

# BCP APPLICATION

C932177

**Commerce Square  
Former Harrison Radiator Bldg #3  
210 Walnut St.  
Lockport, New York**

June 2020  
rev July 23 2020  
rev Sept 3, 2020



**Requester:**

The Kearney Realty & Development Group Inc.  
Attn: Ken Kearney  
57 Route 6, Suite 207  
Baldwin Place, NY 10505  
(845) 306-7705

**Legal Counsel:**

Schnapf LLC  
Attn: Larry Schnapf  
55 East 87th Street, Suite 8B  
New York, NY 10128  
(212) 876-3189



**JADE ENVIRONMENTAL ENGINEERING, PLLC**

1135 State Route 55, Lagrangeville, NY 12540 (914) 369-1500



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

June 18, 2020 v1

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 X

If yes, provide existing site number: C932177

### PART A (note: application is separated into Parts A and B for DEC review purposes) **BCP App Rev 10**

#### Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY  
BCP SITE #:

NAME	The Kearney Realty & Development Group Inc.		
ADDRESS	57 US Route 6, Suite 207		
CITY/TOWN	Baldwin Place, New York 10505		
PHONE	845-306-7705	FAX	845-306-7707
		E-MAIL	kkearney@kearneydevelopmentgroup.com

Is the requestor authorized to conduct business in New York State (NYS)? Yes X 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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment.

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? X Investigation Remediation

No RIR is being filed at this time. The project schedule is proposed as follows:

2. File Remedial Investigation Report	October 1, 2020
File Remedial Action Plan and Alternatives Analysis	December 1, 2020
Complete Remedy and issue Remedial Closure Report	December 1, 2021
Certificate of Completion issued	May 2022

Please refer to Exhibit B for a full project Description

3. The project will include a gut rehabilitation of the 3-story slab on grade reinforced concrete industrial building into a multi-unit apartment building with limited first floor neighborhood commercial uses that support the building tenants and community.

### Section III. Property's Environmental History

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). **Please see Exhibit I 1-4**

#### 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			X
Other VOCs			X
SVOCs	X		
Metals	X		
Pesticides			
PCBs			
Other*			

\*Please Describe: Regulated chlorinated solvents, aromatics, PAHs, metals under building

#### 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

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

Chlorinated solvents and metals released to environment during manufacturing. PAHs and metals deposited on-  
Other: site as a result of building construction

## Section IV. Property Information - See Instructions for Further Guidance

PROPOSED SITE NAME      **Harrison Place**

ADDRESS/LOCATION	210 Walnut Street
------------------	-------------------

CITY/TOWN Lockport, New York 14094

**MUNICIPALITIES INVOLVED:** City of Lockport / Niagara County

COUNTY: Niagara

**SITE SIZE (ACRES)** 1.49 ac. [64,733 sq. ft]

LATITUDE (degrees/minutes/seconds)  
**43° 10' 09" N**

LONGITUDE (degrees/minutes/seconds)  
**78° 41' 12" W**

**Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed, 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 far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.**

## Parcel Address

Section No.

Block No.

Lot No.

### Subplot

210 Walnut Street, Lockport

109.14

4

p/o 20.1

1. Do the proposed site boundaries correspond to tax map metes and bounds? ☐ Yes ☒ No  
If no, please attach an accurate map of the proposed site.

2. Is the required property map attached to the application? ☒ Yes ☐ No  
(application will not be processed without 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) Yes ☒ No ☐

If yes, identify census tract : 237

Percentage of property in En-zone (check one): ☐ 0-49% ☐ 50-99% ☒ 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)? ☐ Yes ☒ 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? ☐ Yes ☒ 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? ☐ Yes ☒ No  
If yes, attach relevant supporting documentation.

7. Are there any lands under water? ☐ Yes ☒ No  
If yes, these lands should be clearly delineated on the site map.

#### 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

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

Type

Issuing Agency

Description

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

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**? X Yes No

**Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City**

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? ☒ Yes No

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

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

**NOTE:** If a tangible property tax credit 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 by 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: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE <b>Ken Kearney</b>			
ADDRESS <b>57 Route 6; Suite 207</b>			
CITY/TOWN <b>Baldwin Place, New York 10505</b>			
PHONE <b>845-306-7705</b>	FAX <b>845-306-7707</b>	E-MAIL <b>kkearney@kearneyrealtygroup.com</b>	
NAME OF REQUESTOR'S CONSULTANT <b>Jade Environmental Engineering, PLLC</b>			
ADDRESS <b>14 Ridgcrest Dr</b>			
CITY/TOWN <b>Wingdale, NY 12594</b>			
PHONE <b>914-369-1500</b>	FAX	E-MAIL <b>dave@jadeenv.com</b>	
NAME OF REQUESTOR'S ATTORNEY <b>Larry Schnapf</b>			
ADDRESS <b>55 East 87th St., Suite 8B</b>			
CITY/TOWN <b>New York, NY 10128</b>			
PHONE <b>212-876-3189</b>	FAX	E-MAIL <b>larry@schnapflaw.com</b>	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b>			
CURRENT OWNER'S NAME	<b>210 Walnut Street, LLC (aka GLDC)</b>	OWNERSHIP START DATE:	<b>2008</b>
ADDRESS <b>210 Walnut Street</b>			
CITY/TOWN	<b>Lockport</b>	ZIP CODE	<b>14094</b>
PHONE <b>(716) 439-6688</b>	FAX <b>(585) 343-7096</b>	E-MAIL <b>bs@lockportny.gov</b>	
CURRENT OPERATOR'S NAME <b>Mancuso Development Group</b>			
ADDRESS <b>210 Walnut St</b>			
CITY/TOWN	<b>Lockport</b>	ZIP CODE	<b>14094</b>
PHONE <b>(585) 343-2800</b>	FAX <b>(585) 343-7096</b>	E-MAIL <b>tom@mancusogroup.com</b>	
<p>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". See Exhibit E</p> <p>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 Exhibit E</p>			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b>			
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 which require registration? ☐ 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?

X Yes No

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

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

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 # 932141 Class # N
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

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.
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). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.



## Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? I-3 INDUSTRIAL

What uses are allowed by the current zoning? (Check boxes, below)

☐ 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?

☐ 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

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

## XI. 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 the 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: \_\_\_\_\_

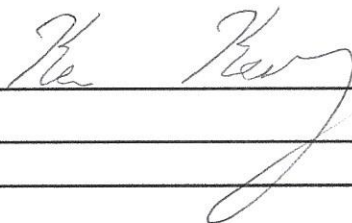
Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

(By a requestor other than an individual)

I hereby affirm that I am President (title) of The Kearney Realty & Development Group Inc. (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: (1) to execute a 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 the 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: 8/31/2020

Signature: 

Print Name: Ken Kearney

### 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:** Commerce Square  
**City:** Lockport, New York

**Site Address:** 210 Walnut Street  
**County:** Niagara **Zip:** 14094

**Tax Block & Lot**

**Section (if applicable):** 109 **Block:** 14 **Lot:** p/o 20.1

**Requestor Name:** The Kearney Realty & Development Group LLC.  
**City:** Baldwin Place, New York

**Requestor Address:** 57 US Rt 6 Suite 207  
**Zip:** 10505 **Email:** kkearney@kearneydevelopmentgroup.com

**Requestor's Representative (for billing purposes)**

**Name:** Ken Kearney  
**City:** Baldwin Place, New York

**Address:** 57 Route 6; Suite 207

**Zip:** 10505 **Email:** kkearney@kearneyrealtygroup.com

**Requestor's Attorney**

**Name:** Larry Schnapf  
**City:** New York

**Address:** 55 East 87th Street Suite 8B

**Zip:** 10128 **Email:** larry@schnapflaw.com

**Requestor's Consultant**

**Name:** Jade Environmental Engineering, PLLC  
**City:** Lagrangeville

**Address:** 1135 Route 55 Suite 1

**Zip:** 12540 **Email:** dave@jadeenv.com

**Percentage claimed within an En-Zone:** ☐ 0% ☐ <50% ☐ 50-99% ☒ 100%

**DER Determination:** ☐ Agree ☐ Disagree

**Requestor's Requested Status:** ☒ Volunteer ☐ Participant

**DER/OGC Determination:** ☐ Agree ☐ Disagree

Notes:

**NYC Tangible Credits Not Applicable**

☐ ☐

**Does Requestor Claim Property is Upside Down:** ☐ Yes ☒ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Property is Underutilized:** ☒ Yes ☐ No

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Does Requestor Claim Affordable Housing Status:** ☐ Yes ☐ No ☒ Planned, No Contract

**DER/OGC Determination:** ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

**Brownfield Cleanup Program Application Addendum  
rev July 23, 2020**

**PROPOSED HARRISON PLACE  
210 Walnut Street  
Lockport, New York 14094**

**COMMERCE SQUARE  
[Former Harrison Radiator Bldg #3]  
210 Walnut St, Lockport, New York**

**In addition to the application on the following page, the  
application includes an addendum organized as follows:**

Exhibit A - Requestors DOS print out and list of corporate members

Exhibit B – Project Description / Proposed Layout Each Floor

Exhibit C – Environmental History

Exhibit D - Surveyors Plat and Tax Map/ USGS Map - Maps

Exhibit E - Previous Owners and Operators Relationship to Seller

Exhibit F – Access Authorization Letter / Library Depository Letter

Exhibit G - Zoning - Zoning revision to Downtown District

Exhibit H – Citizen Participation Plan / Contact List - rep affirm letter

Exhibit I – Prior Assessments (see additional files)

1. 2019 - Jade Limited Phase II ESA - Site Specific

See Efile 1 of 4

2. 2010 - DEC Contract Assessment - Site Specific

See Efile 2 of 4

3. 2010 - Pan American UST Assessment - site wide

See Efile 3 of 4

4. 2006 - Pan American Phase I ESA - site wide

See Efile 4 of 4

Efiles 1 - 4 are included as separate files

**Exhibit A (Part A)**  
**Requestors DOS Statement**  
**and list of corporate members**

**SECTION 1 - REQUESTORS INFORMATION**

The Requestor is The Kearney Realty and Development Group Inc., a New York Corp, located at 57 US Rt 6, Baldwin Place, New York 10505. The Kearney Realty and Development Group Inc. is authorized to do business in the State of New York. NYSDOS Entity Information is attached below.

The sole members of Requestor, The Kearney Realty and Development Group LLC., are Ken Kearney and Sean Kearney. The Written Consent provides Ken Kearney, President and Member with authority to sign all Brownfield Cleanup Program ("BCP") documents on behalf of the Requestor.

Requestor is a contract vendee for the brownfield site and will acquire title following execution of the brownfield cleanup agreement. The current owner of the site, 210 Walnut St, LLC has granted full access to the Site to perform investigation and remediation work required by NYSDEC. See Exhibit D, Site Access Agreement.

The Requestor qualifies as a volunteer because

- (i) it has performed a Phase I ESA that complies with the EPA All-Appropriate Inquiries Rule (40 CFR 312),
- (ii) all disposals/releases of hazardous substances occurred prior to the time of ownership
- (iii) the Requestor does not have affiliation with potentially responsible parties. (City of Lockport or General Motors dba Delphi Corp).

After acquiring title, Requestor will exercise appropriate care by implementing all of the requirements of the BCP

All documents will be certified by a New York State licensed engineer as required.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through May 29, 2020.

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Selected Entity Name: THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

Selected Entity Status Information

**Current Entity Name:** THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

**DOS ID #:** 1902865

**Initial DOS Filing Date:** MARCH 14, 1995

**County:** PUTNAM

**Jurisdiction:** NEW YORK

**Entity Type:** DOMESTIC BUSINESS CORPORATION

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

34 CLAYTON BLVD., SUITE A

BALDWIN PLACE, NEW YORK, 10505

**Chief Executive Officer**

KENNETH E KEARNEY

34 CLAYTON BLVD., SUITE A

BALDWIN PLACE, NEW YORK, 10505

**Principal Executive Office**

THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

34 CLAYTON BLVD., SUITE A

BALDWIN PLACE, NEW YORK, 10505

**Registered Agent**

NONE

This office does not record information regarding the  
names and addresses of officers, shareholders or

directors of nonprofessional corporations except the chief executive officer, if provided, which would be listed above. Professional corporations must include the name(s) and address(es) of the initial officers, directors, and shareholders in the initial certificate of incorporation, however this information is not recorded and only available by [viewing the certificate](#).

### \*Stock Information

# of Shares	Type of Stock	\$ Value per Share
200	No Par Value	

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
MAR 14, 1995	Actual	THE KEARNEY REALTY & DEVELOPMENT GROUP INC.

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.

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## SECTION II

## PROJECT DESCRIPTION

### Property Background

The proposed name for this gut rehab is ***Harrison Place*** in honor of the inventor Herbert Harrison, who in 1914 established a factory at this location. The proposed redevelopment includes converting building #3 of the Lockport Industrial Park into an affordable housing facility with some ground-level community commercial space. This three-story (400' by 150') reinforced concrete industrial structure includes an atrium with an overhead peaked skylight, both extending the length of the building and flooding it with natural light. The atrium was originally designed to allow a gantry crane to transport heavy loads from one end of the building to the other, this includes between floors and above.

### Project Description

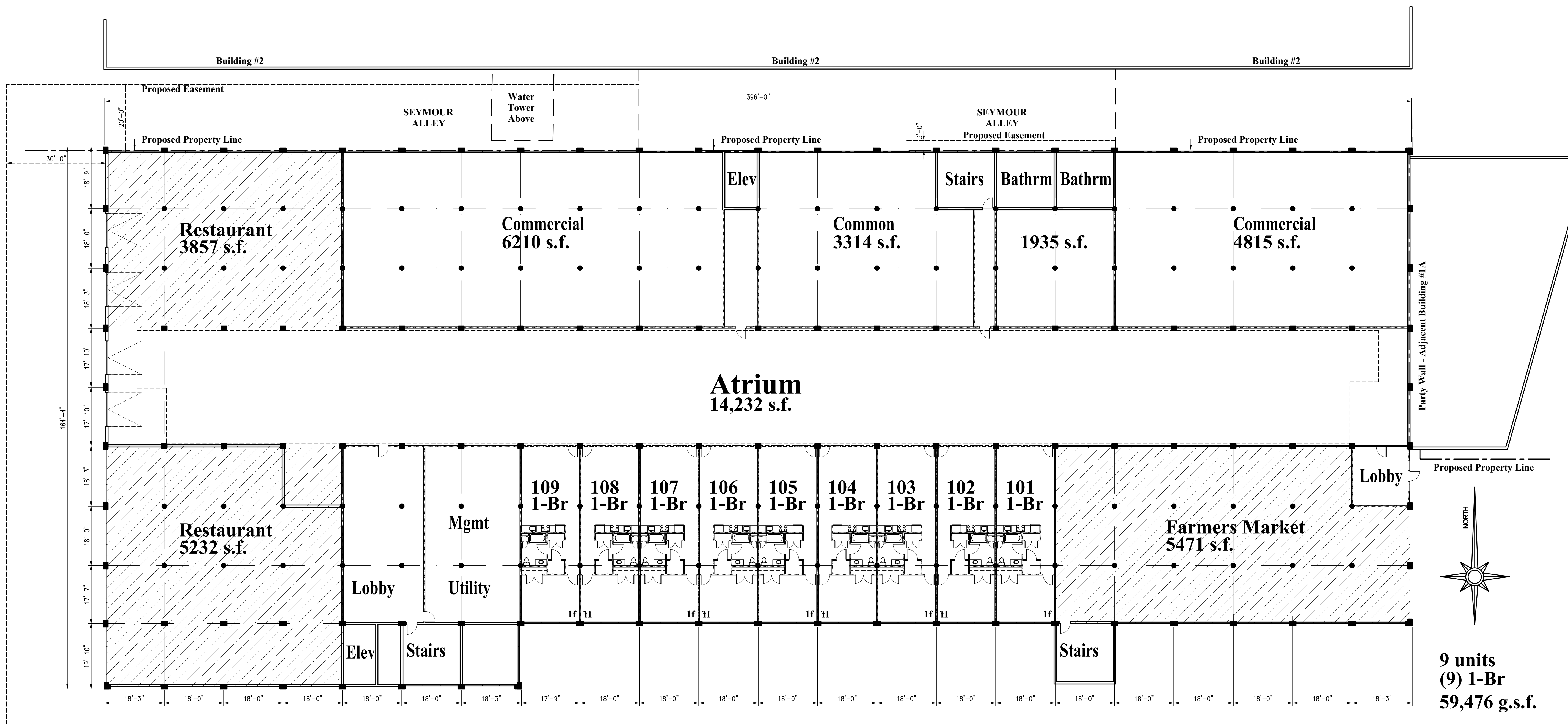
The proposed first-floor community retail uses include the existing farmers market, which operates on weekends, a restaurant or possibly a distillery with a restaurant component, a bank, medical/dental offices, grocery, or other office / retail uses that can enhance the lives and daily needs of the building tenants would be ideal. (*See interior layouts attached hereto*).

Once the remedial program has been implemented to the extent that it will no longer interfere with construction activities, the entire reinforced concrete building will be gutted. The structural components are to be abated as necessary and the structure built out as described. Testing by a local licensed inspector deemed the roofing system free of asbestos and in relatively good shape.

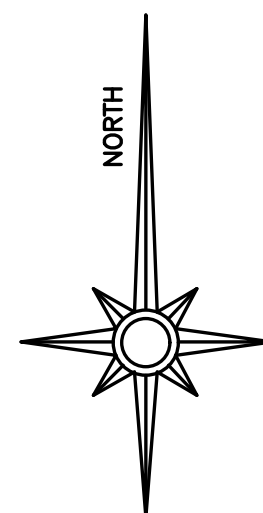
### Schedule

The relatively good condition of the building's infrastructure is the basis of our time estimation and schedule defined below:

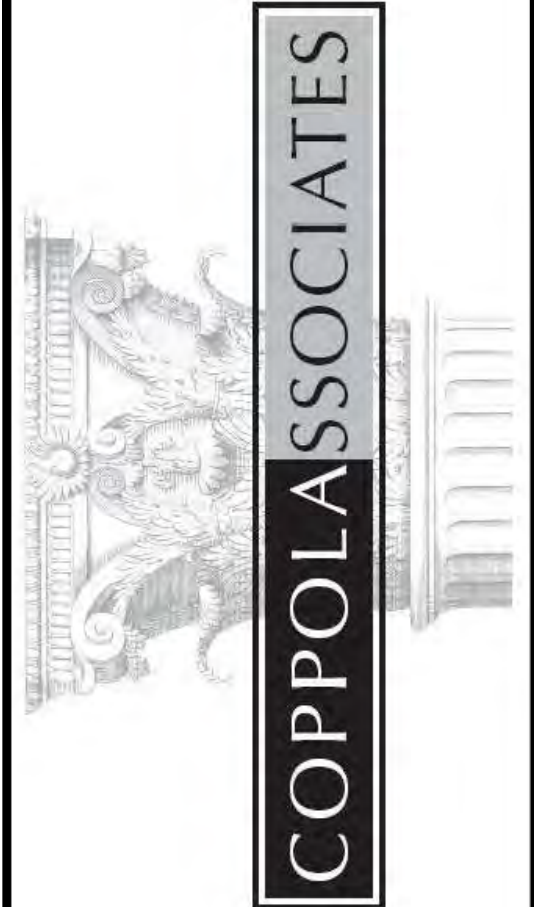
- |  |             |
|--|-------------|
| 1. Remedial Investigation Report Filing (3 months)     | Dec 1, 2020 |
| 2. RAP & AAF (3 months)                                | Feb 1, 2021 |
| 3. Complete Remedy / Remedial Closure (12 months)      | Feb 1, 2022 |
| 4. Issuing of the Certificate of Completion (3 months) | May 2022    |



**1 First Floor Plan**  
**A1** Scale: 1/16"=1'-0"



**9 units**  
**(9) 1-Br**  
**59,476 g.s.f.**



**Design, Architecture & Planning**  
6 Old North Plank Road  
Suite 101  
Newburgh, NY 12550  
TEL: 845-561-3559  
FAX: 845-561-2051  
ajcoppola@coppola-associates.com

**059L**  
LICENSE NUMBER: 018849

**PROPOSED MULTIFAMILY  
CONVERSION AT**

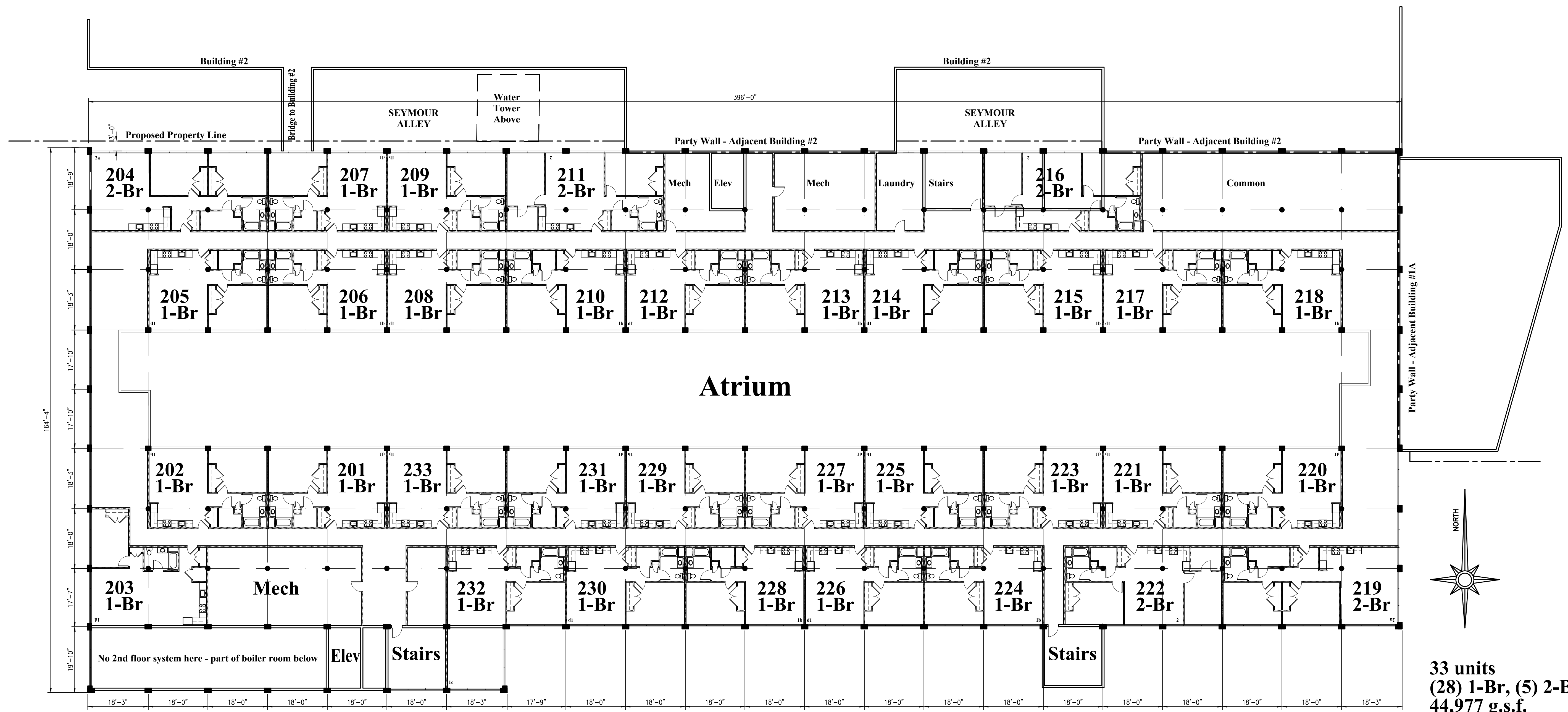
**Harrison Place**

210 Walnut Street  
Lockport, NY

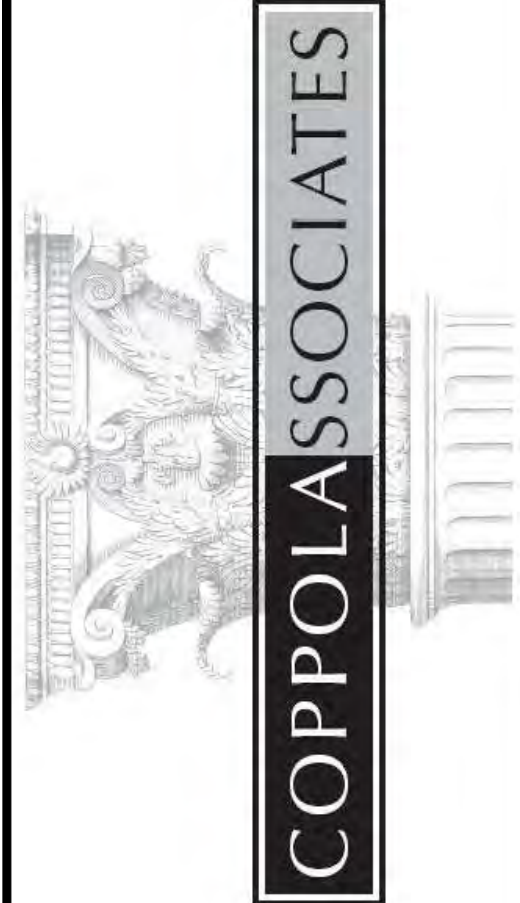
**FIRST FLOOR  
PLAN**

REVISIONS	
DATE	
3/13/20	
PROJECT NUMBER	
19-13	
SHEET NUMBER	

**A1**



1 Second Floor Plan  
A2 Scale: 1/16"=1'-0"



Design, Architecture & Planning  
6 Old North Plank Road  
Suite 101  
Newburgh, NY 12550  
TEL: 845-561-3559  
FAX: 845-561-2051  
ajcoppola@coppola-associates.com

059L  
LICENSE NUMBER: 018849

PROPOSED MULTIFAMILY  
CONVERSION AT

Harrison Place

210 Walnut Street  
Lockport, NY

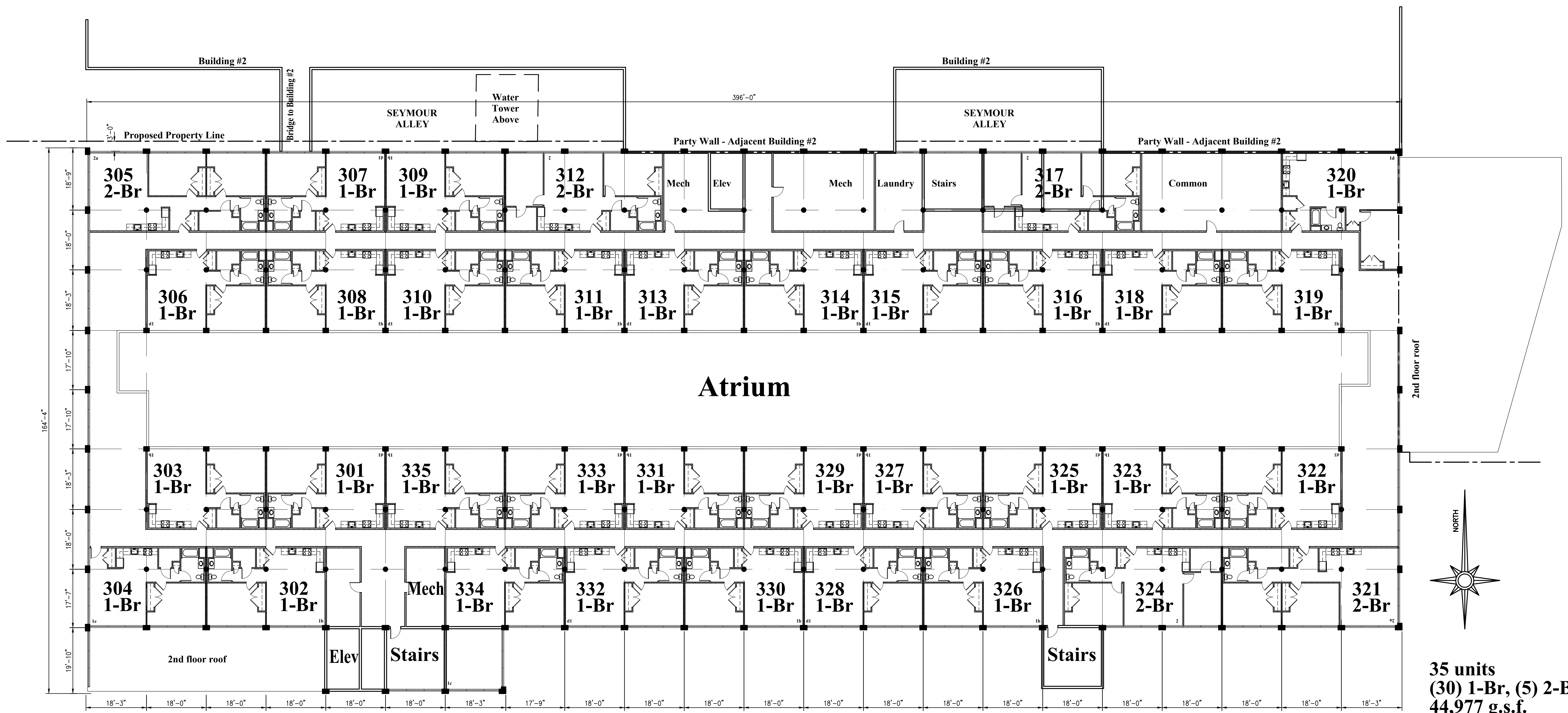
SECOND FLOOR  
PLAN

REVISIONS	
DATE	
PROJECT NUMBER	
SHEET NUMBER	

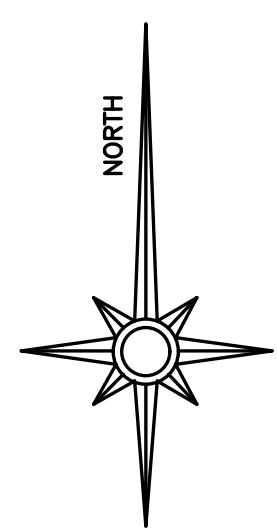
A2

33 units  
(28) 1-Br, (5) 2-Br  
44,977 g.s.f.

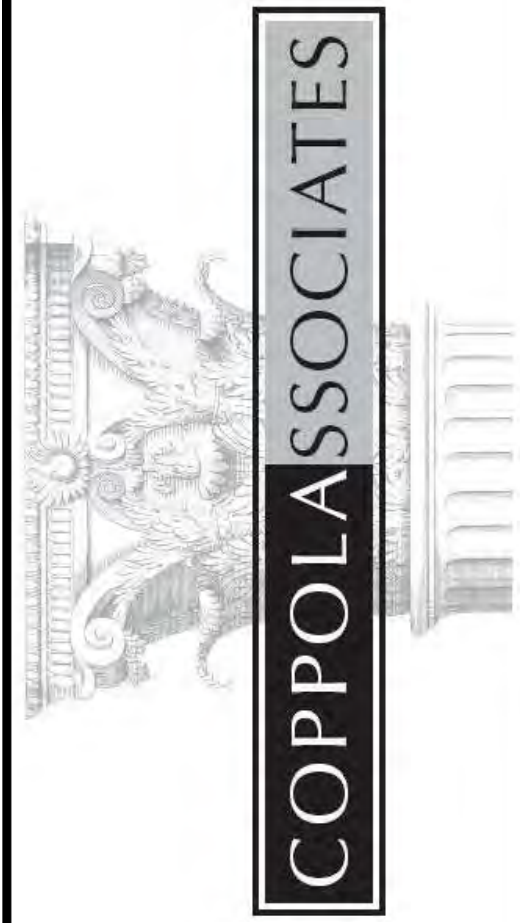




**1 Third Floor Plan**  
**A3** Scale: 1/16"=1'-0"



35 units  
(30) 1-Br, (5) 2-Br  
44,977 g.s.f.



Design, Architecture & Planning  
6 Old North Plank Road  
Suite 101  
Newburgh, NY 12550  
TEL: 845-561-3559  
FAX: 845-561-2051  
ajcoppola@coppola-associates.com

**059L**  
LICENSE NUMBER: 018849

PROPOSED MULTIFAMILY  
CONVERSION AT

**Harrison Place**

210 Walnut Street  
Lockport, NY

**THIRD FLOOR  
PLAN**

REVISIONS	
DATE	
3/13/20	
PROJECT NUMBER	
19-13	
SHEET NUMBER	

**A3**

### SECTION III

### Property's Environmental Assessment and History

The following environmental assessments have been completed at this site. Only two include site-specific data (i.e. Building #3). The balance of the report's Detail Assessment was conducted sitewide and whole (five buildings total in Commerce Square).

- **2019 - Jade Limited Phase II ESA – Building #3 only**
- **2010 - DEC Contract Assessment**
- **2010 - Pan American Phase II Bulk Storage Assessment – sitewide**
- **2006 - Pan American Phase I ESA – sitewide**

Based on past testing activities in 2010 by the NYSDEC (which included twenty-seven probes, but only two soil samples) and the most recent limited site investigation by **Jade Environmental Engineering PLLC.** (“Jade”) in 2019 (which consisted of six sub-slab samples, six shallow soil samples and five soil gas samples), the following has been identified for this site:

Subsurface & Grading	Depending on the location, the subsurface beneath the building was determined to consist of a bed of coal ash or sand. This bed was measured up to 2” thick and was used to grade and level the site before pouring the building slab. Throughout the site, the slab was on average 7” thick, varying about an inch or two, with a maximum thickness of 12”. Beneath the grading material and above a consistently dark brown slit formation was up to several feet of disturbed soil and debris. The undisturbed sea bottom formation includes fine sand lenses that act as preferential routes of contaminant migration to the aquifer. The formation points laterally, having the capacity to transport contaminants to adjacent buildings. This represents a concern with respect to volatilization and vapor intrusion. The static groundwater level has been determined to be 6 to 7’ below grade.
Demolition Debris	In one area beneath the slab, demolition debris was identified as deep as 12’ below the building. The debris can be attributed to a small school structure that occupied the site before the building’s construction from 1920-22. Overall, the amount of disturbed fill and debris identified indicates the import and deposition of soil/debris to grade the site for the construction of existing improvements.
Soil Contaminants	The most recent testing documented a layer of pure coal ash (presumably obtained from the former steam plant adjacent to the site). This pure coal ash was used to grade portions of the inside of the building level before the pouring of the slab. In one location, alongside a clay-like pot (likely associated with historic manufacturing processes), the ash was measured about 2’ in-depth. Testing of the soil beneath the ash indicated that <b>PAHs</b> alongside various metals are leaching from the ash and into the underlying soil. Because the formation is protected from stormwater percolation, the leaching has been minimal. Levels of Lead and Barium in addition to several poly-nuclear aromatics typical of residual unburned hydrocarbon-based products were measured in this soil above applicable NYSDEC’s <b>Restricted Residential Soil Cleanup Objectives</b> (“RRSCOs”). Maps attached hereto include Spider Maps summarizing the soil analysis results. Of note, no PCBs were identified in the site soil. Note that no analysis for pesticides has yet to be conducted. The two shallow soil samples collected in 2010 by the DEC delivered remarkably similar results. Soil vapor samples collected during the recent 2019 sampling event documented solvent contamination under the building approaching three orders of magnitude in excess of the NYS Department of Health’s (“NYSDOH”) <i>Soil Vapor / Indoor Air Matrix A</i> . Amongst other hydrocarbons, the industrial solvents <b>tetrachloroethylene</b> (“PCE”), <b>trichloroethylene</b> (“TCE”), and <b>dichloroethylene</b> (“DCE”) were all measured at elevated levels, with TCE being measured at 2,100 µg/m <sup>3</sup> . Although high volatile organics were identified in soil gas, VOCs in the soil were measured at levels below the state RRSCOs. Additional investigation is needed to locate the source of the soil gas contamination
Groundwater Contamination	No site-specific groundwater investigation has been conducted to date. However, the 2010 NYSDEC’s site-wide assessment did identify groundwater directly downgradient from Bldg. #3, containing a measured TCE concentration of approximately 3,000 <i>ppb</i> . In accordance with applicable regulations, this concentration exceeds the state's standard for Principal Organic

Compounds, which is set at 5 *ppb* (noted in **TOGS1.1**) by almost three orders of magnitude. Additional investigation will be needed to locate the source of the TCE concentration within the groundwater.

Due to the property being used as a public storage facility at the time of our 2019 assessment; the lab data for this site is nominal. As such, site contamination has yet to be delineated. A remedial investigation program will include a comprehensive geophysical survey probe with the purpose of locating any subsurface utilities beneath the building in addition to any formation features such as areas where entities may have been removed and backfilled (such as USTs, sumps, etc.) Per the survey probe results, locations will be addressed where contaminants can most likely be identified. Then, by using standard gridding techniques, the balance of the site will be assessed, and the subsequent data will be used to help identify hotspots beneath the building slab.

*\*Find attached hereto various maps, including Spider Maps depicting where sampling was conducted, and the exceedances encountered thus far*

# HARRISON RADIATOR PLANT BUILDING #2

ELEVATED WATER TANK

SEYMOUR

UPPER FLOORS CONNECTED

ALLEY

UPPER FLOORS CONNECTED

GARAGE DOOR

2,500 GAL DETERGENT UST CLOSED 1960

TP-3 (VAPOR)

TP-1 (VAPOR)

TP-4 (VAPOR)

TP-4 (1'-2')

TP-3 (1'-2')

TP-1 (1'-2')

LOADING DOCK  
4 PIERS DEEP

PEAKED GLASS SUNROOF OVER MAIN GALLEY

HARRISSON RADIATOR PLANT #3

RAMP

COGEN PLANT

STAIRWELL TO CELLAR

TP-6 (VAPOR)

TP-5 (1'-2')

TP-6 (1'-2')

TP-7 (1'-2')

TP-5 (VAPOR)

UNKNOWN POT

UNKNOWN POT

FARM MARKET SPACE

(WATER SAMPLED - NO CONT.)

REMNANT STEAM AND ELECTRICAL GENERATORS

GARAGE DOOR

POTENTIAL PARKING SPOTS

POTENTIAL PARKING SPOTS

STAIRWELLS

SOUTH STREET

WASHBURN STREET

THREE (3) 20,000 GAL FUEL OIL USTS REMOVED 1987  
2010 PHASE II INDICATES REMEDIATION REQUIRED

POSSIBLE LIMITS OF RESIDUAL PAH  
CONTAMINATION MEASURED.  
ASH AND CINDER NOTED DURING  
SAMPLING AT TP-4 AND TP-6

## SVOC CONTAMINATION LIMITS

BLDG #3 HARRISON RADIATOR PLANT

210 WALNUT STREET [A.K.A. CTY HWY 31]

LOCKPORT, NEW YORK 14094

JADE ENVIRONMENTAL, INC. DEC 20, 2019

NOT TO SCALE



# HARRISON RADIATOR PLANT BUILDING #2

PCE - 301  
TCE - 65.2  
cDCE - 19.5

PCE - 2,310  
TCE - 607  
cDCE - 6.38

PCE - 29.5  
TCE - 259.0  
cDCE - 82.4

SEYMOUR

UPPER FLOORS CONNECTED

ALLEY

UPPER FLOORS CONNECTED

GARAGE DOOR

2,500 GAL DETERGENT UST CLOSED 1960S

TP-3 (VAPOR)

TP-1 (VAPOR)

TP-4 (VAPOR)

TP-4 (1'-2')

TP-3 (1'-2')

TP-1 (1'-2')

LOADING DOCK  
4 PIERS DEEP

PEAKED GLASS SUNROOF OVER MAIN GALLEY

HARRISON RADIATOR PLANT #3

RAMP

COGEN PLANT

STAIRWELL TO CELLAR

TP-6 (VAPOR)

TP-5 (1'-2')

TP-6 (1'-2')

TP-7 (1'-2')

TP-5 (VAPOR)

REMNAINT STEAM AND ELECTRICAL GENERATORS

FARM MARKET SPACE

GARAGE DOOR

POTENTIAL PARKING SPOTS

POTENTIAL PARKING SPOTS

STAIRWELLS

PCE - 480  
TCE - 505  
cDCE - 0.92

SOUTH STREET

PCE - 307  
TCE - 1,040  
cDCE - 9.99

WASHBURN STREET

THREE (3) 20,000 GAL FUEL OIL USTS REMOVED 1987  
2010 PHASE II INDICATES REMEDIATION REQUIRED

SOLVENT VAPOR MAP

BLDG #3 HARRISON RADIATOR PLANT

210 WALNUT STREET [A.K.A. CTY HWY 31]

LOCKPORT, NEW YORK 14094

JADE ENVIRONMENTAL, INC. DEC 20, 2019

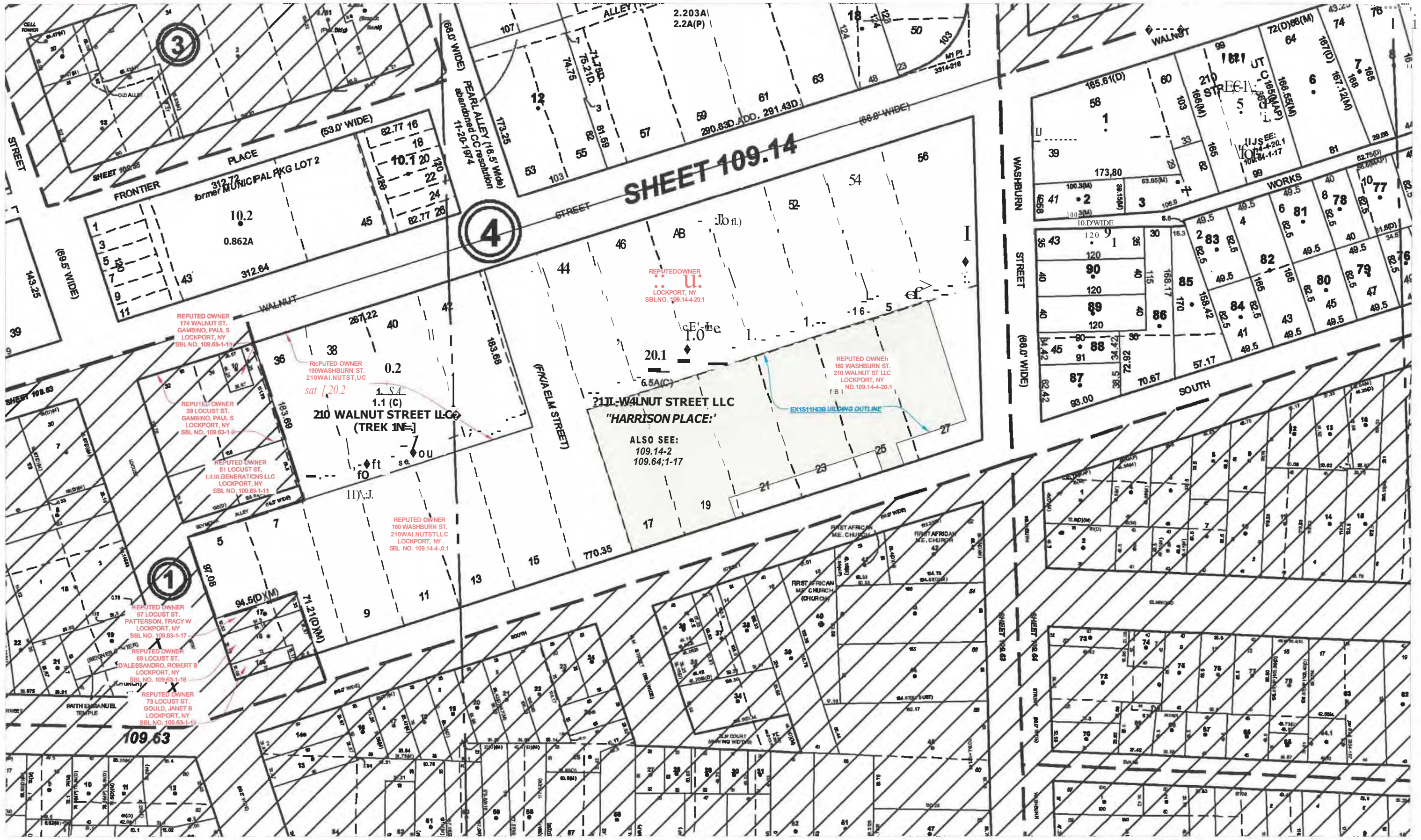
NOT TO SCALE

## SECTION IV

### Property Information

Location	The proposed project is located in the southeast corner of the former <i>Harrison Radiator Factory</i> set in the northwest corner at the intersection of South & Washburn Street which is just south of Main Street in downtown Lockport, the county seat of Niagara County, New York.
Site Features	The outer edge of the building's concrete exoskeleton will demark the building property lines. Additional access provisions will be provided via a 20' easement north of the building and a 30' easement on the west side of the building. Upper structural crossovers will be demarcated by locking exterior fire-retardant doors. The existing elevated water tanks will remain in place and an existing skylight that traverses the entire length of the roof and floods the building with light will be restored. A small basement (50' by 50') in the southwest corner of the building and beneath the abandoned cogeneration plant will be utilized for mechanical space. Approximately 10% of the ground floor in the southeast corner has been secured via glass curtain walls and renovated into a farmer's market which operates on weekends. The balance of the first floor is not secured and therefore is rented to the public for refuse storage. The upper floors are mostly empty, and the building has lighting. However, other than space heaters in the market, there is no heat.
Current Zoning & Land Use	The property is zoned as <i>I-3 Industrial</i> . A local consulting firm has been retained and has filed a zoning variance to change the zoning for this building to <i>Downtown Commercial</i> which will permit a mix of residential and commercial uses.
Past Use of the Site	The building was opened by Harrison in 1922 to support the manufacture of radiators. By 1928, the company had reportedly produced three-million radiator units in addition to other various auto parts made from brass. A foundry was not identified in this building. However, prior Phase II reports indicate the stamping, bending, heating, and fabrication of metal components, as well as the cleaning and painting of parts, their assembly and packaging, and the shipping of final components. Being a manufacturing domain, it is expected that some area of the property was also used to test and inspect products. The offices for the factory were reportedly located in two smaller buildings both adjacent east and northeast of the property. A cogeneration plant occupied the southwest corner of the building and the cellar space beneath it. The plant burned both coal and fuel oil to generate steam-power for the required heat and electricity needed to run the plant. Some of this electricity was reportedly sold to the local market. The plant converted to natural gas in the 1960s before it was abandoned in the 1980s. To some degree, most equipment has been dismantled and scavenged for valuable metals. The middle of the plant was open from floor to ceiling. This ceiling included a peaked glass skylight that flooded the building with natural light. The open area was also fully accessible to a large gantry that could lift heavy loads from the first floor to the other end of the building, or to the upper floors for packaging and shipping. The gantry remains folded up overhead at the east end of the building.
Site Geology & Hydrogeology	Multiple assessments have documented at least several feet of fill across the site that was likely used to grade the building pad after prior structures (including homes, barns, and a schoolhouse) were removed. The first 1-2' of grading material beneath the building included brown sand or coal ash. This ash was likely generated by the former municipal cogeneration plant that occupied the parking lot west of the building. Beneath the ash is either disturbed original soil or imported fill that originated locally based on its resemblance to native soils. This soil includes stratified layers of silt and clay interbedded with sand lenses that contain water and act like circuitry, moving water around the area. The silt extends very consistently between 10' and 11' below grade where hard material was reportedly encountered. However, some prior reports indicate that the hard material is not rock, and that actual bedrock is feet below grade. Across the site, groundwater is shallow and encountered consistently between 6' and 7' below grade. Prior groundwater investigations document that groundwater flows northwest towards the Erie Canal which traverses downtown Lockport about 500 yards from the building. No known testing has been conducted to ascertain aquifer transmissivity, soil permeability, or groundwater flow directions other than horizontally northwest. Because heavy contamination has been identified in wells downgradient of the building, additional source investigation is warranted for this site.





10.11	10.11
10.11	10.11
10.11	10.11
10.11	10.11

CD

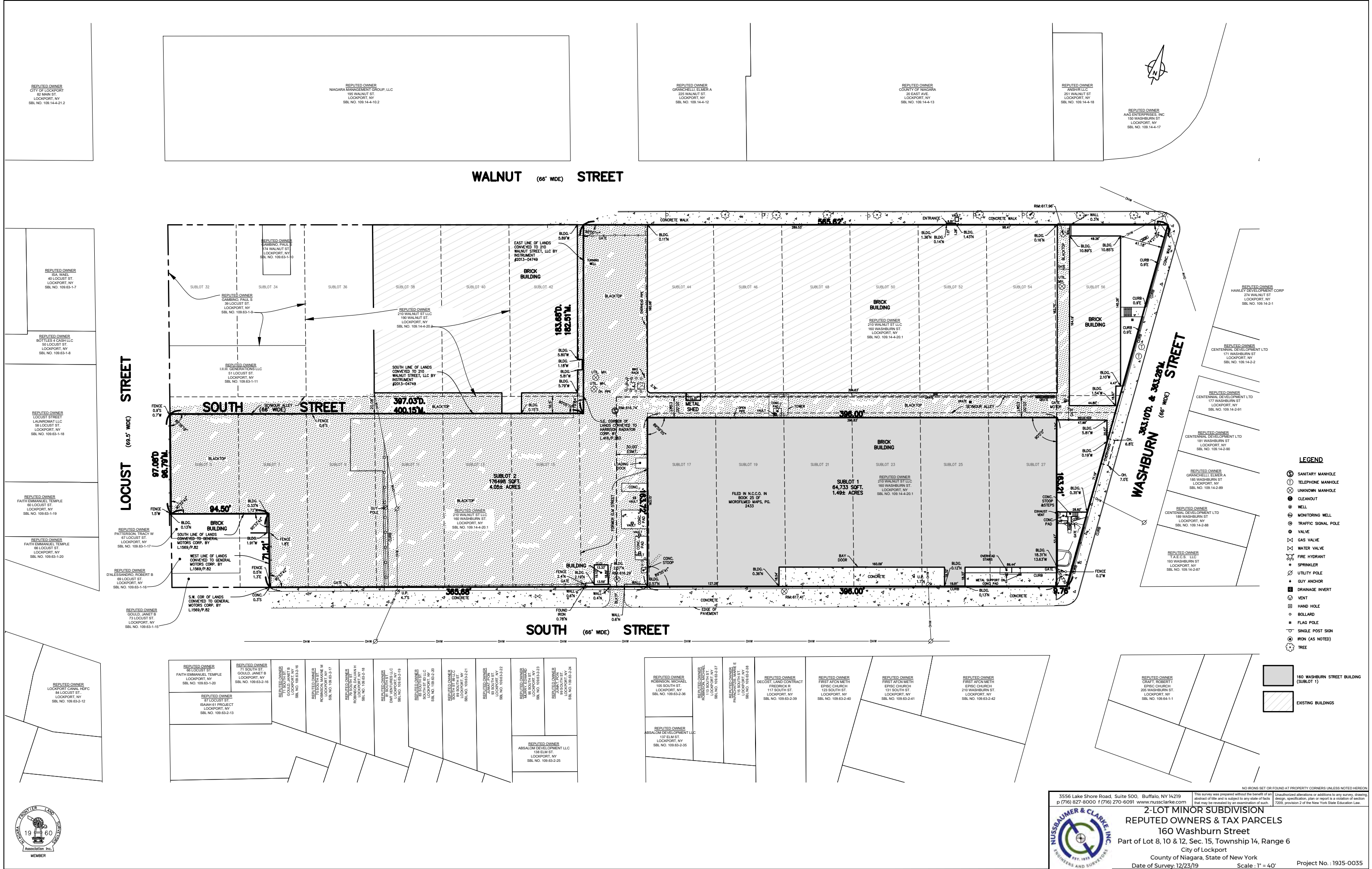
TAX MAP  
CITY OF LOCKPORT  
NIAGARA COUNTY, NEW YORK

109.14



2-LOT MINOR SUBDIVISION  
TAX MAP WITH REPUTED OWNERS  
160 Washburn Street  
Part of Lot 8, 10 & 12, Sec. 15, Township 14, Range 6  
City of Lockport  
County of Niagara, State of New York  
Not to Scale



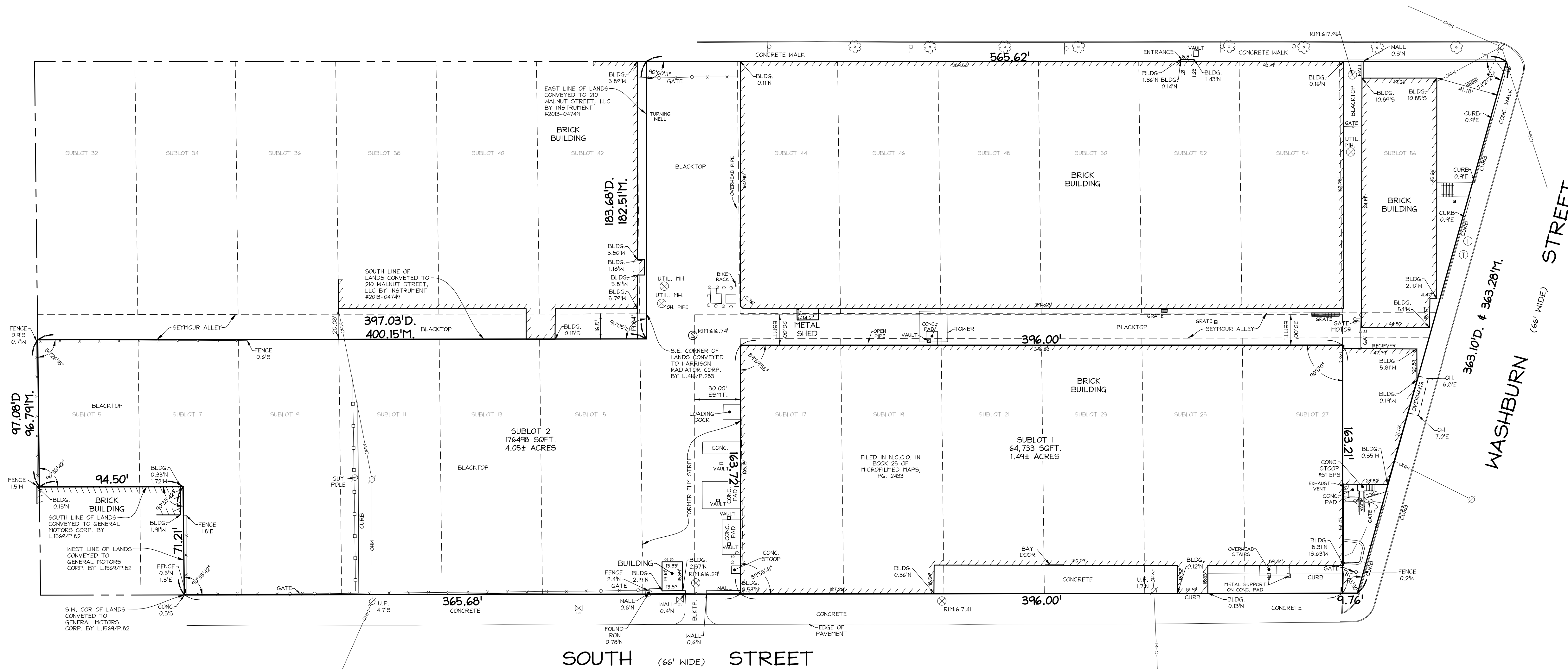




LOCUST STREET  
(64.5' WIDE)

WALNUT STREET  
(66' WIDE)

WASHBURN STREET  
(66' WIDE)



LEGEND

- ⊕ SANITARY MANHOLE
- ⊕ TELEPHONE MANHOLE
- ⊕ UNKNOWN MANHOLE
- ⊕ CLEANOUT
- ⊕ WELL
- ⊕ MONITORING WELL
- ⊕ TRAFFIC SIGNAL POLE
- ⊕ VALVE
- ⊕ GAS VALVE
- ⊕ WATER VALVE
- ⊕ FIRE HYDRANT
- ⊕ SPRINKLER
- ⊕ UTILITY POLE
- ⊕ GUY ANCHOR
- ⊕ DRAINAGE INVERT
- ⊕ VENT
- ⊕ HAND HOLE
- ⊕ BOLLARD
- ⊕ FLAG POLE
- ⊕ SINGLE POST SIGN
- ⊕ IRON (AS NOTED)
- ⊕ TREE

NOTES

- ELEVATIONS ARE BASED UPON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
- THE LOCATION OF ANY UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE AND ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO ANY CONSTRUCTION ACTIVITIES, ALL UTILITY COMPANIES SHOULD BE NOTIFIED IN ORDER TO VERIFY OR AMEND THEIR LOCATIONS AND/OR EXISTENCE. FOR ASSISTANCE CALL UPD AT 1-800-462-7962.
- A DESIGN TICKET WAS CREATED FOR THIS PROJECT AT DIGSAFE1.NEOTORK.COM.  
TICKET #1219-541-005:  
NATIONAL GRID - WEST - ELECTRIC; HAS RESPONDED, STATES NO UNDERGROUND FACILITIES ON PREMISES.  
VERIZON - BUFFALO; HAS NOT RESPONDED.  
NYSEG LOCKPORT ELECTRIC; HAS NOT RESPONDED.  
NYSEG LOCKPORT GAS; HAS NOT RESPONDED.  
NYS DOT BUFFALO REGION 5; HAS NOT RESPONDED.  
TIME WARNER CABLE - BUFFALO; HAS RESPONDED, STATES NO UNDERGROUND FACILITIES ON PREMISES.  
CITY OF LOCKPORT; HAS NOT RESPONDED.

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



**2-LOT MINOR SUBDIVISION**  
**160 Washburn Street**  
Part of Lot 8, 10 & 12, Sec. 15, Township 14, Range 6  
Holland Land Company's Survey  
City of Lockport  
County of Niagara, State of New York  
Date of Survey: 12/23/19

NO IRONS SET OR FOUND AT PROPERTY CORNERS UNLESS NOTED HEREON.

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.

C:\Users\jennia\Documents\WJE\_S16.tif

Project No.: 1935-0035



## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND, situated in the City of Lockport, County of Niagara and State of New York, being part of Lots 8, 10 & 12, Section 15, Township 14, Range 6 of the Holland Land Company's Survey, bounded and described as follows:

Beginning at a point in the intersection of the south line of Walnut Street with the northwest line of Washburn Street;

Thence southwest along the northwest line of Washburn Street, a distance of 363.28 feet to the north line of South Street;

Thence west along the north line of South Street, at an interior angle of  $105^{\circ}43'30''$ , a distance of 771.44 feet to the southwest corner of lands conveyed to General Motors by deed filed in the Niagara County Clerk's office in liber 1569 of deed at page 82;

Thence north along the west line of said lands conveyed to General Motors by deed filed in the Niagara County Clerk's office in liber 1569 of deed at page 82, at an interior angle of  $90^{\circ}33'42''$ , a distance of 71.21 feet;

Thence west along the south line of said lands conveyed to General Motors by deed filed in the Niagara County Clerk's office in liber 1569 of deed at page 82, at an exterior angle of  $90^{\circ}33'42''$ , a distance of 94.50 feet to the east line of Locust Street;

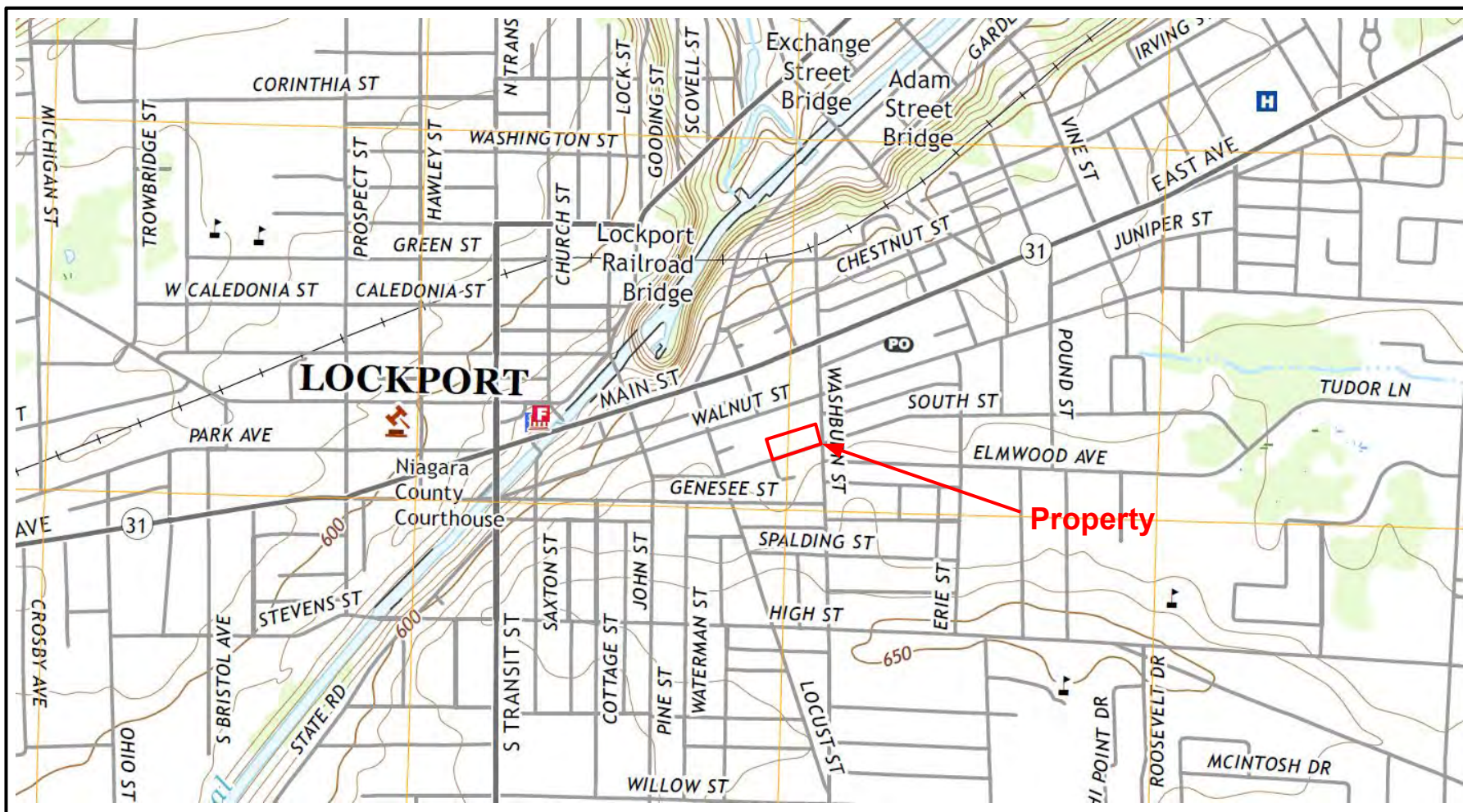
Thence north along the east line of Locust Street, at an interior angle of  $90^{\circ}33'42''$ , a distance of 96.79 feet to the south line of Seymour Alley;

Thence east along the south line of Seymour Alley, at an interior angle of  $89^{\circ}26'18''$ , a distance of 400.15 feet to the east line of lands conveyed to 210 Walnut Street by deed filed in the Niagara County Clerk's office under instrument #2013-04749;

Thence north at an exterior angle of  $90^{\circ}05'10''$ , along the east line of said lands conveyed to 210 Walnut Street by deed filed in the Niagara County Clerk's office under instrument #2013-04749, a distance of 182.51 feet to the south line of Walnut Street;

Thence east along the south line of Walnut Street, at an interior angle of  $90^{\circ}00'11''$ , a distance of 565.62 feet to the point of beginning.





**FIGURE 1 - SITE LOCATION MAP**



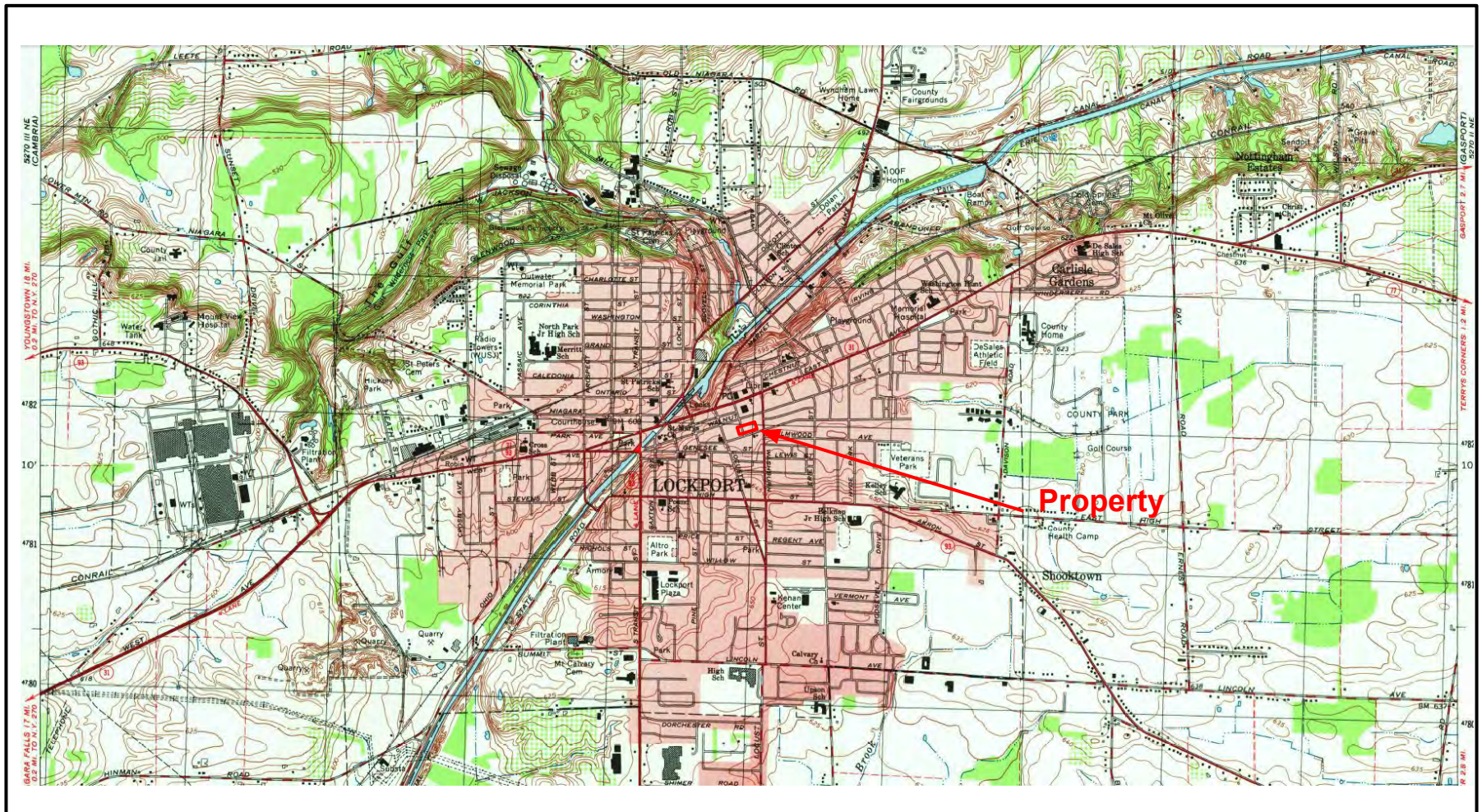
**JADE  
ENVIRONMENTAL  
ENGINEERING  
PLLC**

Proposed Harrison Place  
Commerce Square Building  
(Former Harrison Radiator #3)  
210 Walnut Street  
Lockport, NY 14094

USGS 7.5 Minute Topographic Map Series  
Lockport, NY Quadrangle  
Original scale 1:24,000  
2019







**FIGURE 2A - TOPOGRAPHIC MAP**



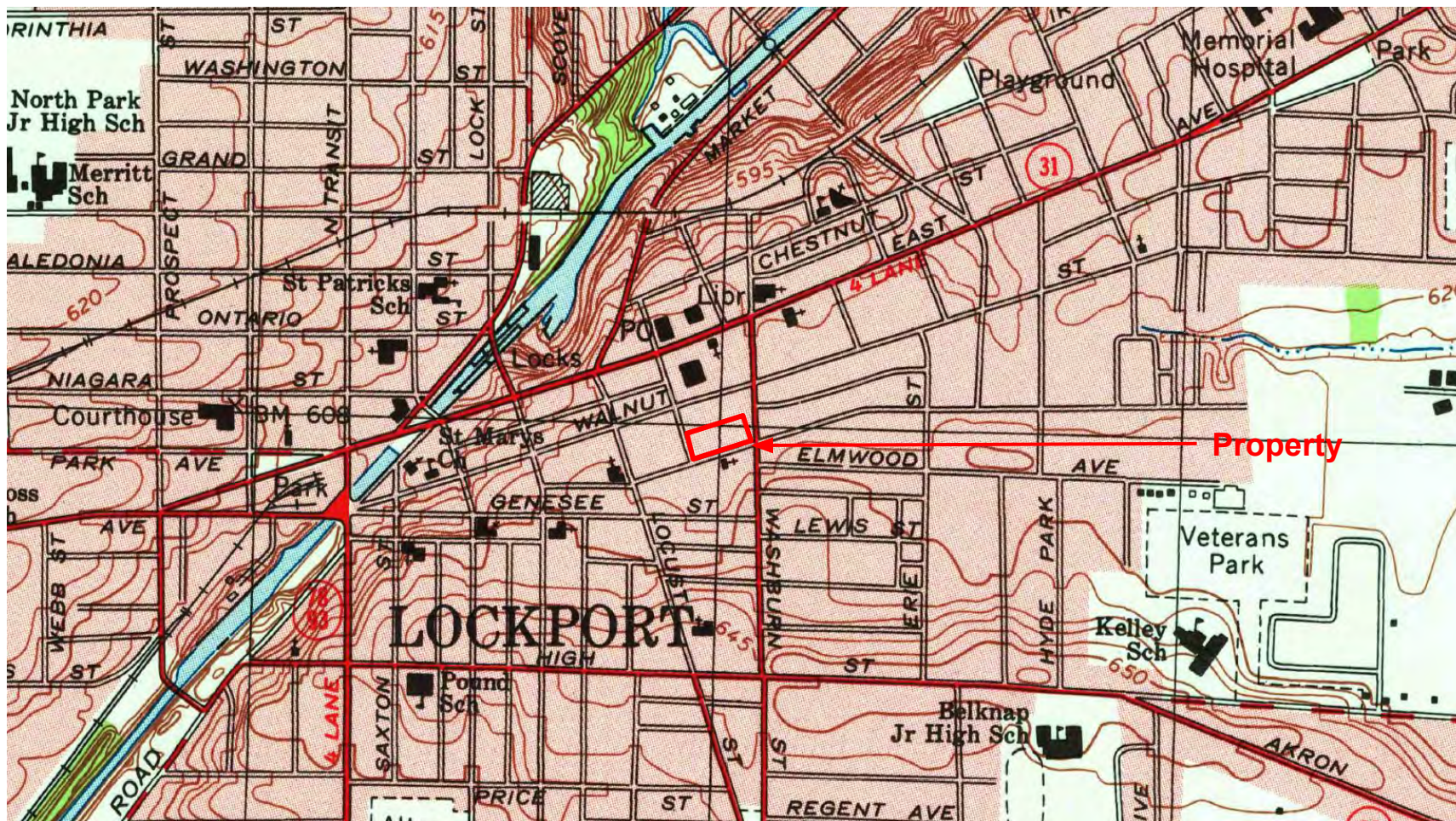
JADE  
ENVIRONMENTAL  
ENGINEERING  
PLLC

Proposed Harrison Place  
Commerce Square Building  
(Former Harrison Radiator #3)  
210 Walnut Street  
Lockport, NY 14094

USGS 7.5 Minute Topographic Map Series  
Lockport, NY Quadrangle  
Original scale 1:24,000  
1980







**FIGURE 2B - TOPOGRAPHIC MAP (300% ZOOM)**



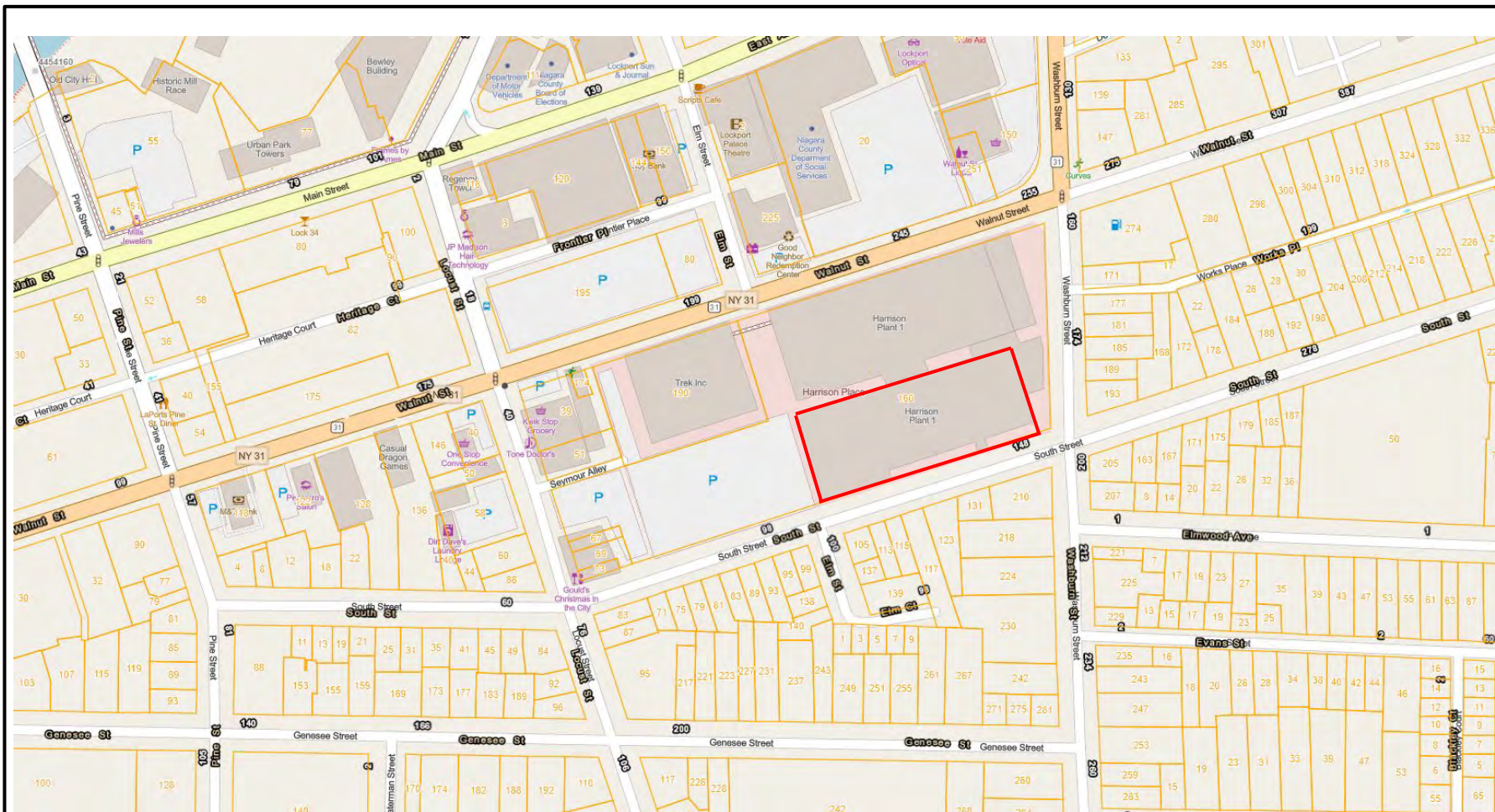
JADE  
ENVIRONMENTAL  
ENGINEERING  
PLLC

Proposed Harrison Place  
Commerce Square Building  
(Former Harrison Radiator #3)  
210 Walnut Street  
Lockport, NY 14094

USGS 7.5 Minute Topographic Map Series  
Lockport, NY Quadrangle  
Original scale 1:24,000  
1980







**FIGURE 4 - SITE AND SURROUNDING PARCELS**



**JADE  
ENVIRONMENTAL  
ENGINEERING  
PLLC**

Proposed Harrison Place  
Commerce Square Building  
(Former Harrison Radiator #3)  
210 Walnut Street  
Lockport, NY 14094

Reproduced from Niagara County GIS  
<http://gis2.erie.gov/HTML5/NiagaraCountyNY/PublicLaunchPage.aspx>  
Original scale 1:2,400





**Exhibit E**  
**List of Previous Property Owners/Operators**  
**Requestors Relationship to Current Owner**

Section V - Additional Requestor Information

Section VI - Current Property Owner/Operator Info (If not Requestor)

Prior reports, Chain of Title and Title issue by Tax Assessor have demonstrated the following history of the property

Harrison purchased a small building on-site to start his operation in 1914, he started to expand the building when in 1916 Union Motors purchased the company and the expansion was abandoned for the north adjacent building #2 of the factory completed in 1919, By then Durant was again leading GM which bought Union Motors and incidentally Harrison Radiator which acted as a subsidiary to GM until they closed the plant in 1986 and left property to a Nonprofit NCCD which foreclosed in 2005. The city of Lockport picked up the property at auction in 2006 and under 210 Walnut LLC has been using the building for city and public storage ever since. The following chain and attached deed detail the ownership to 1933

Liber	Page	Sale Date	Grantor	Grantee
594	051	12/30/33	Harrison radiator Corp	GM
2036	152	12/31/86	GM	NCCD, Inc.
2128	281	5/31/88	NCCD, Inc (non profit)	NC Ind Dev Agency
3369	679	8/10/06	NCIDA	210 Walnut

Notes:

1. NCCD - National Council for Community Development
2. NCIDA - Niagara County Industrial Development Agency
3. Titles 2128/281 and 3369/679 are appended hereto
4. **Niether The Kearney Realty & Development Group Inc. nor anyone on its board has any relationship with the City of Lockport who owns the property, the non-profit that held title from '86 to '05, GM which occupied the factory for 70+ years or any property operator that may have existed at any time.**



uarn2128 PA#280

itdt' i ... TIB INSTAUMINT, THE NHIUMIHT' HOULD N UIM BY LAWYWI OI&Y.

Tl-U5 INDENTI.JRE, =de the 31<sup>st</sup> day of May, nindoc,nhundred and eighty-eight  
BETWEEN NATIONAL COU..CIL FIR COL+l.thTY OCYELIPI, ENT. nc. a New York not-  
for-profit corporation with offices at 41 East 42nd Street, New  
York, New York

11 239 1.00 CHECK  
000000 06-16-88 T16107

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010284

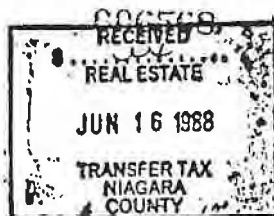
NIAGARA COUNTY INOUSTRIAL DEVELCF'I.ENT AGENCY, a New York public  
benefit corporation with offices at 59 Hawley Street, Lockport,  
New York,

p,rtly of the Itcend part,

WITNESSETH, lml the party of the tint paM, in coidication of ten dollan and other vaWlhc consideration  
paid by the party of the .econd pan, docs hereby grant and release unto th" party of the &c:ondpart, the hein  
or >Ucusors and assi-n\* of the party of the second part forever,

ALL thal certain plot, picc or parcel of luld, with the buildings und ill)provcmcnthereon crttted, lituate,  
lyini; and Deinc in the City of Lockport, County of Nhtgara and State of New York as  
more fully detailed, bounded and described in the attached Schedule "A" which  
is attached hereto and made a part hereof for all purposes,

This conveyance is being made in the ordinary course of the business of the  
party of the first part and does not constitute a sale of all or substantially  
all its assets nor will such conveyance render the said party of the first part  
insolvent.



TOGETHER wit \*Ii ri: itjllc and inmul, liany, of th pa'y the lint put in and ID any run& and  
roui, abouit h; above describe-J prmls\* the contr lim\* thereof: TO O&THER with the app, ., nmcnc:a  
and all the ciul and right of the p, rty of the first p, ti in and fo oaid, l"7" lscs; TO HAVE AN D TO  
IIOL D the pimi nei hnt in grained unto th p, v, y of the IC'Qnd p, in, the he in or and us lrru of  
the party of the &c:ondpart former.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of  
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-  
eration 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.

XX  
XX  
XX  
XX  
XX  
XX  
XX  
XX  
XX  
XX

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above  
written.

IN PRESENCE OF

NATIONAL COUNCIL FOR COMMUNITY  
DEVELOPMENT, INC.

By: *Robert D. Dwyer*

m/... de ...





(C.)  
2  
00  
C.L.  
C.L.  
C.L.

ALL THAT TRACT OR PARCEL OF LAND situate in the City of Lockport, County of Niagara and State of New York, being part of Lots 8, 10 and 12, Section 15, Township 14, Range 6 as shown on a map made by J. P. Haine in 1845 with addition in 1866 and filed in Niagara County Clerk's Office on November 21, 1866, now in book 25 of Microfilmed Maps at page 2433, being bounded and described as follows,

Parcel 1;

BEGINNING at point of intersection of the West boundary of Washburn Street with the South bounds of Walnut Street;

THENCE Southerly along the West bounds of Washburn Street 363.10 feet measured to the North bounds of South Street;

THENCE Westerly along the North bounds of South Street, 772.35 feet to the Southwest corner of lands conveyed to General Motors Corporation by Deed recorded in Liber 1569 at Page 82.

THENCE Northerly along a West line of the last described lands, 71.21 feet measured to a point;

THENCE Westerly along a South line of the last described lands, 94.8 feet measured to the East bounds of Locust Street;

THENCE Northerly along the East bounds of Locust Street, 97.08 feet to the South bounds of Seymour Alley;

THENCE Easterly along the South bounds of Seymour Alley, 397.03 feet to a point in a line formerly known as the West bounds of Elm Street;

THENCE Northerly along the former West bounds of Elm Street, 16.5 feet to the Southeast corner of lands conveyed to Harrison Radiator Corporation by Deed recorded in Liber 416 at Page 283, said point being in the North bounds of Seymour Alley;

THENCE Westerly along the North bounds of Seymour Alley, 261.36 feet to the Southwest corner of lands conveyed to General Motors Corporation by Deed recorded in Liber 1248 at Page 265;

THENCE Northerly along the West line of the last described lands, 166.25 feet measured to the South bounds of Walnut Street;

THENCE Easterly along the South bounds of Walnut Street, 834.48 feet measured to the point or place of beginning.

SCHEDULE •A• CONT.

Parcel 2:

BEGINNING at a point in the North bounds of Elmwood Avenue 364.33 feet measured East of the East bounds of Washburn Street, said point being the Southwest corner of lands conveyed to General Motors Corporation by Deed recorded in Liber 1145 at Page 170;

THENCE Northerly along the West line of the above described lands, and also along the West line of lands conveyed to General Motors Corporation by Deed recorded in Liber 1144 at Page 572 a distance of 230.19 feet measured to a point in the South bounds of South Street at the Northwest corner of the last described lands;

THENCE Northeasterly along the South bounds of South Street 322.54 feet measured to the Northeast corner of lands conveyed to General Motors Corporation by Deed recorded in Liber 1153 at Page 581;

THENCE Southeasterly along the East line of the above described lands, 96.46 feet measured to a point in the North line of lands conveyed to General Motors Corporation by Deed recorded in Liber 1144 at Page 572;

THENCE Easterly along the North line of the last described lands 4.0 feet measured to the Northeast corner of said lands;

THENCE Southerly along the East line of the last described lands, 97.00 feet measured to the Southeast corner of the last described lands;

THENCE Westerly along the South line of the last described lands, 4.00 feet measured to the Northwest corner of lands conveyed to John Francis and Deolores Harte Coyle by Deed recorded in Liber 1164 at page 283;

THENCE Southerly along the West line of the last described lands, 149.00 feet measured to a point in the North bounds of Elmwood Avenue;

THENCE Westerly along the North bounds of Elmwood Avenue, 328.11 feet measured to the point or place of beginning.

SCHEDULE •A• COFFT.

parcel, :

BEGIN .ING i.t I poi.nt tn the South bounds of Walnut Street 165.61 feet aieasured Easterly from the Eut 'bounds of Washburn Street, said point being tho Northwest corner of lands conveyed to General Motors Corporation by Deed recorded tn Lfber 1470 at Page 963;

THENCE Southerly along the **West** line of the above described 'hnds, **166.0** feet measured to the North bounds of Works Alley;

THENCE Easterly along the North bounds of said Alley, 99.0 feet to the Southeast corner of the above described lands;

THENCE Northerly along the East line of the above descr.lbed lands, **166.3**. feet measured to the South bounds of Walnut Street;

THENCE Westerly along the South bounds of Walnut Street, 99.0 feet to the point or place of beginning.

STATE OF NEW YORK  
COUNTY OF NIAGARA

Recorded on 16th 1111 or

June UJ. "68 •

-3-53- p. 1111bf

♦ " " — Deedr —

at Page 280 and recorded

Raymond A. Butler  
Clerk

OFFICE OF THE CLERK COUNTY OF NIAGARA  
WAYNE F. JAGOW, COUNTY CLERK  
County Courthouse, 175 Hawley Street, P.O. Box 461, Lockport, NY 14095  
Phone (716) 439-7027 Fax (716) 439-7066

INSTRUMENT DATE 8/24/2006

DOCUMENT TYPE Referee's lked

(1)

Parties: (Print Names In Full)

1<sup>st</sup> Part NIAGARA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY by Referee

2<sup>nd</sup> Part 210 WALNUT STREET, LLC.

Town/City City of Lockport

Return To:

MAITHEVE BROOKS ESQ  
"BOX"

THIS SPACE RESERVED FOR COUNTY CLERK

MORTGAGE#

MORTGAGE AMOUNT

\$

L\_10ne\two family L\_10ther

[ ] Check if to be apportioned

RECORDING TAX RECEIPT

BASIC \$ State of New York} ss

ADDITIONAL \$ County of Niagara}  
I do hereby certify that I have

SPECIAL \$ Received on the within Mortgage, being  
the amount of the Recording Tax

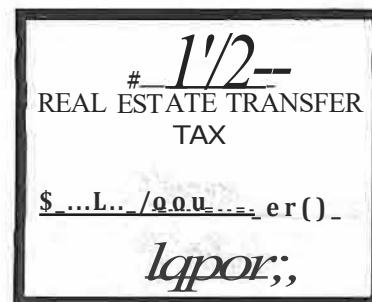
TOTAL \$ Imposed thereon & paid at recording.

Dated. , 20

Mortgage Tax Clerk of Niagara County



DOCUMENT 1007424  
BOOK 3369 PAGE 678 DEEDS  
NUMBER OF PAGES 4  
RECORDED 08/24/2006 03:21:37 P.M.  
RECEIPT 21982 OCCUHEHT TOTAL: \$1,212.00  
PAID - COUNTY CLERK  
WAYNE F. JAGOW



## REFEREE'S DEED IN FORECLOSURE

**THIS DEED**, made the */Oft;* day of August, 2006

**BETWEEN**

**KEITH N. BOND**, Referee  
duly appointed in the action hereinafter mentioned,

Grantor

and

**210 WALNUT STREET, LLC.**, a New York limited liability company, whose address is  
One Locks Plaza, Lockport, New York,

Grantee

**WITNESSETH**, that the grantor, the referee appointed in an action between

**GREATER LOCKPORT DEVELOPMENT CORPORATION**, Plaintiff,

and

**LOCKPORT INTERNATIONAL PARTNERS**, et al., Defendants,

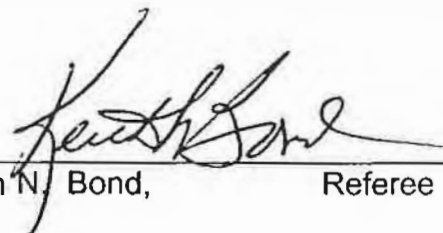
foreclosing a mortgage recorded on the 15th day of June, 1988, in the Office of the Clerk of the County of Niagara in Liber 1961 of Mortgages, at Page 265. In pursuance of a Judgment entered at a term of the Supreme Court on the 31st day of May, 2006, and in consideration of TWO HUNDRED FIFTY THOUSAND and no/100 (\$250,000.00) Dollars paid by the grantee, being the highest sum bid at the sale under said Judgment, does hereby grant and convey unto the grantee,

(See "Schedule A, Legal Description" attached)

**TO HAVE AND TO HOLD** the premises herein granted unto the grantee, its successors and assigns forever,

**IN WITNESS WHEREOF**, the grantor has hereunto set his hand and seal, the date first above written.

In presence of:

  
\_\_\_\_\_  
Keith N. Bond, Referee L.S.

STATE OF NEW YORK)

COUNTY OF *c::tt.tt;,"* ) ss.:  
)

On the *\_JL\_* day of August, in the year 2006, before me, the undersigned, a notary public in and for said state, personally appeared **KEITH N. BOND**, 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)

Schedule A  
Legal Description

PARCEL 1:

ALL WAT TRACT OR PARCEL OF LAND, situate in the City of Lockport, County of Niagara and State of New York, being parts of Lots 8, 10 and 12, Section 15, Township 14, Range 6 as shown on a map made by J. P. Haines in 1845 with additions in 1866 and filed in the Niagara County Clerk's Office on November 21, 1866, now in Book 25 of Microfilmed Maps at Page 2433, being bounded and described as follows:

BEGINNING at a point of intersection of the west boundary of Washburn Street with the south bounds of Walnut Street; thence southerly along the west bounds of Washburn Street, 363.10 feet measured to the north bounds of South Street; thence westerly along the north bounds of South Street, 772.35 feet to the southwest corner of lands conveyed to General Motors Corporation by deed recorded in Uber 1569 at Page 82; thence northerly along a west line of the last described lands, 71.21 feet measured to a point; thence westerly along a south line of the last described lands, 94.5 feet measured to the east bounds of Locust Street; thence northerly along the east bounds of Locust Street, 97.08 feet to the south bounds of Seymour Alley; thence easterly along the south bounds of Seymour Alley, 397.03 feet to a point in a line formerly known as the west bounds of Elm Street; thence northerly along the former west bounds of Elm Street, 16.5 feet to the southeast corner of lands conveyed to Harrison Radiator Corporation by deed recorded in Uber 416 at Page 283; said point being in the north bounds of Seymour Alley; thence westerly along the north bounds of Seymour Alley, 261.36 feet to the southwest corner of lands conveyed to General Motors Corporation by deed recorded in Uber 1248 at Page 265; thence northerly along the west line of the last described lands, 166.25 feet measured to the south bounds of Walnut Street; thence easterly along the south bounds of Walnut Street, 834.48 feet measured to the point or place of beginning.

PARCEL 2:

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Lockport, County of Niagara and State of New York, being parts of Lots 8, 10 and 12, Section 15, Township 14, Range 6 as shown on a map made by J. P. Haines in 1845 with additions in 1866 and filed in the Niagara County Clerk's Office on November 21, 1866, now in Book 25 of Microfilmed Maps at Page 2433, being bounded and described as follows:

BEGINNING at a point in the north bounds of Elmwood Avenue, 364.33 feet measured east of the east bounds of Washburn Street, said point

-----  
 ascribed-lands, 4.0 feet measured to the northeast corner of said lands; thence southerly along the east line of the last described lands, 97.00 feet measured to the southeast corner of the last described lands; thence westerly along the south line of the last described lands; 4.00 feet measured to the northwest corner of lands conveyed to John Francis and Deolores Marie Coyle by deed recorded in Liber 1164 at Page 283; thence southerly along the west line of the last described lands, 149.00 feet measured to a point in the north bounds of Elmwood Avenue; thence westerly along the north bounds of Elmwood Avenue, 328.31 feet measured to the point or place of beginning.

PARCEL 3:

ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the City of Lockport, County of Niagara and State of New York, being parts of Lots 8, 10 and 12, Section 15, Township 14, Range 6 as shown on a map made by J. P. Haines in 1845 with additions in 1866 and filed in the Niagara County Clerk's Office on November 21, 1866, now in Book 25 of Microfilmed Maps at Page 2433, being bounded and described as follows:

BEGINNING at a point in the south bounds of Walnut Street, 165.61 feet measured easterly from the east bounds of Washburn Street, said point being the northwest corner of lands conveyed to General Motors Corporation by deed recorded in Liber 1470 at Page 963; thence southerly along the west line of the above described lands, 166.0 feet measured to the north bounds of Works Alley; thence easterly along the north bounds of said Alley, 99.0 feet to the southeast corner of the above described lands; thence northerly along the east line of the above described lands, 166.3 feet measured to the south bounds of Walnut Street; thence westerly along the south bounds of Walnut Street, 99.0 feet to the point or place of beginning.

42  
OFFICE OF THE CLERK COUNTY OF NIAGARA  
WAYNE F. JAGOW, COUNTY CLERK  
County Courthouse, 175 Hawley Street, P.O. Box 461, Lockport, NY 14095  
Phone (716) 439-7027 Fax (716) 439-7066

INSTRUMENT DATE November 6, 2006

DOCUMENT TYPE Referee's Deed

G

Parties: (Print Names In Full)

1<sup>st</sup> Part NIAGARA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY, by Referee

2<sup>nd</sup> Part 210 WALNUT STREET, LLC

Town/City City of Lockport

Return To:

MORGAN L. JONES, JR. ESQ  
"BOX"

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DOCUMENT 1010011  
BOOK 337 PAGE 93  
NUMBER OF PAGES m  
RECORDED 11/09/2006 0 : "01r.1"1p.tl.  
RECEIPT 29513 DOCUMENT TOTAL: 212.00  
PAID - COUNTY CLERK  
WAYNE F. JAGOW

THIS SPACE RESERVED FOR COUNTY CLERK

MORTGAGE# \_\_\_\_\_

MORTGAGE AMOUNT

\$ \_\_\_\_\_

{\_\_}One\two family L\_}Other

[ ] Check if to be apportioned

RECORDING TAX RECEIPT

BASIC	\$	State of New York} \$
ADDITIONAL	\$	County of Niagara}
SPECIAL	\$	I do hereby certify that I have
TOTAL	\$	Received on the within Mortgage, being the amount of the Recording Tax
		Imposed thereon & paid at recording.

Dated. \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mortgage Tax Clerk of Niagara County





REFEREE'S DEED IN FORECLOSURE

**CORRECTION DEED****THIS DEED**, made the \_\_\_\_\_ day of November, 2006**BETWEEN****NIAGARA COUNTY INDUSTRIAL DEVELOPMENT AGENCY,**by **KEITH N. BOND**, Referee

duly appointed in the action hereinafter mentioned,

- Grantor

and

**210 WALNUT STREET, LLC.**, a New York limited liability company, whose address is  
One Locks Plaza, Lockport, New York,

Grantee

**WITNESSETH**, that the grantor, the referee appointed in an action in the Supreme Court,  
Niagara County (Index No. 122166) between**GREATER LOCKPORT DEVELOPMENT CORPORATION**, Plaintiff,

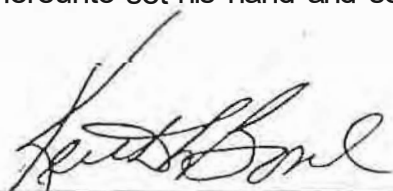
and

**LOCKPORT INTERNATIONAL PARTNERS, NIAGARA COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY**, et al., Defendants,foreclosing a mortgage recorded on the 15th day of June, 1988, in the Office of the Clerk of the  
County of Niagara in Uber 1961 of Mortgages, at Page 265, in pursuance of a Judgment granted  
at a term of the Supreme Court on the 31st day of May, 2006, and in consideration of One and no  
more (\$1.00) Dollars, does hereby grant and convey unto the grantee,

(See "Schedule A, Legal Description" attached)

**THIS DEED** is given to correct the designation of the name of the Grantor in a Deed  
previously recorded in Uber 3369 of Deeds at page 678 and to add details describing the action  
referred to therein, and is given without further consideration, the actual consideration having been  
recited in the said prior deed.**TO HAVE AND TO HOLD** the premises herein granted unto the grantee, its successors  
and assigns forever,**IN WITNESS WHEREOF**, the grantor has hereunto set his hand and seal, the date first  
above written.

In presence of:

  
 \_\_\_\_\_ L.S.  
 Keith N. Bond, Referee
STATE OF NEW YORK)  
 ) ss.:  
 J. M. V. C. DE

**Exhibit F**  
**Access Authorization Letter / Library**  
**Depository Letter**

Section VII - Requestors Eligibility

See attached Access Authorization from Brian Smith with the City of Lockport, Greater Lockport Development Corp (GLDC) which owns the property.

Greater Lockport



June 2, 2020

This letter confirms that Kearney Development Corp has been granted access to the real property known as Former Harrison Radiator Building #3 with a street address of 100 South Street, Lockport, New York (the "Property") to implement any investigation or remedial work required by the New York State Department of Environmental Conservation (NYSDEC) pursuant to the Brownfield Cleanup Program (BCP). The letter further confirms that the Greater Lockport Development Corporation will consent to and record any environmental easement that may be required by the NYSDEC as part of the remedial program for the Property.

Sincerely,

By: 

Brian Smith  
President/CEO  
Greater Lockport Development Corporation  
1 Locks Plaza, Lockport, NY 14094  
(716) 439-6688  
bsmith@lockportny.gov

## Lockport Public Library Depository Approval

**Beverly J. Federspiel**  
**Lockport Public Library**  
**Executive Director**  
23 East Avenue  
P.O. Box 475  
Lockport, NY 14095-0475

On July 13, 2020 we received an email from Mrs. Federspiel authorizing our use of the Lockport Public library at the above noted address as a document depository for files associated with the C932177 Brownfield Clean Up Project underway.

When questioned, Mrs Federspiel responded by saying she did not know of any template letters the library has for this type of approval. As such, we requested she simply respond to our email request and that we would reach out to her if we needed something more formal on Library stationary. The attached email includes her approval and some direction in using her library for our deposits.



We hope this suffices as evidence of our intent and approval to deposit all files at the Library on USB drives properly labeled as to date and order for public reference.

Sincerely,

Jade Environmental, Inc.

A handwritten signature in black ink, appearing to read "Dave Pelletier".

Dave Pelletier, P.E.  
Project Engineer



## **Exhibit G**

### **Zoning**

Section X - land Use factors - Property is zoned I-3 Industrial. A zoning change or variance will be required to permit the new proposed multi-family residential use. Application for same is attached hereto.

#### *Summary of Current Business Operations*

Approximately 75% of the first floor of the building is being used as an insecure public storage facility.

About 5% of the first floor includes an abandoned cogeneration plant. A relatively small basement under that cogen plant floods with about 3' of water if power to the basement dewatering pumps is turned off. This flood water elevation is consistent with groundwater data indicating groundwater is approximately 6' below grade.

The balance of the first floor has been renovated into a weekend Farmers Market.

All uses that have resulted in contamination were discontinued in 1985 when GM (which operated Harrison Radiator as a subsidiary since 1916) departed the property. GM did retain a third party engineering firm to oversee the closure of the plant which reportedly included removal of all remaining wastes from the building including liquids and sludges in piping, tanks, sumps and waste lines including those buried below grade.

The report also indicated asbestos removal which apparently only included the removal of friable insulation from open areas of the factory.

# SITE PLAN REVIEW/ZONING REFERRAL FORM



Niagara County Planning Board  
Vantage Center - Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

For Use By NCPB  
Received \_\_ \_\_  
Case No. \_\_ \_\_  
Returned \_\_ \_\_

REFERRING MUNICIPALITY City of Lockport

Referring Officer: Oh Title: ch-t-gt & r, e:k

Telephone: 716 439 6754 Fax Number: 716 439 6605

Mailing Address: Lockport Municipal Bldg., One Locks Plaza, Lockport, NY 14094

Signature: [Signature] Date: June 9, 2020

Public Hearing Date: Pending Time: --- Location: ---

**\*\*Please note, the NCPB recommendation will be sent back to the Referring Officer.**

APPLICANT: Kearney Realty & Development Group Phone: 845-742-9764

Address or Location of Proposal: 100 South Street

Size of Parcel: 1.49 +/- acres Existing Zoning: 1-3

Proposed Use: Proposed Subdivision - Re-use of existing building

**\*\*If applicant would like a copy of the NCPB recommendation please list fax number:** 716-826-7958

## PROPOSED ACTION (check all that apply) \*

- |  |  |   |
|--|--|---|
| <input checked="" type="radio"/> Area Variance | <input checked="" type="radio"/> Site Plan Review      | <input type="checkbox"/> New Zoning Ordinance             |
| <input type="checkbox"/> Use Variance          | <input checked="" type="radio"/> Zoning Text Amendment | <input type="checkbox"/> Comprehensive Plan               |
| <input type="checkbox"/> Special Permit        | <input checked="" type="radio"/> Zoning Map Amendment  | <input checked="" type="radio"/> Other <u>Subdivision</u> |

**\*Applicants should contact the Niagara County Department of Economic Development at (716) 278-8750 to see if a representative should be present at the meeting to answer questions.**

This referral is forwarded to your office for review in compliance with Sections 239-1 and 239-m of Article 12-B of New York State's General Municipal Law. The property affected is within 500 feet of the boundary of a (check all that apply):

- ☒ City, Town, Village
- ☐ State or County Land with Public Building
- ☐ Existing or Proposed Park or Recreation Area
- ☐ Existing or Proposed State of County Parkway, Road or Highway, or County-owned Drainage Channel.
- ☐ Farm operation located in an Agricultural District (except for area variances)

## **DEADLINE**

All completed referrals must be received by close of business on Friday, six business days preceding the 3<sup>rd</sup> Monday of each month. LATE REFERRALS WILL BE REVIEWED BY THE NIAGARA COUNTY PLANNING BOARD THE FOLLOWING MONTH.

## **REQUIRED ENCLOSURES**

The Niagara County Planning Board requires adequate information upon which to make its decision. The zoning referral form will not be accepted unless all the following information is submitted (please check that all items are included):

☐ Adequate written description of proposal

☐ Sketch Plan, Survey, Plats or Site Plans of the property affected showing: property boundaries, any existing and proposed structures, landscaping, traffic access patterns, parking arrangements, walls, fences or other buffers, existing and proposed signs. Drawings must be properly dimensioned and drawn to scale.

☐ SEQR Environmental Assessment Form (EAF)

☐ \$75 .00 referral fee made payable to the Niagara County Planning Board

☐ For variances, indicate specific changes from local code being requested:

See attached sheet.

### **NCPB ACTION**

Case No. \_\_\_\_ \_

The Niagara County Planning Board has reviewed the proposal(s) and makes the following recommendations and comments:

\_\_\_\_\_  
Joseph Kibler, Chairman  
Niagara County Planning Board

\_\_\_\_\_  
Date



## ATTACHMENT TO SITE PLAN REVIEW/ZONING REFERRAL FORM

Niagara County Planning Board  
Vantage Center- Suite One  
6311 Inducon Corporate Drive  
Sanborn, NY 14132

For Use By NCPB  
Received ---  
CaseNo. ---  
Returned ---

REFERRING MUNICIPALITY: ~~City of Lockport~~ - - - - -

APPLICANT: Kearney Realty & Development Group

Address: 100 South Street Proposed Use: Proposed Subdivision Re-use Existing Bldg Date: 6/9/2020

### Required Area Variances

1. The footprint of the existing building are the proposed lot lines (zero lot line); however, the code in the 13 zone requires setbacks of 20-ft. on the east side; 20-ft on the west side; 35-ft. on the south side and 30-ft. on the north side; therefore; variances are required for each of these setbacks.
2. The required lot area in the 13 zone is 2.0 acres; however, the proposed new lot is 1.49 acres; therefore; an area variance of 0.51 acres is required.
3. The allowable lot coverage in the 13 zone is 50%; however, the newly created lot covers 100% of the lot; therefore; an area variance of 50% is required.

LOC: t  
(69.5' WIDE)

SOUTH (t.t.' HIDE) STREET

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SUBLOT 2  
BOUNDARY  
OUTLINE

1. ELEVATIONS ARE BASED UPON THE NORTH AMERICAN Ysmc AL DATUM  
OF bsd (NA/V018).

2. THE UXAT OF N11 UNDERGROUND UTILITIES SWICHI ARE  
APPROXIMATE, AND ALL UTILIN= MAY NOT BE SIGNED, PRIOR TO MIT  
ACTIVATION. ACTIVATION OF THE UTILIN= SHOULD BE NOTICED  
IN ORDER TO VERIFY OR MEND THE TERN LOCATIONS WOULD. EXISTENCE  
RM ASSISTANCE CALL UPFO AT +000-2-7112.

II. A DESIGN TICKET CREATED FOR TUI, PROJECT AT  
TUICTI1-a081

NATIONAL GRD - NEST - aa:TRIC; REPOdM, STATM ND  
FACILEM OF PRIMERS.

-SUFFALDAMOUNTING RECORDED.

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INVEST LOCORE RECTURE; HAS NOT RECORDED.

THE WARRIOR CREDIT - ALL ALFAL MAS, &TAT City  
UNDERGROUND PPLICATION OF FRES  
UNDERGROUND PPLICATION OF FRES

**3556LakeSho** Road, Buffalo NY14219  
**p(716) 821-5000** f(716) 891 n.larke.com [The-niagara-additional-lot-line] - The-Niagara-Lines

**2-LOT MINOR SUBDIVISION**

**160WashburnStreet**

**Part of Lot B. 10 & 12, Sec. 15, Township 14, Range 6**

Holland Land Company's Sun,eay  
CityofLockport  
CountyofNiagara, StateofNeN York

Date of Survey:12/2, 3/19 Scale:1"=40' Project No.:19J5-0035





## Exhibit H

### Citizen Participation

#### **SECTION IX: Citizen Participation Plan (Contact List)**

Attached hereto find the list of contacts to be used in the CP Plan yet to be completed including the repository at the local library, Lockport Library, 23 East Ave, Lockport (temp closed). A letter acknowledging the Library has accepted responsibility of Project Repository is pending.

A CP Plan is a requirement of program approval and will at minimum include communicating summary data in the form of a dept approved Notice under the following circumstances, three of which include mandated public notice times from 30-45 days.

1. Application completion - 30 days comment
2. Interim Remedial Measures - if significant
3. Remedial Inv Work Plan (Inc. Citizen Participation Plan) - 30 days
4. Remedial Investigation Report- No waiting period
5. Significant Threat Determination - no waiting period
6. Remedial Action Work Plan - 45 days comment and public meeting
7. Prior to start of RA
8. Prior to approval of the Final Engineering Report
9. Upon issuance of the COC

Notification is typically provided to local municipal agencies and departments, community leaders and organizers, neighbors and anyone that expresses interest in the project.

In addition, all communications are delivered to and deposited in a Public Repository near the project in this case the Lockport Public Library. With the librarians consent all documents will be stored in an easily accessible area for public review upon request.

The initial Fact Sheet sent will include a request for emails of all contacts, note the Library as a repository and also directed to any website available at the state or privately help for quick electronic access to all references.

## **Citizen Participation Database**

### **Municipal Agencies**

Niagara County Planning Board  
6311 Inducon Corporate Drive  
Sanborn, New York 14132  
Phone: (716) 278-8750  
Fax: (716) 278-8757  
Email: amy.fisk@niagaracounty.com

City of Lockport Planning and Development  
Carrie Gugliuzza, Program Administrator  
Lockport Municipal Building  
One Locks Plaza  
Lockport, New York 14094  
716.439.6686  
[cgugliuzza@lockportny.gov](mailto:cgugliuzza@lockportny.gov)

### **Local News Media**

Lockport Union-Sun & Journal  
135 Main Street  
Lockport, New York 14094  
Connor Hoffman  
(716) 439-9222 ext 6239

### **Local Water Department/ Water Authority**

Lockport Water Department  
1 Locks Plaza  
Lockport, New York 14094  
(716) 439-6678 (tel)

### **Local School District**

Lockport City School District  
130 Beattle Avenue  
Lockport, New York 14094  
(716) 478-4700 (tel)

*Standard Repository (must have written approval from librarian)*

Lockport Library  
23 East Avenue  
Lockport, New York 14094

(716) 433-5935

**ADJACENT PROPERTY OWNERS:**

Because the remnant of the factory occupies substantial space north and west of the Project Site, tax lots east across Washburn St and South across Soth St as well as southeast across the intersection will be notified of this proposal as follows:

South Across South St

1. 210 Washburn St  
First African Methodist Episcopal Church
2. 115 South St  
Marie E Papachatzis
3. 113 South St  
Michael Robinson

East (Bldg #7 and across Washburn St)

Adjacent east is Bldg #5 of the factory which is a much smaller two story structure with two occupants. Fredwahl, Inc. and Niagara Community Action Program, Inc. 160 Washburn St. beyond Washburn are the following owners/occupants:

1. 177 Washburn St  
181 Washburn St  
189 Washburn St  
Centennial Development Ltd
2. 185 Washburn St  
Elmer Granchelli
3. 193 Washburn St  
TAECS LLC

Southeast across the intersection

1. 205 Washburn  
Robert Craft
2. 207 Washburn  
Moses Galab

Any other entities that express interest in the project will be added to this mailing list.

**Exhibit I**  
**Prior Assessment**  
**Reports Additional files**  
**(See thumb drive)**

- Efile 1 - 2019 Subsurface Investigation Report - Jade EEPlc.
- Efile 2 - 2010 Phase II Environmental Site Assessment - NYSDEC/contract
- Efile 3 - 2010 Phase II Environmental Site Assessment - Pan Am
- Efile 4 - 2006 Phase I Environmental Site Assessment - Pan Am