

Brownfield Cleanup Program Application

756-790 Center Street Site
Lewiston, New York

Revised July 2016

0136-015-002

Prepared For:

7712 Group, LLC



Prepared By:

In Association With:





BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 5**

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME 7712 Group, LLC

ADDRESS 295 Main Street, Suite 210

CITY/TOWN Buffalo

ZIP CODE 14203

PHONE (716)854-0060

FAX

E-MAIL bpaladino@ellicottdevelopment.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State 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 to the New York State Department of Environmental Conservation (DEC) with the application, to document that the requestor is authorized to do business in NYS.

See Attachment 1

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, 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. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

2. If the project is starting at the remediation stage, a Remedial Investigation Report (RIR), Alternatives Analysis, and Remedial Work Plan must be attached (see [DER-10 / Technical Guidance for Site Investigation and Remediation](#) for further guidance).

3. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☒ No

4. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and
- the date the Certificate of Completion is anticipated.

See Attachment 2

See Figure 5

Section III. Property's Environmental History**See Attachment 3**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (**please submit the 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).

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X		
Chlorinated Solvents			
Other VOCs	X		
SVOCs	X		
Metals	X		
Pesticides			
PCBs	X		
Other*			

*Please describe: _____

3. **FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:**

- SAMPLE LOCATION
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED
- FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE
- FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5
- FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX

Reports, including tables, figures, and analytical provided electronically in Attachment 9.

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

☒ Yes ☐ No

4. **INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

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

Other: _____

Section IV. Property Information - See Instructions for Further Guidance					See Attachment 4		
PROPOSED SITE NAME 756-790 Center Street Site							
ADDRESS/LOCATION 756, 784-790 Center Street; 0 Onondaga Street							
CITY/TOWN Lewiston			ZIP CODE 14092				
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): Village of Lewiston Town of Lewiston							
COUNTY Niagara County			SITE SIZE (ACRES) 4.11				
LATITUDE (degrees/minutes/seconds) 43 ° 10 ' 24.00 "			LONGITUDE (degrees/minutes/seconds) 79 ° 02 ' 11.20 "				
COMPLETE TAX MAP INFORMATION FOR ALL TAX PARCELS INCLUDED WITHIN THE PROPERTY BOUNDARIES. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.							
Parcel Address		See Attachment 4		Section No.	Block No.	Lot No.	Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach a metes and bounds description of the property.						<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the required property map attached to the application? (application will not be processed without map)						<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
See Figures 3 & 4							
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)						Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, identify census tract : _____							
Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input type="checkbox"/> 100%							
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)?						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, identify name of properties (and site numbers if available) in related BCP applications: _____							
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.						<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Spill No. 8600162							
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.						<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

None/unknown

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

None/unknown

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Attachment 4

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

☒ Yes ☐ No

11. For sites located within the five counties comprising New York City, is the requestor seeking a determination that the site is eligible for tangible property tax credits?

If yes, requestor must answer questions on the supplement at the end of this form.

☐ Yes ☐ No

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?

☐ Yes ☐ No

13. If you have answered Yes to Question 12, 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?

☐ Yes ☐ No

If this determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion, using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: WAT _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. William Paladino			
ADDRESS 295 Main Street, Suite 210			
CITY/TOWN Buffalo, New York		ZIP CODE 14203	
PHONE (716) 854-0060	FAX (716) 852-2829	E-MAIL bpaladino@ellicottdevelopment.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo, New York		ZIP CODE 14218	
PHONE (716) 856-0635	FAX (716) 856-0583	E-MAIL MLesakowski@benchmarkturnkey.com	
NAME OF REQUESTOR'S ATTORNEY Mr. Craig Slater, Esq			
ADDRESS 500 Seneca Street, Suite 504			
CITY/TOWN Buffalo, New York		ZIP CODE 14204	
PHONE (716) 845-6760	FAX (716) 845-6764	E-MAIL cslater@cslaterlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME Same		OWNERSHIP START DATE: 11/05/2012	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME Same			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER. See Attachment 5 See Figure 9			
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE".			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)		See Attachment 6	
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

Section VII. Requestor Eligibility Information (continued)

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, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
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? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves 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? ☐ Yes ☒ No
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 or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
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? ☐ Yes ☒ No
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? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site? ***Unknown ☐ Yes ☒ No

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

☐ PARTICIPANT

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

☒ VOLUNTEER

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

NOTE: By checking this box, 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; 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.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

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

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. 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 easement on the site. Is this proof attached?

☐ Yes ☐ No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance See Attachment 6

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No
If yes, please provide: Site # _____ Class # _____
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No
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? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No
If yes, please provide: Order # _____
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No
If yes, please provide explanation as an attachment.

Section IX. Contact List Information See Attachment 7

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property. See Figure 9
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). In addition, attach a copy of an acknowledgement from the repository indicating that it agrees to act as the document repository for the property.
8. Any community board located in a city with a population of one million or more, if the proposed site is located within such community board's boundaries.

Section X. Land Use Factors

1. What is the current zoning for the site? What uses are allowed by the current zoning?

☒ Residential ☒ Commercial ☐ Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: ☐ Residential ☒ Commercial ☐ Industrial ☒ Vacant ☐ Recreational (check all that apply)

Attach 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.

3. Reasonably anticipated use Post Remediation: ☒ Residential ☒ Commercial ☐ Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing? See Attachment 8 ☐ Yes ☒ No

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

☒ Yes ☐ No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

Adjacent properties currently zoned for residential and commercial use.

See Attachment 8
and Figure 7

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

☒ Yes ☐ No

See Attachment 8
and Figure 7

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I acknowledge and agree to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter. 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 Manager (title) of 7712 Group, LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree to execute a BCA within 60 days of the date of DEC's approval letter. 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: 7/29/16 Signature: William Paladino

Print Name: William Paladino

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: _____ **LEAD OFFICE:** _____

BCP Application Summary (for DEC use only)

Site Name: 756-790 Center Street Site
City: Lewiston

Site Address: 756, 784-790 Center Street; 0 Onondaga Street
County: Niagara County **Zip:** 14092

Tax Block & Lot See Attachment 4

Section (if applicable):

Block:

Lot:

Requestor Name: 7712 Group, LLC
City: Buffalo

Requestor Address: 295 Main Street, Suite 210
Zip: 14203 **Email:** bpaladino@ellicottdevelopment.com

Requestor's Representative (for billing purposes)

Name: Mr. William Paladino

Address: 295 Main Street, Suite 210

City: Buffalo, New York

Zip: 14203

Email: bpaladino@ellicottdevelopment.com

Requestor's Attorney

Name: Mr. Craig Slater, Esq

Address: 500 Seneca Street, Suite 504

City: Buffalo, New York

Zip: 14204

Email: cslater@cslaterlaw.com

Requestor's Consultant

Name: Mr. Michael Lesakowski

Address: 2558 Hamburg Turnpike, Suite 300

City: Buffalo, New York

Zip: 14218

Email: MLesakowski@benchmarkturnkey.com

Percentage of site within an En-Zone: ☒ 0% ☐ <50% ☐ 50-99% ☐ 100%

Requestor's Requested Status: ☒ Volunteer ☐ Participant

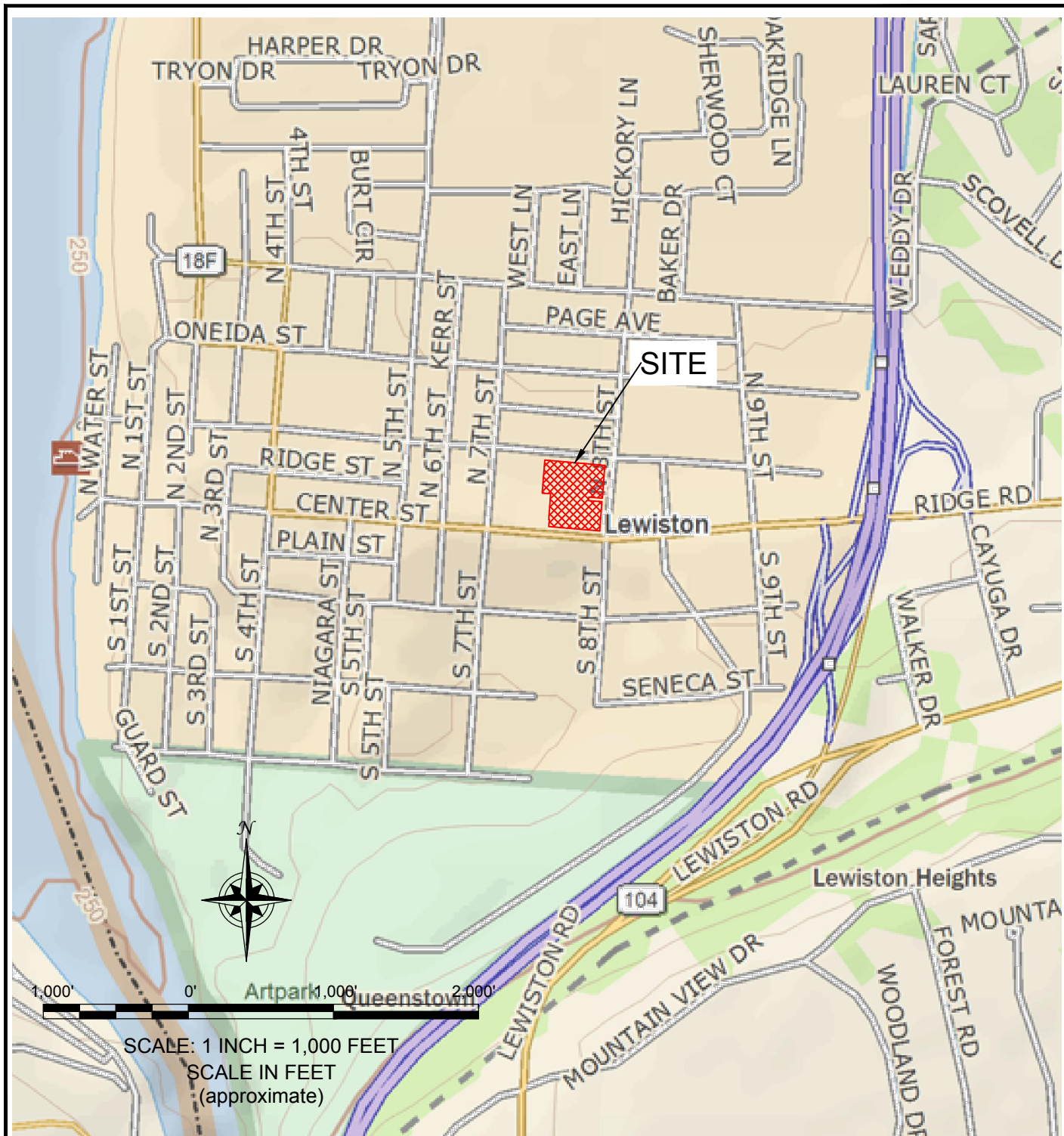
LIST OF APPLICATION ATTACHMENTS

*NYSDEC Brownfield Cleanup Program Application
756-790 Center Street Site
Lewiston, New York*

BCP Application Section No.	Attachment No.	Description
I	1	Requestor Information
II	2	Project Description
III	3	Property's Environmental History
IV	4	Property Information
V	--	Additional Requestor Information
VI	5	Previous/ Current Property Owners/ Operators
VII	--	Requestor Eligibility Information
VIII	6	Property Eligibility Information
IX	7	Contact List Information
X	8	Land Use Factors
XI	--	Statement of Certification and Signatures
--	9	Electronic Copy of BCP Application, Attachments, and Previous Studies

FIGURES

FIGURE 1



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599



SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

756-790 CENTER STREET SITE

LEWISTON, NEW YORK

PREPARED FOR

7712 GROUP, LLC

PROJECT NO.: 0136-015-002

DATE: JANUARY 2016

DRAFTED BY: KRR

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC. IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0136-015-002

DATE: JANUARY 2016

DRAFTED BY: KRR



SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

756-790 CENTER STREET SITE

LEWISTON, NEW YORK

PREPARED FOR
7712 GROUP, LLC

FIGURE 2

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.



PROPERTY BASE MAP (1000 FOOT SET BACK)

BROWNFIELD CLEANUP PROGRAM APPLICATION
756-790 CENTER STREET SITE
LEWISTON, NEW YORK
PREPARED FOR
7712 GROUP, LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

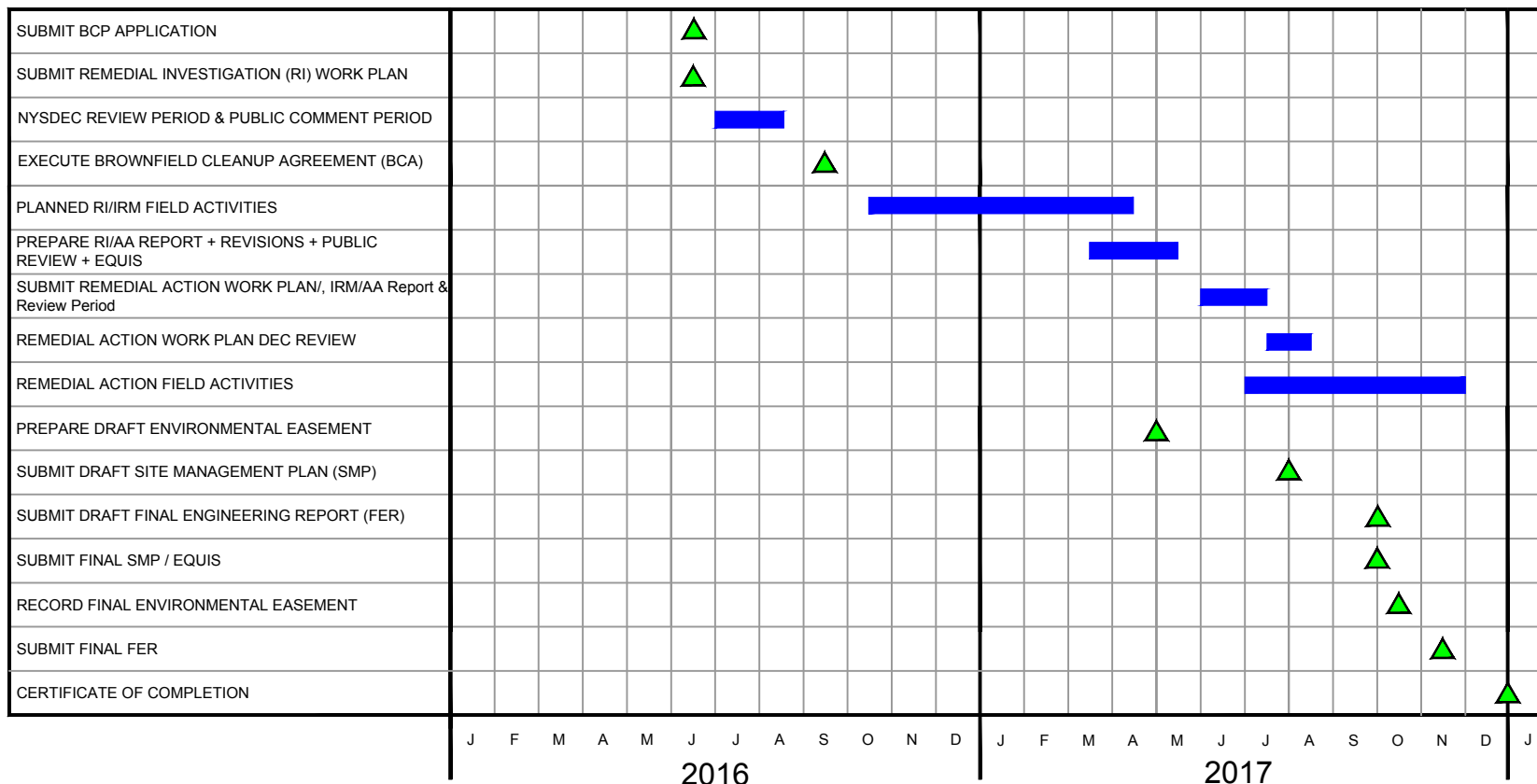


JOB NO.: 0136-015-002

FIGURE 4

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

PROJECT TASKS:



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

PROJECT NO.: 0136-015-002

DATE: MAY 2016

DRAFTED BY: KRR



PLANNED PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

756, 784-790 CENTER STREET SITE

LEWISTON, NEW YORK

PREPARED FOR

7712 GROUP, LLC

FIGURE 5

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.




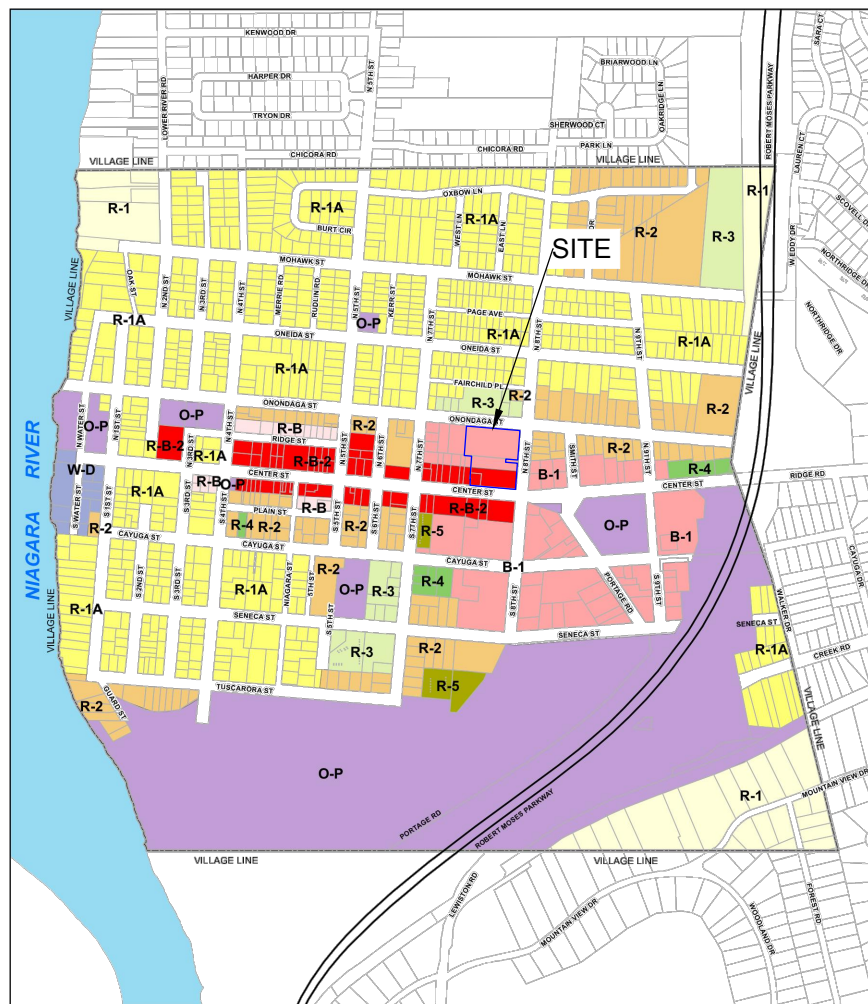
 <p>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 856-0635</p>	<h1>PRELIMINARY REDEVELOPMENT PLAN</h1> <p>BROWNFEILD CLEANUP PROGRAM APPLICATION</p> <p>756-790 CENTER STREET SITE</p> <p>LEWISTON, NEW YORK</p> <p>PREPARED FOR</p> <p>7712 GROUP, LLC</p>
PROJECT NO.: 0136-015-002	
DATE: JANUARY 2016	
DRAFTED BY: KRR	

FIGURE 7



**THE OFFICIAL
ZONING MAP
OF THE
VILLAGE OF LEWISTON
NIAGARA COUNTY, NEW YORK
May 2005**

NIAGARA COUNTY CENTER FOR
ECONOMIC DEVELOPMENT
6311 INDIAN CORPORATE DRIVE
SARASOTA, NEW YORK 14132
PHONE: (716) 278-8750 FAX: (716) 278-8757

ZONING DISTRICTS

R-1	Residential, Single Family, Low Density
R-1A	Residential, Single Family Medium Density
R-2	Residential, Two Family
R-3	Residential, Multiple Family
R-4	Residential, Multiple Family Professional
R-5	Residential, Townhouse
R-B	Restricted Business
B-1	General Business
B-2	Retail Business
W-D	Waterfront Development District
O-P	Open Public Space



2000' 0' 2000' 4000'

SCALE: 1 INCH = 2000 FEET
SCALE IN FEET
(approximate)



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599



VILLAGE OF LEWISTON ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

756-790 CENTER STREET SITE

LEWISTON, NEW YORK

PREPARED FOR

7712 GROUP, LLC

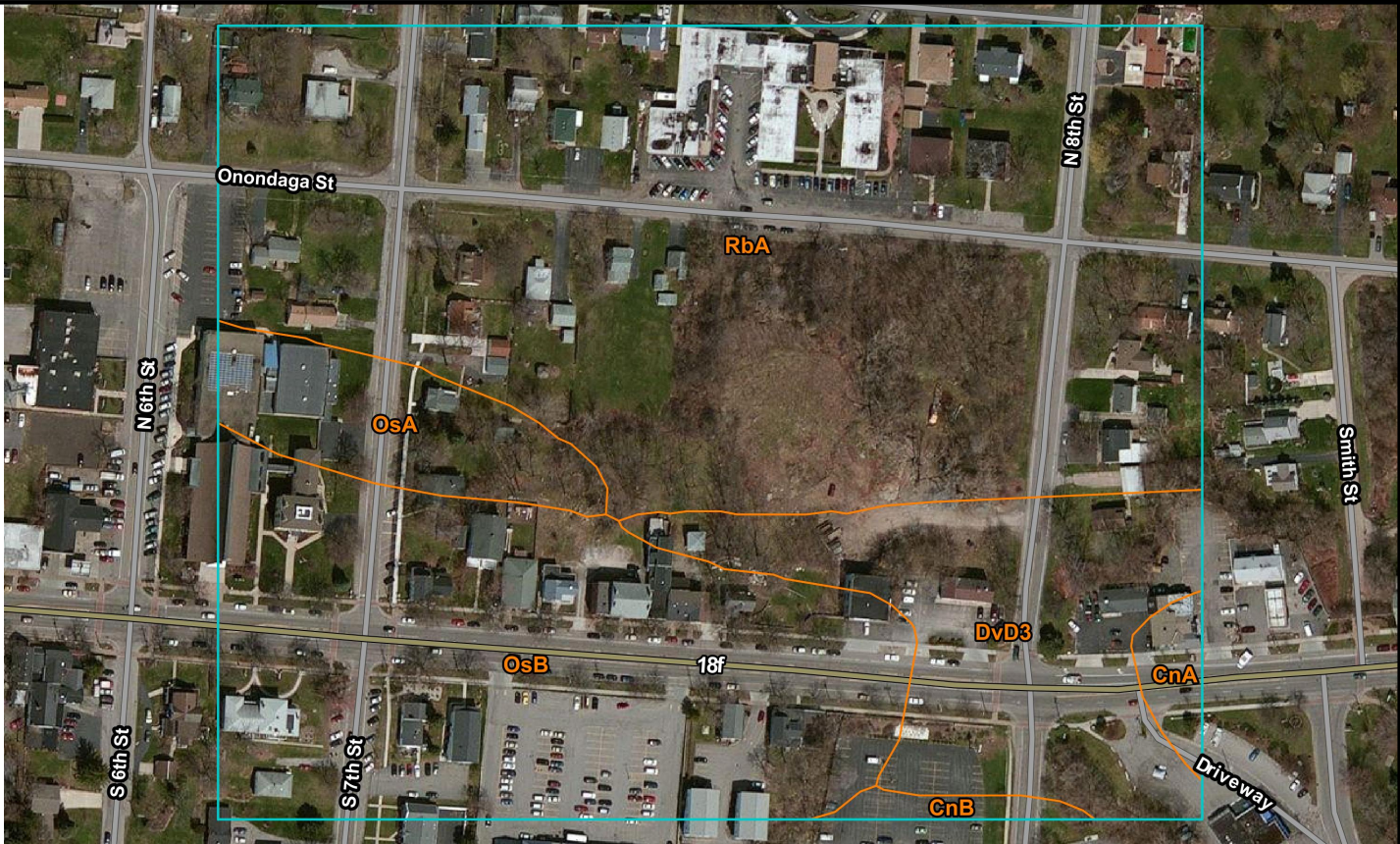
PROJECT NO.: 0136-015-002

DATE: JANUARY 2016

DRAFTED BY: KRR

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Map Unit Symbol	Map Unit Name
CnA	Collamer silt loam, 0 to 2 percent slopes
CnB	Collamer silt loam, 2 to 6 percent slopes
DvD3	Dunkirk and Arkport soils, 12 to 20 percent slopes, eroded
OsA	Otisville gravelly sandy loam, 0 to 3 percent slopes
OsB	Otisville gravelly sandy loam, 3 to 8 percent slopes
RbA	Rhinebeck silt loam, 0 to 2 percent slopes



Map Scale: 1:2,570 if printed on A landscape (11" x 8.5") sheet.

0 35 70 140 210 Meters

0 100 200 400 600 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599



PROJECT NO.: 0136-015-002

DATE: JANUARY 2016

DRAFTED BY: KRR

LOCAL SOIL-TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

756-790 CENTER STREET SITE

LEWISTON, NEW YORK

PREPARED FOR

7712 GROUP, LLC

FIGURE 8

DISCLAIMER: PROPERTY OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC. & TURNKEY ENVIRONMENTAL RESTORATION, LLC IMPORTANT: THIS DRAWING PRINT IS LOANED FOR MUTUAL ASSISTANCE AND AS SUCH IS SUBJECT TO RECALL AT ANY TIME. INFORMATION CONTAINED HEREON IS NOT TO BE DISCLOSED OR REPRODUCED IN ANY FORM FOR THE BENEFIT OF PARTIES OTHER THAN NECESSARY SUBCONTRACTORS & SUPPLIERS WITHOUT THE WRITTEN CONSENT OF BENCHMARK ENVIRONMENTAL ENGINEERING & SCIENCE, PLLC & TURNKEY ENVIRONMENTAL RESTORATION, LLC.

F:\CAD\TurnKey\Elliott Development\790 Center St, Lewiston\BCP\Figure 8: Adjacent Property Owners.dwg

LEGEND:

BCP BOUNDARY

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
765	Fairchild Place	Multi-Family Residential	James F. Jerge Jr. 434 Delaware Ave Buffalo, NY 14202
780	Onondaga Street	Multi-Family Residential	James T Bush, Connie Bush 730 Page Ave. Lewiston, NY 14092
790	Onondaga Street	Multi-Family Residential	James A Constanzo Sr 7439 Buffalo Ave Niagara Falls, NY 14304
810	Onondaga Street	Two-Family Residential	Frank Nardello Constance M. Nardello 810 Onondaga Street Lewiston, NY 14092
805	Onondaga Street	Two-Family Residential	Kyle Sloma, Mark J. Allen 805 Onondaga Street Lewiston, NY 14092
160	North Eighth Street	Two-Family Residential	Shaun T. O'Leary Joanne M. O'Leary 160 North Eighth Street Lewiston, NY 14092
150	North Eighth Street	Two-Family Residential	Loretta C. Madia 150 North Eighth Street Lewiston, NY 14092
140	North Eighth Street	Two-Family Residential	Lawrence J. Stacey 140 North Eighth Street Lewiston, NY 14092
130	North Eighth Street	General Business	Sincon Realty, LLC 4617 Lower River Roads Lewiston, NY 14092
800	Center Street	General Business	Sincon Realty, LLC 4617 Lower River Roads Lewiston, NY 14092
0	Center Street	General Business	Hibbard & Sons, Inc. 125 Portage Road Lewiston, NY 14092
791	Center Street	Retail Business	Anthony DiMino Trustee P Mary Rose Casero Trustee PO Box 805 Lewiston, NY 14092

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
765	Center Street	Retail Business	765 Center Street, LLC Manente Orthodontics 2840 Military Road Niagara Falls, NY 14304
755	Center Street	Retail Business	Emery J. Simon Construction Corp. 755 Center Street Lewiston, NY 14092
748	Center Street	Retail/General Business	748 Center Street, LLC 516 Morgan Drive Lewiston, NY 14092
742	Center Street	Retail/General Business	Nicholas V. Morreale David & Tana Beccari 988 James Drive Lewiston, NY 14092
725	Onondaga Street	General Business	Vincent Morreale Nicholas Morreale 988 James Drive Lewiston, NY 14092
122014	North Eighth Street	Gas Utility	National Fuel Gas Corp 122014 North Eighth Street Lewiston, NY 14092



SCALE: 1 INCH = 150 FEET
SCALE IN FEET
(approximate)



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
756-790 CENTER STREET SITE

LEWISTON, NEW YORK
PREPARED FOR
7712 GROUP, LLC



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0136-015-002

FIGURE 9

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ATTACHMENT 1

BCP APPLICATION – SECTION I

REQUESTER INFORMATION

NYS DEPARTMENT OF STATE CORPORATION & BUSINESS ENTITY DATABASE
SIGNATURE RESOLUTION

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through November 17, 2015.

Selected Entity Name: 7712 GROUP, LLC

Selected Entity Status Information

Current Entity Name: 7712 GROUP, LLC

DOS ID #: 4279647

Initial DOS Filing Date: AUGUST 06, 2012

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

7712 GROUP, LLC

295 MAIN STREET, SUITE 210

BUFFALO, NEW YORK, 14203

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this

information is not recorded and only available by
[viewing the certificate.](#)

***Stock Information**

# of Shares	Type of Stock	\$ Value per Share
No Information Available		

*Stock information is applicable to domestic business corporations.

Name History

Filing Date	Name Type	Entity Name
AUG 06, 2012	Actual	7712 GROUP, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

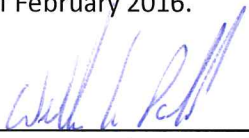
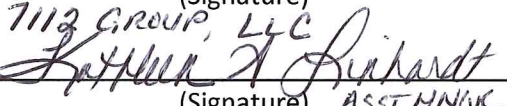
[Search Results](#) [New Search](#)

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[Homepage](#) | [Contact Us](#)

RESOLVED, that Mr. William Paladino, Managing Member of 7712 Group, LLC (Company) be hereby authorized and empowered to sign a Brownfield Cleanup Agreement (BCA) for property referred to as the Center Street Site with New York State Department of Environmental Conservation (NYSDEC), in the name of and on behalf of this Company.

The undersigned hereby certifies that he is the duly qualified Managing Member and custodian of the books and records of 7712 Group, LLC, a corporation duly formed pursuant to the laws of the State of New York, and that the foregoing is a true record of a resolution duly adopted by the Members at a meeting of 7712 Group, LLC and that said meeting was held in accordance with state law and the Bylaws of the above-named Corporation on February 10, 2016, and that said resolution is now in full force and effect without modification or rescission.

IN WITNESS WHEREOF, I have executed my name as Member of the above-named Company this 10th day of February 2016.

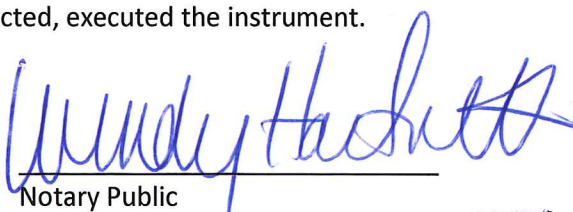
 _____ (Signature)	William Paladino _____ (Print Name)	Managing Member _____ (Title)
7712 GROUP, LLC By  _____ (Signature) ASST MGR	KATHLEEN LINHARDT _____ (Print Name)	SOLE Member _____ (Title)
N/A _____ (Signature)	_____ (Print Name)	Member _____ (Title)

ACKNOWLEDGMENT

(STATE OF NEW YORK)

(COUNTY OF ERIE ~~Niagara~~)

On the 15TH day of FEBRUARY in the year 2016, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM & KATHLEEN PALADINO LINHARDT, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon the behalf of which the individual(s) acted, executed the instrument.



Notary Public

WENDY HARTNETT
Notary Public, State of New York
Qualified in Erie County
My Commission Expires February 20, 2019

ATTACHMENT 2

BCP APPLICATION – SECTION II

PROJECT DESCRIPTION

ATTACHMENT 2
BCP Application - Section II
Project Description
756-790 Center Street Site

SECTION II – PROJECT DESCRIPTION

7712 Group, LLC, acting as a non-responsible Brownfield Cleanup Program (BCP) Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the BCP and is submitting this BCP application along with a Remedial Investigation Work Plan for eligibility into the Program. Upon acceptance into the BCP, 7712 Group LLC, plans to complete a Remedial Investigation, prepare a Remedial Investigation/Alternatives Analysis Report (RI/AAR), prepare a Remedial Action Work Plan (RAWP), as necessary to address the contamination on-Site, and complete the approved remedial measures.

A preliminary project schedule is shown on Figure 5.

The Volunteer plans to redevelop the entire 4.11 acre BCP Site, with the construction of three (3) new retail-commercial and mixed use residential-commercial buildings, and associated parking, walkway and landscaped areas. The preliminary Site Redevelopment Plan estimates capital investments of approximately \$8,000,000 to \$10,000,000 to investigate, remediate and redevelop the Site. Figure 6 shows the preliminary redevelopment plan.

The Project will result in the remediation and redevelopment of a predominately idle, abandoned, environmentally-impacted Site along a targeted redevelopment area of the Village of Lewiston.

ATTACHMENT 3

BCP APPLICATION – SECTION III

PROPERTY'S ENVIRONMENTAL HISTORY

NYSDEC PETROLEUM BULK STORAGE RECORDS (ELECTRONICALLY)

ATTACHMENT 3
BCP Application – Section III
Property’s Environmental History
756-790 Center Street Site

PREVIOUS ENVIRONMENTAL INVESTIGATIONS

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

Historic Records Review

Available records related to the Site, including fire insurance maps, historic aerial photographs, municipal records, and on-line environmental databases (e.g., NYSDEC Spills Database) were reviewed.

- Spill 8600162, opened April 1986, is related to the discovery of petroleum impacted soil/fill and USTs were discovered related to the former gasoline station. Spill report indicates multiple USTs were removed, and potential residual petroleum impacted soil exceeding cleanup criteria remaining on-Site. Spill file was “closed” August 1986. Previous owner entered into a consent order with the New York State Department of Environmental Conservation (NYSDEC) for the improper removal and handling of the underground storage tanks. The previous owner paid a monetary fine.
- Spill 9975429, opened September 1999, is related to the discovery of USTs and petroleum impacted soil in the right-of-way during utility work. Spill report indicates multiple USTs were removed, and potential residual petroleum impacted soil exceeding cleanup criteria remaining on-Site. Spill file was “closed” November 2000.
- Spill 1505941, dated September 2015, is related to the discovery of petroleum-impacted soil during subsurface investigation. Spill file is still open.
- A former automobile service and filling station has been located on-Site since at least 1923, including at least nine (9) underground storage tanks (USTs) and at least two (2) service station buildings, one (1) known to have been demolished in 1978, and the existing Building 1 (see Figure 2).

ATTACHMENT 3
BCP Application – Section III
Property's Environmental History
756-790 Center Street Site

- A former automobile repair operation, including suspect USTs, was located at Building 2 since at least 1936. Building 2 was later used by a cleaning business (also listed as suspect dry cleaner).
- Former junk yard operations were noted on the 0 Onondaga, and northern portions of the 756 and 784-790 Center Street parcels.
- Historic aerials indicate agricultural activities on the northern portion of 756 Center Street and 784-790 Center parcels and 0 Onondaga Street parcel; therefore, there is potential for pesticide storage and use, and associated agricultural equipment and fueling facilities.
- Former rail lines were present on or along the eastern boundary of the Site.

The NYSDEC Spill Incidents Database Search Details are attached.

Phase II Environmental Investigation Report, Spill No. 1505941, 784-790 Center Street and an Unaddressed Parcel on Onondaga Street, Lewiston, New York.

TurnKey Environmental Restoration, LLC (TurnKey) completed a limited Phase II Environmental Investigation on the Site, and the findings are summarized below.

- Three (3) former UST vent lines were noted on Building 1.
- Petroleum-impacted soil/fill was discovered on-Site, including odors and elevated PID readings as high as 1,080 ppm, were noted during the investigation, and elevated volatile organic compounds (VOCs) exceeding Part 375 Restricted Residential Use SCOs. Based on findings, the NYSDEC Spill hotline was notified, and Spill file 1505941 was opened for the Site. The Spill file is currently active.
- Elevated metals, including barium, cadmium and lead, were detected on-Site exceeding Part 375 Commercial Use SCOs, and Industrial Use SCOs for lead.
- Elevated polycyclic aromatic hydrocarbons (PAHs) were detected exceeding Part 375 Restricted Residential Use and Commercial Use SCOs on-Site.

ATTACHMENT 3
BCP Application – Section III
Property's Environmental History
756-790 Center Street Site

- Elevated polychlorinated biphenyls (PCBs) exceeding Part 375 Commercial Use SCO's were detected on-Site.
- Illegal dumping of automobile parts, tires, and other solid waste piles was noted during investigation.
- An oil burner was noted in Building 3, however, no evidence of associated fuel tank was evident, indicating potential unknown fuel oil UST.

The associated tables, figures, and laboratory analytical packages are included in the report, provided electronically in Attachment 3. The complete report is provided on the CD in Attachment 9.

PAST LAND USES

The historical use of the Site has been researched through review of historic maps, historic aerial photographs, municipal records and/or other reasonably obtainable documents. The following provides a summary relative to historic uses of the Site by parcel.

784-790 Center Street - Parcel 1

Parcel 1 has been utilized as an automobile gasoline and service station from at least 1923, including former service station building(s) and USTs. Historic records indicate a structure containing a residence, repair garage and associated junk yard was present in 1931, and at least the one structure was demolished in 1978. Multiple structures (designated as Building 1 and Building 2) are present on-Site.

Former rail lines were located on or along the eastern boundary of the Site along N. 8th Street.

According to property records, a potential dry cleaner operation (Manhattan Cleaners) was present in Building 2.

ATTACHMENT 3
BCP Application – Section III
Property's Environmental History
756-790 Center Street Site

Historic aerial photographs show agricultural operations on the northern portion of the property in at least 1934, including the 756 Center Street and 0 Onondaga Street parcels as well.

756 Center Street - Parcel 2

As described above, the northern portion of Parcel 2 was part of agricultural operations in at least 1934, including the northern portion of 784-790 Center Street and 0 Onondaga Street parcels as well.

Historic aerial photographs as indicate that the northern portion of Parcel 2 showed land disturbances similar to 0 Onondaga Street during the period of junk yard and automobile repair operations.

0 Onondaga Street (unaddressed) - Parcel 3

Historic records indicate that Parcel 3 was used in association with the adjacent automobile repair operation and associated junk yard in 1931.

Former rail lines were located on or along the eastern boundary of the Site along N. 8th Street since at least 1923.

Historic aerial photographs show agricultural operations on the northern portion of the property in at least 1934, including the 756 and 784-190 Center Street parcels; and land disturbances during the time of junk yard and automobile operations on the adjacent parcel(s) in the 1930's, and more recently in the 1990's through 2005. Visual evidence of illegal dumping is present on Parcel 3.

F:\CAD\TurnKey\Elliott Development\790 Center St, Lewiston\BCP\Att. 3 Drawing\Attachment 3: Summary of Previous Investigation Findings.dwg

DATE: JUNE 2016
DRAFTED BY: CMC

LEGEND:

- PROPERTY BOUNDARY
- PARCEL BOUNDARY
- SB-1 ● PREVIOUS INVESTIGATION LOCATIONS
- CURRENT ON-SITE BUILDINGS PLANNED TO BE DEMOLISHED

SB-12 (0-4')	mg/Kg	USCO	RRSCO	CSCO
Cadmium	4.9	2.5	4.3	9.3

SB-13 (4-8')	mg/Kg	USCO	RRSCO	CSCO
Mercury	0.57	0.18	0.81	2.8

SB-11 (0-4')	mg/Kg	USCO	RRSCO	CSCO
Total PCBs	1.4	0.01	1	1
Barium	582	350	400	400
Cadmium	17	2.5	4.3	9.3
Chromium	36	30	180	1,500
Lead	2,080	63	400	1,000

SB-8 (0-4')	mg/Kg	USCO	RRSCO	CSCO
Lead	5,340	63	400	1,000
Mercury	0.21	.18	0.81	2.8

SB-9 (0-4')	mg/Kg	USCO	RRSCO	CSCO
Lead	79.8 F1	63	400	1,000
Mercury	0.31	0.18	0.81	2.8

SB-4 (0-4')	mg/Kg	USCO	RRSCO	CSCO
Benzo(a)anthracene	9.1	1	1	5.6
Benzo(b)pyrene	6.9	1	1	1
Benzo(b)fluoranthene	9.0	1	1	5.6
Benzo(k)fluoranthene	4.1	0.8	3.9	56
Chrysene	8.4	1	3.9	56
Indeno(1,2,3-cd)pyrene	4.6	0.5	0.5	5.6
Lead	105	63	400	1,000
Mercury	0.26	0.18	0.81	2.8

SB-2 (18-19')	mg/Kg	USCO	RRSCO	CSCO
Benzene	0.84 J	0.06	4.8	44
Ethylbenzene	52.0	1	41	390
Toluene	2.8	0.7	100	500
Total Xylenes	250 - DL	0.26	100	500

LOCATION OF FORMER ORCHARD

LOCATION OF FORMER RAILROAD TRACKS

FORMER JUNK YARD LOCATION

FORMER AUTOMOTIVE REPAIR GARAGE WITH VENT PIPES OBSERVED AT THE SIDE OF THE BUILDING

FORMER DRY CLEANER AND AUTOMOTIVE REPAIR GARAGE

ELEVATED PID READINGS ASSOCIATED WITH POSSIBLE PETROLEUM SPILL

NOTE:
DL = INDICATES A DILUTION
J = ESTIMATED VALUE; RESULT IS LESS THAN THE SAMPLE QUANTITATION LIMIT BUT GREATER THAN ZERO.
F1 = MS AND MSD RECOVERY IS OUTSIDE ACCEPTANCE LIMITS.

SUMMARY OF PREVIOUS INVESTIGATION FINDINGS

BROWNFIELD CLEANUP PROGRAM APPLICATION
756, 784-790 CENTER STREET SITE
LEWISTON, NEW YORK
PREPARED FOR
7712 GROUP, LLC

ATT. 3



2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218, (716) 856-0599

JOB NO.: 0136-015-002

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Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 8600162

Spill Date/Time

Spill Date: 04/06/1986 **Spill Time:** 02:00:00 PM

Call Received Date: 04/06/1986 **Call Received Time:** 02:00:00 PM

Location

Spill Name: RON FRONCZAK

Address: 8TH ST.&CENTER ST.

City: LEWISTON **County:** Niagara

Spill Description

Material Spilled Amount Spilled Resource Affected

gasoline 1 lbs. Surface Water

Cause: Other

Source: Gasoline Station or other PBS Facility

Waterbody: NIAGARA RIVER

Record Close

Date Spill Closed: 08/11/1986

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

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

[Refine This Search](#)



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 9975429

Spill Date/Time

Spill Date: 09/23/1999 **Spill Time:** 09:00:00 AM

Call Received Date: 09/23/1999 **Call Received Time:** 11:00:00 AM

Location

Spill Name: NYSDOT PROJECT - TANKS

Address: 784 CENTER STREET

City: LEWISTON **County:** Niagara

Spill Description

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

unknown petroleum UNKNOWN Soil

Cause: Tank Failure

Source: Institutional, Educational, Gov., Other

Waterbody:

Record Close

Date Spill Closed: 11/06/2000

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

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

[Refine This Search](#)



Department of
Environmental
Conservation

Spill Incidents Database Search Details

Spill Record

Administrative Information

DEC Region: 9

Spill Number: 1505941

Spill Date/Time

Spill Date: 09/03/2015 **Spill Time:** 10:00:00 AM

Call Received Date: 09/03/2015 **Call Received Time:** 11:10:00 AM

Location

Spill Name: COMMERCIAL PROPERTY

Address: 784-790 CENTER ST

City: LEWISTON **County:** Niagara

Spill Description

Material Spilled Amount Spilled Resource Affected

unknown petroleum UNKNOWN Soil

Cause: Unknown

Source: Commercial/Industrial

Waterbody:

Record Close

Date Spill Closed: Not closed

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

[Refine This Search](#)

ATTACHMENT 4

BCP APPLICATION – SECTION IV

PROPERTY INFORMATION

PARCEL DESCRIPTION

PROPERTY DESCRIPTION & ENVIRONMENTAL ASSESSMENT NARRATIVE

ATTACHMENT 4
BCP Application – Section IV
Property Information
756-790 Center Street Site

SECTION IV - QUESTIONS 1-4

Parcel Description

The subject property (hereinafter, the “Project Site” or the “Site”) subject to the BCP application consists of three (3) adjoining parcels totaling approximately 4.11 acres, located in a mixed use residential and commercial area of Lewiston, Niagara County, New York (see Figures 1-3), and are further identified as:

- **Parcel 1 - 784-790 Center Street, S.B.L. # 101.11-1-37.1, 1.7 acres**
- **Parcel 2 - 756 Center Street, S.B.L. # 101.11-1-37.2, 0.15 acres**
- **Parcel 3 - 0 Onondaga Street (unaddressed), S.B.L. # 101.11-1-59, 2.26 acres**

A tax map of the Site, per Niagara County Real Property, is provided as Figure 3. The boundaries of the Site correspond with the tax boundaries. Niagara County parcel detail reports are provided for each parcel in Attachment 4.

The Site is bordered by Onondaga Street to the north, Center Street to the south, North 8th Street to the east, and mixed use residential and commercial properties to the west. Residential and commercial developments surround the Site.

According to the NYSDEC Environmental Zones (En-Zones), developed by the NYS Department of Labor, the project Site is not located within an En-Zone boundary.

SECTION IV – QUESTIONS 8 AND 9

Easements and Permits

TurnKey is not aware of any formal enforcement action, civil judicial or administrative enforcement cases in connection with the subject property. In addition, based on information gathered to date, there are no institutional controls recorded for the Site.

Utilities are located in the right-of-way along Onondaga Street, North 8th Street, and Center Street. A natural gas structure is located adjacent to the northern boundary of Parcel 1, and southern boundary of Parcel 3 along N. 8th Street. TurnKey is not aware of any easements on Site.

ATTACHMENT 4
BCP Application – Section IV
Property Information
756-790 Center Street Site

The Site was not identified in the NYSDEC Environmental Site Remediation database, the NYSDEC Bulk Storage database, nor the United States Environmental Protection Agency (USEPA) Enforcement and Compliance History Online (ECHO).

SECTION IV - QUESTION 10

Property Description Narrative

Location

The Site, including three (3) adjoining parcels, is located in mixed use residential and commercial area of Lewiston, Niagara County, New York. The Site comprises the majority of the eastern portion of the block between Center Street and Onondaga Street along N. 8th Street (see Figure 2)

Site Features

Parcel 1 – two (2) buildings (Building 1 and Building 2; see Figure 2) and associated parking lot areas are present on-Site. Vent lines, likely associated with USTs are present on Building 1. The northern portion of the site is currently vacant and partially covered in vegetation.

Parcel 2 – one (1) building (Building 3; see Figure 2) is present and associated parking areas. The northern portion of the Site is currently vegetated.

Parcel 3 – is currently vacant, with areas of heavy vegetation. Illegal dumping of automobile parts, tires, and solid waste is evident. Land disturbance is evident on-Site.

Current Zoning and Land Use

The current zoning on Site is classifies as B-1 – General Business and R-B-2 Retail Business by the Village of Lewiston Zoning Map (see Figure 7). The southern portion of Parcel 1, and all of Parcel 2 are zoned R-B-2, with the northern portion of Parcel 1 and all of Parcel 3 zoned B-1. As shown on Figure 7, the surrounding parcels are similarly zoned, with multiple residential zoning uses noted adjacent to the Site.

ATTACHMENT 4
BCP Application – Section IV
Property Information
756-790 Center Street Site

Land Use surrounding the Site is a mixed use of residential and commercial (see Figures 7 and 9), with residential located adjacent to the site north across Onondaga Street, east across N. 8th Street.

Past Use of the Site

Past uses of the Site as an agricultural operation, automobile service and filling station, junk yard, commercial cleaners (suspect dry cleaning) and former rail lines, has contaminated the Site.

Petroleum contamination was first discovered on the Site in 1986, related to NYSDEC Spill No. 8600162, which discovered petroleum contaminated soil and USTs. Additional petroleum impacts and USTs, were discovered in 1999, as evidence by NYSDEC Spill No. 9975429.

Additional petroleum impacts were detected during subsurface investigation work in 2015, which required that the NYSDEC Spill No. 1505941 be opened for the Site.

Former junk yard, agricultural, and rail lines operated on-Site and have impacted on-Site soils with certain elevated VOCs, semi-volatile organic compounds (SVOCs), metals, and PCBs exceeding Part 375 Residential Use, Commercial Use, and Industrial Use Soil Cleanup Objectives (see Attachment 3).

Site Geology and Hydrogeology

The property is located within the Erie-Ontario lake plain physiographic province, which is typified by little topographic relief, except in the immediate vicinity of major drainage ways. According to the USDA Web soil survey, Site soils are generally characterized as Rhinebeck silt loam (RbA), Dunkirk Arkport soils (DvD3), and Otisville gravelly sandy loam (Osb) with level to gently sloping land (see Figure 8).

ATTACHMENT 4
BCP Application – Section IV
Property Information
756-790 Center Street Site

The previous investigation identified the subsurface soil/fill generally described as fill material consisting of sand, gravel and clay with varying amounts of brick, concrete and wood fragments.

Groundwater flow direction likely follows regional topography west north west toward the Niagara River, Niagara Falls and Lake Ontario. On-Site groundwater was not encountered during the previous investigation.

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

Environmental Assessment

Based on the previous NYSDEC Spill records and investigations, the primary contaminants for the Site are petroleum-related, VOCs and SVOCs, metals, and PCBs. Specifically:

- Petroleum-impacted soil/fill was discovered on-Site, including odors and elevated PID readings as high as 1,080 ppm, and elevated VOCs exceeding Part 375 Restricted Residential Use SCOs.
- Elevated metals, including barium, cadmium and lead, were detected on-Site exceeding Part 375 Commercial Use SCOs, and Industrial Use SCOs for lead.
- Elevated PAHs were detected exceeding Part 375 Restricted Residential Use and Commercial Use SCOs on-Site.
- Elevated PCBs exceeding Part 375 Commercial Use SCOs were detected on-Site.

Historical documents including aerials and Sanborn maps, and analytical summary table from the previous investigation are included electronically in the Attachment 3.

Niagara County On-Line Mapping System

Parcel Detail Report

Report generated: 10/28/2015 12:35:53 PM



Parcel Overview Map



Parcel Detail Map

PIN: 101.11-1-37.2

Address: 756 Center St

Municipality: 292401 - Lewiston

Owner: 7712 Group, LLC

Frontage: 80

Depth: 84.33

Acreage:

Property Class: 483

Property Type: R

Total Assessment: \$90,000

Land Assessment: \$50,000

School District Code: 292401

Deed Book:

Deed Page:

Sale Date:

Sale Price: 0

Sqft Living Area: 1056

Grade: C

Condition: 2

Year Built: 1921

Building Style: 08

Neighborhood Code: 24150

Prior Total Assessment: \$70,000

Prior Land Assessment: \$35,800

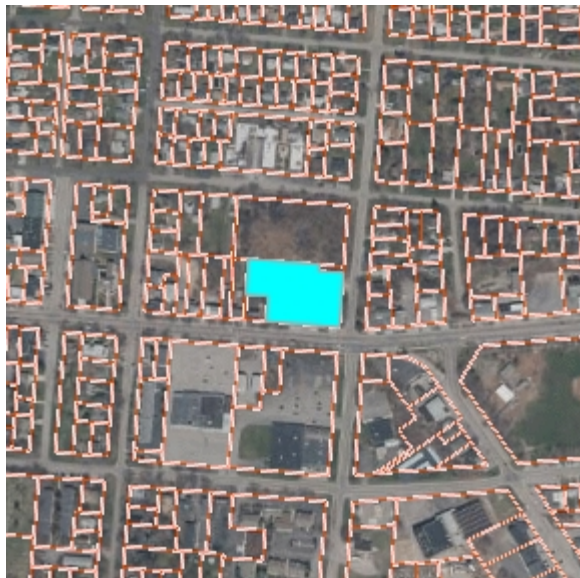
XY-Coordinates: 1027237, 1156367

Districts: NCRD

Niagara County On-Line Mapping System

Parcel Detail Report

Report generated: 10/28/2015 12:35:54 PM



Parcel Overview Map



Parcel Detail Map

PIN: 101.11-1-37.1

Address: 784-790 Center St

Municipality: 292401 - Lewiston

Owner: 7712 Group, LLC

Frontage: 0

Depth: 0

Acreage:

Property Class: 452

Property Type: C

Total Assessment: \$345,000

Land Assessment: \$300,000

School District Code: 292401

Deed Book:

Deed Page:

Sale Date:

Sale Price: 0

Sqft Living Area: 0

Grade:

Condition:

Year Built: 0

Building Style:

Neighborhood Code: 24150

Prior Total Assessment: \$345,000

Prior Land Assessment: \$200,000

XY-Coordinates: 1027407, 1156427

Districts: NCRD

Niagara County On-Line Mapping System

Parcel Detail Report

Report generated: 10/28/2015 12:35:54 PM



Parcel Overview Map



Parcel Detail Map

PIN: 101.11-1-59

Address: Onondaga St

Municipality: 292401 - Lewiston

Owner: 7712 Group, LLC

Frontage: 425.7

Depth: 231

Acreage:

Property Class: 330

Property Type: C

Total Assessment: \$75,000

Land Assessment: \$75,000

School District Code: 292401

Deed Book:

Deed Page:

Sale Date:

Sale Price: 0

Sqft Living Area: 0

Grade:

Condition:

Year Built: 0

Building Style:

Neighborhood Code: 24150

Prior Total Assessment: \$75,000

Prior Land Assessment: \$75,000

XY-Coordinates: 1027387, 1156657

Districts: NCRD

ATTACHMENT 5

BCP APPLICATION – SECTION VI

PREVIOUS/CURRENT PROPERTY OWNERS/OPERATORS

ATTACHMENT 5
BCP Application – Section VI
Previous/ Current Property Owners/ Operators
756-790 Center Street Site

PREVIOUS/CURRENT PROPERTY OWNERS/OPERATORS

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Based on available on-line records, the previous study and a file review at the Niagara County Real Property Tax Services office, contact information for the previous and current owners/operators has been provided in the table below, as available.

Parcel Address	Approx. Date(s)	Relationship to Applicant
756 Center Street		
Current Owner/Operator		
Current Owner/Operator: 7712 Group, LLC 295 Main Street, Suite 210 Buffalo, NY 14203 Phone # 716-854-0060	2012 ~ Current	Current owner
Previous Owners/Operators		
Prior Owner/Operator: Hogan & Willig, PLLC 2410 North Forest Road Suite 301 Amherst, NY 14068	2009 ~ 2012	None – no relationship
Prior Owner/Operator: Finkbeiner Edward-Diane Address Unknown	2005 ~ 2009	None - No relationship
Prior Owner/Operator: Raymond R. Franzek Address Unknown	1997 ~ 2009	None - No relationship
Prior Owner/Operator: Raymond Franzek Ronald & Eugenia	1979 ~ 1997	None - No relationship

ATTACHMENT 5
BCP Application – Section VI
Previous/ Current Property Owners/ Operators
756-790 Center Street Site

Prior Owner/Operator: Stephania Deskiewicz 738 Ridge Road Lewiston NY 14092	1941 ~ 1979	None - No relationship
--	-------------	------------------------

Parcel Address	Approx. Date(s)	Relationship to Applicant
784-790 Center Street		
Current Owner/Operator		
Current Owner/Operator: 7712 Group, LLC 295 Main Street, Suite 210 Buffalo, NY 14203 Phone # 716-854-0060	2012 ~ Current	Current owner
Previous Owners/Operators		
Prior Owner/Operator: Hogan & Willig, PLLC 2410 North Forest Road Suite 301 Amherst, NY 14068	2009 ~ 2012	None – no relationship
Prior Owner/Operator: Finkbeiner Edward-Diane Address Unknown	2005 ~ 2009	None - No relationship
Prior Owner/Operator: Raymond R. Franzek Address Unknown	1979 ~ 2009	None - No relationship

ATTACHMENT 5
BCP Application – Section VI
Previous/ Current Property Owners/ Operators
756-790 Center Street Site

Parcel Address	Approx. Date(s)	Relationship to Applicant
0 Onondaga Street (Unaddressed)		
Current Owner/Operator		
Current Owner/Operator: 7712 Group, LLC 295 Main Street, Suite 210 Buffalo, NY 14203 Phone # 716-854-0060	2012 ~ Current	Current owner
Previous Owners/Operators		
Prior Owner/Operator: Hogan & Willig, PLLC 2410 North Forest Road Suite 301 Amherst, NY 14068	2009 ~ 2012	None – no relationship
Prior Owner/Operator: Finkbeiner Edward-Diane Address Unknown	2005 ~ 2009	None - No relationship
Prior Owner/Operator: Raymond R. Franzek Address Unknown	1979 ~ 2009	None - No relationship
Prior Owner/Operator: Raymond R. Franzek (1/4 Interest Each) ET AL 738 Ridge Road Lewiston NY, 14092	1977 ~ 1979	None - No relationship

ATTACHMENT 6

BCP APPLICATION – SECTION VIII

REQUESTOR ELIGIBILITY INFORMATION

THE REQUESTOR AS A VOLUNTEER

SITE ACCESS INFORMATION

THE CONTAMINATION ELEMENT

THE COMPLICATION ELEMENT

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
756-790 Center Street Site

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Requestor as a Volunteer

A BCP applicant may be either a “Participant” or a “Volunteer.”

A “Participant” is an applicant who either (i) was the owner of the site at the time of the disposal or discharge of contaminants; or (ii) is otherwise responsible according to applicable principles of statutory or common law liability, unless such person’s liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge. NY ECL 27-1405(1)(a). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(1) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(A).

A “Volunteer” is an applicant other than a participant, including a person whose liability arises solely as a result of such person’s ownership or operation of or involvement with the site subsequent to the disposal or discharge of contaminants provided that such person exercises appropriate care with respect to the contamination. NY ECL 27-1405(1)(b). This definition is repeated verbatim at 6 NYCRR 375-3.2(b)(2) and is paraphrased in the Brownfield Cleanup Program Guide at Section 2.4(1)(B).

Since the Applicant became involved with the property after the disposal or discharge of contaminants, and has no relationship with the previous owners/operators of the Site, 7712 Group, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

Regarding Section VII, Question 11 – at this time, no unregistered bulk storage tanks are known to be present on-Site. However, it should be noted that based on the NYSDEC Spill records for the Site, at least nine (9) USTs are referenced related to the Site, and review of the NYSDEC Bulk Storage database did not include reference to the Site. If unknown bulk storage tanks are discovered during the project, the tanks will be properly registered closed-removed, in accordance with NYSDEC requirements.

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
756-790 Center Street Site

SECTION VIII – PROPERTY ELIGIBILITY INFORMATION

Property Eligibility Information

The Site meets the definition of a “Brownfield site” as set forth in New York State Environmental Conservation Law (the “ECL”). The ECL Section 27-1405(2) defines a “Brownfield site” as “any real property, where a contaminant is present at levels exceeding the soil cleanup objectives or other health-based or environmental standards, criteria or guidance adopted by the department that are applicable based on the reasonably anticipated use of the property in accordance with applicable regulations.” The regulations in 6NYCRR 375-3.3(a)(1) reiterate that a brownfield site has two elements and adds a “reasonable basis” test to each:

- (1) A brownfield site has two elements:
 - (i) There must be confirmed contamination on the property or a reasonable basis to believe that contamination is likely to be present on the property (the “Contamination Element”); and,
 - (ii) There must be a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development, use, or re-use of the property (the “Complication Element”)

Moreover, the New York State Department of Environmental Conservation BCP Eligibility Guidance dated March 2005, which is incorporated into the Brownfield Cleanup Program Guide establishes several factors that the Department considers in evaluating whether the Contamination Element and the Complication Element exist.

The Contamination Element

The Department considers the following factors with respect to the Contamination Element, to the extent they are relevant to the proposed Site:

- (A) The nature and extent of known or suspected contamination;
- (B) Whether contaminants are present at levels that exceed standards, criteria, or guidance;
- (C) Whether contamination on the proposed site is historic fill material or exceeds background levels;

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
756-790 Center Street Site

- (D) Whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or,
- (E) Whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

The Contamination Element of the BCP Eligibility Test has clearly been met in this application because:

- (A) Contamination is present on-site exceeding the anticipated use of the property – Restricted Residential Use. Soil contaminated with VOCs, SVOCs, metals, and PCBs are present on-Site exceeding Restricted Residential Use, Commercial Use, and Industrial Use Soil Cleanup Objectives.
- (B) Petroleum contaminated soils, evidenced by odors and elevated PID reading as high as 1,080 ppm are present on-Site. Vent lines are present on-Site, indicating potential USTs
- (C) Remedial activities, including removal of former USTs was completed by previous owners, as noted in the NYSDEC Spill records. Based on the subsurface investigation results, petroleum contamination is still present on-Site.

The Complication Element

The Department considers the following factors with respect to the Complication Element; to the extent they are relevant to the proposed Site:

- (A) Whether the proposed site is idled, abandoned or underutilized;
- (B) Whether the proposed site is unattractive for redevelopment or reuse due to the presence or reasonable perception of contamination;
- (C) Whether properties in the immediate vicinity of the proposed site show indicators of economic distress such as high commercial vacancy rates or depressed property values; and/or,
- (D) Whether the estimated cost of any necessary remedial program is likely to be significant in comparison to the anticipated value of the proposed site as redeveloped or reused.

ATTACHMENT 6
BCP Application - Sections VII & VIII
Requestor Eligibility Information
756-790 Center Street Site

The Complication Element of the BCP Eligibility Test has clearly been met in this application because the proposed Site is unattractive for redevelopment or reuse due to the presence of contamination. This factor is clearly established by the following:

- (A) The majority of the Site is currently vacant and underutilized.
- (B) The Site is currently unattractive for redevelopment or reuse due to the known presence of contamination and the reasonable perception that there are additional areas of contamination present on the Site related to the historic operations that will require remediation.
- (C) The site is not located in the NYS En-Zone, it is not eligible for certain local, state, and federal financial incentives.
- (D) The estimated cost to complete the BCP remedial program is considered significant in comparison to the value of the property (i.e., estimated at greater than 100% of the value of the property).

Based on the foregoing and as further set forth in this BCP application, the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP, with the Applicant as a Volunteer, because (A) there is confirmed contamination at the Site, and (B) the contamination is complicating the redevelopment and re-use of the Site.

ATTACHMENT 7

BCP APPLICATION – SECTION IX

CONTACT LIST INFORMATION

SITE CONTACT LIST

DOCUMENT REPOSITORY LETTER

ATTACHMENT 7
BCP Application Section IX
Contact List Information
756-790 Center Street Site

Niagara County Contacts:

Chairman William Ross
Niagara County Legislature
6761 Walmore Road
Niagara Falls, NY 14304

Ms. Donna Owens
Niagara Falls City Admin.
4010 Barton Street
Niagara Falls, NY 14305

Clerk Mary Jo Tamburlin
Niagara County Legislature
175 Hawley Street
Lockport, NY 14095

Mr. Jeffrey M. Glatz,
Niagara County Manager
59 Park Avenue
Lockport, NY 14094

Mr. Jonathan Schultz
Niagara Co. Emergency Services
5574 Niagara Street, PO Box 496
Lockport, NY 14094

Daniel J. Stapleton,
Public Health Director
Niagara Co. Health Dept.
5467 Upper Mountain Road, Suite 100
Lockport, NY 14094

Mr. Samuel M. Ferraro, Exec. Dir.
Niagara Co. Industrial Dev. Agency
6311 Inducon Corporate Drive
Sanborn, NY 14132

Mr. Clyde L. Burmaster,
Niagara County Legislature #1
2512 Parker Road
Ransomville, NY 14131

Wayne F. Jagow
Niagara County Clerk
175 Hawley Street, PO Box 461
Lockport, NY 14095

Victoria A. Pearson,
Deputy Public Health Director
Niagara County Health Dept.
5467 Upper Mountain Rd.
Lockport, NY 14094-1899

Amy Fisk, Env. Planner
Niagara Co. Econ. Dev.
6311 Inducon Corporate Dr.
Sanborn, NY 14132

Village of Lewiston

Mayor Terry Collesano
145 North 4th Street
Lewiston, NY 14092

Nussbaumer & Clarke Inc.
3556 Lake Shore Road
Suite 500
Buffalo, NY 14219

Norm Machelor, Chairman
Village Planning Board
145 N. 4th Street, PO Box 325
Lewiston, NY 14092

Herbert A. Downs,
Administrative Director
Niagara County Water District
5450 Ernest Rd., PO Box 315
Lockport, NY 14095

Alan Nusbaum City of Niagara Fall
Dept. of Planning/Env. Services
745 Main Street
Niagara Falls, NY 14302

Ms. Amy Salada
Village of Lewiston
Clerk/Treasurer
145 North 4th Street
Lewiston, NY 14092

Timothy Masters,
Building Inspector
1375 Ridge Road PO Box 330
Lewiston, NY 14092

ATTACHMENT 7
BCP Application Section IX
Contact List Information
756-790 Center Street Site

Town of Lewiston

Steve Broderick
Lewiston Town Supervisor
1375 Ridge Road, PO Box 330
Lewiston, NY 14092

William Conrad, Chairman
Town of Lewiston Planning Board
1375 Ridge Road, PO Box 330
Lewiston, NY 14092

GHD, Town Engineer
2055 Niagara Falls Boulevard
Suite 3
Niagara Falls, NY 14304

Local News Media:

ATTN: Aaron Besecker
The Buffalo News
1 News Plaza
Buffalo, NY 14240

WKBW-TV
7 Broadcast Plaza
Buffalo, NY 14202

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

ATTN: Env. News Desk
WGRZ TV - CH. 2
259 Delaware Avenue
Buffalo, NY 14202

ATTN: Environmental News Desk
WIVB - CH. 4
2077 Elmwood Avenue
Buffalo, NY 14207

ATTN: Michael Desmond
WNED, Env. News Desk
PO 1263, Horizons Plaza
Buffalo, NY 14240

ATTN: Tracey Drury
Business First
465 Main Street
Buffalo, NY 14203-1793

Environmental News Desk
The Niagara Gazette
310 Niagara Street
Niagara Falls, NY 14302

ATTN: Mike Hudson, Editor
Niagara Falls Reporter
1625 Buffalo Ave
Niagara Falls, NY 14303

ATTN: News Director
WLVL 1340
PO Box 477
Lockport, NY 14095-0477

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

Supplier of Potable Water:

Richard B. Coleman,
Chief Water Plant Operator
Niagara County Water District
7227 Williams Rd.
Niagara Falls, NY 14302

ATTACHMENT 7
BCP Application Section IX
Contact List Information
756-790 Center Street Site

Document Repository:

Lewiston Public Library
305 South 8th Street
Lewiston, NY 14092

Nearby Schools:

Principal Sister Margaret Sullivan
Stella Niagara Education Park
4421 Lower River Road
Stella Niagara, NY 14144

Principal Andrew Auer
Lewiston Porter Senior High School
4061 Creek Road
Youngstown, NY 14174

Principal Dean Ramirez, Ed.D
Lewiston Porter Middle School
4061 Creek Road
Youngstown, NY 14174

Principal Maureen Ingham
St. Peter Roman Catholic School
140 North 6th Street
Lewiston, NY 14092

Principal Sister Elizabeth Domin
Sacred Heart Villa School
5269 Lewiston Road
Lewiston, NY 14092

ATTACHMENT 7
BCP Application Section IX
Contact List Information
790 Center Street Site

Adjacent Property Address			Property Owner/Occupant
No.	Street	Property Use	Mailing Address
765	Fairchild Place	Fairchild Place	James F. Jerge Jr. 434 Delaware Ave Buffalo, NY 14202
765	Fairchild Place	Fairchild Place	Occupant 765 Fairchild Place Lewiston, NY 14092
780	Onondaga Street	Multi-Family Residential	James T Bush, Connie Bush 730 Page Ave. Lewiston, NY 14092
780	Onondaga Street	Multi-Family Residential	Occupants 780 Onondaga Street Lewiston, NY 14092
790	Onondaga Street	Multi-Family Residential	James A Constanzo Sr 7439 Buffalo Ave Niagara Falls, NY 14304
790	Onondaga Street	Multi-Family Residential	Occupants 790 Onondaga Street Lewiston, NY 14092
810	Onondaga Street	Two-Family Residential	Frank Nardello Constance M. Nardello 810 Onondaga Street Lewiston, NY 14092
805	Onondaga Street	Two-Family Residential	Kyle Sloma, Mark J. Allen 805 Onondaga Street Lewiston, NY 14092
160	North Eighth Street	Two-Family Residential	Shaun T. O'Leary Joanne M. O'Leary 160 North Eighth Street Lewiston, NY 14092
150	North Eighth Street	Two-Family Residential	Loretta C. Madia 150 North Eighth Street Lewiston, NY 14092
140	North Eighth Street	Two-Family Residential	Lawrence J. Stacey 140 North Eighth Street Lewiston, NY 14092
130	North Eighth Street	General Business	Sincon Realty, LLC 4617 Lower River Roads Lewiston, NY 14092

ATTACHMENT 7
BCP Application Section IX
Contact List Information
790 Center Street Site

Adjacent Property Address			Property Owner/Occupant
No.	Street	Property Use	Mailing Address
130	North Eighth Street	General Business	Occupants 130 North Eighth Street Lewiston, NY 14092
800	Center Street	General Business	Sincon Realty, LLC 4617 Lower River Roads Lewiston, NY 14092
800	Center Street	General Business	Occupants 800 Center Street Lewiston, NY 14092
--	Southeast Corner of Center Street and North 8th Street	General Business	Hibbard & Sons, Inc. 125 Portage Road Lewiston, NY 14092
791	Center Street	Retail Business	Anthony DiMino Trustee P Mary Rose Casero Trustee PO Box 805 Lewiston, NY 14092
791	Center Street	Retail Business	Occupants 791 Center Street Lewiston, NY 14092
765	Center Street	Retail Business	765 Center Street, LLC Manente Orthodontics 2840 Military Road Niagara Falls, NY 14304
765	Center Street	Retail Business	Occupants 765 Center Street Lewiston, NY 14092
755	Center Street	Retail Business	Emery J. Simon Construction Corp. 755 Center Street Lewiston, NY 14092
748	Center Street	Retail/General Business	748 Center Street, LLC 516 Morgan Drive Lewiston, NY 14092
748	Center Street	Retail/General Business	Occupants 748 Center Street Lewiston, NY 14092

ATTACHMENT 7
BCP Application Section IX
Contact List Information
790 Center Street Site

Adjacent Property Address			Property Owner/Occupant Mailing Address
No.	Street	Property Use	
742	Center Street	Retail/General Business	Nicholas V. Morreale David & Tana Beccari 988 James Drive Lewiston, NY 14092
742	Center Street	Retail/General Business	Occupants 742 Center Street Lewiston, NY 14092
725	Onondaga Street	General Business	Vincent Morreale Nicholas Morreale 988 James Drive Lewiston, NY 14092
725	Onondaga Street	General Business	Occupants 725 Onondaga Street Lewiston, NY 14092
122014	North Eighth Street	Gas Utility	National Fuel Gas Corp 122014 North Eighth Street Lewiston, NY 14092



December 30, 2015

Jill Palermo
Director
Lewiston Public Library
305 South 8th Street
Lewiston, NY 14092

Re: Document Repository for Brownfield Cleanup Program
756, 784-790 Center Street Site
Lewiston, New York

Dear Ms. Palermo:

As discussed with Charlotte Clark, thank you for agreeing to the Lewiston Public Library acting as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink, appearing to read "M. Lesakowski".

Michael A. Lesakowski
Sr. Project Manager

File: 0136-015-002

Charlotte M. Clark

From: Jill Palermo <jpale@nioga.org>
Sent: Wednesday, June 08, 2016 2:20 PM
To: Charlotte M. Clark
Subject: Fwd: Repository

----- Forwarded message -----

From: **Jill Palermo** <jpale@nioga.org>
Date: Wed, Jun 8, 2016 at 1:40 PM
Subject: Repository
To: cclark@benchmark.ees.com

Charlotte,

The Lewiston Public Library agrees to be the repository for your documents.

Thank you.



Jill

--
Jill C. Palermo
Director
Lewiston Public Library
305 South 8th Street
Lewiston, NY 14092
716-754-4720 - phone
716-754-7386 - fax

--
Jill C. Palermo
Director
Lewiston Public Library
305 South 8th Street
Lewiston, NY 14092
716-754-4720 - phone
716-754-7386 - fax

ATTACHMENT 8

BCP APPLICATION – SECTION X

LAND-USE FACTORS

SITE SUMMARY

ADJACENT LAND USE, DEVELOPMENT PATTERNS, & ZONING

ATTACHMENT 8
BCP Application – Section X
Land Use Factors
756-790 Center Street Site

SECTION X – LAND-USE FACTORS

Site Summary

The following provides a brief summary of the Site:

- The Site is located in a mixed use residential and commercial area of Lewiston, Niagara County, New York.
- The Site is comprised of three (3) adjoining tax parcels. Currently Building 1 (Parcel 1) is operated as a retail pizza shop, Building 2 (Parcel 1) can be operated as a commercial business retail/office space, Building 3 (Parcel 2) is currently operated as an antique and gift shop, and the remainder of the Site is vacant/underutilized.
- No suspected contaminant sources are currently present on-Site.
- The Site is currently zoned B-1 (General Business) and R-B-2 (Retail Business) with residential land use surrounding the Site (see Figures 2 and 7).
- The Site redevelopment plans for the construction of three (3) new mixed use residential and commercial-retail buildings, and associated parking, walkway and landscaped areas (see Figure 6). The planned future use of the Site is consistent with the local zoning plan and the surrounding land use.
- The Site has access to municipal utilities including: natural-gas, municipal sewer, electric, and public water.

Adjacent Land Use, Development Patterns, & Zoning

The Site is located in a moderately developed mixed-use commercial and residential area of the Village of Lewiston, Niagara County, New York. Land use surrounding the subject property generally includes commercial and residential use to the north, south, east, and west. Figure 7 illustrates that the Site is currently zoned for general business (B-1) and retail business (R-B-2).

The planned redevelopment for the Site coincides with the Village of Lewiston Master Plan, dated March 2004, and is reflected in the 2005 zoning map (see Figure 7). Development of commercial retail is present across Center Street to the south, and restricted residential across Onondaga Street to the north, and present less than 250-ft west of the Site. The

ATTACHMENT 8
BCP Application – Section X
Land Use Factors
756-790 Center Street Site

planned mixed use development is consistent with the surrounding land use, zoning, and local redevelopment patterns.

ATTACHMENT 9

**ELECTRONIC COPY OF BCP APPLICATION,
ATTACHMENTS AND PREVIOUS STUDIES**