Environment & Planning
95 Franklin Street, 10th Floor
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Mr. Thomas E. Baines, Esq.
Deputy Commissioner of Planning & Economic
Development
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Mr. Mark Rountree
Chief Planner
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Ms. Bonnie Lawrence
Deputy Commissioner
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

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

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

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

City of Buffalo Contacts:

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City of Buffalo Planning Board
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James Morrell
Chair
City of Buffalo Planning Board
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Buffalo, NY 14202

Supplier of Potable Water:

Buffalo Water
281 Exchange Street
Buffalo, NY 14204

Local News Media:

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

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

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

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

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

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

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

Nearby Schools and Daycares:

Chelsea White, Chief Early Childhood Officer
CAO of WNY's Head Start/ 1461 Academy
1461 Main Street
Buffalo, NY 14209

Marianna Cecchini, Principal
Public School 17
1045 W. Delavan Avenue
Buffalo, NY 14209

Dr. Patrick Cook, Principal
Public School 74
126 Donaldson Road
Buffalo, NY 14208

Kathleen Sciolino, Principal
Public School 99
1095 Jefferson Avenue
Buffalo, NY 14209

Christine Cleary, Principal
Elmwood Village Charter School - Days Park
40 Days Park
Buffalo, NY 14201

Ella Dunne, Principal
Public School 198
110 14th Street
Buffalo, NY 14213

Rebecca Reeder, President
Nardin Academy
135 Cleveland Avenue
Buffalo, NY 14222

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

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 Address
No.	Street	Property Use	
387	Linwood Avenue	Residential	Digiore James 387 Linwood Avenue, Buffalo, NY 14209
389	Linwood Avenue	Residential	LIA Agency, INC., 389 Linwood Ave, Buffalo, NY 14209
395	Linwood Avenue	Residential	Paroski Margaret 395 Linwood Avenue, Buffalo, NY 14209
405	Linwood Avenue	Residential	Zak William 405 Linwood Avenue, Buffalo, NY 14209
409	Linwood Avenue	Residential	O'Gorman Joseph 409 Linwood Avenue, Buffalo, NY 14209
419	Linwood Avenue	Residential	Zambito Salvatore, 2900 NE 30 th Street, Fort Lauderdale, FL 33306
1430	Main Street	Commercial	Sireci Stephen 10 High Court, Buffalo, NY 14226
1435	Main Street	Restaurant	Forness Properties LLC, 501 Delaware Avenue, Buffalo, NY 14202
1437	Main Street	Office Building	N.Y. Main Investors LLC, 16 Glenside Drive, Budd Lake, NJ 07828
1446	Main Street	Police/Fire, Station No. 6	City of Buffalo, 1202 City Hall, Buffalo, NY 14202
1451	Main Street	Office Building	Compass House, 1451 Main Street, Buffalo, NY 14209
1461	Main Street	Community Action Organization of Western New York	Bethel 1461 Main Street LLC, 1525 Michigan Street, Buffalo, NY 14208

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 8**.

Brownfield Cleanup Program Application
1440 Main Street

TABLES

1. Soil Data Summary Table
2. Summary of Soil/Fill Sample Analytical Results
3. Summary of Subsurface Field Observations



TABLE 1
SOIL DATA SUMMARY TABLE
BROWNFIELD CLEANUP PROGRAM APPLICATION
1440 MAIN STREET
BUFFALO, NEW YORK

Analytes > RRSCOs	Number of Detections > USCOs	Maximum Detection (ppm)	USCO (ppm)	Depth (fbgs)
Benzo(a)anthracene	8	49	1	0 - 4
Benzo(a)pyrene	8	49	1	0 - 4
Benzo(b)fluoranthene	8	48	1	0 - 4
Benzo(k)fluoranthene	7	24	0.8	0.5 - 2
Chrysene	7	48	1	0.5 - 2
Dibenzo(a,h)anthracene	5	2	0.33	0.5 - 2
Fluoranthene	1	120	100	0.5 - 1.5
Indeno(1,2,3-cd)pyrene	7	19	0.5	0.5 - 1.5
Pyrene	1	110	100	0.5 - 1.5
Arsenic	3	22.1	13	0 - 4
Barium	2	367	350	0.5 - 1.5
Cadmium	2	7.7	2.5	0.5 - 1.5
Lead	8	4,370	63	0 - 4
Mercury	6	64.9	0.18	0 - 4

Definitions:

USCO = 6NYCRR Part 375 Unrestricted Soil Cleanup Objectives

ppm = parts per million

fbgs = feet below ground surface



TABLE 2

SUMMARY OF SUBSURFACE SOIL/FILL SAMPLE ANALYTICAL RESULTS
LIMITED PHASE II ENVIRONMENTAL INVESTIGATION REPORT
1440 MAIN STREET
BUFFALO, NEW YORK

PARAMETER ¹	Unrestricted Use SCOs ²	Restricted Residential Use SCOs ²	Commercial Use SCOs ²	Industrial Use SCOs ²	Sample Location (Depth - ft)												
					SB-1 (0.5-1.5')	SB-2 (0.5-1.5')	SB-3 (0-4')	SB-5 (12-14')	SB-6 (0.5-1.5')	SB-7 (11-12')	SB-8 (0.5-1.5')	SB-9 (0.5-1.5')	SB-10 (0.5-2')	SB-12 (0.5-2')	HA-1 (0.5-3')	HA-2 (0.5-3')	HA-3 (0.5-3)
					10/13/2023											5/17/2024	
Volatile Organic Compounds (VOCs) - mg/Kg ³																	
Acetone	0.05	100	500	1,000	--	--	--	ND	--	0.0054 J	--	--	--	--	--	--	--
Methylene chloride	0.05	100	500	1,000	--	--	--	ND	--	0.0027 J	--	--	--	--	--	--	--
Trichloroethene	0.47	21	200	1,000	--	--	--	0.0017 J	--	ND	--	--	--	--	--	--	--
Polycyclic Aromatic Hydrocarbons (PAHs) - mg/Kg ³																	
Acenaphthene	20	100	500	1,000	0.61 J	2 J	ND	--	ND	--	ND	ND	2	0.66 J	0.190 J	0.92 J	ND
Acenaphthylene	100	100	500	1,000	0.26 J	9.6	ND	--	ND	--	ND	ND	ND	ND	0.150 J	0.25 J	ND
Anthracene	100	100	500	1,000	1.2	16	ND	--	ND	--	ND	ND	5.3	1.4 J	0.64 J F2 F1	2	ND
Benzo(a)anthracene	1	1	5.6	11	3.8	49	2.8 J	--	ND	--	0.51 J	5.7 J	16	2.8	3.2 F2 F1	5.5	0.23 J
Benzo(a)pyrene	1	1	1	1.1	6.4	49	3.5 J	--	ND	--	0.58 J	6 J	15	3.2	3.3 F2 F1	5.2	0.29 J
Benzo(b)fluoranthene	1	1	5.6	11	5.7	48	4 J	--	ND	--	0.67 J	6.6 J	20	3.5	3.8 F2 F1	6.9	0.46 J
Benzo(ghi)perylene	100	100	500	1,000	4.4	18	2.4 J	--	ND	--	0.35 J	2.9 J	5.4	1.3 J	2.0 F2 F1	3	0.22 J
Benzo(k)fluoranthene	0.8	3.9	56	110	2.8	24	ND	--	ND	--	ND	2.5 J	7.2	1.5 J	2.0 F2	2.7	ND
Chrysene	1	3.9	56	110	3.6	48	ND	--	ND	--	0.53 J	5.5 J	17	2.7	3.5 F2 F1	5.7	ND
Dibenzo(a,h)anthracene	0.33	0.33	0.56	1.1	1.5	ND	ND	--	ND	--	ND	ND	2	0.52 J	0.58 J F2	0.91 J	ND
Fluoranthene	100	100	500	1,000	6.5	120	5.5 J	--	ND	--	1.2 J	13 J	40	5.8	7.5 F2 F1	13	0.59 J
Fluorene	30	100	500	1,000	0.48 J	6.3	ND	--	ND	--	ND	ND	1.6 J	0.55 J	0.16 J	0.62 J	ND
Indeno(1,2,3-cd)pyrene	0.5	0.5	5.6	11	4.7	19	ND	--	ND	--	0.32 J	2.9 J	6.1	1.4 J	1.7 F2 F1	2.7	ND
Naphthalene	12	100	500	1,000	0.39 J	0.66 J	ND	--	ND	--	ND	ND	ND	0.25 J	ND	0.31 J	ND
Phenanthrene	100	100	500	1,000	5.2	84	4.3 J	--	ND	--	0.81 J	9.5 J	22	5.3	3.5 F2 F1	9.6	ND
Pyrene	100	100	500	1,000	4.9	110	4 J	--	ND	--	0.9 J	10 J	25	3.9	6.4 F2 F1	10	0.450 J
Total PAHs	--	--	--	--	52.4	603.6	26.5	--	ND	--	5.9	64.6	184.6	34.8	38.6	69.3	2.2
Metals - mg/Kg																	
Arsenic	13	16	16	16	12.7	12.9	22.1	--	3.1	--	16.2	5.9	12.3	7.7	7	4.9	13.7
Barium	350	400	400	10,000	367	66.1	182	--	40.4 F1	--	311	85.9	147	112	64.3	64.9	51.8
Cadmium	2.5	4.3	9.3	60	0.23 J	0.11 J	3.9	--	0.2 J	--	7.7	0.39	0.15 J	0.12 J	0.28 B	0.61 B	0.89 B
Chromium	30	180	1,500	6,800	11.4	13.1	17.1	--	8.2	--	18.6	12.7	18.6	10.4	10.9 B	12 B	8.8 B
Lead	63	400	1,000	3,900	111	87.6	4,370	--	14.1	--	1,610	64.7	62	99.1	37.7 ^1+	341 ^1+	102 ^1+
Mercury	0.18	0.81	2.8	5.7	0.15	0.13	64.9	--	0.015 J	--	0.5 F1 F2	0.84	0.34	0.33	0.12	2.5	0.035
Selenium	3.9	180	1,500	6,800	0.71 J	ND	ND	--	ND	--	ND	ND	ND	ND	1.9 J B	1.5 J B	1.3 J B
Silver	2	180	1,500	6,800	ND	ND	0.3 J	--	ND	--	1.3	ND	0.24 J	ND	ND	1.2	ND

- Notes:
- Only those parameters detected at a minimum of one sample location are presented in this table; other compounds were reported as non-detect.
 - Values per 6NYCRR Part 375 Soil Cleanup Objectives (SCOs).
 - 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; Parameter not analyzed for.

J = Estimated value; result is less than the sample quantitation limit but greater than zero.

F1 = MS and/or MSD recovery is outside acceptance limits.

F2 = MS/MSD RPD exceeds control limits.

^1+ = Initial Calibration Verification (ICV) is outside acceptance limits, high biased.

Bold	= Result exceeds Unrestricted Use SCOs
Bold	= Result exceeds Restricted Residential Use SCOs.
Bold	= Result exceeds Commercial Use SCOs.
Bold	= Result exceeds Industrial use SCOs.

TABLE 3

SUMMARY OF SOIL BORINGS AND SAMPLE LOCATIONS

1440 MAIN STREET
BUFFALO, NEW YORK

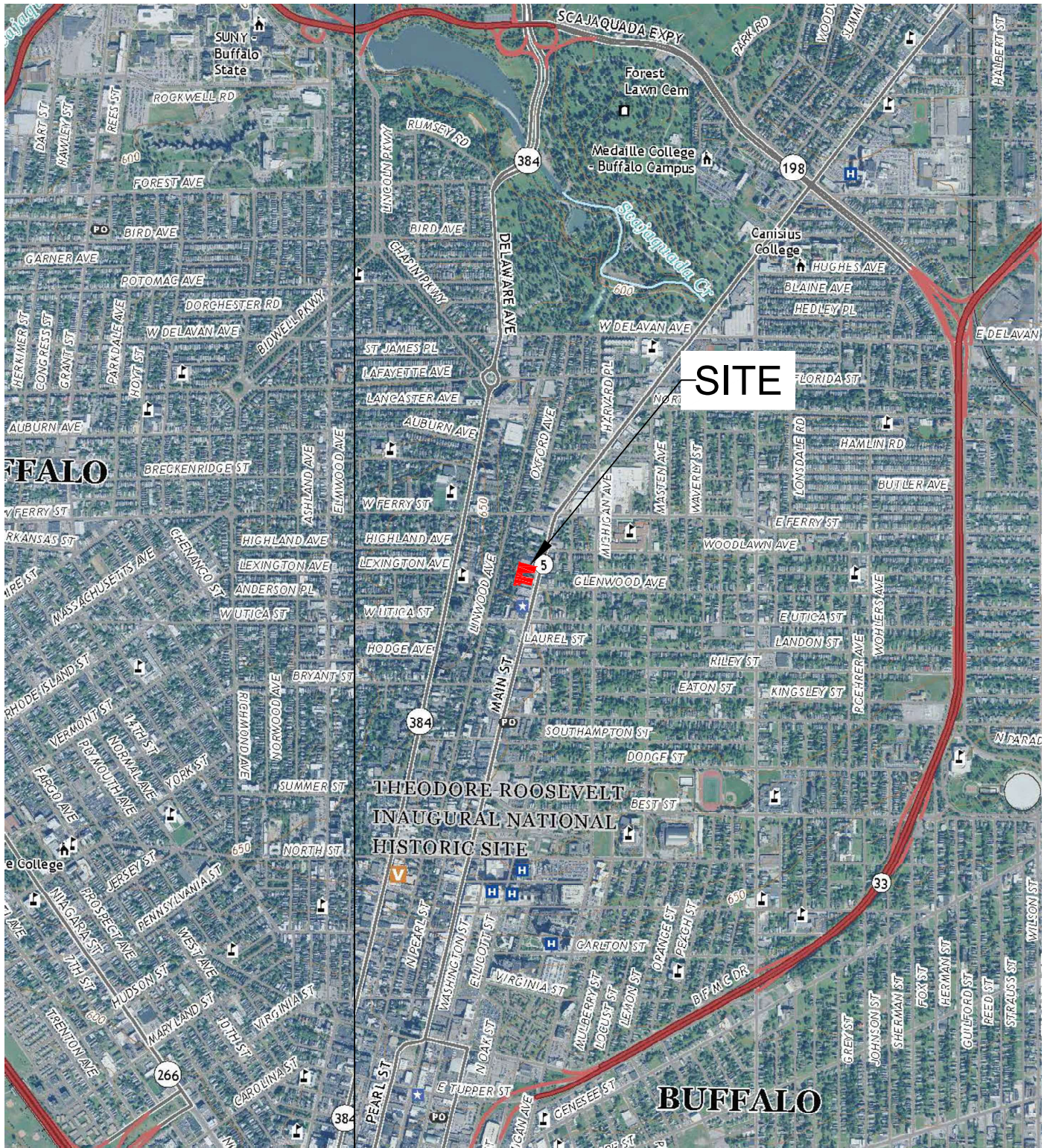
Location	Boring Depth (fbgs)	Visually Impacted?	Olfactory Odor	Peak PID Scan (ppm)		Approximate DTW (fbgs)	Depth (fbgs) and Soil Description (ASTM D2488: Visual-Manual Procedure)
				Scan	HSD		
SB-1	8.0	no	none	0.0	0.0	none	0.0- 0.5 Concrete slab with stone subbase 0.5- 1.5 Non-native fill material black, with black sandy fines, ash, cinders, and stone 1.5- 8.0 Sandy lean clay (CL) brown, medium plasticity
SB-2	12.0	no	none	0.0	0.0	7.0 (perched)	0.0- 0.5 Concrete slab with stone subbase 0.5- 1.5 Non-native fill material white, with ash and cinders 1.5- 6.0 Sandy lean clay (CL) brown, medium plasticity 6.0- 7.0 Unknown hard layer, Potential concrete slab or stone 7.0- 12.0 Sandy lean clay (CL) brown, medium plasticity
SB-3	16.0	no	none	0.0	0.0	14.0 (perched)	0.0- 4.0 Non-native fill material black, with black sandy fines, ash, cinders, brick pieces, and stone 4.0- 14.0 Poorly graded sand (SP) brown 14.0- 16.0 Sandy lean clay (CL) brown, medium plasticity
SB-4	8.0	no	none	0.0	0.0	none	0.0- 0.5 Concrete slab with stone subbase 0.5- 1.5 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces 1.5- 8.0 Sandy lean clay (CL) brown, medium plasticity
SB-5	16.0	no	none	0.0	0.0	14.0 (perched)	0.0- 4.0 Sandy lean clay (CL) brown, medium plasticity, with non-native intermingled fill material including black sandy fines, ash, cinders, brick pieces, and stone 4.0- 6.0 Sandy lean clay (CL) brown, medium plasticity 6.0- 14.0 Poorly graded sand (SP) brown 14.0- 16.0 Sandy lean clay (CL) brown, medium plasticity with trace amounts of stone
SB-6	16.0	no	none	0.0	0.0	15.0 (perched)	0.0- 0.5 Asphalt with stone subbase 0.5- 1.5 Non-native fill material white, with ash and cinders 1.5- 10.0 Sandy lean clay (CL) brown, medium plasticity 10.0- 15.0 Poorly graded sand (SP) brown 15.0- 16.0 Sandy lean clay (CL) brown, medium plasticity
SB-7	12.0	no	none	0.0	0.0	11.5 (perched)	0.0- 0.5 Asphalt with stone subbase 0.5- 1.5 Non-native fill material black, with black sandy fines, with some ash and cinders 1.5- 6.0 Sandy lean clay (CL) brown, medium plasticity 6.0- 11.5 Poorly graded sand (SP) brown 11.5- 12.0 Sandy lean clay (CL) brown, medium plasticity
SB-8	16.0	no	none	0.0	0.0	11.0 (perched)	0.0- 0.5 Asphalt with stone subbase 0.5- 1.5 Sandy lean clay (CL) brown, medium plasticity, with non-native intermingled fill material including black sandy fines, ash, cinders 1.5- 5.0 Sandy lean clay (CL) brown, medium plasticity 5.0- 11.0 Poorly graded sand (SP) brown 14.0- 16.0 Sandy lean clay (CL) brown, medium plasticity with trace amounts of stone
SB-9	8.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 1.5 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces 1.5- 7.0 Sandy lean clay (CL) brown, medium plasticity 7.0- 8.0 Poorly graded sand (SP) brown
SB-10	2.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 2.0 Non-native fill material black, with black sandy fines, ash, cinders, brick pieces, and stone Hit refusal at 2.0 fbgs
SB-11	12.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 8.0 Non-native fill material, brick 8.0- 9.0 Non-native fill material, brick with some intermingled black sandy fines, ash, cinders, and stone 9.0- 12.0 Sandy lean clay (CL) brown, medium plasticity
SB-12	8.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 2.0 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces 2.0- 5.0 Sandy lean clay (CL) brown, medium plasticity 5.0- 8.0 Poorly graded sand (SP) brown
HA-1	3.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 3.0 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces
HA-2	3.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 3.0 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces
HA-3	3.0	no	none	0.0	0.0	none	0.0- 0.5 Asphalt with stone subbase 0.5- 3.0 Non-native fill material black, with black sandy fines, ash, cinders, and brick pieces

Notes:

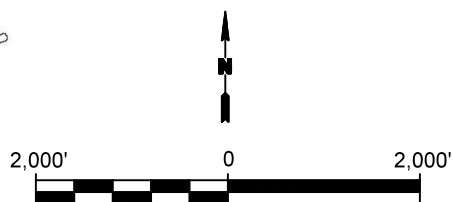
1. fbgs = feet below ground surface
2. DTW = depth to water
3. HSD = headspace determination
4. PID = MiniRae photoionization detector equipped with a 10.6 eV lamp
5. ppm = parts per million

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



BASE MAP: USGS NY BUFFALO NE & NW 2019 QUADRANGLES



Title: **SITE LOCATION AND VICINITY MAP**
BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA



Compiled by: CEH	Date: JULY 2024
Prepared by: RFL	Scale: AS SHOWN
Project Mgr: MAL	Project: 4503.0001B002
File: SITEPLAN(AERIAL).DWG	

FIGURE

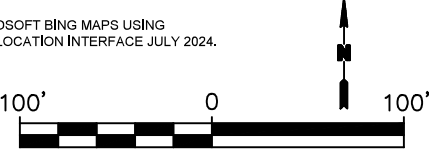
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LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- 1 BUILDING NUMBER

NOTE:
1. AERIAL IMAGE FROM MICROSOFT BING MAPS USING
AUTODESK AUTOCAD GEOLOCATION INTERFACE JULY 2024.



Title:

SITE PLAN (AERIAL)
BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

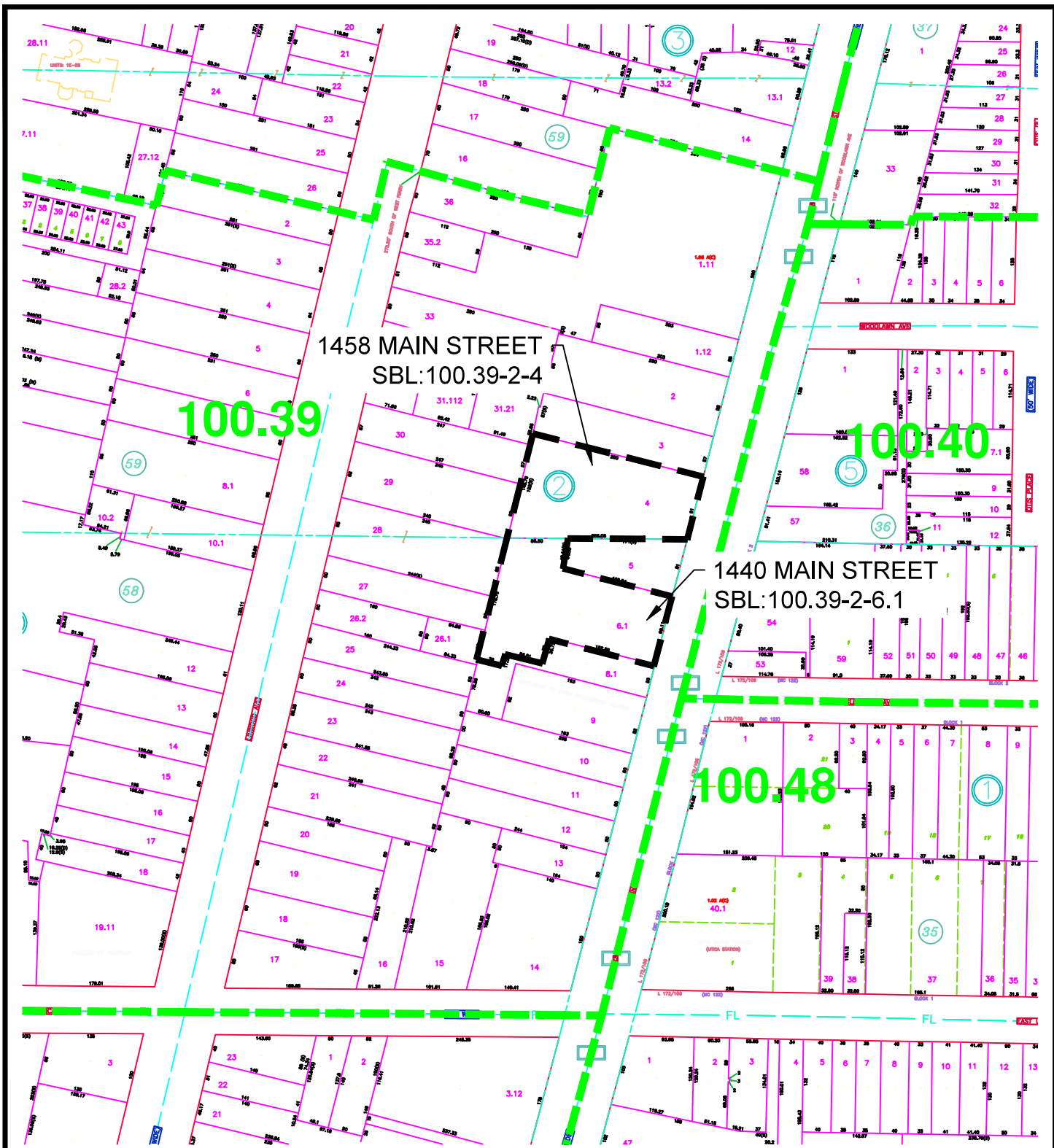
Prepared for:

R.E. MCNAMARA



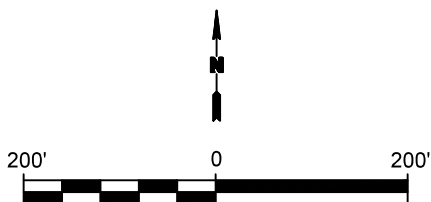
Compiled by: CEH	Date: JULY 2024
Prepared by: RFL	Scale: AS SHOWN
Project Mgr: MAL	Project: 4503.0001B002
File: SITEPLAN(AERIAL).DWG	

FIGURE
2



LEGEND:

--- SITE BOUNDARY



Title:

TAX MAP
BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA



Compiled by: RFL	Date: JULY 2024
Prepared by: RFL	Scale: AS SHOWN
Project Mgr: MAL	Project: 4503.0001B002
File: SITEPLAN(AERIAL).DWG	

FIGURE

3

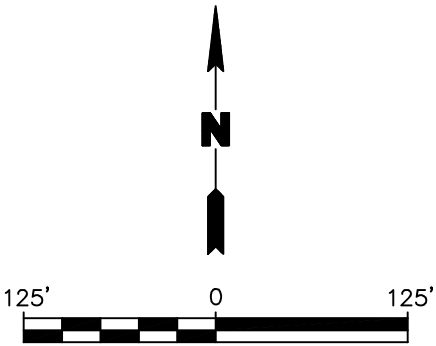


LEGEND:

- SITE BOUNDARY
- - - PARCEL BOUNDARY
- SB-1 SOIL BORING LOCATION
- HA-1 HAND AUGER LOCATION

VALUES PER 6 NYCRR PART 375 SOIL
CLEANUP OBJECTIVES (SCOs):

- EXCEEDS USCOs
- EXCEEDS RRSCOs
- EXCEEDS CSCOs
- EXCEEDS ISCOs



Title:

INVESTIGATION LOCATIONS AND
AREAS OF CONCERN

BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA

Compiled by: CEH

Date: JULY 2024

Prepared by: RFL

Scale: AS SHOWN

Project Mgr: MAL

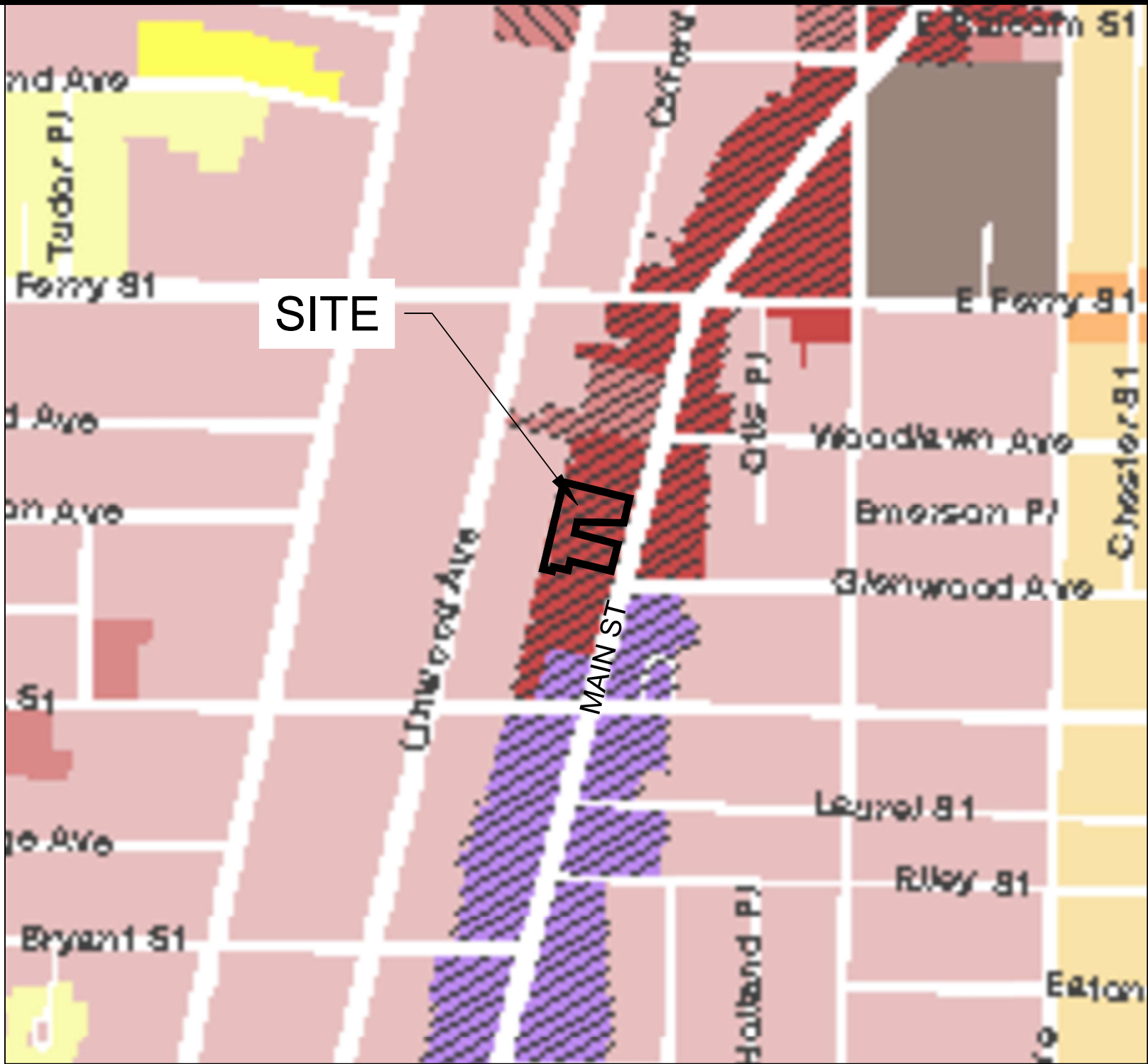
Project: 4503.0001B002

FIGURE

4

File:

FIGURE 4 - INVESTIGATION LOCATIONS AND AREAS OF CONCERN.DWG



Zones

Urban Core (N-1)

- N-1D (Downtown Hub)
- N-1C (Mixed-Use Core)
- N-1S (Secondary Employment Center)

Urban Center (N-2)

- N-2C (Mixed-Use Center)
- N-2E (Mixed-Use Edge)
- N-2R (Residential)

Urban Neighborhood (N-3)

- N-3C (Mixed-Use Center)
- N-3E (Mixed-Use Edge)
- N-3R (Residential)

Urban Edge (N-4)

- N-4-30 (Single Family)
- N-4-50 (Single Family)

Open Space

- D-OS (Square)
- D-OG (Green)
- D-ON (Natural)

Campus

- D-R (Residential Campus)
- D-E (Educational Campus)
- D-M (Medical Campus)

Employment

- D-S (Retail Strip)
- D-C (Flex Commercial)
- D-IL (Light Industrial)
- D-IH (Heavy Industrial)


Corridor

- C-R (Rail Corridor)
- Metro Rail
- Waterfront
- Planned Unit Development

SOURCE OF ZONING:


Zoning Map


City of Buffalo, Unified Development Ordinance




City of Buffalo
Mayor's Office of Strategic Planning
January, 2017

LEGEND:

 SITE BOUNDARY






Title:

ZONING MAP

BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA



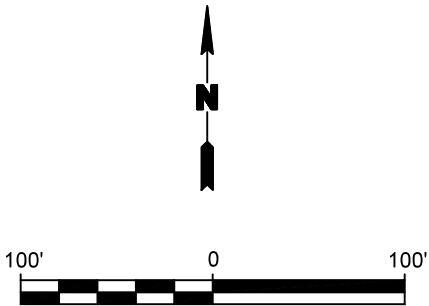
Compiled by: RFL	Date: JULY 2024	FIGURE 5
Prepared by: RFL	Scale: AS SHOWN	
Project Mgr: MAL	Project: 4503.0001B002	
File: FIGURE 5-ZONING MAP.DWG		



- LEGEND:
- SITE BOUNDARY
 - PARCEL BOUNDARY
 - ADJACENT PROPERTIES

PARCEL DATA OBTAINED FROM MAPPING ERIE COUNTY:
INTERACTIVE MAPPING VIEWER JULY 2024

Adjacent Properties		Property Owner Mailing Address
No.	Street	
387	LINWOOD AVE	DIGIORE JAMES 387 LINWOOD AVE BUFFALO, NY 14209
389	LINWOOD AVE	LI A AGENCY INC 389 LINWOOD AVE BUFFALO, NY 14209
395	LINWOOD AVE	PAROSKI MARGARET 395 LINWOOD AVE BUFFALO, NY 14209
405	LINWOOD AVE	ZAK WILLIAM 405 LINWOOD AVE BUFFALO, NY 14209
409	LINWOOD AVE	O'GORMAN JOSEPH 409 LINWOOD AVE BUFFALO, NY 14209
419	LINWOOD AVE	ZAMBATO SALVATORE 2900 NE 30TH ST FT. LAUDERDALE, FL 33306
1430	MAIN	SIREO STEPHEN 10 HIGH CT BUFFALO NY 14226
1435	MAIN	FORNESS PROPERTIES LLC 501 DELAWARE AVE BUFFALO, NY 14202
1437	MAIN	N.Y. MAIN INVESTORS LLC 16 GLENSIDE DR BUDDLAKE, NJ 7828
1446	MAIN	CITY OF BUFFALO 1202 CITY HALL BUFFALO, NY 14202
1451	MAIN	COMPASS HOUSE 1451 MAIN ST BUFFALO, NY 14209
1461	MAIN	BETHEL 1461 MAIN STREET LLC 1525 MICHIGAN ST BUFFALO, NY 14208



Title:

ADJACENT PROPERTY OWNERS

BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA

ROUX

Compiled by: RFL

Prepared by: RFL

Project Mgr: MAL

File: FIGURE 6: ADJACENT PROPERTIES REV.DWG

Date: JULY 2024

Scale: AS SHOWN

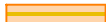
Project: 4503.0001B002

FIGURE

6

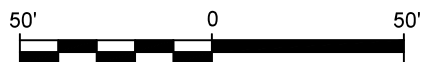


LEGEND:

 SITE BOUNDARY

NOTES:

1. SOURCE OF DATA: USDA NRCS SOILS REPORT JULY 16, 2024.
2. Ud - USDA symbol for Urban Land.



Title:

USDA SOIL TYPE MAP
BCP APPLICATION
1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA

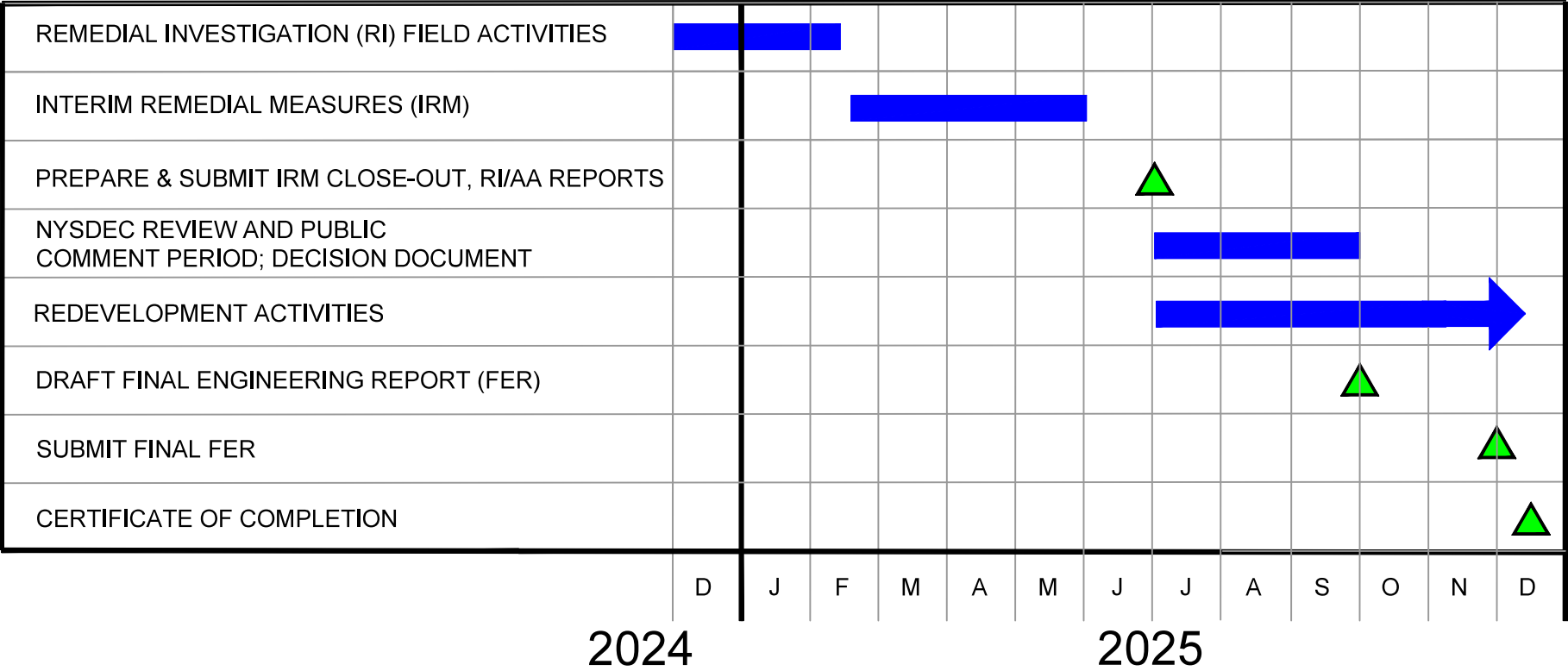


Compiled by: RFL	Date: JULY 2024
Prepared by: RFL	Scale: AS SHOWN
Project Mgr: MAL	Project: 4503.0001B002
File:	

FIGURE

7

PROJECT TASKS:



Title: **PRELIMINARY PROJECT SCHEDULE**

BCP APPLICATION

1440 MAIN STREET SITE
BUFFALO, NEW YORK

Prepared for:

R.E. MCNAMARA



Compiled by: RFL	Date: JULY 2024	FIGURE 8
Prepared by: RFL	Scale: N/A	
Project Mgr: MAL	Project: 4503.0001B002	
File: FIGURE 8: PRELIMINARY PROJECT SCHEDULE.DWG		

Brownfield Cleanup Program Application
1440 Main Street

EXHIBITS

1. Erie County Parcel Detail Report
2. Site Survey Map and Metes & Bounds
3. New York Spill Records
4. Sanborn Fire Insurance Maps
5. Project Rendering
6. NYSDOS Entity Database Printout
7. Organizational Information & Authorization to Sign
8. Access Agreement
9. Document Repository Request & Confirmation

Erie County Parcel Detail Report

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
6/3/2024 4:37:11 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001003900002006100

SBL: 100.39-2-6.1

Address: 1440 MAIN

Owner 1: SIRECI STEPHEN & WALLIS

Owner 2: SIRECI ROBERT

Mailing Address: 1440 MAIN ST

City/Zip: BUFFALO NY 14209

Municipality: City of Buffalo

Property Class: 449

Class Description: C - Warehouse

Front: 98.89

Depth: 247

Deed Roll: 1

Deed Book: 10873

Deed Page: 7431

Deed Date:

Acreage: 0.73069433

Total Assessment: \$660,000

Land Assessment: \$310,900

County Taxes: \$660,000

Town Taxes: \$0

School Taxes: \$0

Village Taxes: \$0

School District: CITY OF BUFFALO

Year Built: 0

Sqft Living Area: 0

Condition: 0

Heating: 0

Basement: 0

Fireplace: 0

Beds: 0

Baths: 0

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
6/3/2024 4:35:34 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001003900002004000
SBL: 100.39-2-4
Address: 1458 MAIN
Owner 1: CULLITON FREDERICK A JR.
Owner 2:
Mailing Address: 1458 MAIN ST
City/Zip: BUFFALO NY 14209
Municipality: City of Buffalo
Property Class: 484
Class Description: C - 1 use sm bld
Front: 91
Depth: 250
Deed Roll: 1
Deed Book: 11075
Deed Page: 7586
Deed Date:

Acreage: 0.7026154
Total Assessment: \$422,000
Land Assessment: \$304,900
County Taxes: \$422,000
Town Taxes: \$0
School Taxes: \$0
Village Taxes: \$0
School District: CITY OF BUFFALO
Year Built: 0
Sqft Living Area: 0
Condition: 0
Heating: 0
Basement: 0
Fireplace: 0
Beds: 0
Baths: 0

Brownfield Cleanup Program Application
1440 Main Street

EXHIBIT 2

New York Spill Records



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 0075377

Spill Date/Time

Spill Date: 09/19/2000 **Spill Time:** 01:21:00 PM

Call Received Date: 09/19/2000 **Call Received Time:** 01:21:00 PM

Location

Spill Name: CAB DRIVERS WANTED

Address: 1440-1444 MAIN STREET

City: BUFFALO **County:** Erie

Spill Description

Material Spilled	Amount Spilled	Resource Affected
------------------	----------------	-------------------

motor oil	UNKNOWN	Sewer
-----------	---------	-------

waste oil/used oil	UNKNOWN	Sewer
--------------------	---------	-------

Cause: Housekeeping

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 10/16/2000

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

Return To Results



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 1402872

Spill Date/Time

Spill Date: 06/17/2014 **Spill Time:** 10:00:00 AM

Call Received Date: 06/17/2014 **Call Received Time:** 10:15:00 AM

Location

Spill Name: ROAD SIDE

Address: 1440 MAIN STREET

City: BUFFALO **County:** Erie

Spill Description

Material Spilled	Amount Spilled	Resource Affected
hydraulic oil	30 Gal.	Surface Water , Impervious Surface

Cause: Deliberate

Source: Institutional, Educational, Gov., Other

Waterbody:

Record Close

Date Spill Closed: 06/17/2014

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

[Refine This Search](#)

[Return To Results](#)



Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 9975238

Spill Date/Time

Spill Date: 06/23/1997 **Spill Time:** 12:00:00 PM

Call Received Date: 06/23/1999 **Call Received Time:** 10:00:00 AM

Location

Spill Name: FORMER AUTO REPAIR SHOP

Address: 1458 MAIN STREET

City: BUFFALO **County:** Erie

Spill Description

Material Spilled **Amount Spilled** **Resource Affected**

unknown material UNKNOWN Soil

Cause: Abandoned Drums

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: 06/25/1999

"Date Spill Closed" means the date the spill case was closed by the case manager in the Department of Environmental Conservation (the Department). The spill case was closed because either; a) the records and data submitted indicate that the necessary cleanup and removal actions have been completed and no further remedial activities are necessary, or b) the case was closed for administrative reasons (e.g., multiple reports of a single spill consolidated into a single spill number). The Department however reserves the right to require additional remedial work in relation to the spill, if in the future it determines that further action is necessary.

If you have questions about this reported incident, please contact the [Regional Office](#) where the incident occurred.

Refine This Search

Return To Results

Sanborn Figure Insurance Maps

105

104

DELAWARE AV.

LEXINGTON AV

W. PIPE UTICA

LINWOOD AV.

106

LINWOOD AVE.
M.E. CHURCH
20th & E. 1st

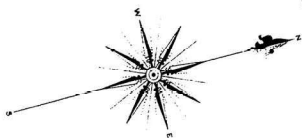
PRINTS

2
2
CELL

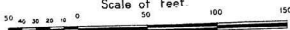
POLICE STATION

MAIN

5 2
S E E D.H. 1 0 6
✓ 0 1 11 12 E



Scale of Feet.



1899

106

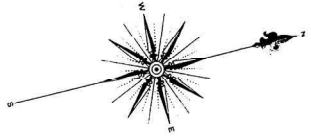
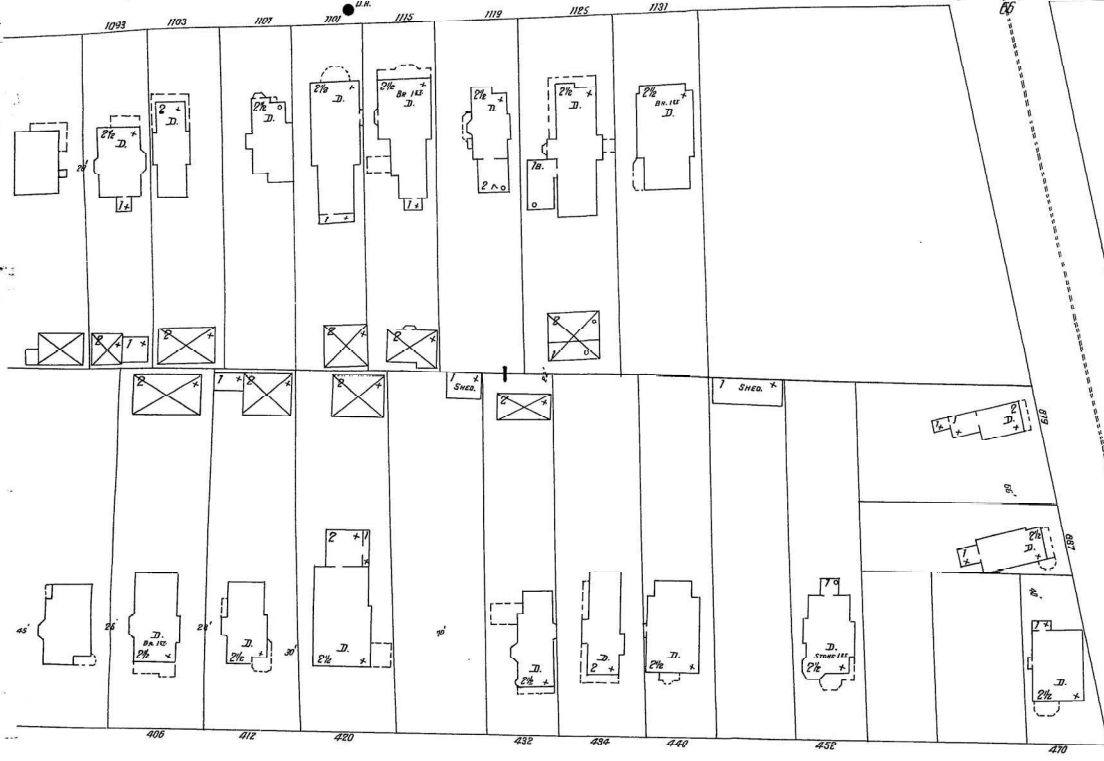
Buffalo No. 1

104

102

DELAWARE AV.

HIGHLAND AV.



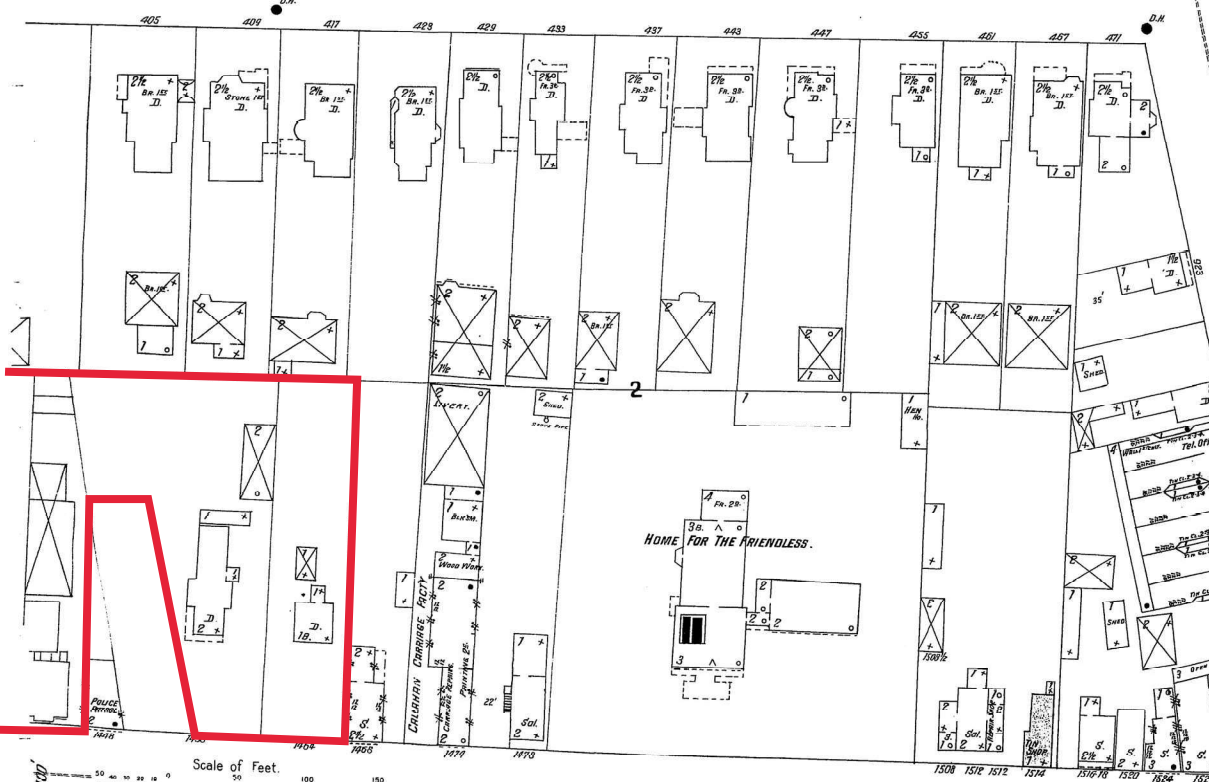
S B B

W. FERRY

105

LINWOOD AV.

6" W. PIPE (H.)



HOME FOR THE FRIENDLESS.

CHILDREN CHARITABLE SOCIETY

Scale of Feet.

MAIN

20" W. PIPE (H.)

S B B

W O I U M B

T H R E E

OXFORD AV.

F O U R

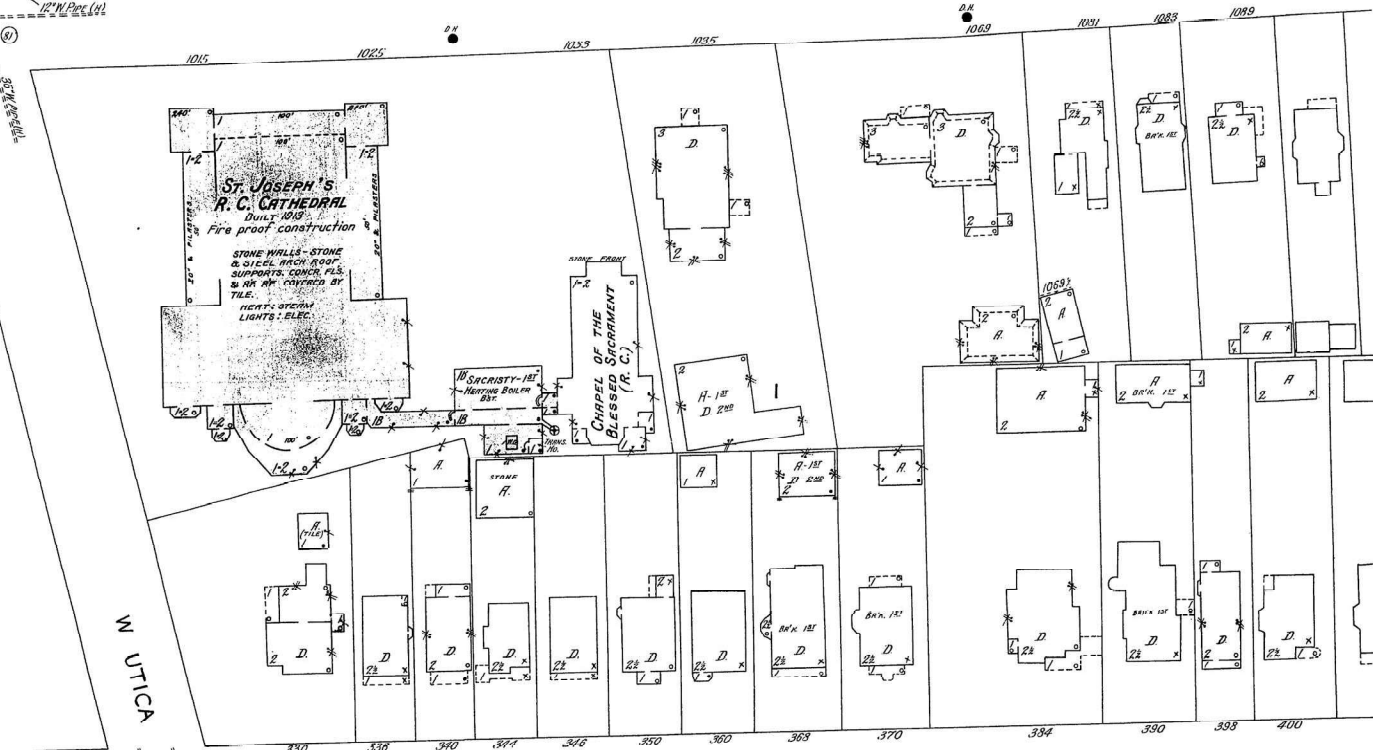
(213) Buffalo, N.Y. Vol. 18

77

102

DELAWARE AV.

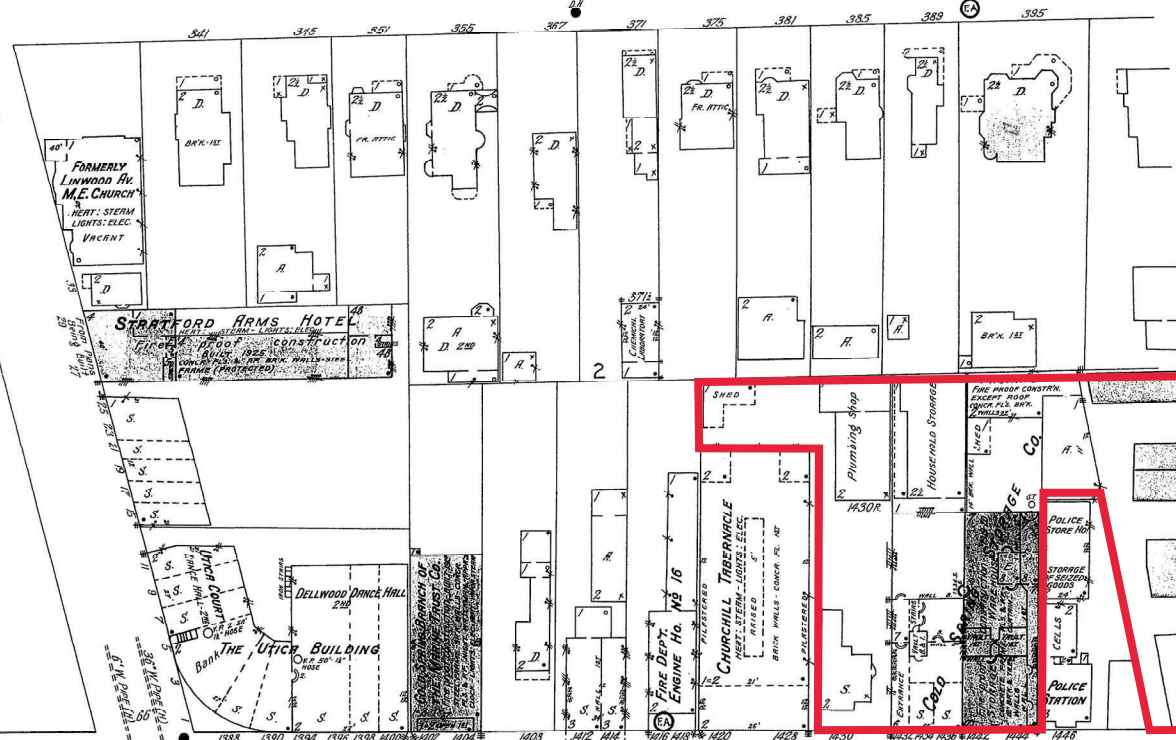
98



76

LINWOOD AV.

78

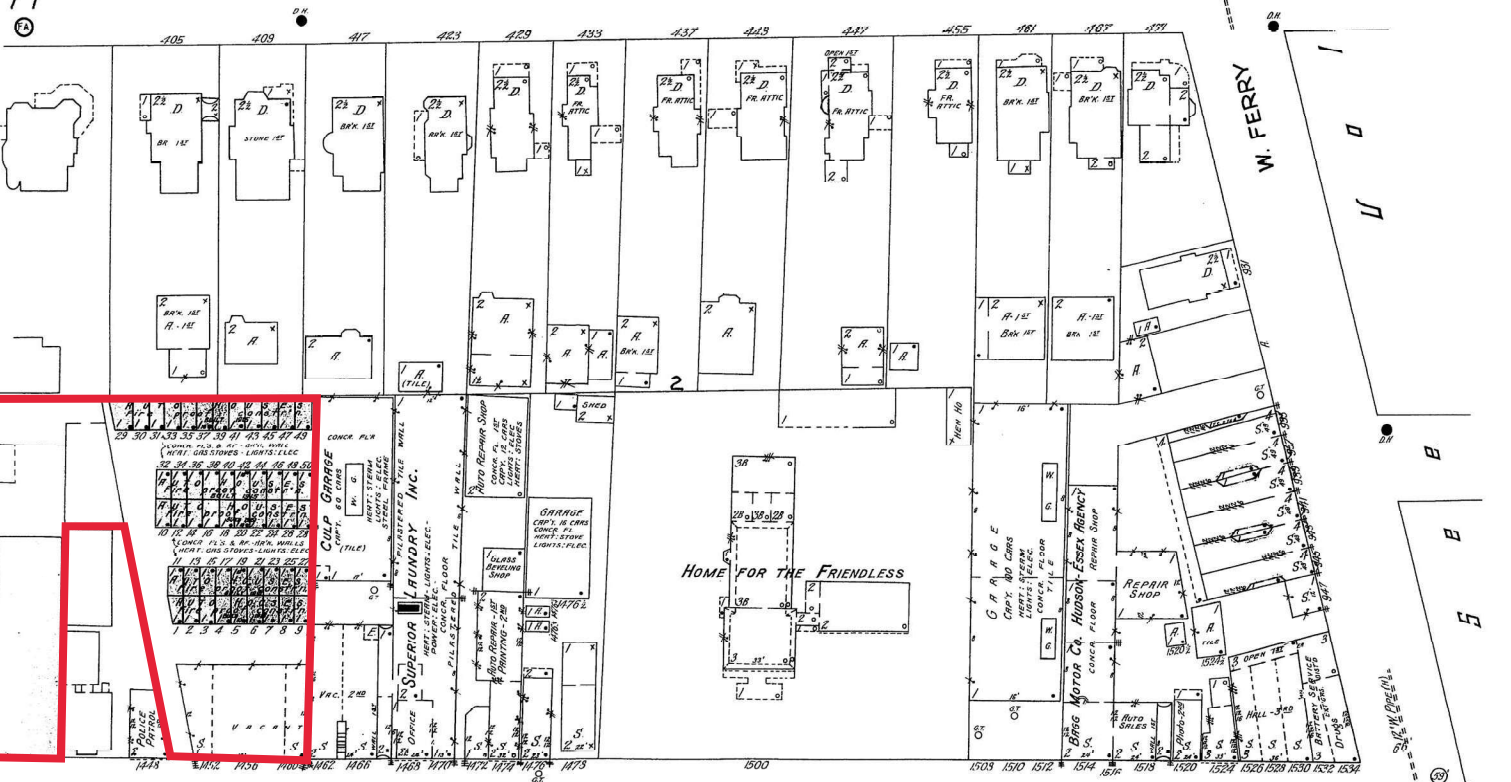
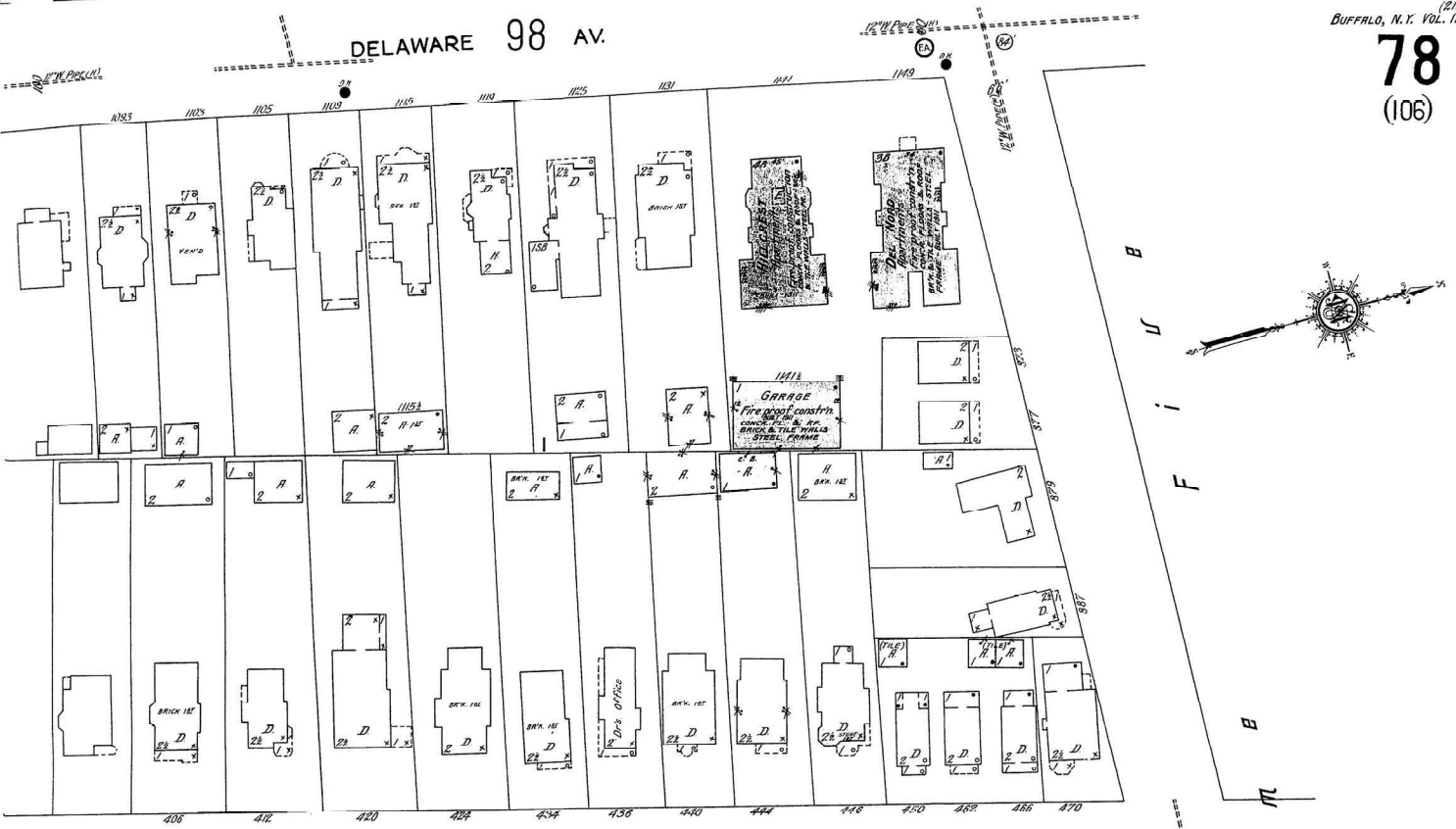


Scale of Feet.

MAIN

80

Copyright 1925 by the Salsburg Map Co.

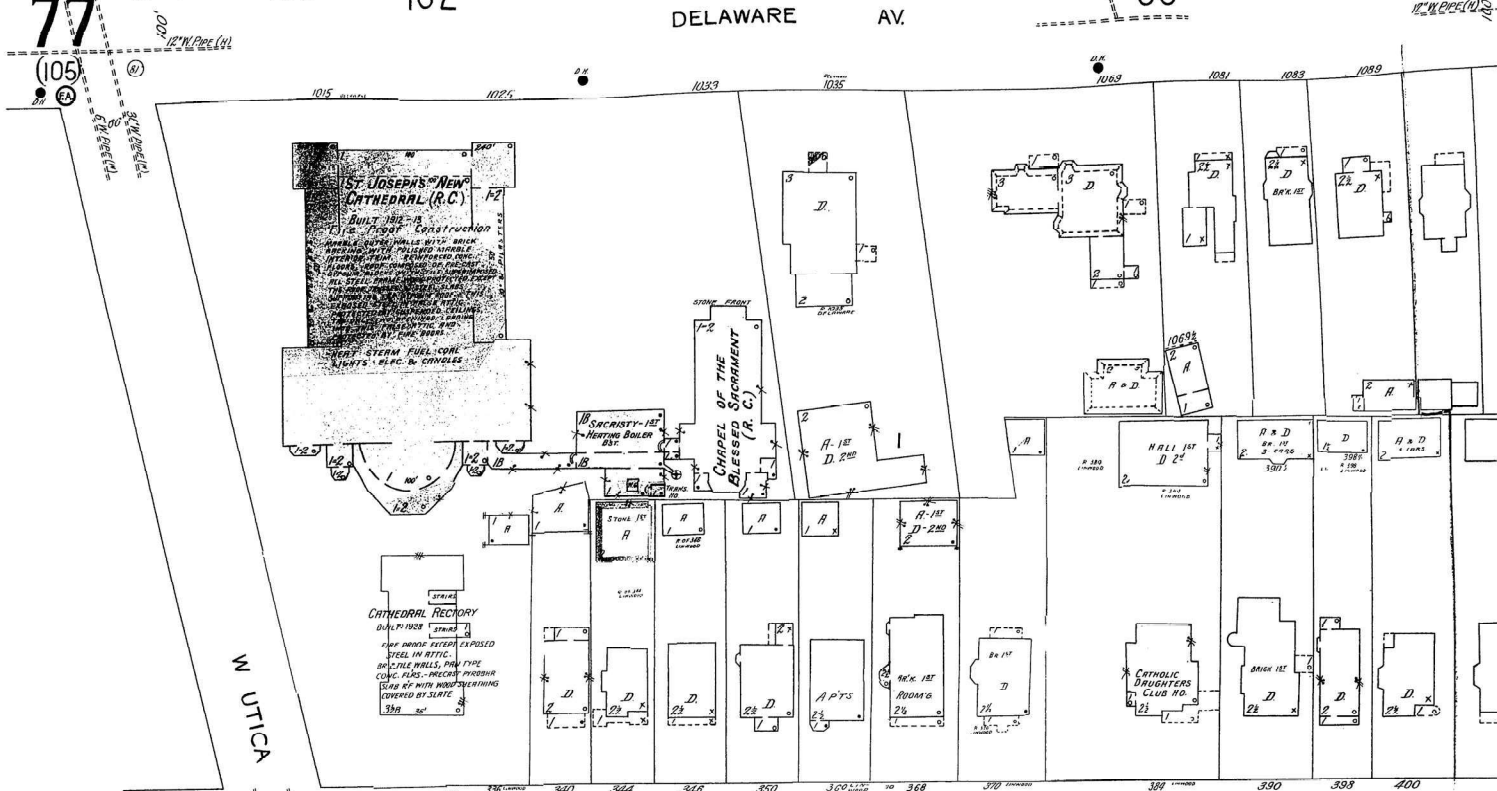


(213) BUFFALO, N.Y. Vol. 1A NY - 028

102

DELAWARE AV.

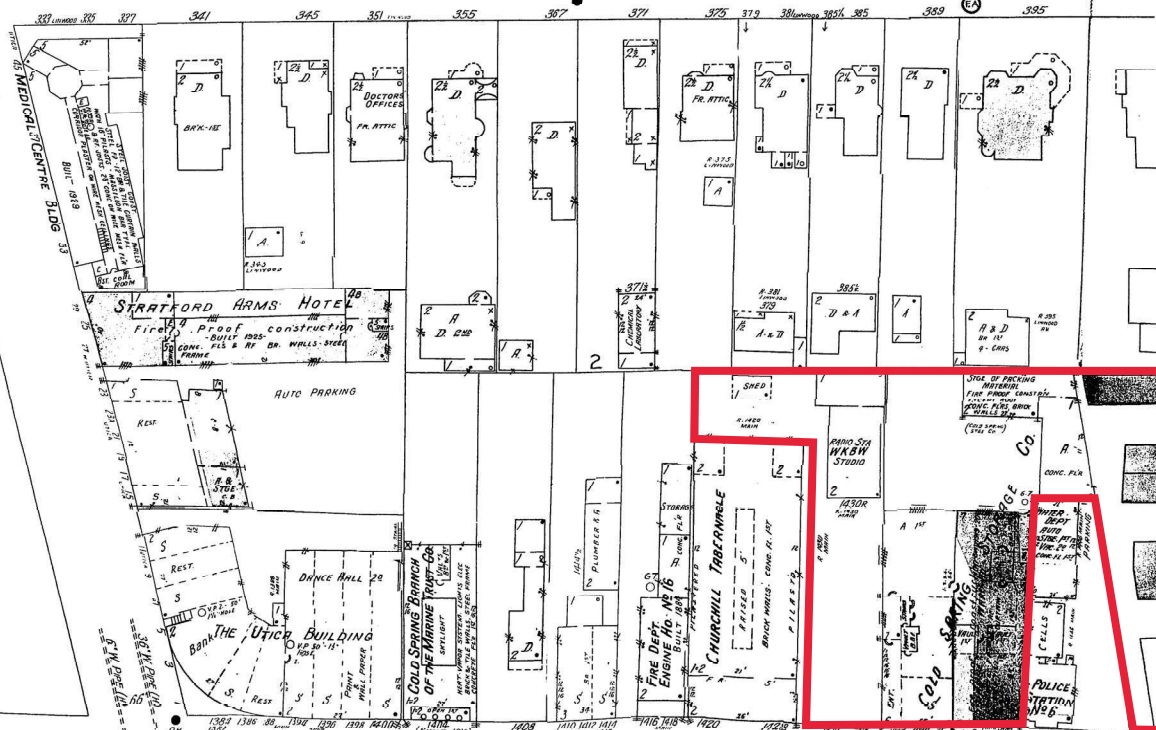
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LINWOOD AV.

76

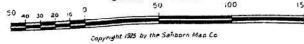
78



MAIN

80

Scale of Feet

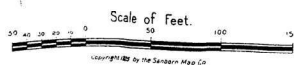


Copyright 1928 by the Safford Map Co.

78
(106)



W FERRY



MAIN

79

Brownfield Cleanup Program Application
1440 Main Street

EXHIBIT 4

Project Rendering



NYSDOS Entity Database Printout

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details

ENTITY NAME: 1440 MAIN STREET LLC

DOS ID: 7373586

FOREIGN LEGAL NAME:

FICTITIOUS NAME:

ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

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

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 07/12/2024

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 07/15/2024

INACTIVE DATE:

FOREIGN FORMATION DATE:

STATEMENT STATUS: CURRENT

COUNTY: ERIE

NEXT STATEMENT DUE DATE: 07/31/2026

JURISDICTION: NEW YORK, UNITED STATES

NFP CATEGORY:

ENTITY DISPLAY

NAME HISTORY

FILING HISTORY

MERGER HISTORY

ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

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

Name: THE LLC

Address: 8615 ROLL RD. , CLARENCE CENTER, NY, UNITED STATES, 14032

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

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

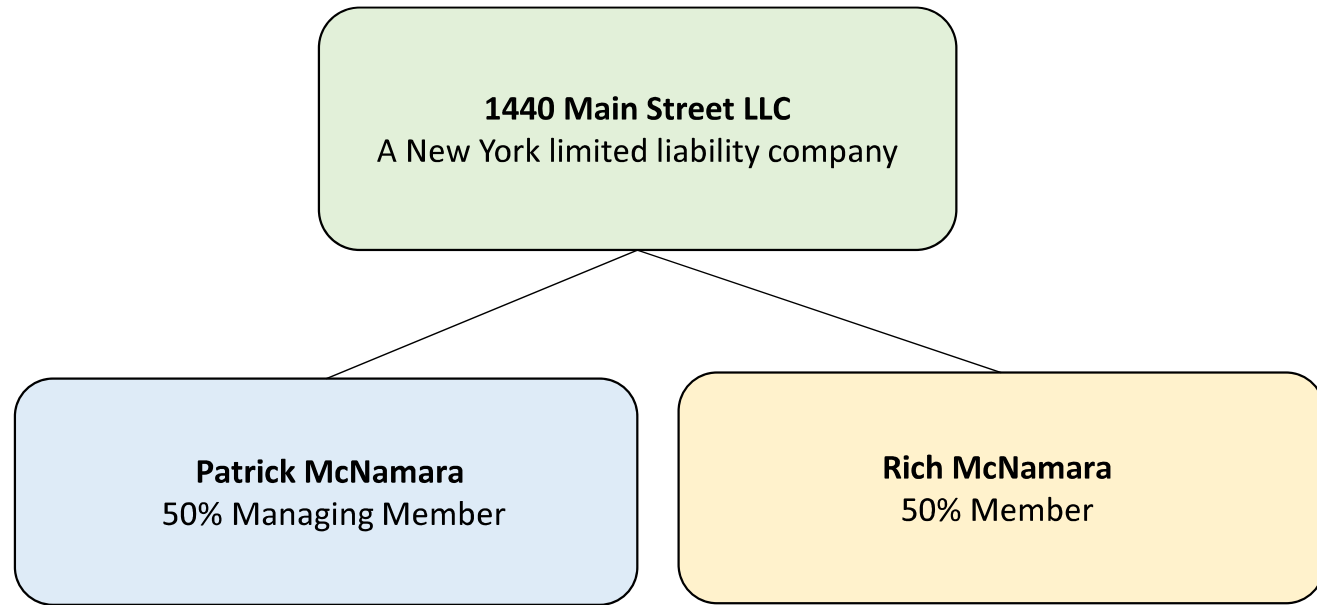
Share Value

Number Of Shares

Value Per Share

Organizational Information & Authorization to Sign

1440 Main Street LLC - Organizational Structure



1440 MAIN STREET LLC

**JOINT UNANIMOUS WRITTEN CONSENT
OF THE SHAREHOLDERS AND OFFICERS**

July 31, 2024

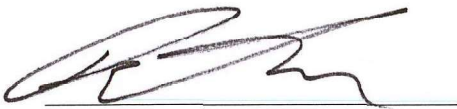
The undersigned and Members of **1440 Main Street LLC**, a New York limited corporation (the “Company”), herby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Patrick McNamara** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), and/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 the real property located at 1440 Main Street (S.B.L. No. 100.39-2-6-1) and 1558 Main Street (S.B.L. No. 100.39-2-4), Buffalo, New York; and be it further

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

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

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



Patrick McNamara, Member



Richard McNamara, Member

Brownfield Cleanup Program Application
1440 Main Street

EXHIBIT 7

Access Agreement

July 14, 2024

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

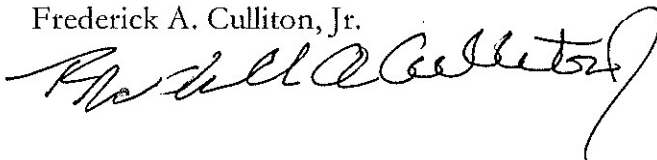
Re: Property Access Authorization
NYS Brownfield Cleanup Program
1458 Main Street Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that I, Frederick A. Culliton, Jr., am the current owner of the referenced property located in Buffalo, New York (the "Site"). I am aware of and acknowledge that 1440 Main Street, 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 owner of the Site, I authorize 1440 Main Street, 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,
Frederick A. Culliton, Jr.

A handwritten signature in black ink, appearing to read "Frederick A. Culliton, Jr.", written in a cursive style.

September 11, 2024

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

Re: Property Access Authorization
NYS Brownfield Cleanup Program
1430-1440 Main Street Site
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that we, Elyse Bruscia-Webster and Roslyn Sireci Sackel are the current owners of the referenced property located at 1440 Main Street Buffalo, New York (the "Site"). We are aware of and acknowledge that 1440 Main Street, 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 owners of the Site, we authorize 1440 Main Street, 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,

 *Elyse Bruscia-Webster*
Elyse Bruscia-Webster

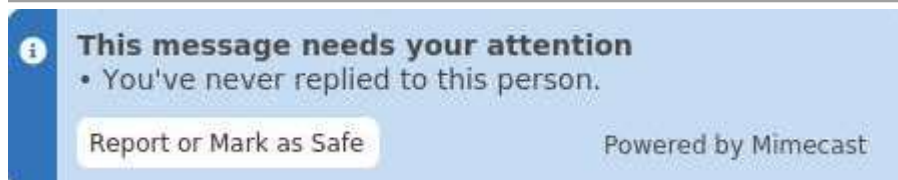
 *Roslyn Sireci Sackel*
Roslyn Sireci Sackel

Document Repository Request & Confirmation

Joshua Yaeger

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Wednesday, July 24, 2024 1:02 PM
To: Joshua Yaeger
Cc: Michael Lesakowski
Subject: RE: Document Repository Request - 1440 Main Street LLC
Attachments: Document Repository Request.docx

This message originated outside your organization. Please use caution!



Good afternoon Josh,

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 **1440 Main Stree Site**. These documents will be made available for public viewing at the **Frank E Merriweather 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 cover letter to the Central Library. We will process according to our procedure and distribute to the location(s) of your choice. **If you would like a confirmation that your documents were received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

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

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

- Documents are made available usually within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.

- Documents that cannot be stapled, should be kept together in some type of binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and/or disk or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** If submitting in cd and/or flash drive format only (with no printed documentation), it will need to be in some type of enclosed pocket/envelope (clear, if possible) to prevent it from being misplaced or lost. Although CD-ROMs are not accessible on public library computers, patrons may bring in their personal laptop or external optical drive to view the disk in-house. Public computers do have USB ports for flash drives. 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: Joshua Yeager <jyaeger@rouxinc.com>
Sent: Wednesday, July 24, 2024 11:20 AM
To: April Tompkins <tompkinsa@buffalolib.org>
Cc: Michael Lesakowski <mlesakowski@rouxinc.com>
Subject: Document Repository Request - 1440 Main Street LLC

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 a Brownfield Cleanup Program.
Thank you,

Josh Yeager, E.I.T. - NY | Senior Engineer I
2558 Hamburg Turnpike - Suite 300, Buffalo, NY 14218
Main: (716) 856-0599 | Mobile: (858) 880-5154
Email: jyaeger@rouxinc.com | Website: www.rouxinc.com



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

July 24, 2024

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

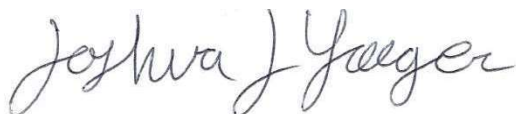
Re: Document Repository for Brownfield Cleanup Program
1440 Main Street LLC BCP Application
8615 Roll Road
Clarence Center, New York 14032

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 (Frank E Merriweather 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 Frank E Merriweather Branch library.

Sincerely,

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



Josh Yaeger
Senior Engineer I