



Brownfield Cleanup Program Application

Swan and Chicago Streets Site
Buffalo, New York

August 2026

Prepared for:

Swan Chicago LLC
249 Hickory Street
Buffalo, NY 14204

Prepared by:

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

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SUBMITTAL INSTRUCTIONS:

1. Compile the application package in the following manner:
 - a. one file in non-fillable PDF which includes a Table of Contents, the application form, and 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. *OPTIONAL: Compress all files (PDFs) into one zipped/compressed folder
3. Submit the application to the Site Control Section either via NYSDEC dropbox or ground mail, as described below.

Please select only ONE submittal method – do NOT submit both via dropbox and ground mail.

a. VIA SITE CONTROL DROPBOX:

- [Request an invitation](#) to upload files to the Site Control submittal dropbox.
- In the “Title” field, please include the following: “New BCP Application - *Proposed Site Name*”.
- After uploading files, an automated email will be sent to the submitter’s email address with a link to verify the status of the submission. Please do not send a separate email to confirm receipt.
- Application packages submitted through third-party file transfer services will not be accepted.

a. 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, 12th Floor
Albany, NY 12233-7015

SITE NAME: Swan and Chicago Streets Site

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

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C915423

☒

Yes

☐

No



BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

BCP App Rev 17 – October 2025

SECTION I: Property Information

PROPOSED SITE NAME **Swan and Chicago Streets Site**

ADDRESS/LOCATION **275, 279, 281 Swan Street and 425 Chicago Street**

CITY/TOWN **Buffalo**

ZIP CODE **14204**

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

COUNTY **Erie**

SITE SIZE (ACRES) **0.390**

LATITUDE

LONGITUDE

42 ° **52** ' **47.028** " **-78** ° **51** ' **55.357** "

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

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
See Appendix A; Section I				

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.	Y	N
2. Is the required property map, provided in electronic format, included with the application? (Application will not be processed without a map)	☒	☐
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: <u>016400</u> Percentage of property in En-zone (check one): ☐ 0% ☐ 1-49% ☐ 50-99% ☒ 100%	☒	☐
4. Is the project located within a disadvantaged community? See application instructions for additional information.	☒	☐
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	☐	☒
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	☐	☒

SECTION I: Property Information (continued)		Y	N
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?		☐	☒
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.		☐	☒
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.		☐	☒
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____		☐	☒
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____		☐	☒
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information. <u>Easement/Right-of-Way Holder</u> <u>Description</u>		☐	☒
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information): <u>Type</u> Petroleum Bulk Storage (PBS) Application <u>Issuing Agency</u> NYSDEC <u>Description</u> A PBS Application was executed on July 14, 2026 by the Requestor for two (2) unregistered USTs discovered during the Phase II Investigation		☒	☐
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format?		☒	☐
Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City. NA			
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.		☐	☐
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?		☐	☐
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?		☐	☐
NOTE: If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.			
If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.			
Initials of each Requestor: _____ _____ _____ _____ _____ _____			

SECTION II: Project Description

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

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

4a. Please provide a short description of the overall project development, including a complete project schedule with all key BCP program milestones through issuance of the Certificate of Completion. Include DEC/DOH review times in the schedule (best efforts to review documents within 45 days pursuant to 6 NYCRR Part 375-3.6(b)).

Is this information attached?

☒ Yes ☐ No

4b. Please include in the project schedule the dates of any outside public or private funding source deadlines with the associated BCP milestones, e.g., NYC HPD or NYS HCR funding deadlines, or private funding interim milestones from loan documents, that depend on a particular BCP milestone such as a work plan or report approval, decision document issuance, etc.

Is this information clearly identified in the BCP project schedule?

☐ Yes ☐ No ☒ N/A

Beginning January 1, 2024, all work plans and reports submitted for the BCP shall address Green and Sustainable Remediation (GSR) and DER-31 (see [DER-31, Green Remediation](#)). Work plans, reports and design documents will need to be certified in accordance with DER-31.

5. Please provide a description of how Green and Sustainable Remediation will be evaluated and incorporated throughout the remedial phases of the project including Remedial Investigation, Remedial Design/Remedial Action, and Site Management and reporting efforts.

Is this information attached?

☒ Yes ☐ No

6. If the project is proposed to start at the remediation stage (Section 2, Item 1, above), a climate change screening or vulnerability assessment must have been completed. Is this attached?

☐ Yes ☒ No

SECTION III: Ecological Concerns

1. Are there fish, wildlife, or ecological resources within a ½-mile radius of the site?

Y	N
☐	☒

2. Is there a potential path for contamination to potentially impact fish, wildlife or ecological resources?

☐	☒
-----------------------	----------------------------------

3. Is/are there a/any Contaminant(s) of Ecological Concern?

☐	☒
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If any of the conditions above exist, a Fish and Wildlife Resources Impact Analysis (FWRIA) Part I, as outlined in DER-10 Section 3.10.1, is required. The applicant may submit the FWRIA with the application or as part of the Remedial Investigation Report.

4. Is a Fish and Wildlife Resources Impact Analysis Part I included with this application?

N/A ☒ ☐ ☐

SECTION IV: Land Use Factors		
1. What is the property's current municipal zoning designation? <u>N-2E (Mixed Use Edge)</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? Residential ☒ Commercial ☒ Industrial ☐		
3. Current use (select all that apply): Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒		
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application?	Y ☒	N ☐
5. Reasonably anticipated post-remediation use (check all that apply): Residential ☒ Commercial ☒ Industrial ☐ If residential, does it qualify as single-family housing? N/A ☐	☐	☒
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached?	☒	☐
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.	☐	☒
8. Do current and/or recent development patterns support the proposed use?	☒	☐
9. Is the proposed use consistent with applicable zoning laws/maps? Please provide a brief explanation. Include additional documentation if necessary.	☒	☐
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Please provide a brief explanation. Include additional documentation if necessary.	☒	☐

SECTION V: Current and Historical Property Owner and Operator Information		
CURRENT OWNER Swan Chicago LLC		
CONTACT NAME Alexander Burgos		
ADDRESS 249 Hickory Street		
CITY Buffalo	STATE NY	ZIP CODE 14204
PHONE (716) 949-6127	EMAIL aburgos@draghiburgos.com	
OWNERSHIP START DATE March 12, 2026		
CURRENT OPERATOR NA		
CONTACT NAME NA		
ADDRESS NA		
CITY NA	STATE NA	ZIP CODE NA
PHONE NA	EMAIL NA	
OPERATION START DATE NA		

SECTION VI: Property's Environmental History

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

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard ([ASTM E1903](#)). **Please submit a separate electronic copy of each report in Portable Document Format (PDF). Please do NOT submit paper copies of ANY supporting documents.**
2. **SAMPLING DATA:** Indicate (by selecting the options below) known contaminants and the media which are known to have been affected. Data summary tables should be included as an attachment, with laboratory reports referenced and included.

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

*Please describe other known contaminants and the media affected: Two (2) orphaned USTs with weathered petroleum impacts proximate to the tanks

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

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

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

Are the required drawings included with this application?



YES



NO

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

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

Other: Past land uses identified include residences, commercial storefronts (including a dentistry, dry goods, meat, and grocery store, Swan Importing Co., drug store, physician's office, church. Salerno Printer, barber, and record shop), and a stable. Additional commercial operations historically included a public automobile garage (Chicago St. Garage), presumably with automotive repair, with a history of USTs.

SECTION VII: Requestor Information					
NAME Swan Chicago LLC					
ADDRESS 249 Hickory Street					
CITY/TOWN Buffalo		STATE NY	ZIP CODE 14204		
PHONE (716) 949-6127		EMAIL aburgos@draghiburgos.com			
				Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?				☒	☐
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that the requestor is authorized to conduct business in NYS. Is this attached?				☒	☐
3. If the requestor is an LLC, a list of the names of the members/owners is required on a separate attachment. Is this attached? N/A ☐				☒	☐
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of DER-10: Technical Guidance for Site Investigation and Remediation and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? Documents that are not properly certified will not be approved under the BCP.				☒	☐

SECTION VIII: Requestor Contact Information		
REQUESTOR'S REPRESENTATIVE Alexander Burgos		
ADDRESS 249 Hickory Street		
CITY Buffalo	STATE NY	ZIP CODE 14204
PHONE (716) 949-6127	EMAIL aburgos@draghiburgos.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 (716) 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 (518) 727-6385	EMAIL mhecker@hodgsonruss.com	

SECTION IX: 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 with supporting documentation.

	Y	N
1. Is the requestor applying for a fee waiver?	☐	☒
2. If yes, appropriate documentation must be provided with the application. See application instructions for additional information.		
Is the appropriate documentation included with this application? N/A	☒	☐

SECTION X: Requestor Eligibility

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

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	☐	☒
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	☐	☒
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	☐	☒
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	☐	☒
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	☐	☒
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	☐	☒
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	☐	☒
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	☐	☒
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9(f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application?	☐	☒
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?	☐	☒
11. Are there any unregistered bulk storage tanks on-site which require registration?	☒	☐

*See the attached PBS registration form (Attachment 13) for the orphan USTs encountered during the Phase II work; this form was previously provided to the NYSDEC Bulk Storage Unit.

SECTION X: Requestor Eligibility (continued)

12. The requestor must certify that he/she/they is/are either a participant or volunteer in accordance with ECL 27-1405(1) by checking one of the boxes below:

PARTICIPANT

A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☐**VOLUNTEER**

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

☒

NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

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

☒ Yes

☐ No

☐ N/A

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

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

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

Is this proof attached?

☐ Yes

☐ No

☒ N/A

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

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

NYSDEC Spill No. 2506517, further discussed in Appendix A, Section XI.

SECTION XII: Site Contact List
To be considered complete, the application must include the Brownfield Site Contact List in accordance with <i>DER-23: Citizen Participation Handbook for Remedial Programs</i>. 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. • For sites located in the five counties comprising New York City, the Director of the Mayor's Office of Environmental Remediation.

SECTION XIII: 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 Swan Chicago 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: 8/5/2020 Signature: Alexander Burgos

Print Name: Alexander Burgos

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

FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY

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

BCP App Rev 17

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?	☐	☐
2. Is the requestor seeking a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit?	☐	☐
3. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)?	☐	☐
4. Is the property upside down or underutilized as defined below?		
Upside down	☐	☐
Underutilized	☐	☐

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
- ☐ 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.

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

APPENDIX A

Appendix A
Brownfield Cleanup Program Application Supporting Information
Swan and Chicago Streets Site
275-281 Swan Street and 425 Chicago Street, Buffalo, New York

SECTION I – PROPERTY INFORMATION

Parcel Description

The Swan and Chicago Streets Site (referred to herein as the Project Site and/or the Site), subject to this New York State (NYS) Brownfield Cleanup Program (BCP) application, is in the City of Buffalo, Erie County, New York (see Figure 1 and Figure 2). The Site is located in a commercial and residential area. The approximate centroid of the Site is located at 42°52'47.03"N, -78°51'55.36"W. The BCP Site consists of four (4) individual tax parcels totaling 0.39-acre as follows (see Figure 3):

- 275 Swan Street; SBL No. 111.72-1-1; 0.09-acre
- 279 Swan Street; SBL No. 111.72-1-2; 0.05-acre
- 281 Swan Street; SBL No. 111.72-1-3; 0.06-acre
- 425 Chicago Street; SBL No. 111-72-1-53; 0.19-acre

A deed with metes and bounds description and supporting survey map are provided as Attachment 1 and Attachment 2, respectively.

According to the NYS En-Zone Map, 100% of the Site is located within a designated Environmental Zone (En-Zone) pursuant to Tax Law 21(b)(6), identified as En-Zone Type 'B', census tract 016400 (see Figure 4).

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is located within a Disadvantaged Community (Census Tract Identifier 36029016400, see Figure 5).

The Site is not part of multiple BCP applications or subject to any previous BCP applications.

The Site has never been listed, and is not intended to be listed, on the Registry of Inactive Hazardous Waste Disposal Sites. The Site is not currently the subject of investigation as a Potential Site.

Easements and Permits

Swan Chicago LLC is not aware of any formal enforcement action, 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 in the right-of-way along Swan Street, Chicago Street, and Myrtle Avenue. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Swan Chicago LLC is not aware of any other easements or restrictions on the Site.

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Property Description Narrative

Location

The Site is east of Chicago Street, situated between Swan Street to the north and Myrtle Avenue to the south, in a predominantly commercial and residential area of the City of Buffalo, Erie County, New York. The Site is bordered by Swan Street, residential properties, and a church to the north; Myrtle Avenue and a commercial parking lot to the south; an auto sales and service property to the east; and Chicago Street and a community center to the west.

Site Features

The Site is currently a vacant and underutilized lot with vegetative grass cover across the Site.

Current Zoning and Land Use

The Site is currently zoned as N-2E (Mixed-Use Edge) as identified by the City of Buffalo (see Figure 6). Mixed-Use Edge zones are transitional areas, typically at the edges of more intense mixed-use centers, in Buffalo's most compact neighborhoods, defined by a mix of homes and stores. The area surrounding the Site is similar with commercial and residential buildings to the north, south, east, and west. Adjacent property owners are shown on Figure 7.

Past Use of the Site

Based on a previous Phase I Environmental Site Assessment, the Site has had a history of several commercial occupants and was originally developed by 1881 with residences, commercial store fronts, and a stable ("U.S. Express Stables"). The 279 Swan Street parcel appears to have been always utilized residentially. The storefronts along Swan Street on the 275 and 281 Swan Street parcels were occupied by several occupants including a dentistry, dry goods, meat, and grocery store, Swan Importing Co., drug store, physician's office, and church. The storefronts along Chicago Street in the southern portion of the 275 Swan Street parcel were also occupied by several occupants including Salerno Printer, barber, and record shop. All of these former buildings were demolished between 1978 and 2002. These former buildings had basements, which were backfilled with impacted materials from unknown sources. The 425 Chicago Street parcel was originally developed by at least 1889 with a stable ("U.S. Express Stables"). This building existed as a stable until approximately 1926, when it was re-developed as a public automobile garage ("Chicago St. Garage"), presumably including automotive repair, until being demolished in 1997. and this parcel has a history of underground storage tanks (USTs). 425 Chicago Street has a history of underground storage tanks (USTs) including one (1) gasoline UST along the western parcel boundary (per the 1926 Sanborn map) and based on City of Buffalo Fire Department records, one (1) 1,000-gallon UST was installed in 1941 with reference to two (2) pre-existing 550-gallon gasoline USTs. In addition, a 1950 Sanborn map indicates two (2) gasoline USTs along the western portion of the 425 Chicago Street parcel boundary. Sufficient closure documentation for the USTs does not exist and as discussed below, orphan USTs remain on-site.

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Historic Sanborn Maps are included as Attachment 3 and pertinent City of Buffalo Fire Department records are included as Attachment 4.

Additional information regarding historical ownership is provided below in Section V.

The previous Phase II Investigation at the Site identified two (2) existing orphaned USTs and petroleum-impacted soil with odors and elevated photoionization detector (PID) readings within the southwestern portion of the Site (425 Chicago Street Parcel). Fill material of unknown origin was observed across the Site at 15 test pit locations with fill material noted greater than 4 feet below ground surface (fbgs) at 6 test pit locations within the northern portion of the Site (3 locations containing concrete refusal between 7-8 fbgs, presumably former basement areas). Analytical results indicated elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) and/or metals at seven of the ten total soil/fill sample locations.¹ (see Figure 8). A photolog from the previous Phase II Investigation is provided as Attachment 5.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, the Site soils are characterized as Urban Land-Schoharie Complex (Uu), which typically consists of 60% urban land, 35% Schoharie and similar soils, and 5% of other minor components. Typical surface covering for urban land includes asphalt, concrete, buildings, or other impervious structures, commonly found in an urban environment. Schoharie soil consists of predominantly silty clay loam, silt loam, and clay/silty clay; typically red clayey glaciolacustrine deposits derived from calcareous shale at 0 to 3 percent slopes (see Figure 9).

Based on results of the previous investigation conducted, soils generally consisted of non-native fill materials consisting of cinders, black fines, and fragments of brick to depths ranging between 4 fbgs and greater than 8 fbgs (maximum reach of the excavator). Fill materials were generally described as cinders, ash, black fines, and fragments of brick, glass, wood, and metal underlain by native sandy lean clay. Fill materials were noted at all 15 investigation locations (see Figure 8).

Regional groundwater likely flows west toward the Buffalo River and Lake Erie. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

Groundwater was not encountered during the Phase II fieldwork.

¹ Fill was observed across the Site, suggesting that similar impacts are likely present throughout the Site.

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Additional work to investigate groundwater flow direction, depth, and quality at the Site will be completed as part of the Remedial Investigation (RI).

Environmental Assessment Narrative

A previous Phase I Environmental Site Assessment, completed by Environmental Advantage (EA), for Draghi Burgus Construction, dated September 26, 2025, identified recognized environmental conditions (RECs) for the Site, including historical operations, former buildings with basements that were backfilled with material from unknown sources, UST records, the potential for past releases, and adjoining property uses (i.e., repair shop, blacksmith, laundries, and cleaners).

Based on the previous Phase II investigation conducted on-Site by Roux, documented in a report, dated November 21, 2025, past uses of the Site in a commercial manner, including automotive repair, gasoline USTs, and backfill of former buildings with impacted urban fill from unknown origins, have impacted the Site and the Phase II findings indicate that remediation is required on-Site. Figure 8 summarizes the environmental impacts in excess of applicable 6 NYCRR Part 375 Soil Cleanup Objectives (SCOs) for soil/fill as identified in the previous investigation.

Soil – Lithology at the Site is described as non-native fill materials consisting of cinders, ash, black fines, and fragments of brick, glass, wood, and metal to depths between 4 fbgs and greater than 8 fbgs (maximum reach of the excavator). Fill materials were noted at all 15 investigation locations. The previous Phase II also identified two (2) existing orphaned USTs and petroleum-impacted soil with odors and elevated PID readings within the southwestern portion of the Site (425 Chicago Street parcel, see Figure 8).

The following table presents field observations documented during the previous Phase II investigation completed across the proposed BCP Site, including PID readings and visual/olfactory observations (see Figure 8 for investigation locations):

Investigation Location	Highest PID reading in parts per million (ppm) and depth	Observations of Note
TP-1	200 ppm at 6-7 fbgs	Petroleum-like odors, orphan UST encountered (UST-1).
TP-2	2,000 ppm at 4-5 fbgs	Petroleum-like odors, additional orphan UST encountered (UST-2).
TP-3	0.0 ppm	Reworked sandy lean clay fill.
TP-4	0.0 ppm	Fill to at least 4 fbgs.
TP-5	0.0 ppm	Fill in upper 6 inches.

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TP-6	0.0 ppm	Asphalt millings underlain by reworked sandy lean clay fill to 4 fbgs.
TP-7	0.0 ppm	Fill to 1 fbgs.
TP-8	0.0 ppm	Fill in upper 6 inches.
TP-9	0.0 ppm	Fill to at least 8 fbgs.
TP-10	0.0 ppm	Fill to at least 8 fbgs.
TP-11	0.0 ppm	Fill to at least 7 fbgs, concrete refusal noted at bottom of test pit at 7 fbgs.
TP-12	0.0 ppm	Fill to at least 4 fbgs.
TP-13	0.0 ppm	Asphalt millings underlain by fill to 4 fbgs.
TP-14	0.0 ppm	Fill to at least 6 fbgs.
TP-15	0.0 ppm	Fill to 5 fbgs.

Based on the presence of two (2) orphan USTs and field evidence of petroleum impacts noted on the 425 Chicago Street parcel, the NYSDEC was notified during the work and Spill No. 2506517 was opened on October 21, 2025, and this spill remains active to-date.

In addition to environmental concerns discussed above, laboratory analytical results indicate elevated PAHs and/or metals in soil/fill exceeding SCOs in 7 of 10 soil/fill samples selected for laboratory analysis, including:

- Benzo(a)anthracene exceeded its RRSCO of 1.4 mg/kg at TP-9 0-2 fbgs (14 mg/kg) and TP-15 0-3 fbgs (12 mg/kg). It exceeded its Industrial Use SCO (ISCO) of 37 mg/kg at TP-10 0-2 fbgs (45 mg/kg) and TP-12 1-3 fbgs (42 mg/kg).
- Benzo(a)pyrene exceeded its ISCO of 3.7 mg/kg at TP-9 0-2 fbgs (12 mg/kg), TP-10 0-2 fbgs (42 mg/kg), TP-12 1-3 fbgs (32 mg/kg), and TP-15 0-3 fbgs (9.5 mg/kg).
- Benzo(b)fluoranthene exceeded its USCO of 1 mg/kg at TP-1 0-1 fbgs (1.1 mg/kg). It exceeded its RRSCO of 1.4 mg/kg at TP-9 0-2 fbgs (14 mg/kg) and TP-15 0-3 fbgs (12 mg/kg). It exceeded its ISCO of 37 mg/kg at TP-10 0-2 fbgs (51 mg/kg) and TP-12 1-3 fbgs (41 mg/kg).
- Benzo(ghi)perylene exceeded its USCO of 0.64 mg/kg at TP-1 0-1 fbgs (0.83 mg/kg). It exceeded its RRSCO of 4.9 mg/kg at TP-9 0-2 fbgs (8.9 mg/kg), TP-10 0-2 fbgs (34 mg/kg), TP-12 1-3 fbgs (20 mg/kg), and TP-15 0-3 fbgs (6 mg/kg).
- Benzo(k)fluoranthene exceeded its RRSCO of 4.9 mg/kg at TP-9 0-2 fbgs (7.7 mg/kg), TP-10 0-2 fbgs (26 mg/kg), TP-12 1-3 fbgs (19 mg/kg), and TP-15 0-3 fbgs (5.2 mg/kg).
- Chrysene exceeded its RRSCO of 4.9 mg/kg at TP-9 0-2 fbgs (13 mg/kg), TP-10 0-2 fbgs (46 mg/kg), TP-12 1-3 fbgs (37 mg/kg), and TP-15 0-3 fbgs (12 mg/kg).

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- Dibenzo(a,h)anthracene exceeded its RRSCO of 0.33 mg/kg at TP-15 0-3 fbgs (2.2 mg/kg). It exceeded its ISCO of 3.7 mg/kg at TP-10 0-2 fbgs (8.5 mg/kg) and TP-12 1-3 fbgs (9.4 mg/kg).
- Fluoranthene exceeded its USCO of 85 mg/kg at TP-10 0-2 fbgs (93 mg/kg).
- Indeno(1,2,3-cd)pyrene exceeded its USCO of 0.5 mg/kg at TP-1 0-1 fbgs (0.59 mg/kg). It exceeded its RRSCO of 1.4 mg/kg at TP-9 0-2 fbgs (7.5 mg/kg), TP-10 0-2 fbgs (28 mg/kg), TP-12 1-3 fbgs (19 mg/kg), and TP-15 0-3 fbgs (5.1 mg/kg).
- Phenanthrene exceeded its RRSCO of 4.9 mg/kg at TP-9 0-2 fbgs (18 mg/kg), TP-12 1-3 fbgs (7.6 mg/kg), and TP-15 0-3 fbgs (28 mg/kg). It exceeded its Commercial Use SCO (CSCO) of 47 mg/kg at TP-10 0-2 fbgs (57 mg/kg).
- Pyrene exceeded its USCO of 64 mg/kg at TP-10 0-2 fbgs (77 mg/kg).
- Arsenic exceeded its USCO of 13 mg/kg at TP-11 2-4 fbgs (13.7 mg/kg). It exceeded its ISCO of 16 mg/kg at TP-10 0-2 fbgs (22 mg/kg) and TP-12 1-3 fbgs (83.6 mg/kg).
- Barium exceeded its CSCO of 410 mg/kg at TP-8 0-2.5 fbgs (942 mg/kg) and TP-12 1-3 fbgs (920 mg/kg).
- Cadmium exceeded its CSCO of 3.7 mg/kg at TP-8 0-2.5 fbgs (7.8 mg/kg).
- Chromium exceeded its USCO of 30 mg/kg at TP-8 0-2.5 fbgs (52.2 mg/kg), TP-10 0-2 fbgs (40.7 mg/kg), and TP-12 1-3 fbgs (41.1 mg/kg).
- Lead exceeded its RRSCO of 400 mg/kg at TP-1 0-1 fbgs (502 mg/kg), TP-9 0-2 fbgs (820 mg/kg), and TP-15 0-3 fbgs (543 mg/kg). It exceeded its CSCO of 1,000 mg/kg at TP-10 0-2 fbgs (3,800 mg/kg), TP-11 2-4 fbgs (1,050 mg/kg), and TP-12 1-3 fbgs (1,900 mg/kg). It exceeded its ISCO of 3,900 mg/kg at TP-8 0-2.5 fbgs (20,000 mg/kg).
- Mercury exceeded its USCO of 0.18 mg/kg at TP-11 2-4 fbgs (0.23 mg/kg). It exceeded its RRSCO of 0.3 mg/kg at TP-8 0-2.5 fbgs (0.5 mg/kg), TP-9 0-2 fbgs (0.37 mg/kg), and TP-12 1-3 fbgs (0.61 mg/kg). It exceeded its ISCO of 1.1 mg/kg at TP-1 0-1 fbgs (6.5 mg/kg), TP-10 0-2 fbgs (159 mg/kg), and TP-15 0-3 fbgs (8.1 mg/kg).
 - It should be noted that the mercury exceedance at TP-10 is well over 100 times the applicable limit of its respective ISCO. As a general rule, the United States Environmental Protection Agency (USEPA) uses the 20x rule as a hazardous waste screening method where total concentration results are divided by 20 to estimate if a solid waste exceeds its Toxicity Characteristic Leaching Procedure (TCLP) limit as outlined in Table 1 of Section 261.24 CFR Title 40 and USEPA Publication SW-846. Based on the total mercury concentration at TP-10, mercury is likely to be at hazardous levels in this area, subject to further testing and laboratory analysis.
- Roux notes that in addition to above, one VOC, acetone, exceeded its Unrestricted Use SCO (USCO) of 0.03 mg/kg at TP-1 0-1 fbgs (0.034 mg/kg) and TP-2 4-6 fbgs (0.097 mg/kg). However, we note that acetone is a common laboratory artifact therefore the acetone concentrations are not anticipated to be indicative of Site conditions. We further note that the lack of elevated petroleum VOCs in soil/fill samples from TP-1 and TP-2 suggests the presence of weathered petroleum.

Table 1 provides a summary of sample exceedances and Table 2 provides a full breakdown of sample exceedances as compared to 6NYCRR Part 375 SCOs.

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Previous investigation documentation has been provided as separate files to this application.

SECTION II – PROJECT DESCRIPTION

Swan Chicago LLC is willing to complete additional investigation and remediate the Site under the NYS BCP and are submitting this BCP Application for eligibility acceptance into the program. A Remedial Investigation Work Plan (RIWP) is being submitted concurrently with this BCP application and upon acceptance of the Application and RIWP, remedial investigation (RI) activities are planned to be completed tentatively in August 2026. After completion of RI field activities an RI Report will be submitted tentatively in January 2027. A Remedial Work Plan (RWP), with Alternatives Analysis, would be submitted concurrently with the RI Report with issuance of the Decision Document (DD) after Department review and approval of the RI Report and RWP. Remedial activities are assumed to begin Spring 2027 followed by approval and issuance of the Certificate of Completion by the end of 2027. Figure 10 presents a preliminary project schedule for all key dates and events.

The proposed redevelopment of the Site will consist of a mixed-use commercial/residential apartment building, affordable housing townhomes, off-street parking, and associated landscaping/greenspace. This redevelopment use is consistent with the current zoning, which as previously indicated above, is N-2E (Mixed-Use Edge); transitional areas, typically at the edges of more intense mixed-use centers, in Buffalo's most compact neighborhoods, defined by a mix of homes and stores.

Green Remediation

NYSDEC's DER-31 Green Remediation requires that green remediation concepts and techniques be considered during all stages of the remedial program including remedial investigation (RI), remedial design, remedial action, site management, and redevelopment.

The following green remediation techniques are applicable to all phases of the remedial program and will be considered for the duration of the project:

- Increase energy efficiency by considering the use of energy efficient remedial equipment and through construction of energy efficient buildings to reduce energy use and reduce greenhouse gas (GHG) and carbon emissions.
- Reduce emissions of air pollutants due to the use of heavy equipment and construction vehicles during remedial activities and redevelopment by using clean diesel equipment and by minimizing the equipment used, truck travel distances, and idling times.
- Minimize habitat disturbance and conserve natural resources during remedial and redevelopment activities and incorporate natural areas and native vegetation into the design to enhance the existing habitat and promote the sequestration of carbon.
- Prevent erosion and off-site water quality impacts due to surface runoff through the implementation of stormwater and erosion control measures.

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- Minimize waste or implement beneficial use of materials that would otherwise be considered a waste to the extent practicable.

A summary of additional green remediation techniques to be evaluated at each stage of the remedial program is included below.

Remedial Investigation

Green and Sustainable Remediation (GSR) will be incorporated into the RI project planning and remedy selection through consideration of the following green remediation techniques:

- Remedies that maintain, mimic, use, and/or enhance natural processes will be considered to reduce energy use and promote the continuation of these processes.
- Low-energy alternatives will be utilized to the extent practicable to reduce energy use due to remedial systems and minimize emissions of GHGs and carbon dioxide.
- Aggressive remedial strategies or remedial strategies that permanently destroy contaminants will be considered to reduce long-term operation of systems requiring continued energy use.

An environmental footprint analysis will be completed and included in the RI Report using USEPA's Spreadsheets for Environmental Footprint Analysis (SEFA), a NYSDEC-approved footprint analysis calculator.

The RI Report will also include a climate change screening or vulnerability assessment to provide information necessary to ensure that potential remedies will not be adversely impacted by the increased frequency and intensity of severe storms/weather events and associated flooding caused by global climactic change and instability.

Remedial Design

The environmental footprint analysis completed during the RI project planning and remedy selection process will be refined during the remedial design and applicable green remediation metrics will be identified. Additional green remediation techniques will be considered during this period including:

- Renewable energy use will be incorporated into the remedial design as practicable.
- Remedial systems will be designed to be as efficient as possible and adaptable to reduce energy use as the site is remediated.
- The final use of the site and redevelopment plan will be considered in remedial design to provide an efficient transition from remedial activities to redevelopment.
- Temporary sediment and erosion controls will be included in the remedial design and utilized for the duration of remedial action activities.

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Remedial Action

Green remediation techniques identified during the RI planning and remedial design periods will be implemented during remedial action activities. Green remediation metrics established during the remedial design will be tracked using the Green Remediation Metrics Summary Form (see Attachment 6).

Site Management

The Site Management Plan (SMP) will include a summary of all green remediation techniques utilized for the duration of the project as well as additional techniques to be considered throughout the lifetime of the project. Additional green remediation techniques will be considered throughout site management including the following:

- Energy optimization/efficiency: new technologies and energy sources will be considered throughout the lifetime of the project to ensure that negative impacts due to energy use are minimized.
- Site visits will be minimized to reduce GHG/carbon emissions.
- Remedial Site Optimization Studies will be completed as needed.

An environmental footprint analysis will be completed for site management activities and included in the SMP using USEPA's SEFA. Green remediation metrics established during the remedial project will be tracked throughout site management using the Green Remediation Metrics Summary Form (Attachment 6).

The SMP will also include a climate change screening or vulnerability assessment to provide information necessary to ensure that Site remedies will not be adversely impacted by the increased frequency and intensity of severe storms/weather events and associated flooding caused by global climactic change and instability.

Redevelopment

The Site redevelopment plan will enhance the existing natural features and habitat, control stormwater runoff, and promote carbon sequestration. Use of native vegetation will be encouraged. Use of renewable energy and green building design will be also encouraged in the final redevelopment plan to reduce long-term GHG and carbon emissions. Construction and demolition debris from the site will be reused and/or recycled unless gross contamination is observed to reduce overall waste production from redevelopment.

SECTION III – ECOLOGICAL CONCERNS

Environmental impacts at the Site have resulted from the past use of the Site in a commercial manner, including automotive repair, gasoline USTs with at least two (2) existing orphaned USTs, and presumed

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backfill of demolished/former buildings with impacted fill from unknown origins. Subsurface contamination at the Site includes petroleum-impacted soil/fill with elevated PID reading and odors, and elevated concentrations of PAHs, and metals in the soil/fill throughout the Site. Currently, the Site is covered with grass.

A resource characterization was completed in accordance with DER-10 3.10.1 to assess the potential for on- and off-site ecological impacts and determine whether a Fish and Wildlife Impact Assessment (FWIA) is needed. According to the NYSDEC Environmental Resources mapper, the Site is not located within the limits of any potentially environmentally sensitive areas (see Figure 11). Ecological resources observed within 0.5 miles of the Site include:

- An unspecified animal species that is listed as threatened or endangered is located approximately 0.25-mile northwest of the Site.

The Site has historically been completely developed with former buildings and utilized for residential and commercial purposes. Former buildings have since been demolished and basements brought to grade with impacted fill materials. The Site is currently vacant with no natural habitat available. No NYS or Federally regulated wetlands were identified proximate to the Site. Despite subsurface petroleum-impacts identified within the southwestern portion of the Site, the Site is currently covered by vegetation (i.e., grass), reducing the risk for erosion and off-site transport. Additionally, the planned remediation will consist of excavating and removing impacted soil/fill, further reducing the potential for erosion and off-Site transport.

A Fish and Wildlife Resource Impact Analysis (FWRIA) Decision Key (included in DER-10 Appendix 3C) is provided as Attachment 7, which indicates the Site does not require a FWRIA in accordance with DER-10 Section 3.10.1; however, while not anticipated, should a condition be identified during the RI that may potentially impact ecological resources, an updated FWRIA will be included in the RI Report.

SECTION IV – LAND USE FACTORS

1 and 2 – Current Zoning

The Site, located within the City of Buffalo, is zoned N-2E (Mixed-use Edge) (see Figure 6).

3 and 4 – Current Use

The Site is currently vacant and consists of undeveloped/underutilized grass covered land. Based on historic research presented in a previous Phase I Environmental Site Assessment completed by Environmental Advantage (EA) in September 2025, the individual Site parcels became vacant as follows:

- 275 Swan Street: The on-Site building was demolished sometime between 1995 and 2002 and the parcel has been vacant since that time.

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- 279 Swan Street: The on-Site residential buildings were demolished in 1977 and 1978 and the parcel has been vacant land since that time.
- 281 Swan Street: The on-Site building was demolished in 1978 and the parcel has been vacant land since that time.
- 425 Chicago Street: The on-Site building was demolished sometime before 2002, after which the parcel existed as vacant land until present day.

Historically, the Site was developed with former buildings used residentially and commercially, including automotive repair, gasoline USTs and backfill of former buildings with impacted urban fill materials from unknown origins. These operations and backfill material imported to the Site along with two (2) existing orphaned USTs located within the southwest portion of the Site are the reasonably anticipated sources of environmental impacts identified on-Site.

Further investigation under the BCP would be required to determine whether additional sources of contamination or areas of environmental impact exist on-site.

5 through 10 – Planned Future Use

The Volunteer plans to redevelop the Site with mixed-use commercial/residential apartment building, affordable housing townhomes, off-street parking, and associated landscaping/greenspace as described in Section II above. The vicinity of the Site includes various residential and commercial properties, and therefore, planned redevelopment would be consistent with the surrounding area and the current City of Buffalo zoning designation of N-2E (Mixed-Use Edge), which is typified by more intense mixed-use centers in Buffalo's most compact neighborhoods, defined by a mix of residential homes and commercial stores. The redevelopment also aligns with the City of Buffalo's Four-Year Strategic Plan, specifically expanding residential development and remediating brownfield properties. The redevelopment will not consist of single-family residential housing or renewable energy.

SECTION V – CURRENT AND HISTORICAL PROPERTY OWNER AND OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous Site owners and operators. Available information for the previous and current owners is provided in the table below. Public records, including parcel reports and previous owner reports, from the City of Buffalo, are provided as Attachment 8. The Site (four (4) individual parcels summarized below) was recently purchased by the Requestor in March 2026. Erie County and City of Buffalo Assessment and Taxation Information has yet to be updated. A warranty deed is provided as Attachment 1 for proof of ownership.

To Roux's knowledge, the owners and operators of the Site are one in the same, therefore, the table below references both owners and operators.

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Brownfield Cleanup Program Application Supporting Information
Swan and Chicago Streets Site
275-281 Swan Street and 425 Chicago Street, Buffalo, New York

275 Swan Street – Owner/Operator Information			
Owner/Operator Name and Address	Use	Approx. Date(s)	Relationship to Requestor
Current Owner/Operator			
Swan Chicago LLC 249 Hickory Street Buffalo, New York 14204	Vacant Lot	March 12, 2026 – present	Requestor
Previous Owners/Operators			
Maria T. Cipriano 14 Crown Street St. Catherines, Ontario, Canada	Vacant / Commercial	December 4, 2018 – March 12, 2026	None
Jose R. Hernandez	Vacant / Commercial	March 9, 1988 – December 4, 2018	None
Rev. J. and Mary Cusimano	Residential	March 17, 1950 – March 9, 1988	None
279 Swan Street – Owner/Operator Information			
Owner/Operator Name and Address	Use	Approx. Date(s)	Relationship to Requestor
Current Owner/Operator			
Swan Chicago LLC 249 Hickory Street Buffalo, New York 14204	Vacant Lot	March 12, 2026 – present	Requestor
Previous Owners/Operators			
Maria T. Cipriano 14 Crown Street St. Catherines, Ontario, Canada	Vacant / Commercial	December 4, 2018 – March 12, 2026	None
Jose R. Hernandez	Vacant / Commercial	April 13, 1988 – December 4, 2018	None
William A. Johnson	Vacant / Commercial	July 30, 1981 – April 13, 1988	None
Rose Audace	Residential	March 23, 1942 – July 30, 1981	None

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281 Swan Street – Owner/Operator Information			
Owner/Operator Name and Address	Use	Approx. Date(s)	Relationship to Requestor
Current Owner/Operator			
Swan Chicago LLC 249 Hickory Street Buffalo, New York 14204	Vacant Lot	March 12, 2026 – present	Requestor
Previous Owners/Operators			
Maria T. Cipriano 14 Crown Street St. Catherines, Ontario, Canada	Vacant / Commercial	December 4, 2018 – March 12, 2026	None
Jose R. Hernandez	Vacant / Commercial	April 13, 1988 – December 4, 2018	None
William A. Johnson	Vacant / Commercial	July 30, 1981 – April 13, 1988	None
Maria Perales	Residential	February 26, 1962 – July 30, 1981	None
425 Chicago Street – Owner/Operator Information			
Owner Name and Address	Use	Approx. Date(s)	Relationship to Requestor
Current Owner/Operator			
Swan Chicago LLC 249 Hickory Street Buffalo, New York 14204	Vacant Lot	March 12, 2026 – present	Requestor
Previous Owners/Operators			
Maria T. Cipriano 14 Crown Street St. Catherines, Ontario, Canada	Vacant / Commercial	December 4, 2018 – March 12, 2026	None
Jose R. Hernandez	Vacant / Commercial	November 9, 1990 – December 4, 2018	None
Ernest J. Thomas	Residential / Commercial	April 7, 1976 – November 9, 1990	None

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SECTION VI - PROPERTY'S ENVIRONMENTAL HISTORY

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

Phase I Environmental Site Assessment – September 2025

A previous Phase I Environmental Site Assessment, completed by EA, for Draghi Burgus Construction, dated September 26, 2025, identified recognized environmental conditions (RECs) for the Site, including historical operations, former buildings with basements that were backfilled with material from unknown sources, UST records, the potential for past releases, and adjoining property uses (i.e., repair shop, blacksmith, laundries, and cleaners).

Phase II Environmental Investigation – October 2025

Roux Environmental Engineering and Geology, D.P.C. (Roux) completed a Phase II Environmental Investigation in October 2025 (report dated November 21, 2025) to assess environmental conditions on-site. As part of the work, Roux completed fifteen (15) test pits (TP-1 through TP-15) across the Site using an excavator to depths ranging between 4 fbgs and 8 fbgs. Pertinent findings are summarized on Figure 8 and described below:

Lithology at the Site is described as non-native fill materials consisting of cinders, ash, black fines, and fragments of brick, glass, wood, and metal to depths between 4 fbgs and greater than 8 fbgs (maximum reach of the excavator). Fill materials were noted at all 15 investigation locations. The previous Phase II also identified two (2) existing orphaned USTs and petroleum-impacted soil with odors and elevated PID readings within the southwestern portion of the Site (425 Chicago Street parcel, see Figure 8).

No petroleum VOCs were detected at concentrations above USCOs in two soil samples (TP-1 and TP-2) collected proximate to each orphan UST; the lack of petroleum VOCs in these soil samples is indicative of weathered petroleum. Acetone was identified above its USCO, but not its RRSCO, at TP-1 and TP-2.

PAHs were identified at concentrations exceeding their respective Part 375 USCOs, RRSCOs, CSCOs, and/or ISCOs in fill samples collected across the Site in one or more fill samples collected from each parcel. The highest total PAH concentrations, identified as 339 mg/kg (TP-12 on the 281 Swan Street parcel), and 538 mg/kg (TP-10 on the 279 Swan Street parcel), would constitute “hot spots” requiring remediation if the Site were in the New York Brownfield Cleanup Program (NY BCP). Table 2 provides a full breakdown of sample exceedances as compared to 6NYCRR Part 375 SCOs and total PAH summations.

Regarding metals, one or more fill samples from each parcel yielded concentrations above their respective CSCOs and/or ISCOs. Of note, concentrations of mercury exceed its respective ISCO at TP-1 (6.5 mg/kg), TP-10 (159 mg/kg), and TP-15 (8.1 mg/kg). Concentrations of arsenic exceeds its ISCO at TP-10 (22 mg/kg), and TP-12 (83.6 mg/kg) and concentrations of barium exceeds its CSCO at TP-8 (942

Appendix A
Brownfield Cleanup Program Application Supporting Information
Swan and Chicago Streets Site
275-281 Swan Street and 425 Chicago Street, Buffalo, New York

mg/kg), TP-10 (406 mg/kg), and TP-12 (920 mg/kg). In addition, lead exceedances were identified with a significant concentration of 20,000 mg/kg exceeding its ISCO at TP-8, and additional lead concentrations exceeding its respective CSCO at TP-10 (3,800 mg/kg), TP-11 (1,050 mg/kg), and TP-12 (1,900 mg/kg). These elevated metal concentrations would constitute “hot spots” requiring remediation if the Site were in a regulatory program.

Groundwater was not noted during the test pit investigation.

Elevated PID readings and petroleum-like odors were identified in the southwestern portion of the Site at TP-1 and TP-2, proximate to the two (2) existing orphaned USTs. Based on field observations indicating the presence of subsurface petroleum impacts and the presence of orphan USTs, as required by law, the NYSDEC was notified and Spill No. 2506517 was assigned to the Site.

Based on the findings discussed above, remediation is required on-site on each parcel. Entry into the NY BCP would result in Spill No. 2506517 being administratively closed.

SECTION VII & VIII – REQUESTOR INFORMATION & REQUESTOR CONTACT INFORMATION

The Requestor, Swan Chicago LLC, DOS ID 7698475, is authorized to do business in New York State. The New York Department of State (NYDOS) entity information, ownership organization chart, and information for individuals authorized to sign on behalf of the Requestor are provided as Attachment 9, Attachment 10, and Attachment 11.

Swan Chicago LLC
249 Hickory Street
Buffalo, NY 14204

Roux Environmental Engineering & Geology, D.P.C., a registered NYS Engineering Firm, and a licensed NYS Professional Engineer (P.E.), will be acting as the Engineer of Record and Requestor’s Consultant for this BCP project.

Hodgson Russ LLP will be acting as the Requestor’s attorney.

SECTION IX – PROGRAM FEE

The Requestor will not be requesting a fee waiver.

SECTION X – REQUESTOR ELIGIBILITY

The Requestor, Swan Chicago LLC would enter the BCP as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(c)(2) based on the following:

- PAHs and metals impact at the Site are reasonably attributed to fill materials from unknown origins by previous owners/occupants.

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- Based on historic records, existing orphaned USTs and petroleum-impacted soil/fill are reasonably attributed to previous on-Site operations by previous owners/occupants.
- The Requestor became involved with the property after disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site. Swan Chicago LLC has purchased the Site in March 2026 and plans to address contaminants of concern through the BCP process.

SECTION XI – PROPERTY ELIGIBILITY INFORMATION

The Site is not listed on the National Priorities List (NPL) or the NYS Registry of Inactive Hazardous Waste Disposal Sites; is not subject to a permit under ECL Article 27, Title 9; is not subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10; and is not subject to a state or federal enforcement action related to hazardous waste or petroleum.

Based on petroleum impacts including two (2) orphan USTs, odors, and elevated PID readings observed in the field during the Phase II investigation, the NYSDEC was notified during the work, and Spill No. 2506517 was opened on October 21, 2025 and this spill remains active to-date. The Spill will be administratively closed upon successful entry into the BCP.

SECTION XII – SITE CONTACT LIST

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

Property Owner:

Alexander Burgos
Swan Chicago LLC
249 Hickory Street
Buffalo, New York 14204

Erie County Contacts:

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

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

Honorable John Bargnesi
District 4 Erie County Legislator
2165 Sheridan Drive
Tonawanda, NY 14223

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Mr. Zaque Evans
Deputy Commissioner
Erie County Environment and Planning
Planning and Economic Development Division
95 Franklin Street, 10th Floor
Buffalo, NY 14202

Mr. Paul D'Orlando
Principal Contract Monitor
Erie County Environment and Planning
Community Development
95 Franklin Street, 10th Floor
Buffalo, NY 14202

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

Ms. Bonnie Lawrence
Deputy Commissioner
Erie County Environment and Planning
Environmental Compliance Service Division
95 Franklin Street, 10th Floor
Buffalo, NY 14202

City of Buffalo Contacts:

Mr. Sean Ryan
Mayor
City of Buffalo
65 Niagara Square
Buffalo, NY 14202

Mr. Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, NY 14202

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

Ms. Gale R Burnstein, MD, MPH, FAAP
Commissioner of Health
Erie County Department of Health
Administrative Office
95 Franklin Street
Buffalo, NY 14202

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

Ms. Tianna M. Marks
City Clerk
City of Buffalo
65 Niagara Square
Buffalo, NY 14202

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Swan and Chicago Streets Site
275-281 Swan Street and 425 Chicago Street, Buffalo, New York

Ms. Leah M. Halton-Pope
Majority Leader
City of Buffalo – Ellicott District
65 Niagara Square
Buffalo, NY 14202

Mr. Thomas Baines
Deputy Mayor
City of Buffalo – Office of Strategic Planning

65 Niagara Square
Buffalo, NY 14202

Mr. James Morrell
Chair
City of Buffalo – Planning Board
65 Niagara Square
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 14240

WGRZ – Ch. 2
ATTN: Ms. Judy Moore
259 Delaware Avenue
Buffalo, NY 14202

WIVB – Ch. 4
ATTN: Newsroom
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW – Ch. 7
ATTN: Mr. Aaron Mason
7 Broadcast Plaza
Buffalo, NY 14202

Buffalo Business First
ATTN: Ms. Michelle Cioci Adams
241 Main Street, Suite 220
Buffalo, NY 14203

Buffalo-Toronto Public Media
ATTN: Mr. Michale Mroziak
Horizons Plaza P.O. Box 1263
Buffalo, NY 14240-1263

WBEN NewsRadio 930
500 Corporate Parkway, Suite 200
Buffalo, NY 14226

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Nearby Schools and Daycares:

Ms. Wendy Emerling
Principal
PS 006 Buffalo Elementary School of
Technology
414 South Division Street
Buffalo, NY 14204

Ms. Erika Lamar
Principal
PS 032 Bennett Park Montessori
342 Clinton Street
Buffalo, NY 14203

Ms. Tanya Renee Calloway
Owner
Puddle Jumpers
200 East Eagle Street
Buffalo, NY 14204

Ms. Angela Moran
Regional Manager
New York State Child Care
295 Main Road
Buffalo, NY 14203

Ms. Catherine J. Gorman
Director
Kiddie Corner at Larkin
685 Seneca Street
Buffalo, NY 14210

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

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ADJACENT PROPERTY OWNERS

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below and shown on Figure 7.

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1	Pine Street	Religious	First Shiloh Baptist Church 1 Pine Street Buffalo, NY 14205
6	Pine Street	Single Family Residential	Robert M. Johnson 6 Pine Street Buffalo, NY 14204
264	Seneca Street	Warehouse	Wilcon-Derby Inc. c/o attn: Buffalo Scales 280 Seneca Street Buffalo, NY 14204
290	Seneca Street	Parking Lot	290 Seneca Street LLC 291 Seneca Street Buffalo, NY 14204
265	Swan Street	Culture Building	Pucho Inc. 261 Swan Street Buffalo, NY 14204
116	Myrtle Avenue	Auto Body	Roberto Leon 285 Swan Street Buffalo, NY 14204

Document Repository

The Buffalo and Erie County Public Library – Central Branch (located at 1 Lafayette Square, Buffalo, New York 14203) would act as the document repository for the BCP Site. An email acknowledgement from the repository is provided as Attachment 12.

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

TABLES

1. Soil Data Summary Table
2. Summary of Soil/Fill Analytical Results



TABLE 1
SOIL DATA SUMMARY TABLE
BROWNFIELD CLEANUP PROGRAM APPLICATION
SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK

Analytes > SCOs	Unrestricted Use SCOs ¹	Number of Detections > USCOs	Restricted Residential Use SCOs ²	Number of Detections > RRSCOs	Maximum Detection (ppm)	Depth (fbgs)
Volatile Organic Compounds (VOCs) - ppm						
Acetone	0.03	2	100		0.097	4-6
Semi-Volatile Organic Compounds (SVOCs) - ppm						
Benzo(a)anthracene	1	4	1.4	4	45	0-2
Benzo(a)pyrene	1	4	1	4	42	0-2
Benzo(b)fluoranthene	1	5	1.4	4	51	0-2
Benzo(ghi)perylene	0.64	5	4.9	4	34	0-2
Benzo(k)fluoranthene	0.8	4	4.9	4	26	0-2
Chrysene	1	4	4.9	4	46	0-2
Dibenzo(a,h)anthracene	0.33	3	0.33	3	8.5	0-2
Fluoranthene	30	1	100		93	0-2
Indeno(1,2,3-cd)pyrene	0.5	5	1.4	4	28	0-2
Phenanthrene	1.1	4	4.9	4	57	0-2
Pyrene	64	1	100		77	0-2
Metals - ppm						
Arsenic	13	3	16	2	83.6	1-3
Barium	410	2	410	2	942	0-2.5
Cadmium	2.5	1	2.5	1	7.8	0-2.5
Chromium	30	3	110		52.2	0-2.5
Lead	63	7	400	7	20000	0-2.5
Mercury	0.18	7	0.3	6	159	0-2

Notes:

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

Definitions:

"-" = No value available for the parameter.
 ppm = parts per million
 fbgs = feet below ground surface



TABLE 2
SUMMARY OF SOIL/FILL ANALYTICAL RESULTS
BROWNFIELD CLEANUP PROGRAM PRE-APPLICATION
SWAN AND CHICAGO STREETS SITE
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)									
					TP-1 0-1 ft	TP-1 6-8 ft	TP-2 0-1 ft	TP-2 4-6 ft	TP-8 0-2.5 ft	TP-9 0-2 ft	TP-10 0-2 ft	TP-11 2-4 ft	TP-12 1-3 ft	TP-15 0-3 ft
Sample Date	10/21/2025													
Volatile Organic Compounds (VOCs) - mg/kg ³														
Chloroform	0.37	24	180	180	--	0.0012 JBvs	--	0.011 JBvs	--	--	--	--	--	--
1,2-Dichloroethane	0.02	5.8	30	30	--	0.0012 Jvs	--	ND	--	--	--	--	--	--
Ethylbenzene	1	76	390	390	--	0.0083 vs	--	ND	--	--	--	--	--	--
p/m-Xylene	--	--	--	--	--	0.001 Jvs	--	0.025 Jvs	--	--	--	--	--	--
Xylene (Total)	0.26	100	500	1000	--	0.001 Jvs	--	0.025 Jvs	--	--	--	--	--	--
Acetone	0.03	100	500	1000	--	0.034 vs	--	0.097	--	--	--	--	--	--
tert-Butylbenzene	11	100	500	1000	--	0.00082 Jvs	--	ND	--	--	--	--	--	--
Isopropylbenzene	--	--	--	--	--	0.0059 Jvs	--	ND	--	--	--	--	--	--
p-Isopropyltoluene	--	--	--	--	--	0.0035 Jvs	--	0.017	--	--	--	--	--	--
n-Propylbenzene	5	100	500	500	--	0.018 vs	--	ND	--	--	--	--	--	--
1,3,5-Trimethylbenzene	3.1	100	500	1000	--	ND	--	0.22	--	--	--	--	--	--
1,2,4-Trimethylbenzene	5.9	100	500	1000	--	0.0026 Jvs	--	0.7	--	--	--	--	--	--
Polyaromatic Hydrocarbons (PAHs) ³														
Acenaphthene	20	100	500	1000	ND	ND	ND	ND	--	2.3	3.4 J	ND	ND	3.8
Acenaphthylene	100	100	500	1000	ND	ND	ND	ND	--	0.59 J	7.4	ND	8.8	0.71 J
Anthracene	100	100	500	1000	ND	ND	ND	ND	--	4.8	16 J	0.076 J	7.2	7.6
Benzo(a)anthracene	1	1.4	37	37	ND	ND	ND	ND	--	14	45	0.28	42	12
Benzo(a)pyrene	1	1	3.7	3.7	0.78 J	ND	0.038 J	ND	--	12	42	0.32	32	9.5
Benzo(b)fluoranthene	1	1.4	37	37	1.1 J	ND	ND	ND	--	14	51	0.44	41	12
Benzo(ghi)perylene	0.64	4.9	47	78	0.83 J	ND	0.05 J	ND	--	8.9	34	0.26	20	6
Benzo(k)fluoranthene	0.8	4.9	47	78	ND	ND	ND	ND	--	7.7	26 J	0.16 J	19	5.2
Chrysene	1	4.9	47	78	ND	ND	ND	ND	--	13	46	0.42	37	12
Dibenzo(a,h)anthracene	0.33	0.33	3.7	3.7	ND	ND	ND	ND	--	ND	8.5	ND	9.4	2.2 J
Fluoranthene	85	100	500	1000	1.7 J	ND	0.06 J	ND	--	26	93	0.54	57	31
Fluorene	30	100	500	1000	ND	ND	ND	ND	--	2	3.7 J	ND	0.64 J	3.8
Indeno(1,2,3-cd)pyrene	0.5	1.4	37	37	0.59 J	ND	ND	ND	--	7.5	28 J	0.18 J	19	5.1
Naphthalene	12	100	500	1000	ND	0.1 J	ND	0.55	--	0.79 J	ND	ND	ND	ND
Phenanthrene	1.1	4.9	47	78	ND	ND	ND	ND	--	18	57	0.5	7.6	28
Pyrene	64	100	500	1000	1.1 J	ND	0.054 J	ND	--	21	77	0.53	38	20
Total PAHs	--	--	--	--	6.1	0.1	0.202	0.55	--	152.58	538	3.706	338.64	158.91
Metals - mg/Kg														
Arsenic	13	16	16	16	7.3	--	3.2	--	12.7	9.1	22	13.7	83.6	8.7
Barium	410	410	410	10,000	88.8 ^5+	--	155 ^5+	--	942	240	406 ^5+	186 ^5+	920	333
Cadmium	2.5	2.5	3.7	4.4	0.48	--	0.2 J	--	7.8	1.1	1.2	1.2	1.6	1.4
Chromium	30	110	1700	2000	21.6	--	13.7	--	52.2	22	40.7	17.5	41.1	17.8
Lead	63	400	1000	3900	502 ^5+	--	58.3 ^5+	--	20000	820	3800	1050	1900	543
Mercury	0.18	0.3	1.1	1.1	6.5	--	0.065	--	0.5	0.37 F1	159 J	0.23	0.61	8.1
Selenium	3.9	110	1700	2000	ND	--	ND	--	1.4 J	ND	2.3	ND	2.4 J	3 J
Silver	2	110	1700	2000	0.48 J^5-	--	0.48 J^5-	--	0.47 J^5-	0.48 J^5-	0.67 J^5-	0.51 J^5-	1.5 ^5-	1.4 ^5-

- Notes:
- Only those parameters detected at a minimum of one sample location are presented in this table; all 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.

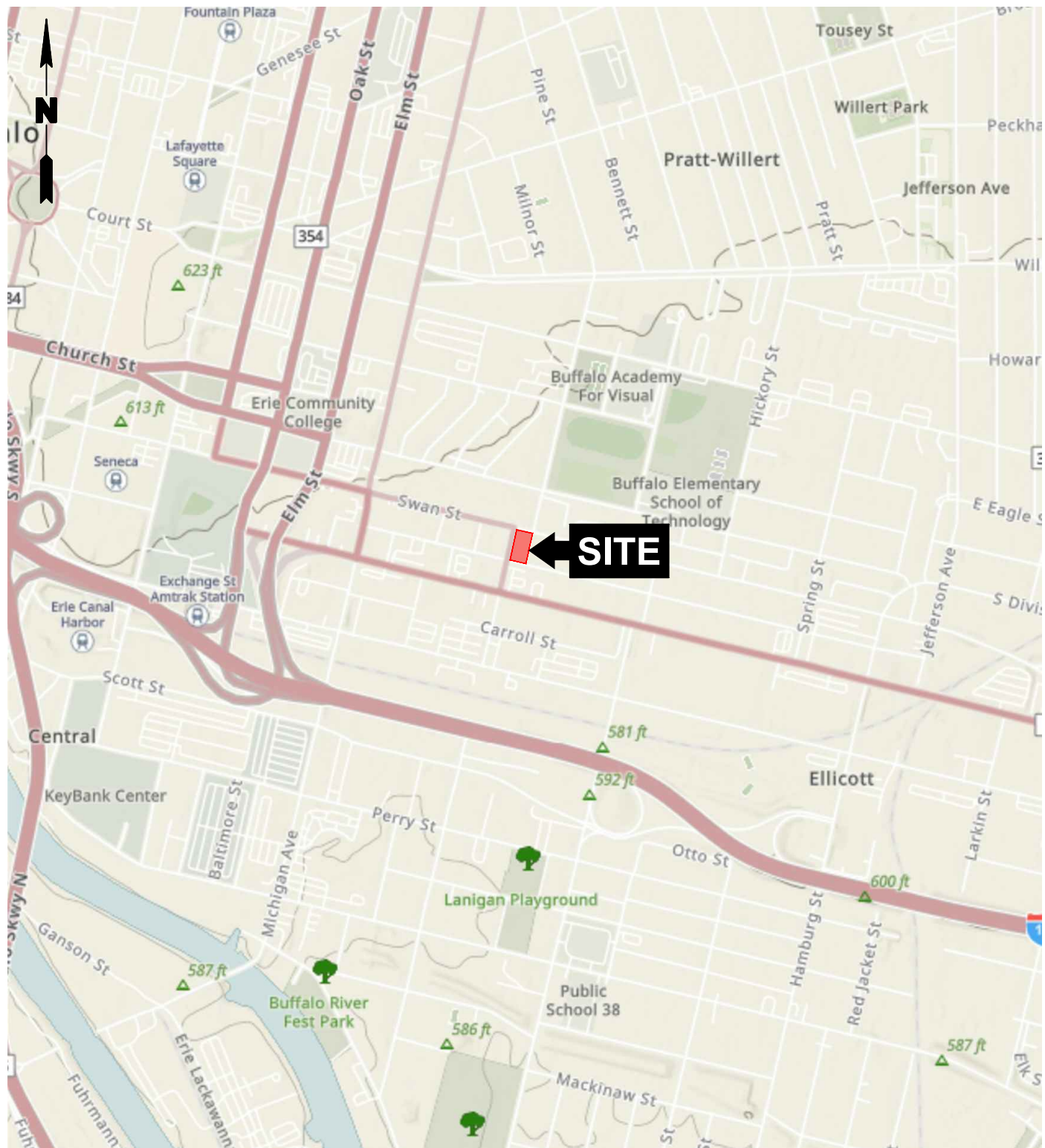
Definitions:
ND = Parameter not detected above laboratory detection limit.
J = Estimated value; result is less than the sample quantitation limit but greater than zero.
^5= Linear Range Check (LRC) is outside acceptance limits, low biased.
^5+= Linear Range Check (LRC) is outside acceptance limits, high biased.
F1= MS and/or MSD recovery exceeds control limits.
B = Compound was found in the blank and sample.
vs = Reported analyte concentrations are below 200 ug/kg and may be biased low due to the sample not being collected according to 5035A- L low-level specifications.

Bold	= Results Exceed Part 375 Unrestricted Use SCOs
Bold	= Results Exceed Part 375 Restrctied Residential Use SCOs
Bold	= Results Exceed Part 375 Commercial Use SCOs
Bold	= Results Exceed Part 375 Industrial Use SCOs

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

FIGURES

1. Site Location and Vicinity Map
2. Site Plan (Aerial)
3. Tax Map
4. NYS En-zone Map
5. Disadvantaged Communities Map
6. Zoning Map
7. Adjacent Property Owners
8. Investigation Locations and Areas of Concern
9. USDA Soil Type Map
10. Preliminary Project Schedule
11. Ecological Resources



BUFFALO NE QUADRANGLE
NEW YORK - ERIE COUNTY
7.5-MINUTE SERIES



Title: **SITE LOCATION AND VICINITY MAP**

**SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC



Compiled by: CMS	Date: APRIL 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 5143.0001B000
File: FIGURE 1: SITE LOCATION AND VICINITY MAP.DWG	

FIGURE

1



MAP PER GOOGLE EARTH, JUNE 2024.

LEGEND:

- BCP SITE BOUNDARY
- - - PARCEL BOUNDARY



Title:

SITE PLAN (AERIAL)

**SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK**

BROWNFIELD CLEANUP PROGRAM PRE-APPLICATION

Prepared for:

SWAN CHICAGO LLC

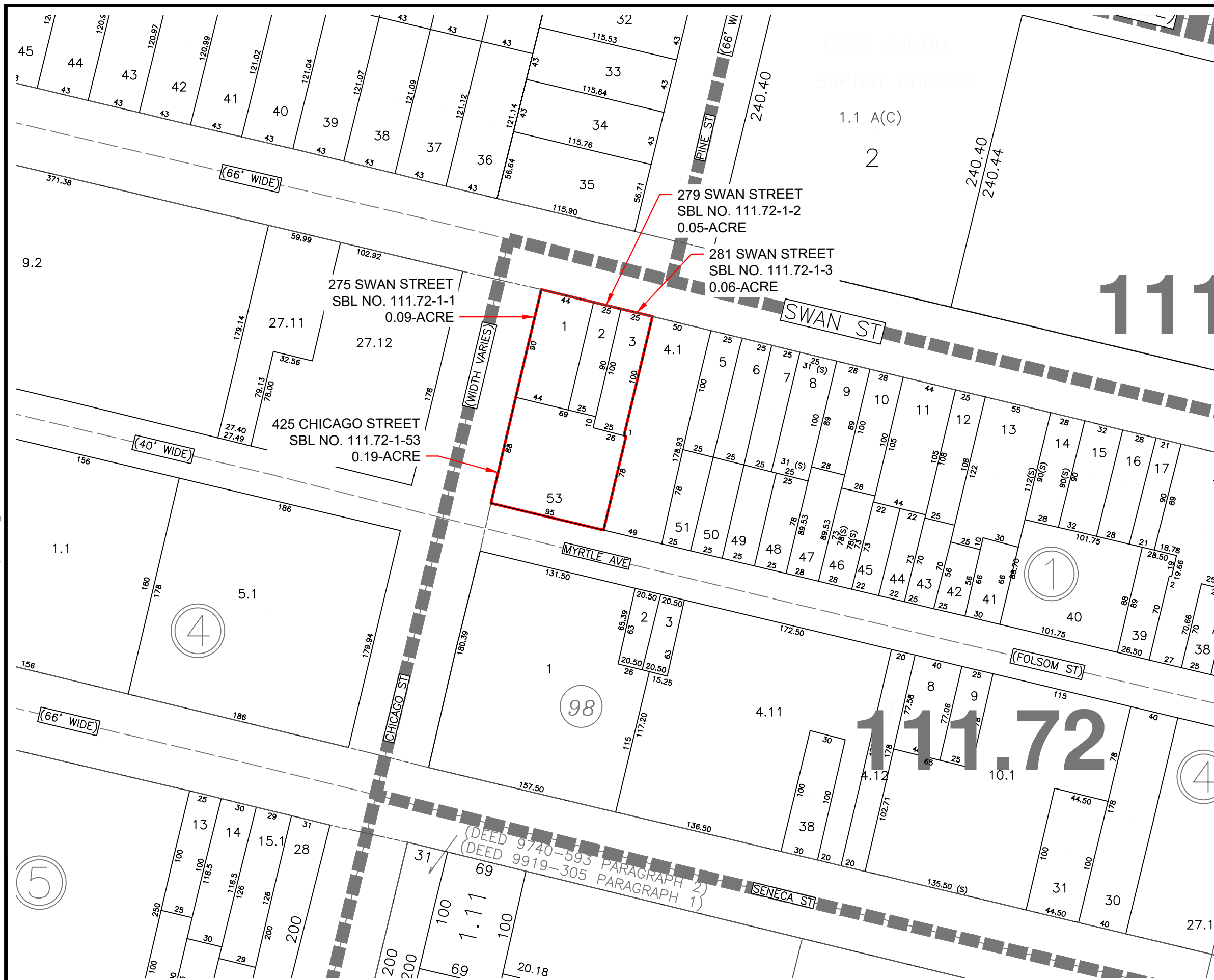


Compiled by: CMS	Date: APRIL 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 5143.0001B000
File: FIGURE 2: SITE PLAN (AERIAL).DWG	

FIGURE

2

BCP SITE BOUNDARY



NOTE: MAP PER CITY OF BUFFALO TAX MAP, SHEET 111.72; PREPARED BY AERO SERVICES; PREPARED FOR DIVISION OF REAL PROPERTY TAX SERVICES, ERIE COUNTY, NEW YORK

Title:

TAX MAP

**SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC

Compiled by: CMS

Date: APRIL 2026

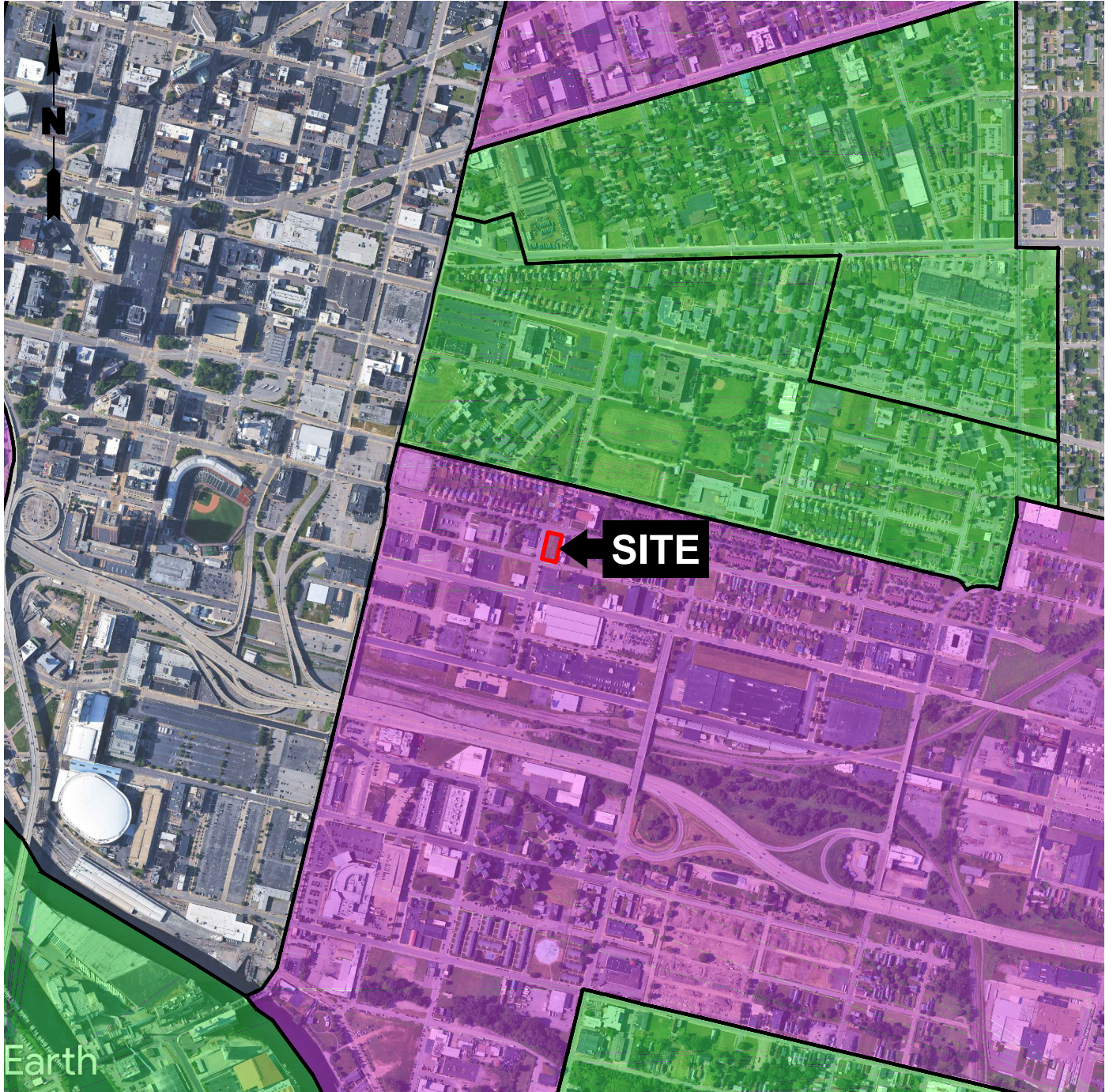
Prepared by: CMS

Scale: AS SHOWN

Project Mgr: BWM	Project: 5143.000
------------------	-------------------

FIGURE

3 |



MAP PER GOOGLE EARTH, JUNE 2024 AND NYSDOS GEOGRAPHIC INFORMATION GATEWAY.

LEGEND:

-  BCP SITE BOUNDARY
-  ENZONE TYPE 'B'
-  ENZONE TYPE 'AB'



Title:

NYS ENZONE MAP

SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC



Compiled by: CMS

Date: APRIL 2026

Prepared by: CMS

Scale: AS SHOWN

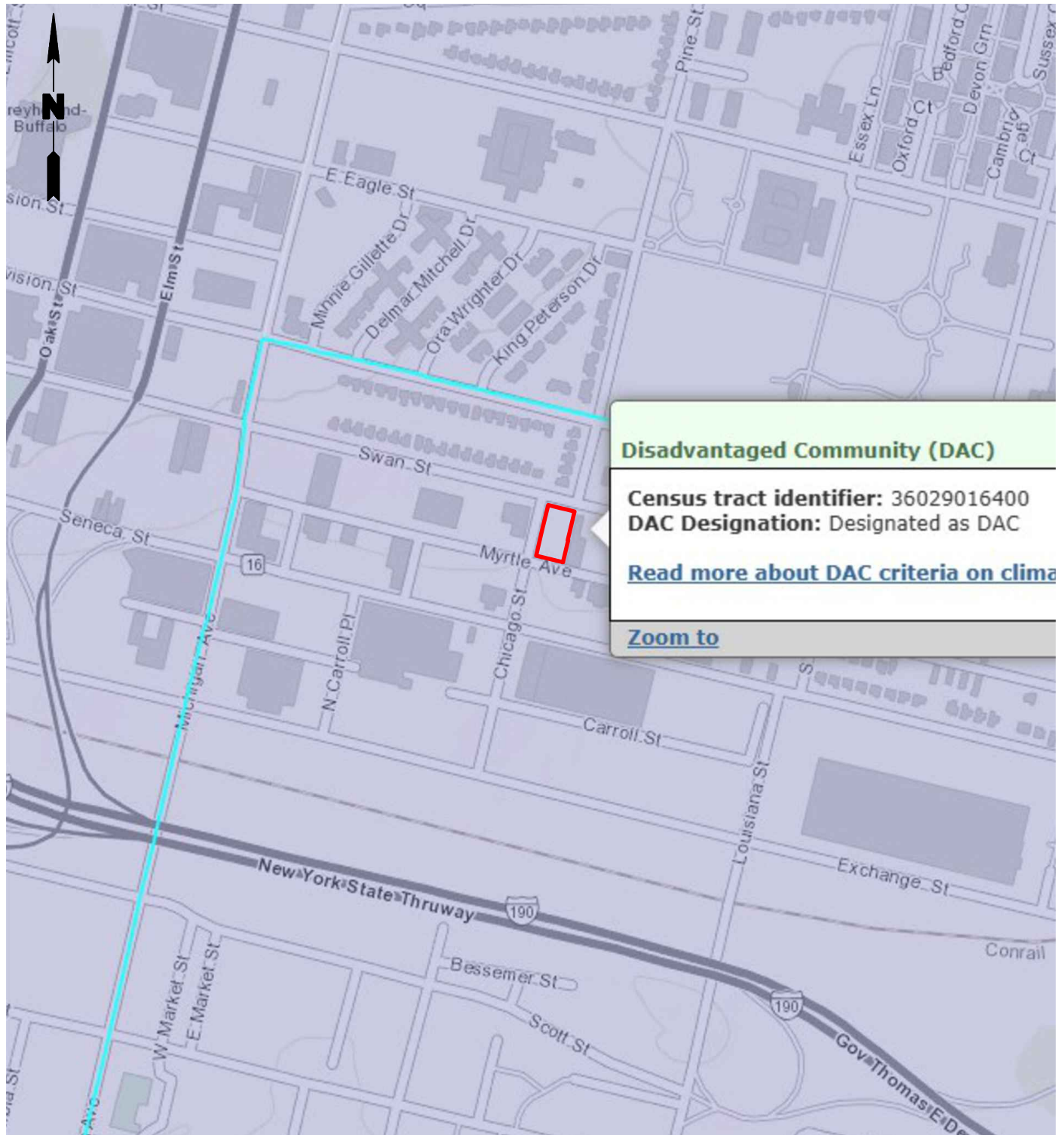
Project Mgr: BWM

Project: 5143.0001B000

File: FIGURE 4: NYS ENZONE MAP.DWG

FIGURE

4



Disadvantaged Community (DAC)

Census tract identifier: 36029016400

DAC Designation: Designated as DAC

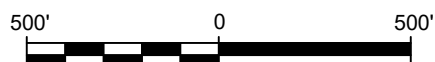
[Read more about DAC criteria on climate](#)

[Zoom to](#)

MAP PER NYSDEC DECINFO LOCATOR.

LEGEND:

- BCP SITE BOUNDARY
- DISADVANTAGED COMMUNITY



Title: DISADVANTAGED COMMUNITIES MAP

SWAN AND CHICAGO STREETS SITE BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

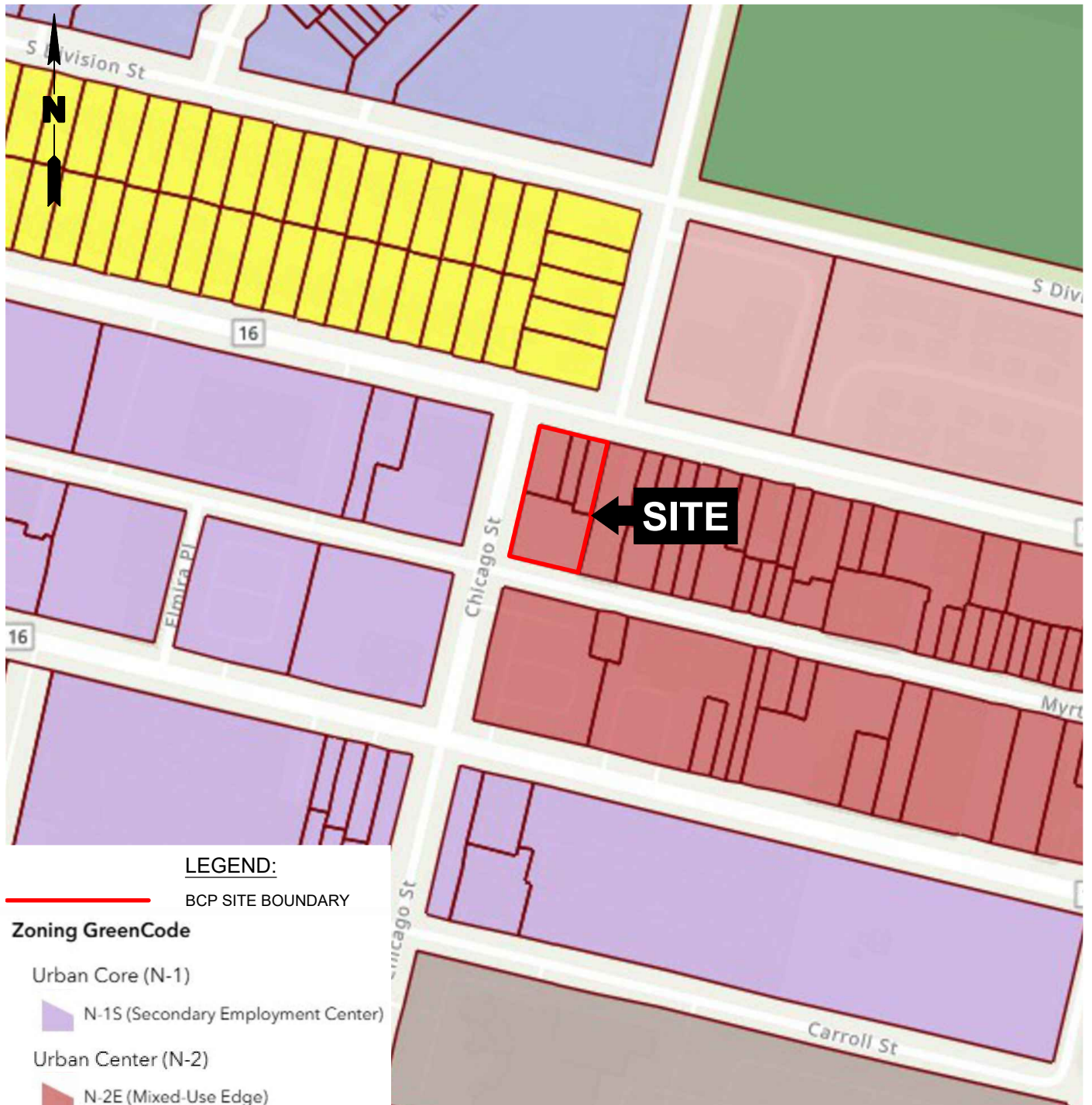
SWAN CHICAGO LLC



Compiled by: CMS	Date: APRIL 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 5143.0001B000
File: FIGURE 5; DAC MAP.DWG	

FIGURE

5



LEGEND:

BCP SITE BOUNDARY

Zoning GreenCode

Urban Core (N-1)

N-1S (Secondary Employment Center)

Urban Center (N-2)

N-2E (Mixed-Use Edge)

N-2R (Residential)

Urban Edge (N-4)

N-4-30 (Single Family)

Open Space

D-OG (Green)

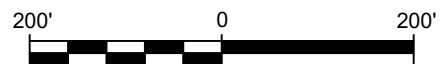
Campus

D-R (Residential Campus)

Employment

D-C (Flex Commercial)

MAP PER CITY OF BUFFALO EXPLORER.



Title:

ZONING MAP

**SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC

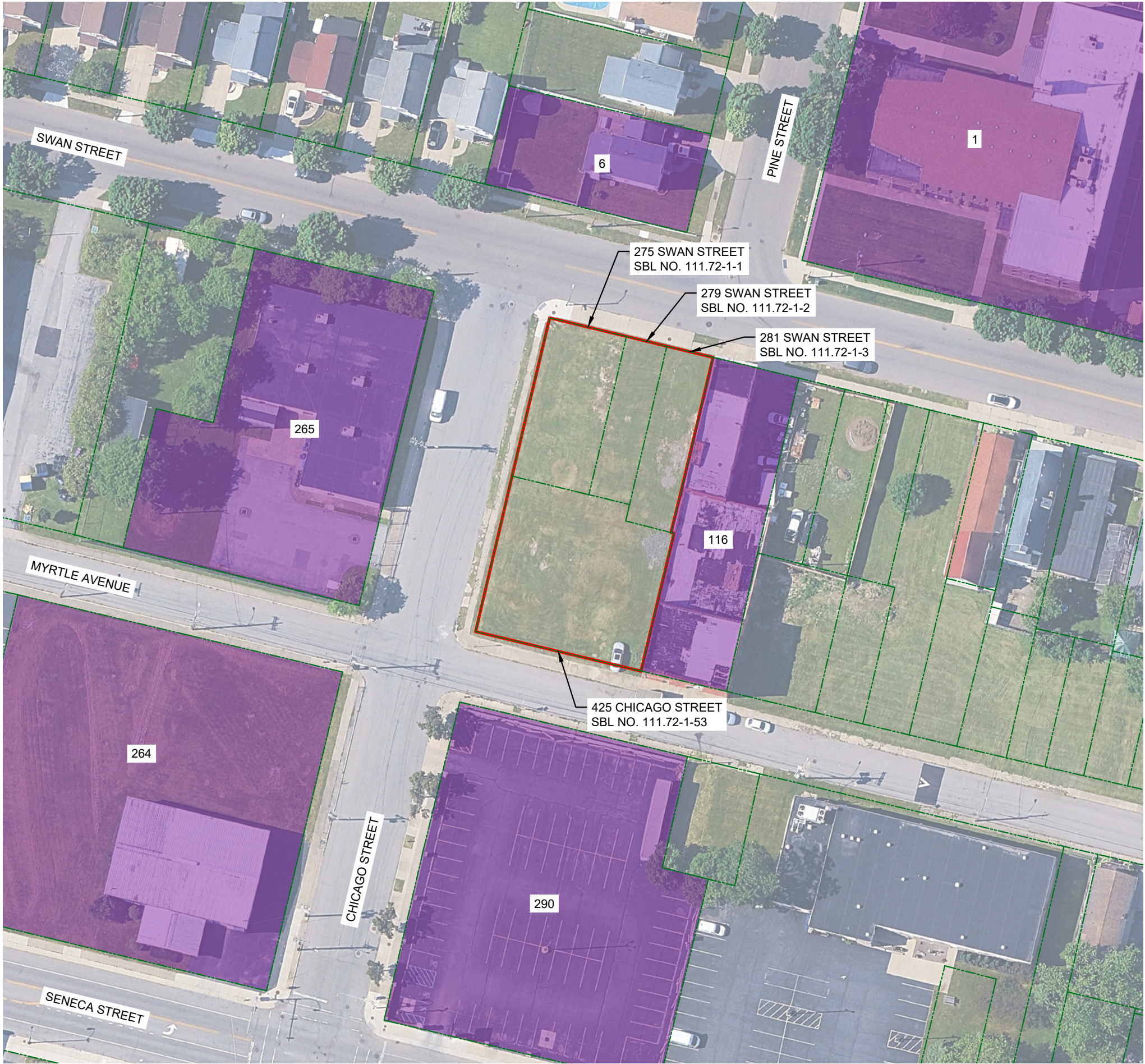
ROUX

Compiled by: CMS	Date: APRIL 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 5143.0001B000
File: FIGURE 6: ZONING MAP.DWG	

FIGURE

6

F:\CADD\0-ROUX\DRAGHI BURGOS CONSTRUCTION\SWAN AND CHICAGO STREETS SITE\BCP APP\FIGURE 7: ADJACENT PROPERTY OWNERS_REV1.DWG

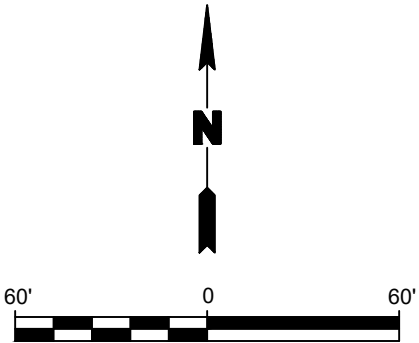


MAP PER GOOGLE EARTH, JUNE 2024 AND ERIE COUNTY GIS.

Parcel No.	Street	Property Use	Property Owner Mailing Address	Tax Map Section, Block, Lot (SBL) No.
1	Pine Street	Religious	First Shiloh Baptist Church 1 Pine Street Buffalo, NY 14205	111.18-1-2
6		Single Family Residential	Robert M. Johnson 6 Pine Street Buffalo, NY 14204	111.71-2-35
264	Seneca Street	Warehouse	Wilcon-Derby Inc. c/o attn: Buffalo Scales 280 Seneca Street Buffalo, NY 14204	111.71-4-5.1
290		Parking Lot	290 Seneca Street LLC 291 Seneca Street Buffalo, NY 14204	111.72-4-1
265	Swan Street	Culture Building	Pucho Inc. 261 Swan Street Buffalo, NY 14204	111.71-3-27.12
116	Myrtle Avenue	Auto Body	Roberto Leon 285 Swan Street Buffalo, NY 14204	111.72-1-4.1

LEGEND:

- BCP SITE BOUNDARY
- PARCEL BOUNDARY



Title:

ADJACENT PROPERTY OWNERS

SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC

ROUX

Compiled by: CMS

Prepared by: CMS

Project Mgr: BWM

File: FIGURE 7: ADJACENT PROPERTY OWNERS_REV1.DWG

Date: AUGUST 2026

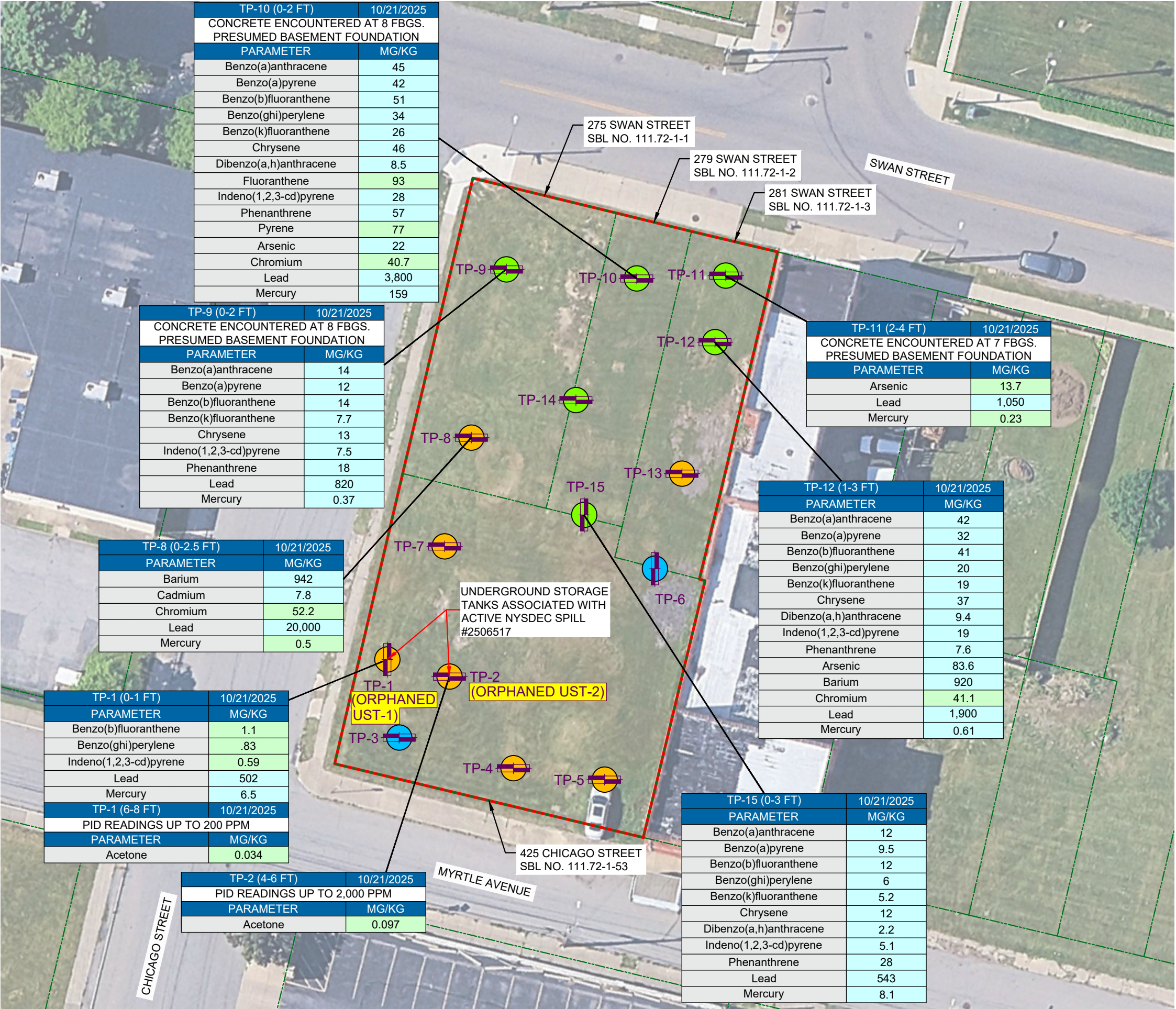
Scale: AS SHOWN

Project: 5143.0001B000

FIGURE

7

F:\CADD\0-ROUX\DRAGHI BURGOS CONSTRUCTION\SWAN AND CHICAGO STREETS SITE\BCP APP\FIGURE 8: INVESTIGATION LOCATIONS AND AREAS OF CONCERN_REV3.DWG

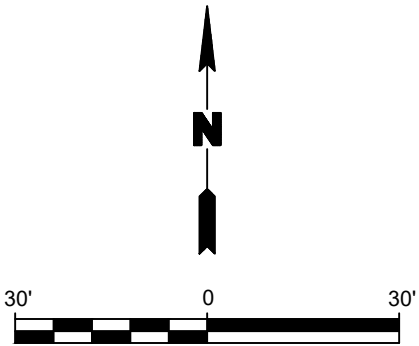


LEGEND:

- BCP SITE BOUNDARY
- PARCEL BOUNDARY
- TP-1
- PHASE II TEST PIT
- FILL MATERIAL OBSERVED
- DEEP FILL MATERIAL OBSERVED (>4 FBGS)
- REWORKED CLAY FILL MATERIAL OBSERVED
- EXCEEDS UNRESTRICTED USE SCOs¹
- EXCEEDS RESTRICTED RESIDENTIAL USE SCOs¹

NOTES:

- SOIL RESULTS COMPARED TO 6 NYCRR PART 375 SOIL CLEANUP OBJECTIVES (SCOs).
- IMAGE PER GOOGLE EARTH, JUNE 2024.



Title:

INVESTIGATION LOCATIONS AND AREAS OF CONCERN
SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC

ROUX

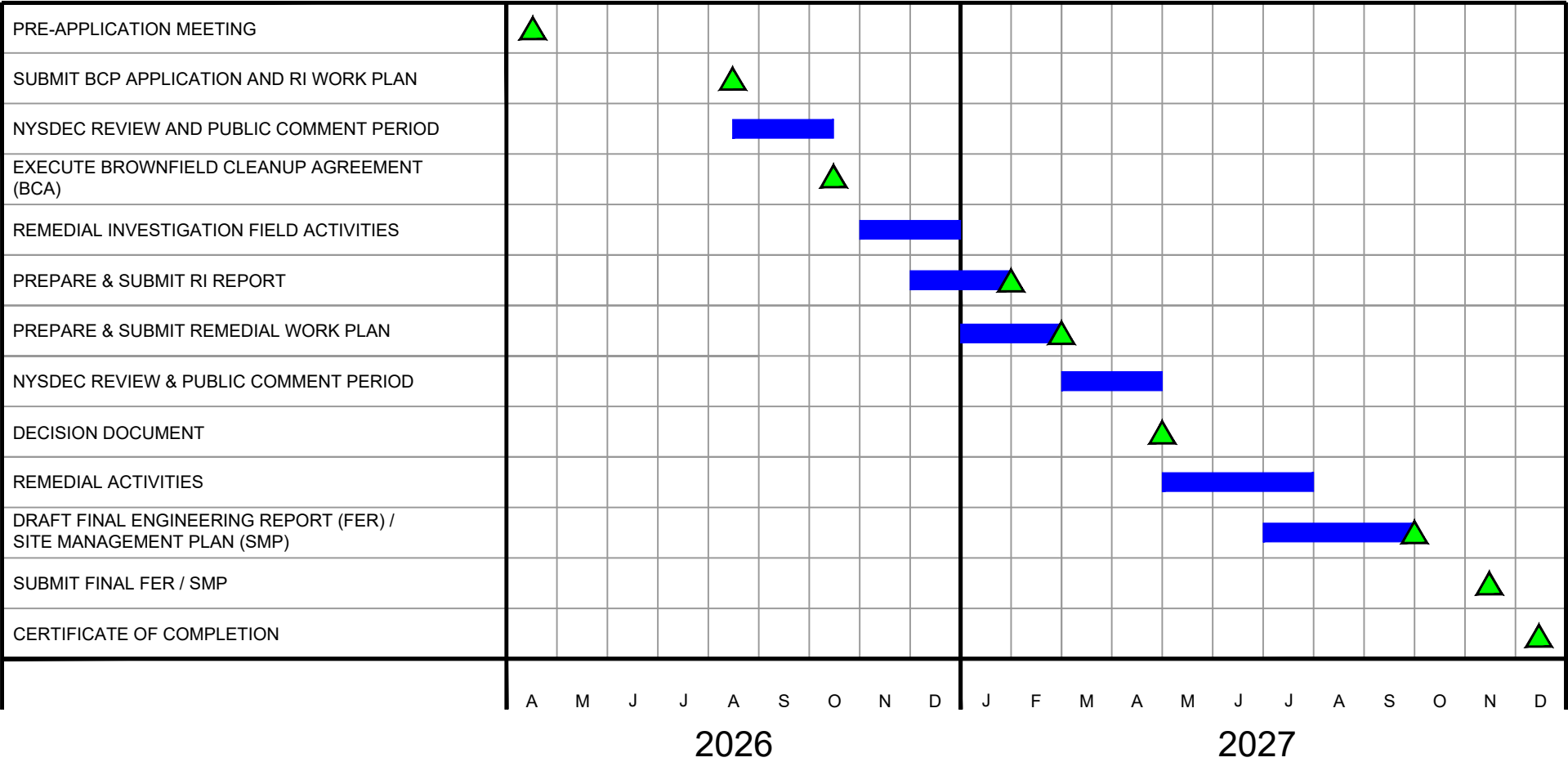
Compiled by: CMS
Prepared by: CMS
Project Mgr: BWM

Date: AUGUST 2026
Scale: AS SHOWN
Project: 5143.0001B000

FIGURE
8

File: FIGURE 8: INVESTIGATION LOCATIONS AND AREAS OF CONCERN_REV3.DWG

PROJECT TASKS:



Title:

PRELIMINARY PROJECT SCHEDULE

SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:
3701 RIVER ROAD, LLC



Compiled by: CMS

Prepared by: CMS

Project Mgr: BWM

File: FIGURE 10; PRELIMINARY PROJECT SCHEDULE_REV2.DWG

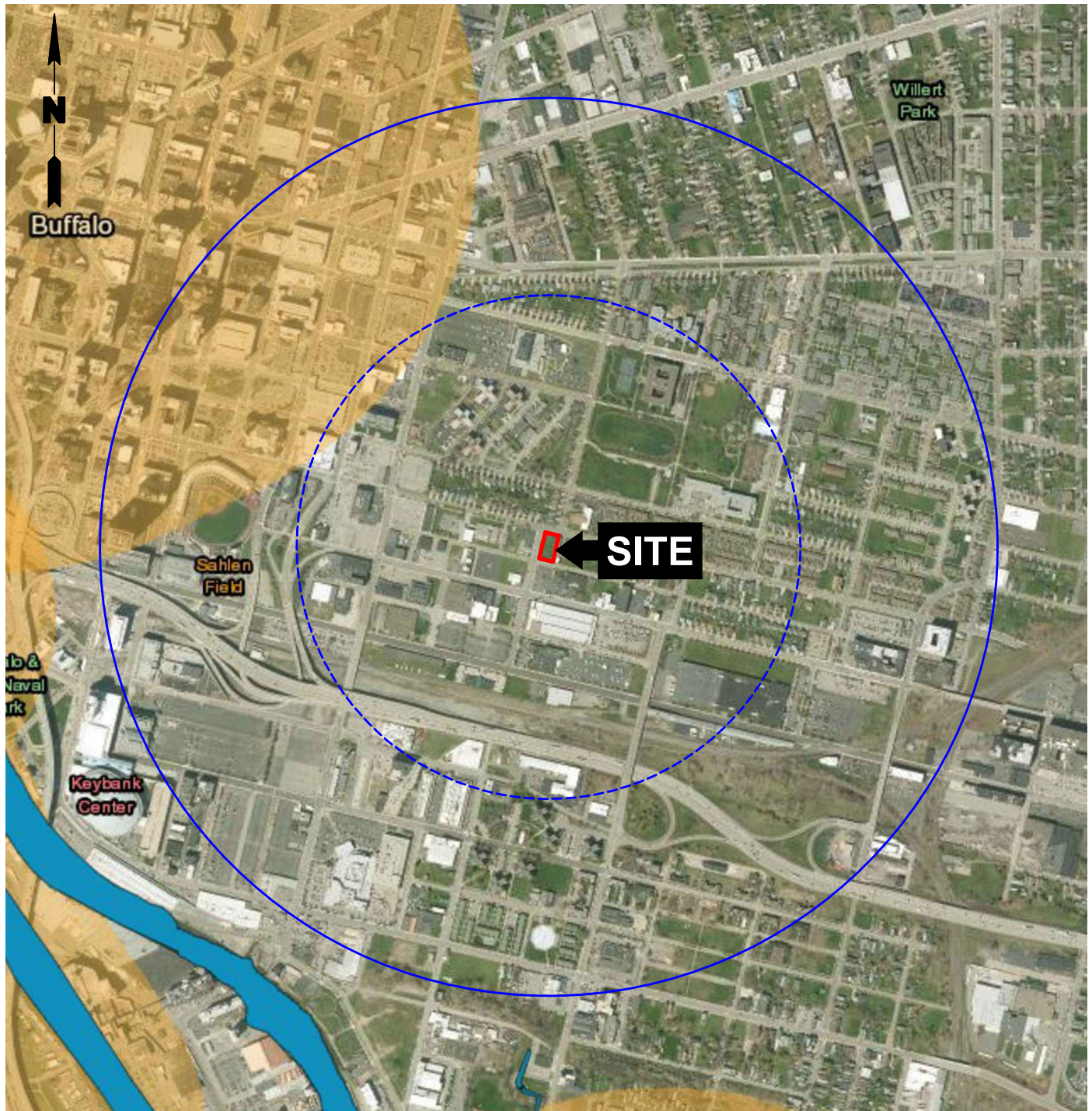
Date: AUGUST 2026

Scale: NA

Project: 4369.0005B000

FIGURE

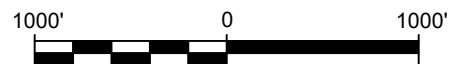
10



LEGEND:

- BCP SITE BOUNDARY
- - - 0.25-MILE RADIUS FROM SITE BOUNDARY
- 0.5-MILE RADIUS FROM SITE BOUNDARY
- NYSDEC AREA OF ANIMALS LISTED AS ENDANGERED OR THREATENED

MAP PER NYSDEC ENVIRONMENTAL RESOURCE MAPPER.



Title:

ECOLOGICAL RESOURCES MAP

**SWAN AND CHICAGO STREETS SITE
BUFFALO, NEW YORK**

BROWNFIELD CLEANUP PROGRAM APPLICATION

Prepared for:

SWAN CHICAGO LLC

ROUX

Compiled by: CMS	Date: APRIL 2026
Prepared by: CMS	Scale: AS SHOWN
Project Mgr: BWM	Project: 5143.0001B000
File: FIGURE 11; ECOLOGICAL RESOURCES MAP.DWG	

FIGURE

11

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENTS

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 1

Warranty Deed

ERIE COUNTY CLERK'S OFFICE



County Clerk's Recording Page

Return to:

BOX 112

Party 1:

CIPRIANO MARIA T

Party 2:

SWAN CHICAGO LLC

Book Type: D Book: 11458 Page: 5663

Page Count: 4

Doc Type: DEED

Rec Date: 03/18/2026

Rec Time: 03:29:21 PM

Control #: 2026049721

UserID: Lynn L

Trans #: 26045910

Document Sequence Number
TT2025015198

Recording Fees:

RECORDING	\$40.00
COE CO \$1 RET	\$1.00
COE STATE \$14.25 GEN	\$14.25
COE STATE \$4.75 RM	\$4.75
RP5217 CNTY \$9	\$9.00
RP5217 ST-NON RES \$241	\$241.00
TP584	\$10.00

Consideration Amount: 120000.00

BASIC MT	\$0.00
SONYMA MT	\$0.00
ADDL MT/NFTA	\$0.00
SP MT/M-RAIL	\$0.00
NY STATE TT	\$480.00
ROAD FUND TT	\$600.00

Total: \$1,400.00

STATE OF NEW YORK

ERIE COUNTY CLERK'S OFFICE

WARNING – THIS SHEET CONSTITUTES THE CLERK'S ENDORSEMENT REQUIRED BY SECTION 319&316-a (5) OF THE REAL PROPERTY LAW OF THE STATE OF NEW YORK. DO NOT DETACH. THIS IS NOT A BILL.

Michael P. Kearns
Erie County Clerk

WARRANTY DEED**THIS INDENTURE**

Made the 12th day of March, 2026

BETWEEN

Maria T. Cipriano, residing at 14 Crown Street, St Catharines, Ontario, Canada L2M 3L3,

party of the first part, and

SWAN Chicago LLC, with offices at 681 Michigan Avenue, Buffalo, NY 14203,

party of the second part.

WITNESSETH, that the party of the first part, in consideration of **One and More Dollar (\$1.00 and more)** lawful money of the United States, paid by the party of the second part, does hereby grant and release unto the party of the second part, its successors, beneficiaries, and assigns forever,

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York,

See attached Schedule "A".

Said premises being known as:

275 Swan Street, Buffalo, NY 14204
 279 Swan Street, Buffalo, NY 14204
 281 Swan Street, Buffalo, NY 14204
 425 Chicago Street, Buffalo, NY 14204,
 SBL Nos. 111.72-1-1, 111.72-1-2, 111.72-1-3, 111.72-1-53.

SUBJECT to covenants, easements, restrictions, declarations, and agreements of record.

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises;

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors, beneficiaries, and assigns forever.

AND said party of the first part covenant as follows:

FIRST, that the party of the second part shall quietly enjoy the said premises;

SECOND, that said party of the first part will forever WARRANT the title to said premises.

THIRD, that in compliance with Section 13 of the Lien Law, covenants the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

11972
 \$12911
 Deed-3
 4P Ctg comm

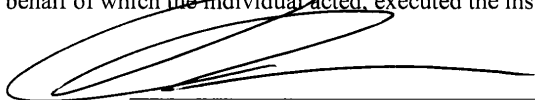
IN WITNESS WHEREOF, the party of the first part have hereunto set her hand and seal the day and year first above written.

IN PRESENCE OF

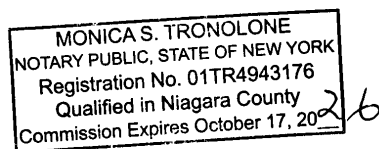
Maria T. Cipriano L.S.
Maria T. Cipriano

STATE OF NEW YORK)
COUNTY OF ERIE) ss:

On this 12th day of March, 2026, before me, the undersigned, personally appeared **Maria T. Cipriano**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name subscribed to the within instrument, and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Notary Public



SCHEDULE A
(Continued)**275 Swan St., Buffalo, NY**

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot No. 98, bounded and described as follows:

BEGINNING at the point of intersection of the south line of Swan Street with the east line of Chicago Street; running thence easterly along the south line of Swan Street, 44 feet to a point; thence southerly parallel with the east line of Chicago Street, 90 feet to a point; thence westerly parallel with the south line of Swan Street, 44 feet to the east line of Chicago Street; thence northerly along the east line of Chicago Street, 90 feet to the point of beginning.

279 Swan St., Buffalo, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot Number 98 in said City, bounded and described as follows:

BEGINNING at a point in the southerly line of Swan Street at the distance of 44 feet easterly from the intersection of that line by the easterly line of Chicago Street; thence easterly along the southerly line of Swan Street, 25 feet; thence southerly along a line parallel with Chicago Street, 90 feet; thence on a line parallel with Swan Street, 25 feet westerly; and thence northerly on a line parallel with Chicago Street, 90 feet to Swan Street and at the place of beginning.

281 Swan St., Buffalo, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Outer Lot Number 98 in said City, bounded and described as follows:

BEGINNING in the south line of Swan Street, distant 69 feet easterly from the easterly line of Chicago Street; running thence easterly on said south line of Swan Street, 25 feet; thence at right angles southerly, 100 feet; thence at right angles westerly, 25 feet; and thence at right angles northerly, 100 feet to the place of beginning.

425 Chicago St., Buffalo, NY

ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Buffalo, County of Erie and State of New York, being part of Lot Number 98, in said City, bounded and described as follows:

BEGINNING at the intersection of the north line of Myrtle Avenue (formerly Folsom Street) with the east line of Chicago Street; thence east along the north line of Myrtle Avenue, 95 feet; thence north at right angles, 78 feet; thence west on a line parallel with Myrtle Avenue, 26 feet; thence north at right angles, 10 feet; thence west on a line parallel with Myrtle Avenue, 69 feet to the east line of Chicago Street; thence south on the east line of Chicago Street, 88 feet to the point or place of beginning.

For Conveyancing Only

Together with all right, title and interest of, in and to any streets and roads abutting the above described premises. Our Policy of Title Insurance includes such buildings and improvements thereon which by law constitute real property, unless specifically excepted therein.

END OF SCHEDULE A



Michael P. Kearns
Erie County Clerk
92 Franklin Street
Buffalo, New York 14202

To: Maria T. Cipriano
14 Crown Street, St. Catharines, Ontario
L2M 3L3

NOTICE

From
County Clerk Michael P. Kearns
regarding a change in ownership
of your property

NOTICE OF SALE OR TRANSFER OF OWNERSHIP OF YOUR RESIDENTIAL PROPERTY

To: Maria T. Cipriano
(name of owner of record)

Our records show that you are listed as the current owner of record for residential property:

Section: 111.72 Block: 1 Lot: 1, 2, 3 & 53

Located At: 275, 279 & 281 Swan Street & 425 Chicago Street Buffalo County of Erie, New York.
(street address) (city/town)

On 3-18-26, documents were filed at this office to change ownership and transfer title of your property.
(date)

To: Swan Chicago LLC
(name of new owner)

If you have any questions regarding the validity of the documents, and wish to dispute the recording of the transfer, you should obtain legal counsel. If you believe you are a victim of a crime related to this recording, contact your local law enforcement agency or, if in the City of New York, the office of the sheriff.

FOR COUNTY USE ONLY

C1. SWIS Code

4P/140200

C2. Date Deed Recorded

03/18/26
Month Day Year

C3. Book

11458

C4. Page

5663

New York State Department of
Taxation and Finance

Office of Real Property Tax Services

RP- 5217-PDF

Real Property Transfer Report (8/10)

PROPERTY INFORMATION

1. Property
Location

275 279 281

425

Swan

Chicago

* STREET NUMBER

* STREET NAME

Buffalo

* CITY OR TOWN

VILLAGE

14203

* ZIP CODE

2. Buyer
Name

Chicago Swan, LLC

Swan Chicago LLC

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

3. Tax
Billing
AddressIndicate where future Tax Bills are to be sent
if other than buyer address(at bottom of form)

LAST NAME/COMPANY

FIRST NAME

STREET NUMBER AND NAME

CITY OR TOWN

STATE

ZIP CODE

4. Indicate the number of Assessment
Roll parcels transferred on the deed

4

of Parcels

OR

☐

Part of a Parcel

(Only if Part of a Parcel) Check as they apply:

4A. Planning Board with Subdivision Authority Exists

☐

4B. Subdivision Approval was Required for Transfer

☐

4C. Parcel Approved for Subdivision with Map Provided

☐5. Deed
Property
Size

* FRONT FEET

X

* DEPTH

OR

0.00

* ACRES

6. Seller
Name

Cipriano

Maria T.

* LAST NAME/COMPANY

FIRST NAME

LAST NAME/COMPANY

FIRST NAME

*7. Select the description which most accurately describes the
use of the property at the time of sale:

F. Commercial

Check the boxes below as they apply:

8. Ownership Type is Condominium

☐

9. New Construction on a Vacant Land

☐

10A. Property Located within an Agricultural District

☐10B. Buyer received a disclosure notice indicating that the property is in an
Agricultural District☐

SALE INFORMATION

11. Sale Contract Date

* 12. Date of Sale/Transfer

3/18/26

*13. Full Sale Price

120,000.00

(Full Sale Price is the total amount paid for the property including personal property.
This payment may be in the form of cash, other property or goods, or the assumption of
mortgages or other obligations.) Please round to the nearest whole dollar amount.14. Indicate the value of personal
property included in the sale

.00

15. Check one or more of these conditions as applicable to transfer:

- ☐ A. Sale Between Relatives or Former Relatives
- ☐ B. Sale between Related Companies or Partners in Business.
- ☐ C. One of the Buyers is also a Seller
- ☐ D. Buyer or Seller is Government Agency or Lending Institution
- ☐ E. Deed Type not Warranty or Bargain and Sale (Specify Below)
- ☐ F. Sale of Fractional or Less than Fee Interest (Specify Below)
- ☐ G. Significant Change in Property Between Taxable Status and Sale Dates
- ☐ H. Sale of Business is Included in Sale Price
- ☐ I. Other Unusual Factors Affecting Sale Price (Specify Below)
- ☐ J. None

Comment(s) on Condition:

ASSESSMENT INFORMATION - Data should reflect the latest Final Assessment Roll and Tax Bill

16. Year of Assessment Roll from which information taken(YY) 26

*17. Total Assessed Value

\$50,400.00

*18. Property Class 330

*19. School District Name

Buffalo

*20. Tax Map Identifier(s)/Roll Identifier(s) (If more than four, attach sheet with additional identifier(s))

111.72-1-1

111.72-1-2

111.72-1-3

111.72-1-53

CERTIFICATION

I Certify that all of the items of information entered on this form are true and correct (to the best of my knowledge and belief) and I understand that the making of any willful
false statement of material fact herein subject me to the provisions of the penal law relative to the making and filing of false instruments.

SELLER SIGNATURE

Maria T. Cipriano

SELLER SIGNATURE

DATE

BUYER SIGNATURE

Alexander Bungos

BUYER SIGNATURE

DATE

BUYER CONTACT INFORMATION

(Enter information for the buyer. Note: If buyer is LLC, society, association, corporation, joint stock company, estate or
entity that is not an individual agent or fiduciary, then a name and contact information of an individual/responsible party
who can answer questions regarding the transfer must be entered. Type or print clearly.)

SWAN Chicago LLC

LAST NAME

FIRST NAME

(716)

* AREA CODE

541-4751

* TELEPHONE NUMBER (Ex: 9999999)

1081

* STREET NUMBER

MICHIGAN ST.

* STREET NAME

Buffalo

* CITY OR TOWN

NY 14203

* STATE

* ZIP CODE

BUYER'S ATTORNEY

Kooshoian

LAST NAME

Michael

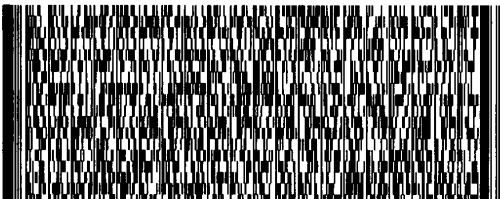
FIRST NAME

(716)

AREA CODE

854-4080

TELEPHONE NUMBER (Ex: 9999999)



Brownfield Cleanup Program Application
Swan and Chicago Streets Site

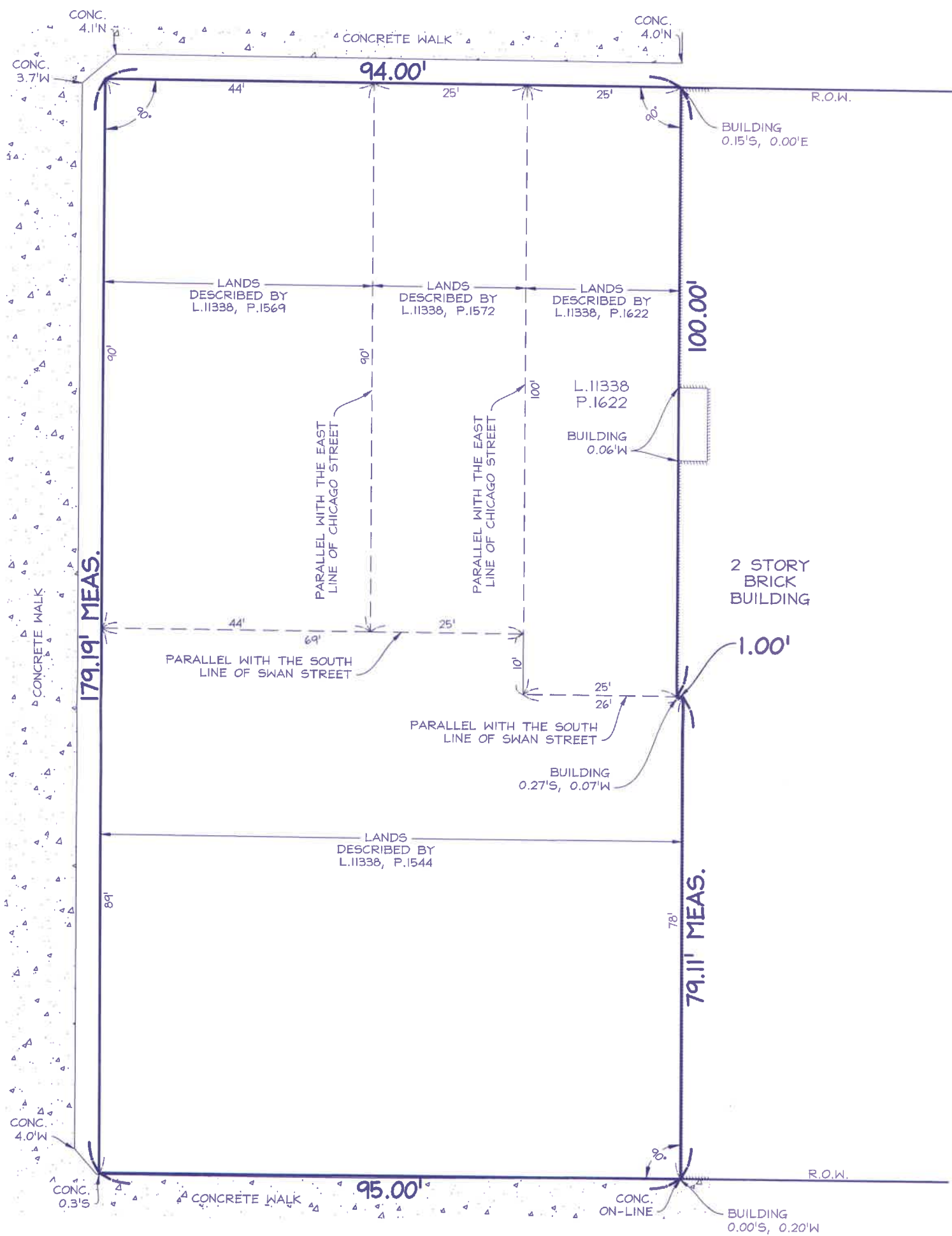
ATTACHMENT 2

Survey Map



SWAN STREET
(66' WIDE)

CHICAGO STREET
(WIDTH VARIES)



MYRTLE AVENUE
(40' WIDE)
(FORMERLY FOLSOM STREET)

THIS SURVEY IS NOT VALID WITH AN AFFIDAVIT OF NO CHANGE
NO MONUMENTS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

3556 Lake Shore Road, Suite 500, Buffalo, NY 14219
p (716) 827-8000 f (716) 270-6091 www.nussclarke.com

This survey was prepared without the benefit of an abstract of title and is subject to any state of facts that may be revealed by an examination of such.

Unauthorized alterations or additions to any survey, drawing, design, specification, plan or report is a violation of section 7209, provision 2 of the New York State Education Law.



BOUNDARY SURVEY
425 Chicago Street &
275, 279 & 281 Swan Street
Part of Outer Lot 98
City of Buffalo
County of Erie, State of New York

Joshua M. Galt

Date of Survey: 12/22/2025 Scale : 1" = 20' Project No. : 25J2-1974

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 3

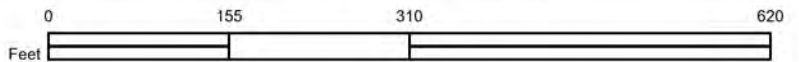
Historic Sanborn Maps

Fire Insurance Map



1986

Address: Swan & Chicago Street Buffalo NY 14204



Map sheet(s):
Volume 2: 157,158,163,164;

Order Number 25091500141

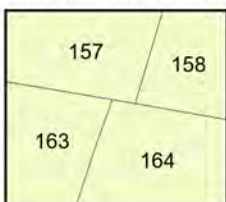


Fire Insurance Map



1981

Address: Swan & Chicago Street Buffalo NY 14204



Map sheet(s):
Volume 2: 157,158,163,164;

Order Number 25091500141

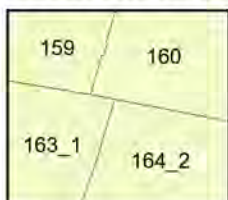
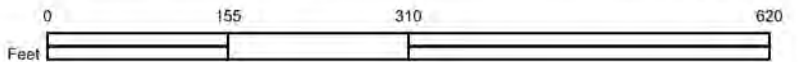


Fire Insurance Map



1950

Address: Swan & Chicago Street Buffalo NY 14204

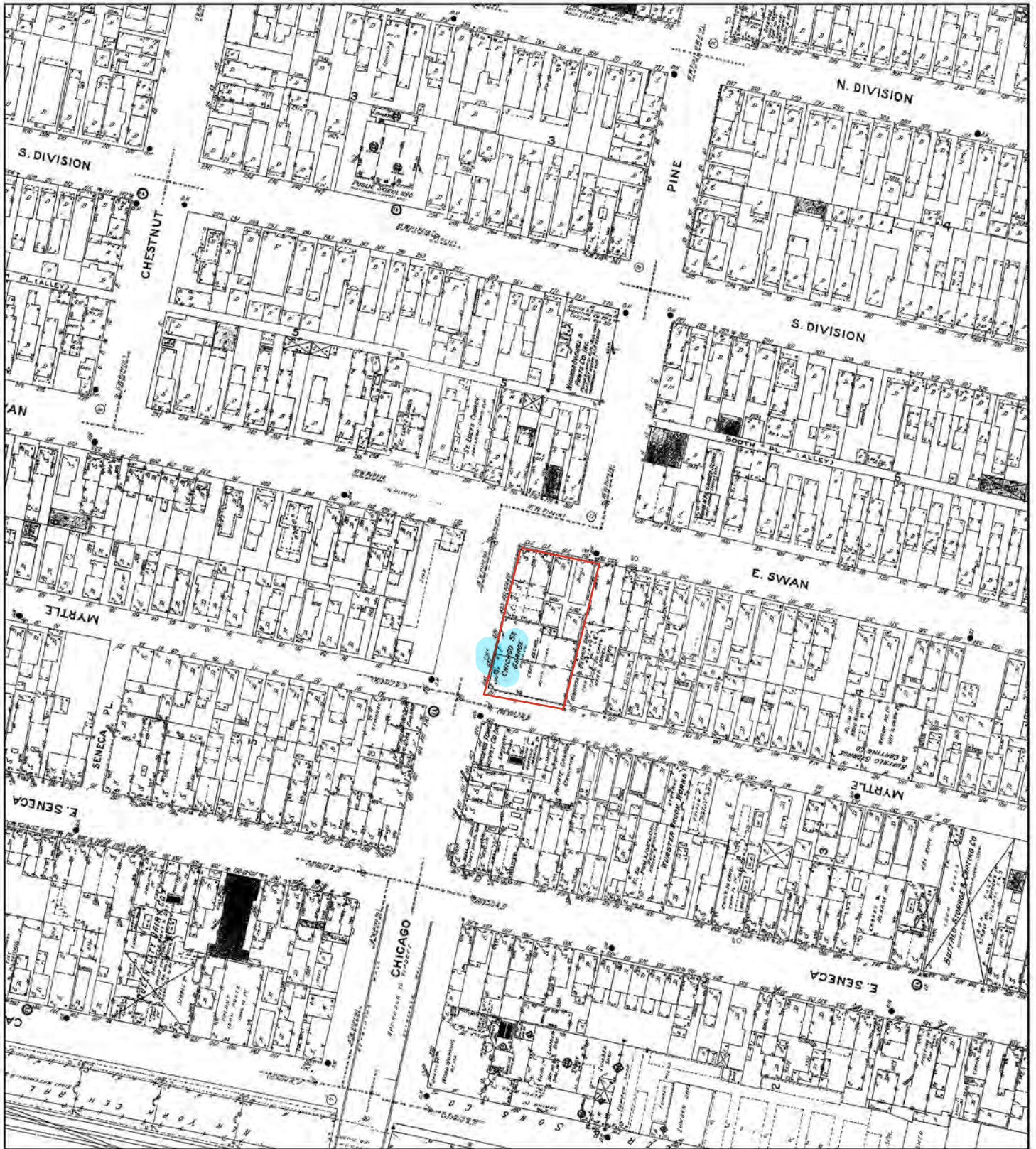


Map sheet(s):
Volume 2: 159,160,163,164;

Order Number 25091500141

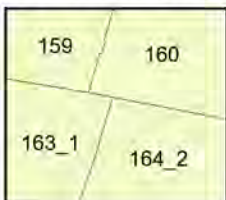
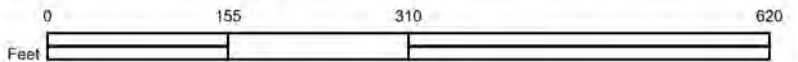


Fire Insurance Map



1926

Address: Swan & Chicago Street Buffalo NY 14204



Map sheet(s):
Volume 2: 159,160,163,164;

Order Number 25091500141

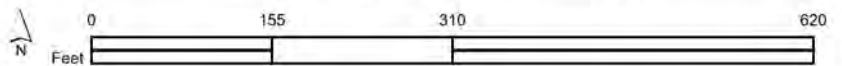


Fire Insurance Map



1899

Address: Swan & Chicago Street Buffalo NY 14204



Map sheet(s):
Volume 2: 175,176,177,179;

Order Number 25091500141

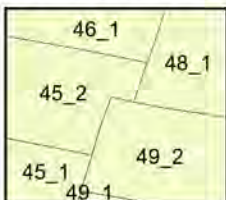
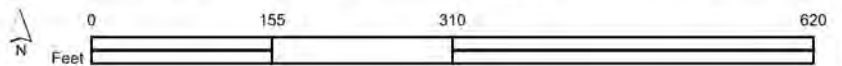


Fire Insurance Map



1889

Address: Swan & Chicago Street Buffalo NY 14204



Map sheet(s):
Volume 2: 45,46,48,49;

Order Number 25091500141



Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 4

City of Buffalo Fire Department Records

DEPARTMENT OF FIRE

Headquarters of

1st

Battalion Chief

Schnorr

Buffalo, N. Y.,

Dec. 3rd

1941

To Commissioner of Fire:

Wm. R. Eastmore

Dear Sir:

I have made an inspection of the proposed installation of an additional 1000 gallon gasoline storage tank at 429 Chicago the applicant Carl Kitchcock of the Elmwood Elec. & Pump Corp. will comply with all laws & Ordinances and as no additional fire hazard will be created I would respectfully recommend your approval.

This is a public garage & service station
present storage 2-550 gal. tanks

429 Chicago

Very Respectfully,

Raymond F. Schnorr

Battalion Chief.

DEPARTMENT OF FIRE

Headquarters of

First

Battalion Chief

Buffalo, N. Y.

Sept 27 1930

To Commissioner of Fire

William A. Costinore

Dear Sir:

Not in use
I have made an inspection
of a replacement 550 gall gasoline tank
located on City Property no 287 Swan st.
Mr Michael A. Capozzi owner. The
applicant has a permit no 30 E.
The tank is buried 2 feet 7 inches below
the sidewalk. With your approval
I would recommend the replacement
be granted

12/13/30 Bond Release - Res. #156 - Aug 13-1947 - Eng. Dept. T. Z. Ziegler

Very respectfully,

Captain

William A. Stroman

Acting

1st Battalion Chief

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 5

Photolog

SITE PHOTOGRAPHS

Photo 1:



Photo 2:



Photo 3:



Photo 4:



Photos 1 through 4: View of the two orphan USTs encountered during the work on the 425 Chicago Street parcel.

**Swan and Chicago Streets Parcels
Buffalo, NY**

Photo Date: October 21, 2025



SITE PHOTOGRAPHS

Photo 5:



Photo 6:



Photo 7:



Photo 8:



Photo 5: View of typical fill material, with intermingled brick, noted during the investigation.

Photo 6: Another view of typical fill materials.

Photo 7: View of fill materials.

Photo 8: View of fill materials.

**Swan and Chicago Streets Parcels
Buffalo, NY**

Photo Date: October 21, 2025



ATTACHMENT 6

Summary of Green Remediation Metrics for Remedial Activities

Summary of Green Remediation Metrics for Remedial Activities

Site Name: _____ Site Code: _____
Address: _____ City: _____
State: _____ Zip Code: _____ County: _____

Start Date of Remedial Activities

Start Date: _____

Current Reporting Period

Reporting Period From: _____ To: _____

Contact Information

Preparer's Name: _____ Phone No.: _____
Preparer's Affiliation: _____

I. Energy Usage: Quantify the amount of energy used directly on-site and the portion of that derived from renewable energy sources.

	Current Reporting Period	Total to Date
Fuel Type 1 (e.g. natural gas (cf))		
Fuel Type 2 (e.g. fuel oil, propane (gals))		
Electricity (kWh)		
Of that Electric usage, provide quantity:		
Derived from renewable sources (e.g. solar, wind)		
Other energy sources (e.g. geothermal, solar thermal (Btu))		

Provide a description of all energy usage reduction programs for the site in the space provided on Page 3.

II. Solid Waste Generation: Quantify the management of solid waste generated on-site.

	Current Reporting Period (tons)	Total to Date (tons)
Total waste generated on-site		
OM&M generated waste		
Of that total amount, provide quantity:		
Transported off-site to landfills		
Transported off-site to other disposal facilities		
Transported off-site for recycling/reuse		
Reused on-site		

Provide a description of any implemented waste reduction programs for the site in the space provided on Page 3.

III. Transportation/Shipping: Quantify the distances travelled for delivery of supplies and lab-supplied bottles, shipping of laboratory samples, and the removal of waste.

	Current Reporting Period (miles)	Total to Date (miles)
Standby Engineer/Contractor		
Laboratory Courier/Delivery Service (bottle and sample delivery)		
Waste Removal/Hauling		

Provide a description of all mileage reduction programs for the site in the space provided on Page 3. Include specifically any local vendor/services utilized that are within 50 miles of the site.

IV. Water Usage: Quantify the volume of water used on-site from various sources.

	Current Reporting Period (gallons)	Total to Date (gallons)
Total quantity of water used on-site (not including treated water)		
Of that total amount, provide quantity:		
Public potable water supply usage		
Surface water usage		
On-site groundwater usage		
Collected or diverted storm water usage		

Provide a description of any implemented water consumption reduction programs for the site in the space provided on Page 3.

V. Land Use and Ecosystems: Quantify the amount of land and/or ecosystems disturbed and the area of land and/or ecosystems restored to a pre-development condition (i.e. Green Infrastructure).

	Current Reporting Period (acres)	Total to Date (acres)
Land disturbed		
Land restored		

Provide a description of any implemented land restoration/green infrastructure programs for the site in the space provided on Page 3.

Description of green remediation programs reported above (Attach additional sheets if needed)
Energy Usage:
Waste Generation:
Transportation/Shipping:
Water usage:
Land Use and Ecosystems:
Recommendations/Other:

CERTIFICATION
I, _____ (Name) do hereby certify that I am _____ (Title) of _____ (Company Name), which is responsible for the work documented on this form. According to my knowledge and belief, all of the information provided in this form is accurate and the site management program complies with the DER-10, DER-31, and CP-49 policies.
_____ _____ Date Signature

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 7

Fish and Wildlife Resources Impact Analysis Decision Key

Appendix 3C Fish and Wildlife Resources Impact Analysis Decision Key		If YES Go to:	If NO Go to:
1.	Is the site or area of concern a discharge or spill event?	13	2
2.	Is the site or area of concern a point source of contamination to the groundwater which will be prevented from discharging to surface water? Soil contamination is not widespread, or if widespread, is confined under buildings and paved areas.	13	3
3.	Is the site and all adjacent property a developed area with buildings, paved surfaces and little or no vegetation?	4	9
4.	Does the site contain habitat of an endangered, threatened or special concern species?	Section 3.10.1	5
5.	Has the contamination gone off-site?	6	14
6.	Is there any discharge or erosion of contamination to surface water or the potential for discharge or erosion of contamination?	7	14
7.	Are the site contaminants PCBs, pesticides or other persistent, bioaccumulable substances?	Section 3.10.1	8
8.	Does contamination exist at concentrations that could exceed ecological impact SCGs or be toxic to aquatic life if discharged to surface water?	Section 3.10.1	14
9.	Does the site or any adjacent or downgradient property contain any of the following resources? i. Any endangered, threatened or special concern species or rare plants or their habitat ii. Any DEC designated significant habitats or rare NYS Ecological Communities iii. Tidal or freshwater wetlands iv. Stream, creek or river v. Pond, lake, lagoon vi. Drainage ditch or channel vii. Other surface water feature viii. Other marine or freshwater habitat ix. Forest x. Grassland or grassy field xi. Parkland or woodland xii. Shrubby area xiii. Urban wildlife habitat xiv. Other terrestrial habitat	11	10
10.	Is the lack of resources due to the contamination?	3.10.1	14
11.	Is the contamination a localized source which has not migrated and will not migrate from the source to impact any on-site or off-site resources?	14	12
12.	Does the site have widespread surface soil contamination that is not confined under and around buildings or paved areas?	Section 3.10.1	12
13.	Does the contamination at the site or area of concern have the potential to migrate to, erode into or otherwise impact any on-site or off-site habitat of endangered, threatened or special concern species or other fish and wildlife resource? (See #9 for list of potential resources. Contact DEC for information regarding endangered species.)	Section 3.10.1	14
14.	No Fish and Wildlife Resources Impact Analysis needed.		

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 8

Erie County Parcel Reports and Previous Owners

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
4/1/2026 3:36:51 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001117200001001000

SBL: 111.72-1-1

Address: 275 SWAN

Owner 1: CIPRIANO MARIA T

Owner 2:

Mailing Address: 14 CROWN ST

City/Zip: ST. CATHERINES, ONTARIO CANA

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 44

Depth: 90

Deed Roll: 1

Deed Book: 11338

Deed Page: 1569

Deed Date:

Acreage: 0.09165241

Total Assessment: \$11,900

Land Assessment: \$11,900

County Taxes: \$11,900

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

Owner	Book Page / Date
CUSIMANO REV J	
CUSIMANO MARY	4675 497 *03/17/1950*
HERNANDEZ JOSE R	9835 204 *03/09/1988*
CIPRIANO MARIA T	11338 1569 *12/04/2018*

[Back to Property Information](#)

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
4/1/2026 3:36:51 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001117200001002000

SBL: 111.72-1-2

Address: 279 SWAN

Owner 1: CIPRIANO MARIA T

Owner 2:

Mailing Address: 14 CROWN ST

City/Zip: ST. CATHERINES, ONTARIO CANA

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 25

Depth: 90

Deed Roll: 1

Deed Book: 11338

Deed Page: 1572

Deed Date:

Acreage: 0.04818852

Total Assessment: \$6,800

Land Assessment: \$6,800

County Taxes: \$6,800

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

Owner	Book Page / Date
AUDACE ROSE	3223 1 *03/23/1942*
JOHNSON WILLIAM A	9045 135 *07/30/1981*
HERNANDEZ JOSE R	9848 300 *04/13/1988*
CIPRIANO MARIA T	11338 1572 *12/04/2018*

[Back to Property Information](#)

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
4/1/2026 3:36:51 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001117200001003000

SBL: 111.72-1-3

Address: 281 SWAN

Owner 1: CIPRIANO MARIA T

Owner 2:

Mailing Address: 14 CROWN ST

City/Zip: ST. CATHERINES, ONTARIO CANA

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 25

Depth: 100

Deed Roll: 1

Deed Book: 11338

Deed Page: 1622

Deed Date:

Acreage: 0.06065556

Total Assessment: \$7,500

Land Assessment: \$7,500

County Taxes: \$7,500

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

Owner	Book Page / Date
PERALES MARIA	6743 429 *02/26/1962*
JOHNSON WILLIAM A	9045 131 *07/30/1981*
HERNANDEZ JOSE R	9848 302 *04/13/1988*
CIPRIANO MARIA T	11338 1622 *12/04/2018*

[Back to Property Information](#)

Erie County On-Line Mapping System

Parcel Detail Report

Report generated:
4/1/2026 3:36:51 PM



Parcel Overview Map



Parcel Detail Map

PIN: 1402001117200001053000

SBL: 111.72-1-53

Address: 425 CHICAGO

Owner 1: CIPRIANO MARIA T

Owner 2:

Mailing Address: 14 CROWN ST

City/Zip: ST. CATHERINES, ONTARIO CANA

Municipality: City of Buffalo

Property Class: 330

Class Description: B - Vacant comm

Front: 88

Depth: 70

Deed Roll: 1

Deed Book: 11338

Deed Page: 1544

Deed Date:

Acreage: 0.18748462

Total Assessment: \$24,200

Land Assessment: \$24,200

County Taxes: \$24,200

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

Owner

THOMAS ERNEST J
HERNANDEZ JOSE R
CIPRIANO MARIA T

Book Page / Date

8379 293 *04/07/1976*
10234 442 *11/09/1990*
11338 1544 *12/04/2018*

[Back to Property Information](#)

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 9

NYSDOS Entity Information

An official website of New York State.

[Here's how you know](#) ▼

Department of State

Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details

ENTITY NAME: SWAN CHICAGO LLC**DOS ID:** 7698475**FOREIGN LEGAL NAME:****FICTITIOUS NAME:****ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW**ENTITY STATUS:** ACTIVE**DATE OF INITIAL DOS FILING:** 08/29/2025**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 08/29/2025**INACTIVE DATE:****FOREIGN FORMATION DATE:****STATEMENT STATUS:** CURRENT**COUNTY:** ERIE**NEXT STATEMENT DUE DATE:** 08/31/2027**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:** SWAN CHICAGO LLC**Address:** 681 MICHIGAN AVENUE, BUFFALO, NY, UNITED STATES, 14203**Electronic Service of Process on the Secretary of State as agent: Not Permitted**

Chief Executive Officer's Name and Address

Name:**Address:**

Note: Physical address for Swan Chicago LLC is currently 249 Hickory Street, Buffalo, New York 14204

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

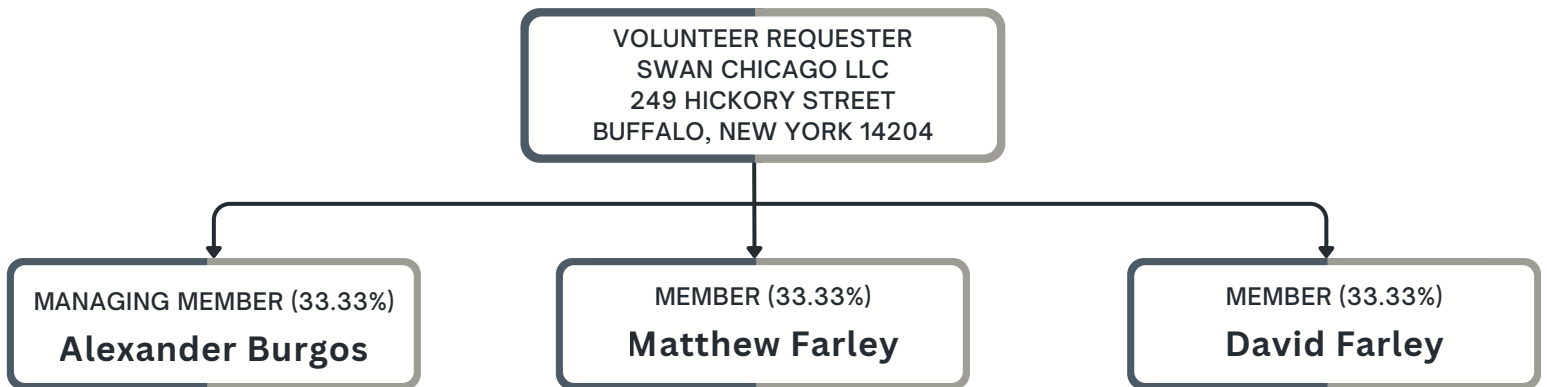
Share Value	Number Of Shares	Value Per Share

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 10

Organizational Chart

ORGANIZATIONAL CHART



ATTACHMENT 11

Joint Unanimous Written Consent of the Shareholder and Officers

SWAN CHICAGO LLC

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

June 22, 2026

The undersigned, being all the members of **SWAN CHICAGO LLC**, a New York limited corporation (the "Company"), hereby adopt the following resolutions by unanimous written consent in lieu of a meeting and direct that this Consent be filed with the records of the Company.

WHEREAS, the Company is the owner of property located at 275 Swan Street (SBL No. 111.72-1-1), 279 Swan Street (SBL No. 111.72-1-2), 281 Swan Street (SBL No. 111.72-1-3), and 425 Chicago Street (SBL No. 111.72-1-53), Buffalo, New York (the "Property"); and

WHEREAS, the Company desires to apply for participation in the New York State Department of Environmental Conservation Brownfield Cleanup Program ("BCP") for the Property;

NOW, THEREFORE, BE IT RESOLVED, that Alexander Burgos, as Managing Member of the Company (the "Authorized Person"), is hereby authorized, empowered, and directed to execute and submit the Brownfield Cleanup Program Application, enter into the Brownfield Cleanup Agreement, and execute any and all documents, certifications, applications, agreements, amendments, notices, and other instruments necessary or desirable in connection with the Company's participation in the Brownfield Cleanup Program; and be it further

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

RESOLVED, that all actions previously taken by the Authorized Person in connection with the preparation of the Brownfield Cleanup Program Application and related submissions are hereby ratified, confirmed, and approved in all respects.

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



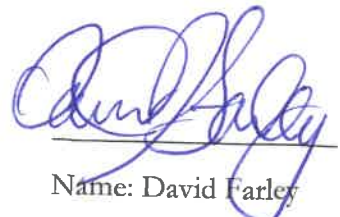
Name: Alexander Burgos

Managing Member (33.33%)



Name: Matthew Farley

Member (33.33%)



Name: David Farley

Member (33.33%)

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 12

Document Repository Request and Confirmation

May 12, 2026

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

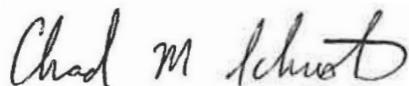
Re: Document Repository for Brownfield Cleanup Program
Swan and Chicago Streets Site
275-281 Swan Street and 425 Chicago Street
Tonawanda, NY 14150

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 (Central 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 Central Branch library.

Sincerely,

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



Chad M. Schuster
Project Scientist

From: April Tompkins <tompkinsa@buffalolib.org>
Sent: Wednesday, May 13, 2026 2:17 PM
To: Chad Schuster
Subject: RE: Document Repository Request - Swan and Chicago Street Site
Attachments: 12.01 - Document Repository Request.pdf

This message originated outside your organization. Please use caution!

Good afternoon Chad,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all documents (and updates) submitted by your company for the Brownfield Cleanup Program at the **Swan and Chicago Street Site**. These documents will be made available for public viewing at the **Central (downtown) Library** and/or any of the other 36 libraries of your choice within our System. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. We will process according to our procedure and distribute to the location(s) of your choice. **Be sure to include a cover letter.** **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/**delivery 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

- After processing, 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: Chad Schuster <cschuster@rouxinc.com>
Sent: Tuesday, May 12, 2026 3:56 PM
To: April Tompkins <tompkinsa@buffalolib.org>
Subject: Document Repository Request - Swan and Chicago Street Site

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

Dear Ms. Tompkins:

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

Sincerely,

Chad Schuster | Project Scientist
2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218
Main: 716-856-0599 | Mobile: 716-346-2818
Email: cschuster@rouxinc.com | Website: www.rouxinc.com



California | Illinois | Massachusetts | New Jersey | New York | Texas | Virginia



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

Brownfield Cleanup Program Application
Swan and Chicago Streets Site

ATTACHMENT 13

Petroleum Bulk Storage Application



Department of
Environmental
Conservation

New York State Department of Environmental Conservation
Division of Environmental Remediation

Petroleum Bulk Storage Application

Pursuant to the Environmental Conservation Law: Article 17, Title 10; and
Regulations 6 NYCRR Part 613 and 6 NYCRR Subpart 374-2

(Please Type or Print Clearly and Complete All Items for Sections A, B & C)

Return Completed Form & Fees To:



PBS Number:

Section A - Facility/Property Owner/Contact Information

Expiration Date:

Transaction Type: ☐ 1 1) Initial/New Facility 2) Change of Ownership 3) Tank Installation, Closing, or Repair 4) Information Correction 5) Renewal	F A C I L I T Y	Facility Name: Swan and Chicago Streets Site		Tax Map Info		TYPE OF PETROLEUM FACILITY (Check only one) ☐ 01=Storage Terminal/Petrol. Distributor ☐ 02=Retail Gasoline Sales ☐ 03=Other Retail Sales ☐ 04=Manufacturing ☐ 05=Utility ☐ 06=Trucking/Transportation/Fleet ☐ 07=Apartment/Office Building ☐ 08=School ☐ 09=Farm ☐ 10=Private Residence ☐ 11=Airline/Air Taxi/Airport ☐ 12=Chemical Distributor ☐ 13=Municipality ☐ 15=Railroad ☐ 25=Auto Service/Repair (No Gasoline Sales) ☐ 28=Cemetery/Memorial ☐ 26=Religious (Church, Synagogue, Mosque, Temple, etc.) ☐ 27=Hospital/Nursing Home/Health Care ☐ 52=Marina ☐ 53=Nuclear Power Plant ☒ 99=Other (Specify): Vacant Lot, formerly an auto garage			
		Facility Address (Physical Address, No P.O. Boxes): 425 Chicago Street		Block:					
		Facility Address (cont.):		Lot:					
		City: Buffalo		State: NY	ZIP Code: 14204				
		County: Erie	Township/City:	Facility Phone Number: N/A					
NOTE: Fill in Property Owner information here....>>> Indicate Tank Owner in Section C.	O W N E R	Facility (Property) Owner (from Deed): Swan Chicago LLC				Emergency Contact Name: Alexander Burgos		Emergency Telephone Number: 716-949-6127 Ext. 1	
		Facility Owner Address (Street and/or P.O. Box): 249 Hickory Street				I hereby certify, under penalty of law, that all of the information provided on this form is true and correct. False statements made herein may be punishable as a criminal offense and/or a civil violation in accordance with applicable state and federal law.			
		City: Buffalo		State: NY	ZIP Code: 14204				
		Owner Telephone Number: 716-949-6127 Ext. 1				Name of Owner or Authorized Representative: Alexander Burgos		Amount Enclosed: \$500.00	
		Type of Owner (check only one): 1 ☐ Private Resident 2 ☐ State Government 3 ☐ Local Government 4 ☐ Federal Government 5 ☒ Corporate/Commercial/Other				Title: Owner, Swan Chicago LLC		Signature: <i>Alexander Burgos</i> Date: 7/14/2026	
(Please keep this information up to date.)									
Official Use Only Date Received: ____/____/____ Date Processed: ____/____/____ Amount Received: \$_____ Reviewed By: _____ Rev. 12/22/2022	C O N T A C T I N F O R M A T I O N	Facility Contact Person Name: Alexander Burgos							
		Contact Person Company Name: Swan Chicago LLC							
		Address: 249 Hickory Street							
		Address (cont.):							
		City/State/ZIP Code: Buffalo, NY 14204							
		Tel. Number: 716-949-6127 Ext. 1		eMail Address: aburgos@draghiburgos.com					

PBS Number:

Section B - Tank Information
(Please use the key located on the last page to complete each item/column)

Registration Expiration Date:

[illegible]

Note: If you need to add tanks to your registration, write them in using blank lines above. Attach additional sheets as needed. Blank Section B is available at http://www.dec.ny.gov/docs/remediation_hudson_pdf/pbsrenewal.pdf

PBS Number:

Petroleum Bulk Storage Application

Section C - Tank Ownership Information (for PBS tanks listed in Section B)

Tank Owner Information ☒ Check box if same as Facility (Property) Owner. If tank owner is different from property owner, fill out information below:		
Tank Owner Name (Company/Individual):		
Contact Person:		
Tank Owner Address:		
City:	State:	ZIP:
Contact Person Telephone Number:	Contact Person email:	
Specific Tanks Owned ☐ Check box if this owner owns all tanks at this facility. If not, list tanks owned by this owner below:		
Tank Number:		
Name of Class B (Daily On-Site) Operator:		Authorization No:
Name of Class A (Primary) Operator:		Authorization No:

Tank Owner Information ☐ Check box if same as Facility (Property) Owner. If tank owner is different from property owner, fill out information below:		
Tank Owner Name (Company/Individual):		
Contact Person:		
Tank Owner Address:		
City:	State:	ZIP:
Contact Person Telephone Number:	Contact Person email:	
Specific Tanks Owned ☐ Check box if this owner owns all tanks at this facility. If not, list tanks owned by this owner below:		
Tank Number:		
Name of Class B (Daily On-Site) Operator:		Authorization No:
Name of Class A (Primary) Operator:		Authorization No:

PETROLEUM BULK STORAGE APPLICATION - SECTION B - TANK INFORMATION - CODE KEY

Action (1)

1. Initial Listing
2. Add Tank
3. Close/Remove Tank
4. Information Correction
5. Repair/Reline Tank

Tank Location (3)

1. Aboveground-contact w/soil
2. Aboveground-contact w/impervious barrier
3. Aboveground on saddles, legs, stilts, rack or cradle
4. Partially buried tank (tank with 10% or more below ground)
5. Underground including vaulted with no access for inspection
6. Aboveground in Subterranean Vault w/access for inspections

Status (4)

1. In-service
2. Out-of-service
3. Closed-Removed
4. Closed- In Place
5. Tank converted to Non-Regulated use

Products Stored (7)

Heating Oils: On-Site Consumption

- 0001. #2 Fuel Oil
- 0002. #4 Fuel Oil
- 0259. #5 Fuel Oil
- 0003. #6 Fuel Oil
- 0012. Kerosene
- 0591. Clarified Oil
- 2711. Biodfuel Oil
- 2642. Used Oil (Heating)

Heating Oils: Resale/Redistribution

- 2718. #2 Fuel Oil
- 2719. #4 Fuel Oil
- 2720. #5 Fuel Oil
- 2721. #6 Fuel Oil
- 2722. Kerosene
- 2723. Clarified Oil
- 2724. Biofuel Oil

Motor Fuels

- 0009. Gasoline
- 2712. Gasoline/Ethanol

- 0008. Diesel
- 2710. Biodiesel
- 0011. Jet Fuel
- 1044. Jet Fuel (Biofuel)
- 2641. Aviation Gasoline

Emergency Generator Fuels

- 0001. #2 Fuel Oil
- 2730. Biodiesel (E-Gen)
- 2731. Diesel (E-Gen)

Lubricating/Cutting Oils

- 0013. Lube Oil
- 0015. Motor Oil
- 1045. Gear/Spindle Oil
- 0010. Hydraulic Oil
- 0007. Cutting Oil
- 0021. Transmission Fluid
- 1836. Turbine Oil
- 0308. Petroleum Grease

Oils Used as Building Materials

- 2626. Asphaltic Emulsions
- 0748. Form Oil

Petroleum Spirits

- 0014. White/Mineral Spirits
- 1731. Naptha

Mineral/Insulating Oils

- 0020. Insulating Oil (e.g., Transformer, Cable Oil)
- 2630. Mineral Oil

Waste/Used/Other Oils

- 0022 Waste/Used Oil
- 9999. Other-Please list:*

Crude Oil

- 0006. Crude Oil
- 0701. Crude Oil Fractions

Tank Type (8)

- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel Alloy
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Tank in Concrete
- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology

- 09. Concrete
- 10. Urethane Clad Steel
- 99. Other-Please list:*

Internal Protection (9)

- 00. None
- 01 Epoxy Liner
- 02. Rubber Liner
- 03. Fiberglass Liner (FRP)
- 04. Glass Liner
- 99. Other-Please list:*

External Protection (10/18)

- 00. None
- 01. Painted/Asphalt Coating
- 02. Original Sacrificial Anode
- 03. Original Impressed Current
- 04. Fiberglass
- 05. Jacketed
- 06. Wrapped (Piping)
- 07 Retrofitted Sacrificial Anode
- 08. Retrofitted Impressed Current
- 09. Urethane
- 99. Other-Please list:*

Tank Secondary Containment (11)

- 00. None
- 01. Diking (AST Only)
- 02. Vault (w/access)
- 03. Vault (w/o access)
- 04. Double-Walled (UST Only)
- 05. Synthetic Liner
- 06. Remote Impounding Area
- 07. Excavation Liner
- 09. Modified Double-Walled (AST Only)
- 10. Impervious Underlayment (AST Only)**
- 11. Double Bottom (AST Only)**
- 12. Double-Walled (AST Only)
- 99. Other - Please list*

Tank Leak Detection (12)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Interstitial Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 05. In-Tank System (Auto Tank

- 06. Impervious Barrier/Concrete Pad (AST Only)
- 07. Statistical Inventory Reconciliation (SIR)
- 08. Weep holes in vaults with no access for inspection
- 99. Other-Please list: *

Overfill Protection (13)

- 00. None
- 01. Float Vent Valve
- 02. High Level Alarm
- 03. Automatic Shut-Off
- 04. Product Level Gauge (AST Only)
- 05. Vent Whistle
- 99. Other-Please list:*

Spill Prevention (14)

- 00. None
- 01. Catch Basin
- 99. Other-Please list:*

Pumping/Dispensing Method (15)

- 00. None
- 01. Pressurized Dispenser
- 02. Suction Dispenser
- 03. Gravity
- 04. On-Site Heating System (Suction)
- 05. On-Site Heating System (Supply/Return)
- 06. Tank-Mounted Dispenser
- 07. Loading Rack/Transfer Pump

Piping Location (16)

- 00. No Piping
- 01. Aboveground
- 02. Underground/On-ground
- 03. Aboveground/Underground Combination

Piping Type (17)

- 00. None
- 01. Steel/Carbon Steel/Iron
- 02. Galvanized Steel
- 03. Stainless Steel Alloy
- 04. Fiberglass Coated Steel
- 05. Steel Encased in Concrete

- 06. Fiberglass Reinforced Plastic (FRP)
- 07. Plastic
- 08. Equivalent Technology
- 09. Concrete
- 10. Copper
- 11. Flexible Piping
- 99. Other-Please list:*

Piping Secondary Containment (19)

- 00. None
- 01. Diking (Aboveground Only)
- 02. Vault (w/access)
- 04. Double-Walled (Underground Only)
- 06. Remote Impounding Area
- 07. Trench Liner
- 12. Double-Walled (Aboveground Only)
- 99. Other-Please list: *

Pipe Leak Detection (20)

- 00. None
- 01. Interstitial Electronic Monitoring
- 02. Insterstital Manual Monitoring
- 03. Vapor Well
- 04. Groundwater Well
- 07. Pressurized Piping Leak Detector
- 09. Exempt Suction Piping
- 10. Statistical Inventory Reconciliation (SIR)
- 99. Other-Please list:*

Under Dispenser Containment

(UDC) (21)

Check Box if Present

* If other, please list on a separate sheet including tank number,

** Each of these codes must be combined with code 01 or 06 to meet compliance requirements.