

Brownfield Cleanup Program Application

*Mount St Marys Revitalization Site
Niagara Falls, New York*

February 2022

B0474-021-001

Prepared For:

Mount St Marys LLC



Prepared By:



Brownfield Cleanup Program Application

Mount St Marys Revitalization Site

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Copies of the previous investigation(s) are provided in a separate folder on the full electronic submittal CD:



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 12*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME Mount St Marys LLC

ADDRESS 111 NE 1st Street, 8th Floor

CITY/TOWN Miami, Fla

ZIP CODE 33132

PHONE 917-331-0136

FAX NA

E-MAIL marvin@generationdg.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. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

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. See Appendix A; Section I**

Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

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

3. 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 Figure 5

Section III. Property's Environmental History**See Appendix A; Section III**

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish that the site requires remediation and 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 submit a separate electronic copy of each report in Portable Document Format (PDF). Please do not submit paper copies of supporting documents.**

2. **SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. DATA SUMMARY TABLES SHOULD BE INCLUDED, WITH LABORATORY REPORTS REFERENCED AND ALSO INCLUDED.** **See Table 1 and Figure 7**

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

*Please describe: _____

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

- SAMPLE LOCATION **See Figure 7**
- DATE OF SAMPLING EVENT
- KEY CONTAMINANTS AND CONCENTRATION DETECTED **See Appendix A; Section III**
- 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 type="checkbox"/> Manufacturing | <input type="checkbox"/> Agricultural Co-op | <input type="checkbox"/> Dry Cleaner |
| <input type="checkbox"/> Salvage Yard | <input type="checkbox"/> Bulk Plant | <input type="checkbox"/> Pipeline | <input type="checkbox"/> Service Station |
| <input type="checkbox"/> Landfill | <input type="checkbox"/> Tannery | <input type="checkbox"/> Electroplating | <input type="checkbox"/> Unknown |

Other: Hospital/nursing home facility and was previously developed with a temporary hospital and multiple individual residential structures.

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME Mount St Marys Revitalization				
ADDRESS/LOCATION 515 6th Street, 620 Ferry Avenue, 624 Ferry Avenue, 626 Ferry Avenue				
CITY/TOWN Niagara Falls		ZIP CODE 14301		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Niagara Falls				
COUNTY Niagara		SITE SIZE (ACRES) 1.591 acres (total)		
LATITUDE (degrees/minutes/seconds) 43 ° 05 ' 29.40 "		LONGITUDE (degrees/minutes/seconds) 79 ° 03 ' 18.50 "		
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.	Acreage
515 6th Street	159.30	1	1	1.214
620, 624, 626 Ferry Avenue	159.30	1	10,11,12	0.377
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map) See Figures 2, 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 checked="" type="checkbox"/> No <input type="checkbox"/> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="border: 1px solid red; padding: 2px;">See Figure 8</div> <div> If yes, identify census tract : <u>211</u> Percentage of property in En-zone (check one): <input type="checkbox"/> 0-49% <input type="checkbox"/> 50-99% <input checked="" type="checkbox"/> 100% </div> </div>				
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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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

NA - vacant

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.** See Appendix A; Section IV

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

☒ 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.

Not Applicable

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ Yes ☐ No

Not Applicable

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

Not Applicable

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)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Marvin Wilmoth and Anthony Ceroy			
ADDRESS Mount St Marys LLC c/o Generation Development Group, LLC, 111 NE 1st Street, 8th Floor			
CITY/TOWN Miami, Fla.		ZIP CODE 33132	
PHONE 917-331-0136	FAX NA	E-MAIL marvin@gnerationdg.com, anthony@gnerationdg.com	
NAME OF REQUESTOR'S CONSULTANT Benchmark Civil/Environmental Engineering & Geology, PLLC, Thomas H. Forbes, P.E.			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo, New York		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL TForbes@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Linda Shaw, Esq.			
ADDRESS Knauf Shaw LLP			
CITY/TOWN 1400 Crossroads Building, 2 State Street, Rochester, NY		ZIP CODE 14614	
PHONE 585-546-8430	FAX 585-546-4324	E-MAIL lshaw@nyenvlaw.com	
Section VI. Current Property Owner/Operator Information – if not a Requestor		See Appendix B; Section VI	
CURRENT OWNER'S NAME Metropolis Properties Management LLC OWNERSHIP START DATE: 10/29/2018			
ADDRESS 136-20 38th Street			
CITY/TOWN Flushing, New York		ZIP CODE 11354	
PHONE 716-544-7505	FAX NA	E-MAIL ygymagic@gmail.com	
CURRENT OPERATOR'S NAME Same as owner but Site is currently vacant.			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
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".			
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.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)		See Appendix B; Section VII	
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: **See Appendix B; Section VII**

☐ 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 Beneficial Owner

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

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
Not Applicable
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 Appendix B; Section IX

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. **See Figure 9**
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**See Appendix B; Section X**

1. What is the current municipal zoning designation for the site? C2-A Traditional Commercial

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

☒ Residential ☒ Commercial ☐ Industrial **See Appendix B; Section X**

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

The Site is currently zoned C2-A Traditional Commercial, which is intended to allow for a mix of residential and commercial uses along major travel corridors. The City of Niagara Falls Planning Board unanimously approved the Site Plan on February 23, 2022.

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 an Authorized Signatory of Mount St Marys LLC 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: FEBRUARY 18, 2022 Signature: _____

Print Name: W. Marvin Wilmoth Jr.

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable 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

PLEASE DO NOT SUBMIT PAPER COPIES OF SUPPORTING DOCUMENTS. Please provide a hard copy of ONLY the application form and a table of contents.

FOR DEC USE ONLY

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

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 11 Not Applicable

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please answer questions below and provide documentation necessary to support answers.	
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information. <input type="checkbox"/> Yes <input type="checkbox"/> No	
2. Is the property upside down or underutilized as defined below?	<div style="display: flex; justify-content: space-between;"> <div>Upside Down? <input type="checkbox"/> Yes <input type="checkbox"/> No</div> <div>Underutilized? <input type="checkbox"/> Yes <input type="checkbox"/> No</div> </div>
From ECL 27-1405(31): "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.	
From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)	
375-3.2: (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and (1) the proposed use is at least 75 percent for industrial uses; or (2) at which: (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses; (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and (iii) one or more of the following conditions exists, as certified by the applicant: (a) property tax payments have been in arrears for at least five years immediately prior to the application; (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or (c) there are no structures.	
"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.	

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

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

- ☐ Project is an Affordable Housing Project - Regulatory Agreement Attached;
- ☐ Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);
- ☐ This is Not an Affordable Housing Project.

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

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)

Site Name: Mount St Marys Revitalization
City: Niagara Falls

Site Address: 515 6th Street, 620 Ferry Avenue, 624 Ferry Avenue, 626 Ferry Avenue
County: Niagara **Zip:** 14301

Tax Block & Lot

Section (if applicable): 159.30 **Block:** 1 **Lot:** 1

Requestor Name: Mount St Marys LLC
City: Miami, Fla

Requestor Address: 111 NE 1st Street, 8th Floor
Zip: 33132 **Email:** marvin@generationdg.com

Requestor's Representative (for billing purposes)

Name: Marvin Wilmoth and Anthony Ceroy **Address:** Mount St Marys LLC c/o Generation Development Group, LLC, 111 NE 1st Street, 8th Floor
City: Miami, Fla. **Zip:** 33132 **Email:** marvin@generationdg.com, anthony@generationdg.com

Requestor's Attorney

Name: Linda Shaw, Esq. **Address:** Knauf Shaw LLP
City: 1400 Crossroads Building, 2 State Street, Rochester, NY **Zip:** 14614 **Email:** lshaw@nyenvlaw.com

Requestor's Consultant

Name: Benchmark Civil/Environmental Engineering & Geology, PLLC, Thomas H. Forbes, Jr. **Address:** 2558 Hamburg Turnpike, Suite 300
City: Buffalo, New York **Zip:** 14218 **Email:** TForbes@bm-tk.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:

For NYC Sites, is the Requestor Seeking Tangible Property Credits: ☐ Yes ☐ No

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

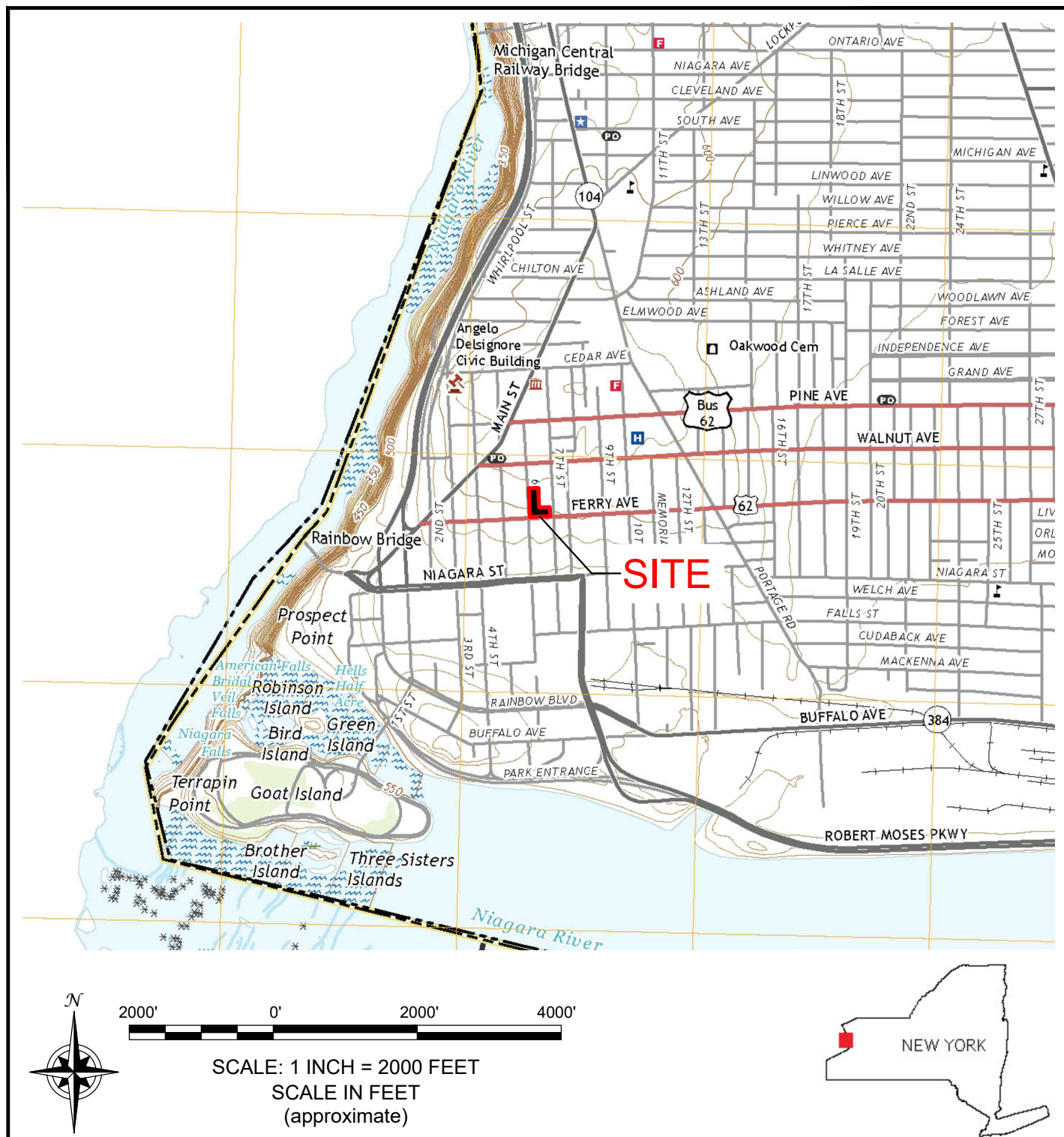
DER/OGC Determination: ☐ Agree ☐ Disagree ☐ Undetermined

Notes:

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Site Survey Map
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7	Previous Investigation Locations and Results
Figure 8	Enzone Map
Figure 9	Adjacent Property Owners
Figure 10	Zoning Map
Figure 11	Soil Type Map

FIGURE 1



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

PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

DRAFTED BY: TJM

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

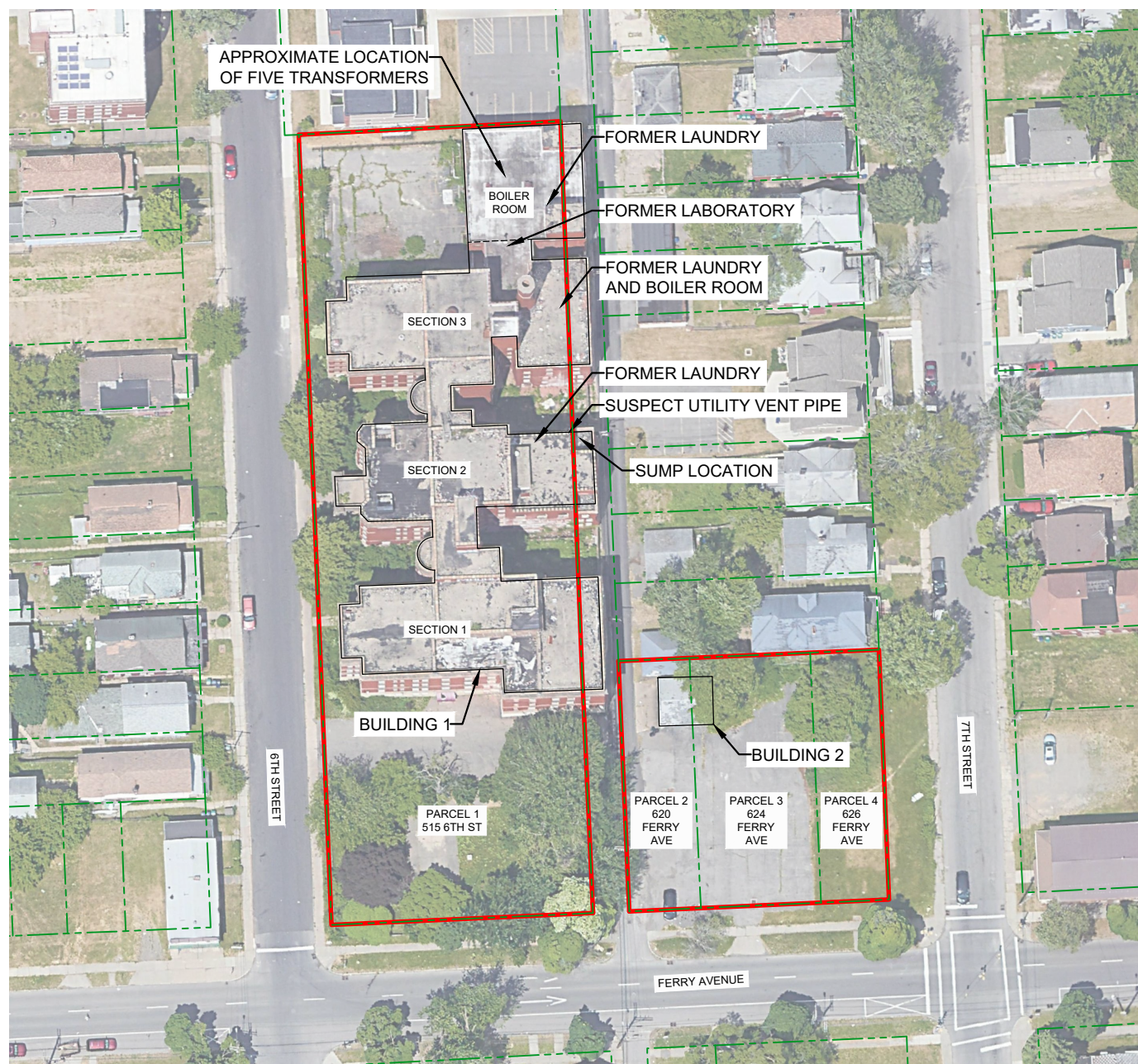
MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

PREPARED FOR

MOUNT ST MARYS LLC

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FIGURE 2



80' 0' 80' 160'

SCALE: 1 INCH = 80 FEET
SCALE IN FEET
(approximate)

LEGEND:



PROPERTY BOUNDARY
PARCEL BOUNDARY



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

PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

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SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

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PROJECT NO.: B0474-021-001

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BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

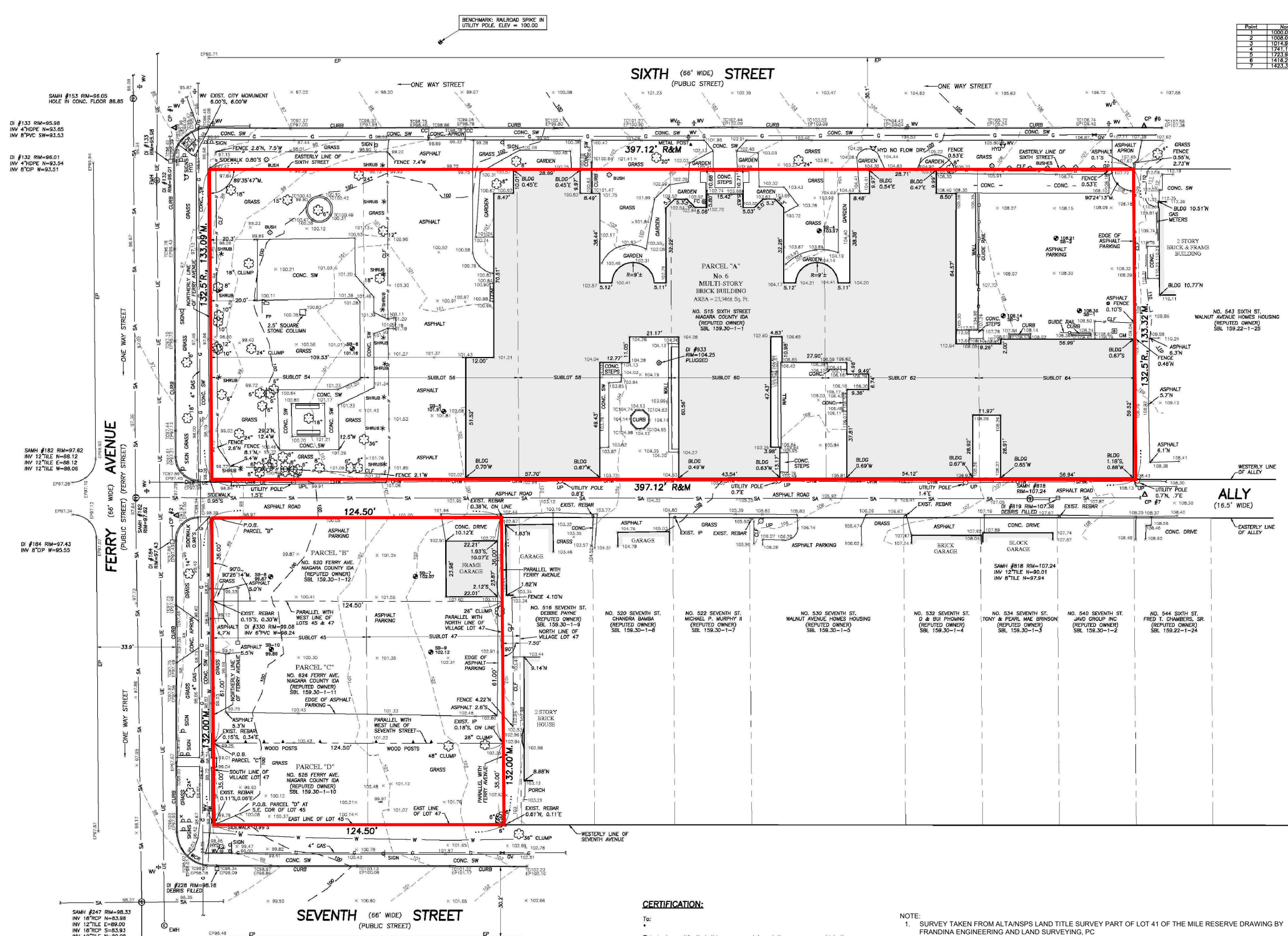
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F:\CAD\Benchmark\Generation Development Group\515 6th Street\BCP Application\Figure 4: Site Survey Map.dwg, 2/3/2022 10:20:50 AM, DWG To PDF.pc

DATE: JANUARY 2022
DRAFTED BY: TJM



SURVEY CONTROL			
VERTICAL DATUM = ASSUMED		HORIZONTAL DATUM = ASSUMED	
Point	Northings	Eastings	Description
1	1000.0000	1000.0000	83.97 MAGNALL
2	1008.0584	1168.2718	97.43 MAGNALL
3	1014.5876	1313.5880	28.03 MAGNALL
4	1014.1235	1283.4150	108.74 MAGNALL
5	1231.9448	870.0444	170.83 MAGNALL
6	1418.2825	881.5105	107.14 MAGNALL
7	1423.3345	1139.6015	108.13 MAGNALL

LEGEND	
CLF	CHAIN LINK FENCE
SFL	STOCKADE FENCE
	DOUBLE SIGN
	SIGN
GP	GUARD POSTS
FP	FLAG POLE
	TREE DECIDUOUS
	SHRUB
	BUSH
—G—	GAS LINE
GM	GAS METER
GV	GAS VALVE
GS	GAS SERVICE
DI	DRAINAGE INLET
DMH	STORM DRAINAGE MANHOLE
—ST—	STORM SEWER LINE
SAMH	SANITARY MANHOLE
SCD	SEWER CLEANOUT
—SA—	SANITARY SEWER LINE
INV	INVERT ELEVATION
LIGHT	LIGHT STANDARD
EM	ELECTRIC METER
EMH	ELECTRIC MANHOLE
UP	UTILITY POLE
UPL	UTILITY POLE W/ LIGHT
—OHW—	OVERHEAD WIRES
—UE—	UNDERGROUND ELECTRIC
—W—	WATER LINE
WV	WATER VALVE
HYD	HYDRANT
WCR	WHEEL CHAIR RAMP
CONC	CONCRETE
EP	EDGE OF PAVEMENT
CC	CURB ENTRANCE CUT
D&M	DEED AND MEASURED
R&M	RECORD AND MEASURED
P.O.B.	POINT OF BEGINNING
CP	PRIMARY CONTROL POINT
BM	BENCHMARK
BH#	TEST BORE W/ ELEVATION
	BCP SITE BOUNDARY

SITE SURVEY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

PREPARED FOR

MOUNT ST MARYS LLC



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

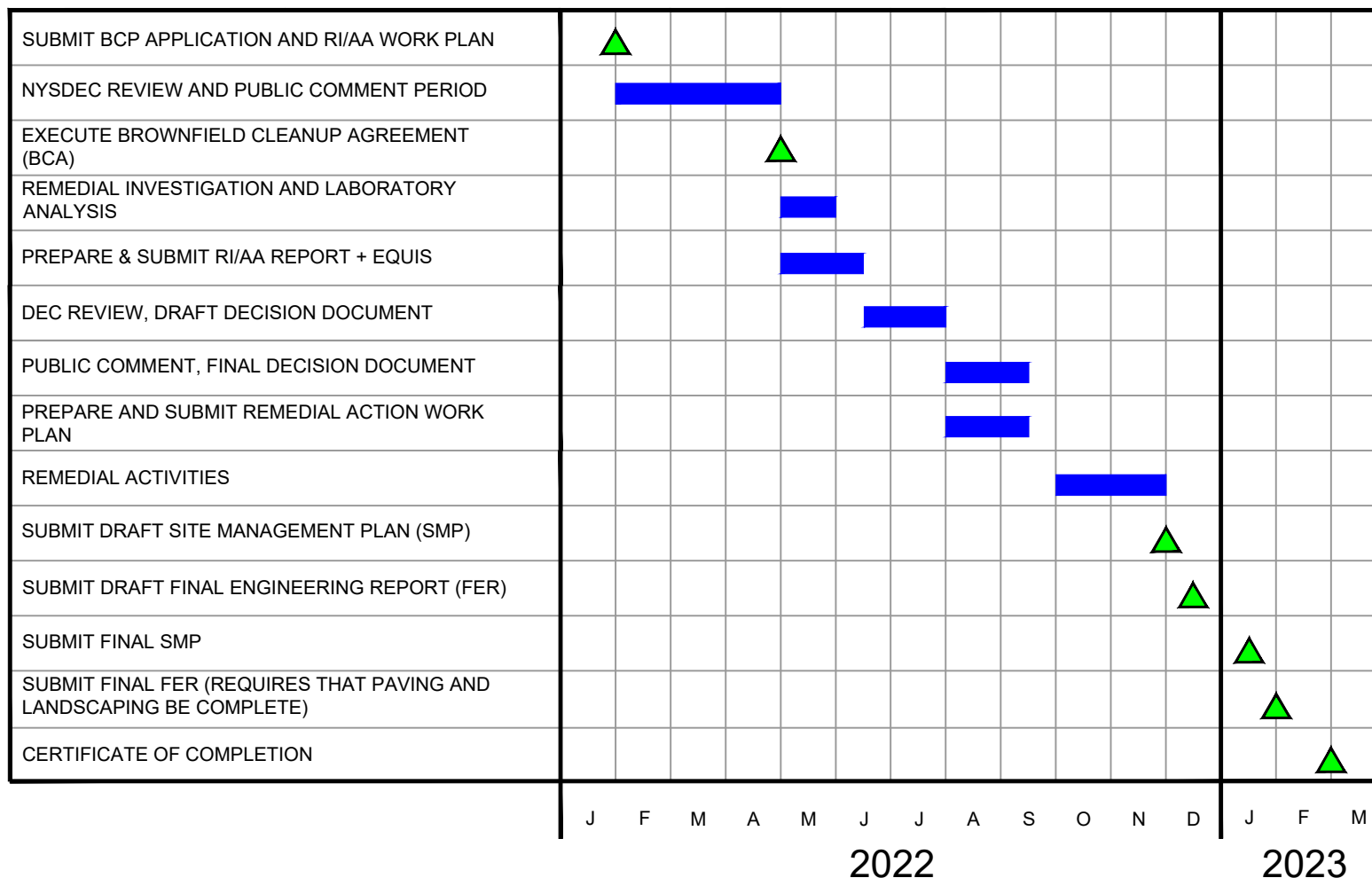
JOB NO.: B0474-021-001

FIGURE 4

NO. 515 SIXTH STREET - SBL NO. 159.30-1-1
NO. 620 FERRY AVENUE - SBL NO. 159.30-1-12
NO. 624 FERRY AVENUE - SBL NO. 159.30-1-11
NO. 626 FERRY AVENUE - SBL NO. 159.30-1-10

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PROJECT TASKS:



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PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

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PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

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FIGURE 5

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Carmina • Wood • Morris DPC



Generation
Building Better

Adaptive Reuse of Mount St. Mary's Hospital

IMAGE PROVIDED BY GENERATION DEVELOPMENT GROUP



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

PROJECT NO.: B0474-021-001

DATE: FEBRUARY 2022

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PRELIMINARY SITE RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

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MOUNT ST MARYS LLC

FIGURE 6

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F:\CAD\Benchmark\Generation Development Group\515 6th Street\BCP Application\Figure 7: Previous Investigation Locations and Results.dwg, 2/3/2022 10:26:38 AM, DWG To PDF.pc

DATE: JANUARY 2022
DRAFTED BY: CMS

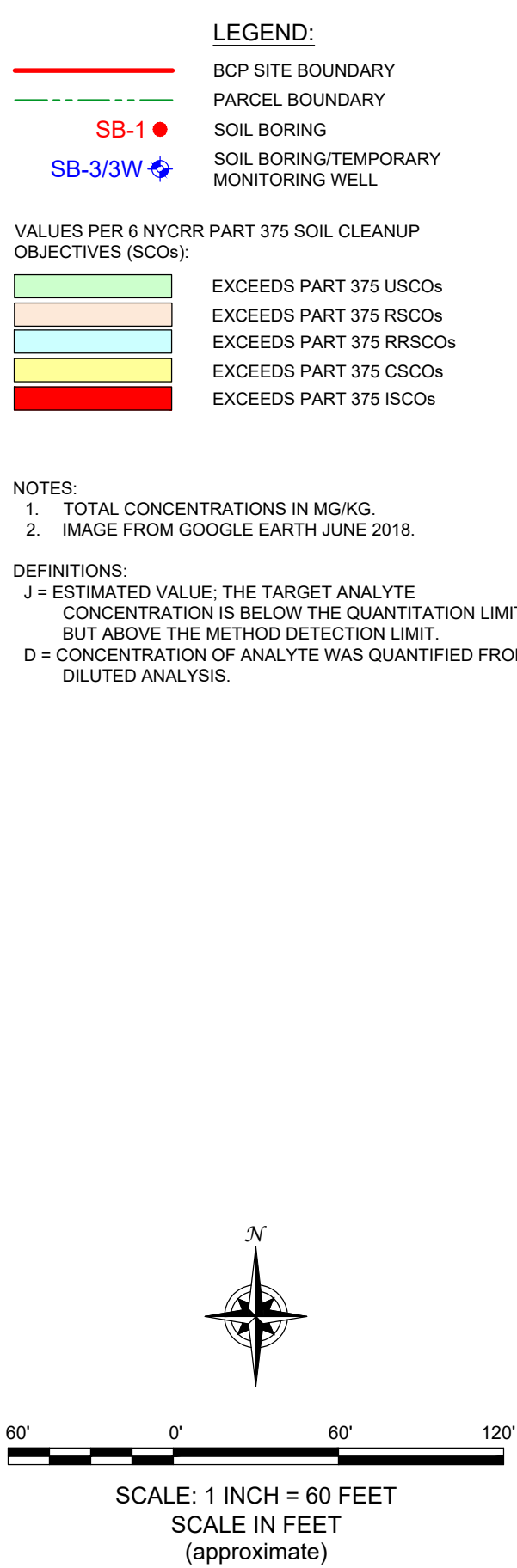


FIGURE 8



SCALE: 1 INCH = 250 FEET
SCALE IN FEET
(approximate)



LEGEND:

- BCP SITE BOUNDARY
- EN-ZONE TYPE A
- EN-ZONE TYPE AB

NOTE:

1. IMAGE TAKEN FROM GOOGLE EARTH 2021



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

PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

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EN-ZONE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

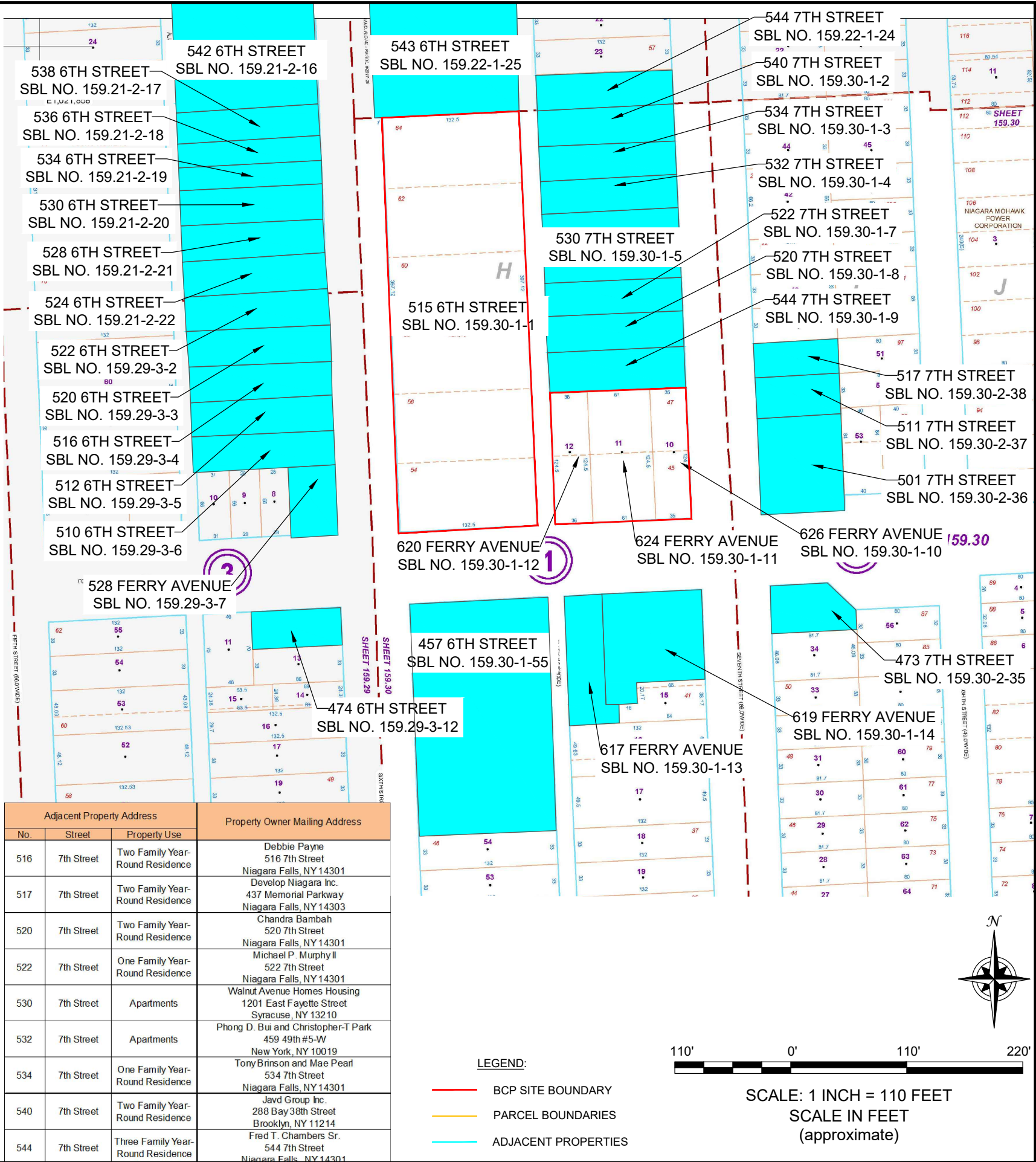
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Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
457	6th Street	Apartments	Buffalo EG Property 3840 Robinson Road, Unit #207 Amherst, NY 14228
474	6th Street	Three Family Year-Round Residence	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
510	6th Street	Apartment	Nicholas J. George 597 Sandlewood Drive Lewiston, NY 14092
512	6th Street	Three Family Year-Round Residence	Donald W. Farley 1609 Niagara Avenue Niagara Falls, NY 14305
516	6th Street	Two Family Year-Round Residence	Michael Carson 1216 Ferry Avenue Niagara Falls, NY 14301
520	6th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
522	6th Street	Two Family Year-Round Residence	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
524	6th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street Niagara Falls, NY 14302
528	6th Street	Apartments	Niagara EC8 LLC 50 Highland Avenue Somerville, MA 02143
530	6th Street	Residential Vacant Land	Jerry D. Lamb 5 Tenafly Road Englewood, NJ 07631
534	6th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street Niagara Falls, NY 14302
536	6th Street	Two Family Year-Round Residence	John E. Truesdale 536 6th Street Niagara Falls, NY 14301
538	6th Street	One Family Year-Round Residence	Roni Kazi Aktaruzzaman and Hossain Nazia 368 58th Court West Des Moines, IA 50266
542	6th Street	Social Organizations	Carolyn's House Housing 32 Cottage Street Lockport, NY 14094
543	6th Street	Apartments	Walnut Avenue Homes Housing 1201 East Fayette Street Syracuse, NY 13210
528	Ferry Avenue	Downtown Row Type (detached)	YASB LLC 244-18 88th Street Bellrose, NY 12426
617	Ferry Avenue	Two Family Year-Round Residence	Fernhill Realty Corp 346 Wyoming Avenue Buffalo, NY 14215
619	Ferry Avenue	Vacant Land Located in Commercial Areas	Fernhill Realty Corp 346 Wyoming Avenue Buffalo, NY 14215
473	7th Street	One Family Year-Round Residence	FCB Properties LLC 524 Cayuga Drive Niagara Falls, NY 14304
501	7th Street	Apartments	Ljubisko Cetinja 501 7th Street Niagara Falls, NY 14301
511	7th Street	Vacant Land Located in Commercial Areas	Roy L. Hood and Janeliunas 119 Valecrest Drive Etobicoke, Ontario M9A 4P7





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

JOB NO.: B0474-021-001

ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION

515 6TH STREET AND 620-626 FERRY AVENUE

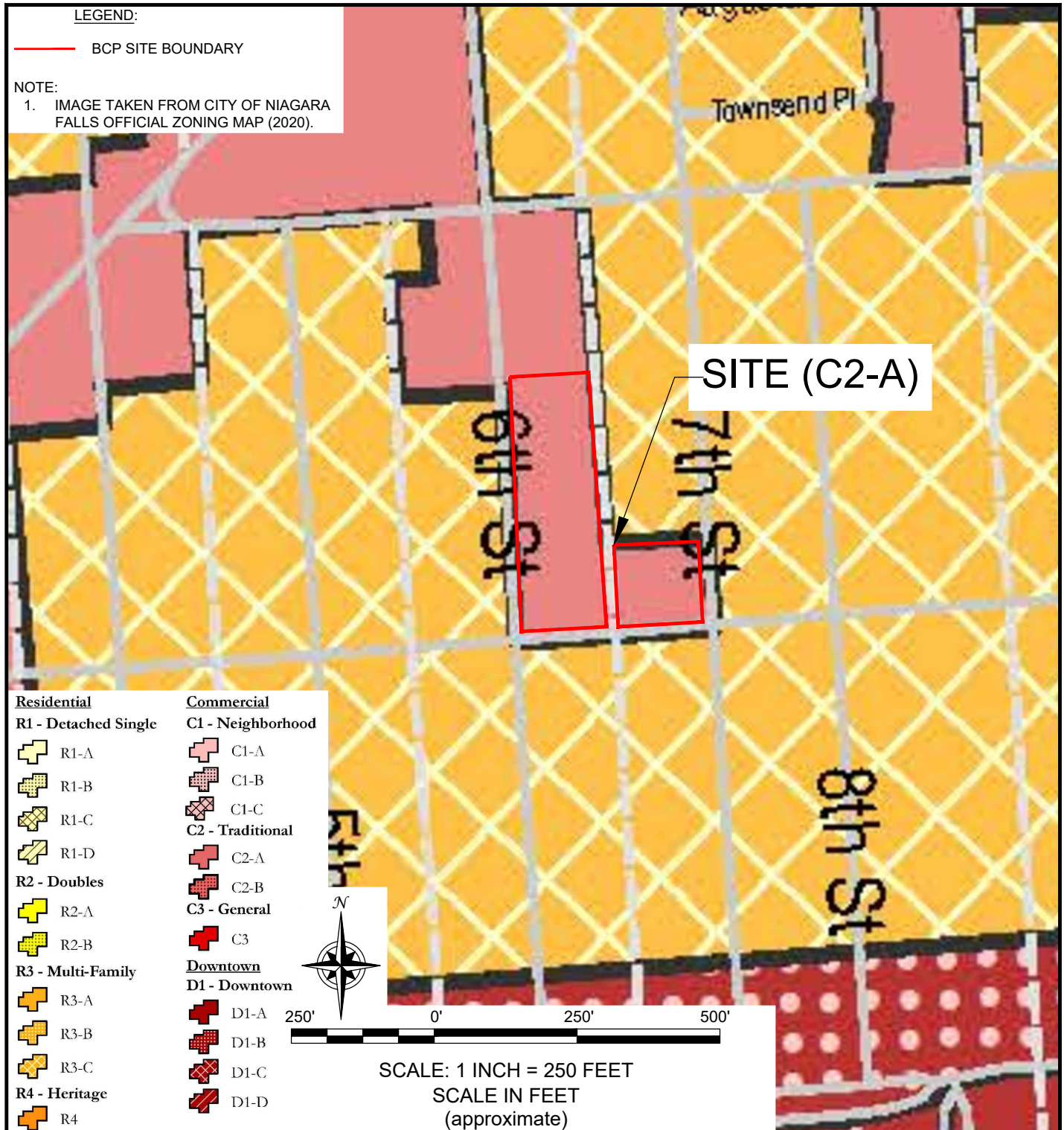
NIAGARA FALLS, NEW YORK

PREPARED FOR

MOUNT ST MARYS LLC

FIGURE 9

FIGURE 10



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

PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

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ZONING MAP

BROWNFIELD CLEANP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

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FIGURE 11



SCALE: 1 INCH = 125 FEET
SCALE IN FEET
(approximate)



LEGEND:

- BCP SITE BOUNDARY
- Ua SOIL CLASSIFICATION

NOTE:

1. MAP TAKEN FROM THE NIAGARA COUNTY GIS MAP



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

PROJECT NO.: B0474-021-001

DATE: JANUARY 2022

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SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

MOUNT ST MARYS REVITALIZATION
515 6TH STREET AND 620-626 FERRY AVENUE
NIAGARA FALLS, NEW YORK

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TABLE

Table 1 Summary of Soil/Fill Sample Analytical Results



Table 1

Summary of Soil/Fill Sample Analytical Results

**Mount St Marys Revitalization Site
Niagara Falls, New York**

Analyte Exceeding RRSCOs	Detections Exceeding RRSCO	Maximum Detection (ppm)	RRSCO (ppm)	Depth (ft bgs)
Benzo(a)anthracene	4	17	1	1-2
Benzo(a)pyrene	4	12	1	1-2
Benzo(b)fluoranthene	4	16	1	1-2
Benzo(k)fluoranthene	1	5.4	3.9	1-2
Chrysene	1	16	3.9	1-2
Dibenzo(a,h)anthracene	3	1.9	0.33	1-2
Indeno(1,2,3-cd)pyrene	4	8.6	0.5	1-2
Arsenic	3	81.4	16	1-2
Barium	1	800	400	2-5
Lead	1	2030	400	2-5
Mercury	1	0.962	0.81	1-3

BCP APPLICATION PART A – SECTIONS I - IV

SECTION I – REQUESTOR INFORMATION

SECTION II – PROJECT DESCRIPTION

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

SECTION IV – PROPERTY INFORMATION

**EXHIBIT A1 – NYS CORPORATION & BUSINESS ENTITY DATABASE
INFORMATION**

EXHIBIT A2 – SITE ACCESS AGREEMENT

EXHIBIT A3 – APPLICANT’S ORGANIZATIONAL CHART

EXHIBIT A4 – AUTHORIZATION TO SIGN

EXHIBIT A5 – NIAGARA COUNTY PARCEL DETAIL REPORTS

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mount St Marys Revitalization Site

SECTION I – REQUESTOR INFORMATION

The Requestor Mount St Marys LLC c/o Generation Development Group, LLC, is a New York limited liability company, authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for Mount St Marys LLC is attached as Exhibit A1.

Requestor Mount St Marys LLC will be a beneficial owner with authority for full property access; an access letter from the current property owner, Metropolis Properties Management LLC, is attached as Exhibit A2.

The members of Mount St Marys LLC are described in the Organization Chart in Exhibit A3.

Exhibit A4 is the Signature Consent, which identifies W. Marvin Wilmoth Jr. as the authorized person to execute documents or agreements necessary under the Brownfield Cleanup Program (BCP).

Benchmark Civil/Environmental Engineering and Geology, PLLC (Benchmark), a registered NYS engineering firm, and licensed NYS Professional Engineer (PE) will be acting as the Engineer of Record for this BCP project.

SECTION II – PROJECT DESCRIPTION

Mount St Marys LLC, acting as a Volunteer, is willing to complete additional investigation and remediate the Site (see Figures 1-4) under the NYS Brownfield Cleanup Program (BCP) and is submitting this BCP Application for eligibility acceptance into the program.

Mount St Marys LLC has prepared a Remedial Investigation Work Plan (RIWP) for concurrent submittal with the BCP Application and is prepared to complete a Remedial Investigation (RI) upon acceptance into the BCP.

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mount St Marys Revitalization Site

The Volunteer plans to redevelop the entire ±1.591-acre Site with the renovation of the existing vacant former hospital/nursing home into multi-family affordable apartment homes and an associated parking lot for the facility. The Site Plan was submitted to the City of Niagara Falls Planning Board for site plan approval in January 2022; unanimous site plan approval was obtained on February 23, 2022. The Site Redevelopment Plan estimates a capital investment of approximately \$43 million.

A preliminary project schedule is shown on Figure 5 and the preliminary project rendering is shown on Figure 6.

The project will result in the remediation and reuse of a vacant and abandoned environmentally impacted Site located in the City of Niagara Falls. The Site has been vacant/abandoned since at least 2003 (at least 19 years).

SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY

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

December 2021 – Phase I Environmental Site Assessment

Benchmark completed a Phase I Environmental Site Assessment (ESA) for the Site in December 2021. At the time of this assessment, the Site was vacant and consisted of the following parcels:

Parcel ID	Number	Street	Size (acres)	Tax ID No.	Current Owner	Current Use
Parcel 1	515	6 th Street	1.214	159.30-1-1	Metropolis Properties Management LLC	Vacant – former hospital/nursing home (Building 1)
Parcel 2	620	Ferry Avenue	0.103	159.30-1-12		Parking lot and a portion of a vacant residential garage (Building 2)
Parcel 3	624		0.174	159.30-1-11		
Parcel 4	626		0.100	159.30-1-10		Vacant – greenspace

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mount St Marys Revitalization Site

The following provides a summary of historic Site uses identified through Benchmark's review of historic sources including Sanborn maps, city directories, regulatory documents, municipal records and previous studies by others.

Approximate Years	Reported or Suspected Use	Owner/Occupant
At least 1892 to 1914	Residential – Numerous former individual residential structures were located on the various parcels related to the Site.	Owner/Occupant: Unknown
1914 to at least 1985	<p>Parcel 1: Hospital and/or nursing home with laundry operations from at least 1914 through at least 1985 and a laboratory in at least 1985. Original portions of St. Mary's Hospital/Manor are listed as being built in 1914 as per historic Sanborn maps. In addition, a temporary hospital building was formerly located on the south portion of Parcel 1 in at least 1914.</p> <p>Parcels 2 through 4: Individual former residential structures appear to be present until at least 1955 as shown on historical Sanborn maps. The residential structure at Parcel 2 appears to be removed in at least 1969 with the remaining garage (Building 2) shown on historical Sanborn maps.</p>	<p>Parcel 1: Owner/Occupants: St. Mary's Hospital/Manor</p> <p>Parcels 2 through 4: multiple individual tenants.</p>
1985 to 2003	<p>Parcel 1: St. Mary's Hospital/Manor remains in operation until it was closed in 2003 as indicated in a previous Phase I ESA by others.</p> <p>Parcels 2 through 4: Based on aerial photographs, residential structures appear to be removed at Parcel 2 and Parcel 3 to create the existing parking lot which is currently present. The residential structure at Parcel 4 appears to be shown on aerial photographs in 1995.</p>	<p>Parcel 1: Owner/Occupants: St. Mary's Hospital/Manor</p> <p>Parcels 2 through 4: multiple individual tenants</p>
2003 to present	<p>Parcel 1: Vacant former hospital/nursing home.</p> <p>Parcels 2 through 4: The residential structure remaining in 1995 is no longer</p>	<p>Parcel 1: Current Owner: Niagara County IDA re: Metropolis Properties Management LLC</p>

APPENDIX A
BCP Application – Part A
Section I – Section IV
Mount St Marys Revitalization Site

	shown on the 2008 historic aerial photographs. These parcels now consist of a commercial parking lot (Parcel 2 and Parcel 3) and vacant greenspace (Parcel 4).	<p>Former Owners/Occupants: Catholic Charities, Jose and Raquel DoVale, Granite Realty Group Inc., London Land Company LLC, Orchard Development, Nylola LLC, Dulzura Inc., Metropolis Properties, Niagara County IDA</p> <p>Parcels 2 through 4: Current Owner: Niagara County IDA re: Metropolis Properties Management LLC</p> <p>Former Owners/Occupants: multiple individual tenants</p>
--	--	--

Below is a summary of the recognized environmental conditions (RECs) as they relate to the Site:

- The Site has history of use as a hospital/nursing home with the reasonably anticipated use of hazardous/regulated materials from former medical, laundry, and laboratory operations.
- There is the potential for polychlorinated biphenyls (PCBs) at the Site in connection with five inactive/disconnected transformer carcasses (minor staining was observed on their exteriors), electrical equipment, and lighting/ballasts.
- Remaining containers, equipment/machinery, etc. within Building 1 is considered a REC as such will be required to be characterized and properly handled during the redevelopment project.
- Black staining was observed in Building 1 in a room adjacent to the current transformer carcass area and proximate to the boiler room.
- There is the potential for impacted urban fill materials at each parcel due to the urban location of the Site and former buildings that could have been backfilled with unknown fill materials.
- Prior to being redeveloped, the adjacent property to the north of Parcel 1 had a history of automotive repair and underground storage tanks (USTs). During redevelopment, remediation of naturally occurring radioactive material was reportedly completed at the north adjacent property. Based on this information, due to the proximity of the adjacent property to the Site and its location in the City of Niagara

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Falls, there is the potential for fill materials (i.e., slag) with elevated gamma concentrations at the Site.

December 2021 – Phase II Environmental Investigation Report

Benchmark completed a Phase II Environmental Investigation at the Site to assess the RECs identified during the Phase I ESA. Phase II findings are documented in a report dated December 2021. As part of the Phase II work, Benchmark completed eleven (11) soil borings at the Site (designated SB-1 through SB-11) to equipment refusal (suspected bedrock) encountered at varying depths between approximately 4.0 to 7.0 feet below ground surface (fbgs). Soil borings were completed across the Site with at least one (1) soil boring completed at each of the four (4) parcels that make up the Site (515 6th Street, 620 Ferry Avenue, 624 Ferry Avenue, 626 Ferry Avenue).

Three soil borings were converted into one-inch diameter overburden monitoring wells; however, at the time of the Phase II investigation, after multiple trips to the Site, the wells remained dry thus no overburden groundwater samples could be collected for laboratory analysis.

Ten (10) soil/fill samples were selected for laboratory analysis. Findings of the Phase II are summarized on Figure 7 and detailed below:

- Subsurface conditions of the Site consisted of non-native fill materials, which mainly consisted of sand with gravel or reworked clay intermingled with fragments of coal and brick to depths ranging between 1.3 feet below ground surface (fbgs) and 5.7 fbgs overlaying lean clay, silty and or combinations of silt and gravel to the bottom of each boring.
- The highest photoionization detector (PID) reading identified during the work was 3.8 parts per million (ppm) in fill material at SB-8 (3.8 fbgs) where an unknown odor was also noted; trichloroethene (TCE) was identified at this location; however, the concentration does not exceed its respective Unrestricted Soil Cleanup Objective

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(USCO). Additional information relative to soil/fill analytical results is provided below.

- Semi-volatile organic compounds (SVOCs), specifically polycyclic aromatic hydrocarbons (PAHs), were detected exceeding their respective 6 NYCRR Part 375 SCOs including USCOs, Restricted-Residential SCOs (RRSCOs), Commercial SCOs (CSCOs), and/or Industrial SCOs (ISCOs) at four sample locations (SB-3, SB-7, SB-9, and SB-11) with PAH exceedances in one sample from each parcel (Parcels 1 through 4).
- Metals arsenic, barium, lead, mercury, and silver were identified at concentrations exceeding SCOs. Specifically, arsenic exceeded its respective ISCO at SB-1 (30.2 milligrams per kilogram, mg/kg), SB-2 (81.4 mg/kg) and SB-3 (19.4 mg/kg). Mercury exceeded its respective RRSCO at SB-4 and barium and lead exceeded their respective CSCOs at SB-6.

In addition to the environmental reports discussed above, the following summarizes previous asbestos and hazardous material surveys completed by others for the historic hospital/nursing home structure.

June 2018 – Asbestos Survey

AMD Environmental Consultants conducted a pre-renovation asbestos inspection in areas of planned renovations throughout the historic hospital/nursing home building between May 31, 2018 and June 6, 2018. Sampling and analysis of the suspect materials under Polarized Light Microscopy (PLM), and where necessary, under Transmission Electron Microscopy (TEM), revealed the presence of asbestos containing building materials (ACBM). Materials identified as containing asbestos included, but were not limited to, floor debris/tiles, wall tiles/panels, thermal system insulation, boiler breeching, hot water tank insulation, and roofing materials. Many materials were noted as damaged or significantly damaged.

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November 2021 – Hazardous Materials Inspection

Between November 2-4, 2021, AMD Environmental inspected the historic hospital/nursing home building and found visual mold, lead-based paint, PCBs in caulk, universal waste, and bird/animal excrement. Radon testing was also completed. Additional details relative to AMD Environmental's findings are provided below:

- **Lead-based Paint:** X-ray Fluorescence Spectrum Analyzer (XRF) analysis indicated the following painted surface having a lead content at greater than 1.0 milligram per square centimeter (mg/cm²); eight wood window casings, one ceramic tile wall, one wood window sash, one wood windowsill, and one metal newel post. For any renovations undertaken that require demolition of these painted surface, contractors should be advised of the presence of lead, and required to comply with OSHA regulations for construction worker safety. Forty-four out of forty-eight dust wipe samples failed to meet USHUD standards for dust levels (10 micrograms per square foot (ug/ft²) for floors and 100 ug/ft² for windowsills).
- **Radon Gas:** Six basement locations were sampled using the Short Term, Carbon Scintillation methodology in accordance with United States Environmental Protection Agency (USEPA) protocol and analyzed by EPA Method 402-R-92-004. The laboratory analysis indicated the results are within the recommended EPA Action Level of 4.0 pico curies per liter (pCi/L) and that no further action is required at this time. Sample concentrations were identified as approximately 0.3 pCi/L, which are significantly below the EPA action level of 4.0 pCi/L.
- **PCBs in Caulk:** One representative sample was collected for analysis. The window/door caulk materials sampled on the date of inspection were found to be below the 50 ppm threshold for PCBs by laboratory analysis and deemed non-PCB containing.
- **Miscellaneous Universal Waste/Environmental Issues:** A total of 1,862 fluorescent light bulbs and 1,073 PCB/DEHP containing ballasts were identified on all six floors as well as the ground floor, basement, and sub-basement boiler room. Fluorescent bulbs require proper disposal and/or recycling. PCB/DEHP ballasts would require either high temperature incineration, hazardous waste landfill disposal, or recycling. Several tires were observed in the ground floor/basement.
- **Visual Mold Assessment:** visible intermittent mold growth was present on most walls and ceilings in several of the locations throughout the building. AMD recommended

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that mold mitigation be performed by a certified mold mitigation contractor after any asbestos and lead abatement work is completed. Post mold mitigation clearance sampling should be completed to ensure work has been completed effectively and that spore concentrations are at acceptable levels.

Several of the building materials, equipment and waste mentioned above would require proper handling/disposal as part of site preparation activities to prepare the building for safe reuse and redevelopment. Specifically, an asbestos survey found asbestos containing materials which must be abated as a required site preparation activity. In addition, the Pre-Renovation Survey for lead-based paint (LBP) using XRF analysis and wipe sampling methodology on various painted building components identified a number of LBP building components that have to be abated in order for the safe reuse of the building, including but not limited to, wood window components, metal newel post, and ceramic wall tile. Wipe sampling results revealed the presence of elevated lead concentrations in connection with dust on the floor and windowsills. PCB/DEHP containing ballasts will likely need to be removed because they likely contain PCBs. Abatement of the asbestos and lead paint, and removal of building materials, equipment or debris containing hazardous waste, contaminated material or PCBs will be performed as part of site preparation activities either during or after the RI implementation

Environmental reports are provided as separate PDF files on the enclosed CD.

SECTION IV – PROPERTY INFORMATION

Parcel Description

The Mount St Marys Revitalization Site, subject to this BCP application, is located in a highly developed commercial and residential area in the City of Niagara Falls, Niagara County, New York (see Figures 1 through 4). The ±1.591-acre Site consists of four (4) parcels as follows:

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- 515 6th Street: SBL No. 159.30-1-1, 1.214 acres
- 620 Ferry Avenue: SBL No. 159.30-1-12, 0.103 acres
- 624 Ferry Avenue: SBL No. 159.30-1-11, 0.174 acres
- 626 Ferry Avenue: SBL No. 159.30-1-10, 0.100 acres

The Niagara County tax parcel detail reports for the four (4) parcels Site are provided for reference in Exhibit A5.

An alley, which is not considered a portion of the Site, runs north-south between the hospital parcel and the Ferry Avenue parcels.

According to NYSDEC Environmental Zone (EN-Zone) mapping, 100% of the Site is located within Census Tract 211, which is a Type A EN-Zone area (Figure 8).

Easements and Permits

Mount St Marys LLC 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 rights-of-way along 6th Street, Ferry Avenue, and 7th Street. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. Mount St Marys LLC is not aware of any other easements or restrictions on the Site.

The Site was not identified in the New York State Department of Environmental Conservation (NYSDEC) Petroleum/Chemical Bulk Storage database or the NYSDEC Spill database.

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Location

The Site is located on the northeast corner of Ferry Avenue and 6th Street and the northwest corner of Ferry Avenue and 7th Street in a highly developed mixed-use residential and commercial area of the City of Niagara Falls, Niagara County, New York. The Site is bordered by residential properties to the north; Ferry Avenue, vacant land, and residential properties to the south; 6th Street and residential properties to the east; and 7th Street with residential properties beyond to the west. As previously indicated, an alley, which is not considered a portion of the Site, runs north-south between the 6th Street and Ferry Avenue parcels that comprise the Site. Adjacent property owners are identified on Figure 9.

Site Features

The currently vacant building located on 515 6th Street was formerly occupied by St. Mary's Hospital from 1914 until approximately 2003 when they abandoned the building. A private garage, constructed in 1970, also remains on-Site on parcel 620 Ferry Avenue. The remainder of the Site generally consists of a mixed vegetative cover (grass, brush, and small trees), and asphalt paving.

Zoning and Land Use

The project area is planned as residential, consistent with the City of Niagara Falls zoning assigned to the Site (see Figure 10). The current zoning for the Site is C2-A which is Traditional Commercial (intended to allow for mix of residential and commercial uses along major travel corridors). Adjacent properties are zoned R3-C which is Mutli-family High Density District (intended primarily for urban-style developments or combination of residential building types, oriented to the street).

As indicated above, the surrounding parcels are currently used as follows:

- north – residential;
- south – Ferry Avenue, residential and vacant land;
- east – residential and vacant land, 7th Street beyond; and

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- west – 6th Street, residential, and vacant land.

Planned reuse of the Site as a residential development is consistent with the City of Niagara Falls zoning for the area.

Past Use of the Site

The Site includes four (4) lots that were largely developed with several former residential buildings and a hospital. Currently, the Site includes a vacant historic hospital/nursing home and a vacant private automobile garage. Of note, St. Mary's Hospital and/or Nursing Home has occupied the 515 6th Street parcel since at least 1914. The facility conducted laundry operations from at least 1914 through at least 1985 and included a laboratory in at least 1914. The facility closed in 2003. The three parcels located along Ferry Avenue were historically used for residential purposes from at least 1892 through at least 2008 but are currently vacant with the exception of a remaining private automobile garage.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief, except in the immediate vicinity of major drainage ways. The United States Department of Agriculture (USDA) Web soil survey had no digital data available for the Site. The Niagara County GIS website identifies the site soil as Ua which is classified as Udorthents, sandy (see Figure 11).

The subsurface conditions of the Site consist of varying types of non-native fill materials consisting of sand with gravel or reworked clay intermingled with fragments of coal and brick to depths ranging between 1.3 to 5.7 fbgs. Native soil, underlaying non-native material, consists of lean clay, silty sand or combinations of silt and gravel to the bottom of each boring. Equipment refusal (suspected bedrock) was encountered at all soil boring locations at depths ranging between 4 and 7 fbgs. Equipment refusal was generally encountered between 6 and 7 fbgs on Parcel 1 with the deepest location at SB-6 at 7 fbgs (southern

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portion of Parcel 1); shallower refusal at around 4 fbg was encountered on the Ferry Avenue portion of the Site on Parcels 2-4. Based on this information, bedrock is anticipated to slope in a southerly or southwesterly direction.

During Phase II drilling activities, wet soil/fill, indicating possible groundwater was observed at certain borings; however, no groundwater sampling could be completed as the three monitoring wells installed at the Site did not produce a sufficient volume of groundwater for sampling. Additional work is required to investigate groundwater flow direction and quality at the Site. Bedrock monitoring wells, to assess and characterize groundwater quality, are planned to be installed during the Remedial Investigation.

Regional groundwater is anticipated to flow to the south or west toward the Niagara River or consistent with topography in the vicinity of the Site. However, local groundwater flow may be influenced by subsurface features, such as excavations, utilities, and localized fill conditions.

Environmental Assessment Narrative

The past use of the Site and/or the presence of urban fill has impacted the Site. Figure 7 summarizes the environmental impacts identified in the previous investigation. Benchmark completed Phase II investigation fieldwork in November 2021 (discussed in Section III of Appendix A). The laboratory analytical results indicate elevated concentrations of SVOCs (specifically PAHs) and metals exceeding their respective RRSCOs, which are applicable for the intended reuse of the Site, with some sample results exceeding the CSCOs and ISCOs. The exceedances above applicable RRSCOs were detected in the fill material, which is present across most of the Site and varies in depth up to 5.7 fbg.

Semi-Volatile Organic Compounds

SVOCs were detected above MDLs in nine of the ten samples analyzed for SVOCs. SVOCs, specifically PAHs, were detected above their respective Part 375 RRSCOs, CSCOs,

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and/or ISCOs at four (4) investigation locations, SB-3, SB-7, SB-9, and SB-11. PAHs were detected above their respective SCOs on the 515 6th Street and the 620, 624, and 626 Ferry Avenue parcels.

- Benzo(a)pyrene exceeded its ISCO at four locations: SB-3, SB-7, SB-9, and SB-11.
- Benzo(a)anthracene and benzo(b)fluoranthene exceeded their RRSCOs at three locations: SB-3, SB-7, and SB-11 and their ISCOs at SB-9.
- Dibenzo(a,h)anthracene exceeded its RRSCO at SB-3 and SB-7 and its ISCO at SB-9.
- Indeno(1,2,3-cd)pyrene exceeded its RRSCO at SB-3, SB-7, and SB-11 and its CSCO at SB-9.

Metal Analytes

Metal analytes were detected above MDLs in the ten (10) samples analyzed for metals from across the Site on all parcels. Metal analytes were detected above their respective Part 375 RRSCOs, CSCOs, and/or ISCOs at five (5) investigation locations, SB-1, SB-2, SB-3, SB-4, and SB-6.

- Arsenic exceeded its ISCO at SB-1, SB-2, and SB-3.
- Barium exceeded its CSCO at SB-6.
- Lead exceeded its CSCO at SB-6.
- Mercury exceeded its RRSCO at SB-4.

Previous investigation reports have been provided electronically to the Department as requested.

January 27, 2022 | 2:59 pm

COVID-19 Vaccines

Children ages 5+ are eligible for the COVID-19 vaccine and children ages 12+ are eligible for a booster. Parents and guardians: make sure your child gets vaccinated and stays up to date with all recommended doses.

[VAX FOR KIDS >](#)

Department of State

Division of Corporations

Entity Information

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

Entity Details

**ENTITY NAME:** MOUNT ST MARYS LLC**DOS ID:** 6384611**FOREIGN LEGAL NAME:****FICTITIOUS NAME:****ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY**DURATION DATE/LATEST DATE OF DISSOLUTION:****SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY
COMPANY LAW**ENTITY STATUS:** ACTIVE**DATE OF INITIAL DOS FILING:** 01/25/2022**REASON FOR STATUS:****EFFECTIVE DATE INITIAL FILING:** 01/25/2022**INACTIVE DATE:****FOREIGN FORMATION DATE:****STATEMENT STATUS:** CURRENT**COUNTY:** NIAGARA**NEXT STATEMENT DUE DATE:** 01/31/2024**JURISDICTION:** NEW YORK, UNITED STATES**NFP CATEGORY:**[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process Name and Address

Name: MOUNT ST MARYS LLC**Address:** 111 NE 1ST STREET, 8TH FLOOR #1019, MIAMI, FL, UNITED STATES, 33132

Chief Executive Officer's Name and Address

Name:**Address:**

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:**Address:**

Entity Primary Location Name and Address

Name:**Address:**

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

Mount St Marys LLC
111 NE 1st Street, 8th Floor
Miami, Florida 33132

Metropolis Properties Management LLC
136-20 38th Avenue, 9th Floor
Flushing, New York 11354

Re: Site Access to Perform Brownfield Cleanup Program Work
515 6th Street and 620-626 Ferry Avenue
Niagara Falls, New York 14301

Dear Ms. Lu:

Mount St Marys LLC is submitting a Brownfield Cleanup Program (“BCP”) Application to the New York State Department of Environmental Conservation to voluntarily investigate and remediate the following properties: 515 6th Street, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-1), 620 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-12), 624 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-11), and 626 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-10) (the “BCP Site”). As you know, Metropolis Properties Management LLC owns the aforementioned parcels that make up the BCP Site. We need your written permission below to access your property for the purpose of performing environmental investigation and remediation work for acceptance into the BCP.

If you agree to sign below, you are granting us what is known as a “temporary license” to allow an appropriate contractor we hire to enter the property to perform investigation and remediation work. We promise to provide you with copies of any information we generate about the property, and if we do accidentally damage your property in any way, we agree to repair the damages to restore the property to the way it was before we entered. Our contractor will also maintain insurance that would cover any accidents on the job. We promise to minimize any and all inconvenience to you in connection with this work, and will give you one week notice before the work begins.

In addition, in the unlikely circumstance that you still own the BCP Site when the remediation is complete and the Certificate of Completion is about to be obtained, and a Track 1 remediation level is not achieved, you are hereby also agreeing to impose an environmental easement on the BCP Site if required by the New York State Department of Environmental Conservation.

If you have any questions, please do not hesitate to call me at 917-331-0136. Otherwise, please sign below so that this work can proceed. Thank you for your cooperation.

Sincerely,



Mount St Marys LLC
W. Marvin Wilmoth Jr.

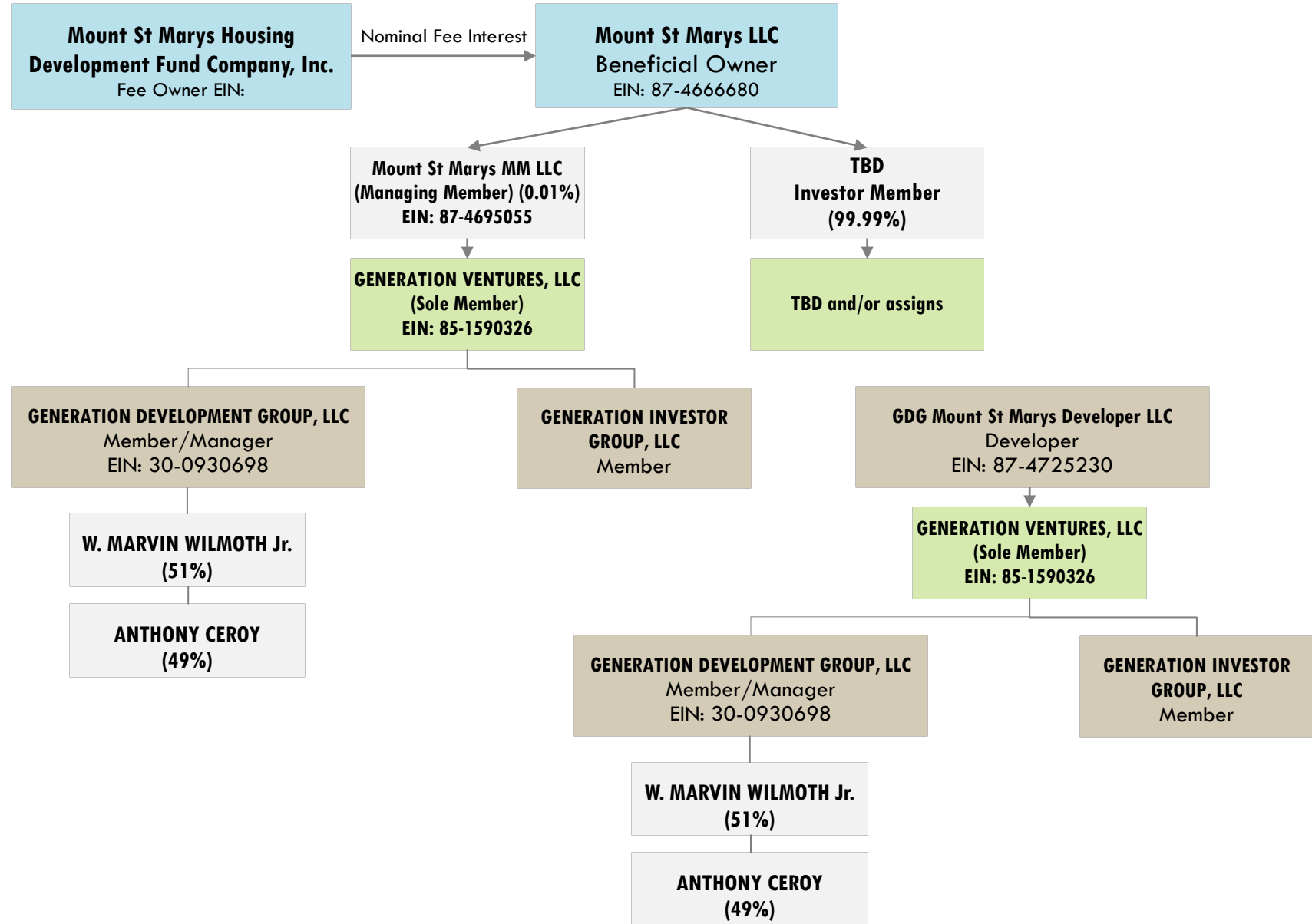
As an authorized signatory on behalf of the Metropolis Properties Management LLC, which is the title owner of the BCP Site, I am authorized to grant this temporary license and agree to allow Mount St Marys LLC and its agents to enter the BCP Site to perform the BCP Investigation and/or remediation work required.

Sally Lu

Metropolis Properties Management LLC

By. Sally (Xiaomei) Lu
Manager

MOUNT ST MARYS REVITALIZATION
ORGANIZATION CHART



WRITTEN CONSENT

The undersigned, being a Member of Generation Development Group, LLC, which is a member of Generation Ventures, LLC, which is the sole member of Mount St Marys MM LLC, which is the Managing Member of Mount St Marys LLC does hereby certify as follows:

1. Mount St Marys LLC is the prospective volunteer and beneficial owner for the prospective Brownfield Cleanup Program (BCP) Site located at 515 6th Street, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-1), 620 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-12), 624 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-11), and 626 Ferry Avenue, Niagara Falls, New York 14301 (Tax Parcel No. 159.30-1-10) (collectively the “BCP Site”).

2. The following person, W. Marin Wilmoth Jr., has been authorized to execute any documents required by the New York State Department of Environmental Conservation on behalf of BCP Site volunteer Mount St Marys LLC in relation to the BCP Site.

IN WITNESS WHEREOF, the undersigned has executed this Certificate on this ____ day of February 2022.



Mount St Marys LLC

By: Mount St Marys MM LLC (Managing Member)

By: Generation Ventures, LLC (Sole Member)

By: Generation Development Group, LLC (Member)

By: Anthony Ceroy (Member)

Structure

Building 1	
Number of Identical Buildings	
Actual Year Built	1940
Effective Year Built	
Construction Quality	2.0
Condition	3 - Normal
Building Perimeter	5568
Gross Floor Area	104896
Number of Stories	4.0
Story Height	12
Air Conditioning %	0%
Sprinkler %	0%
Number of Elevators	4
Basement Perimeter	176
Basement Sq. Ft	1807
Building 2	
Number of Identical Buildings	
Actual Year Built	1940
Effective Year Built	
Construction Quality	2.0
Condition	3 - Normal
Building Perimeter	151
Gross Floor Area	1419
Number of Stories	1.0
Story Height	12
Air Conditioning %	0%
Sprinkler %	100%
Number of Elevators	
Basement Perimeter	
Basement Sq. Ft	
Building 3	
Number of Identical Buildings	
Actual Year Built	1948
Effective Year Built	
Construction Quality	2.0
Condition	3 - Normal
Building Perimeter	970
Gross Floor Area	9491
Number of Stories	3.0
Story Height	12
Air Conditioning %	0%
Sprinkler %	100%
Number of Elevators	4
Basement Perimeter	306
Basement Sq. Ft	4337



2022 Assessment Information

Land Assessed Value	\$18,300
Total Assessed Value	\$200,000
Equalization Rate	67%
Full Market Value	\$298,507
Partial Construction	No
County Taxable	\$0
Municipal Taxable	\$0
School Taxable	\$0

Property Description

Property Type	642 - Health bldg
Neighborhood Code	7
SWIS	291100
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
Road Type	-
Zoning	C2-A Trad Comm HH

Last Property Sale

Deed Date	10/29/2018
Deed Book	2018
Deed Page	19115
Contract Date	
Sale Date	10/29/2018
Date Last Physically Inspected	
Full Sale Price	\$0
Net Sale Price	\$0
Usable For Valuation	No
Arms Length	No
Prior Owner	Niagara County IDA

Owner Information

Owner Name	Address 1	Address 2	PO Box	City	State	Zip	Unit Name	Unit Number
Niagara County IDA	136-20 38th Ave			Flushing	NY	11354	Ste	9J
RE: Metropolis Properties	136-20 38th Ave			Flushing	NY	11354	Ste	9J
Management LLC	136-20 38th Ave			Flushing	NY	11354	Ste	9J

Land

Site #	Land Type	Acres	Front	Depth	Sq Ft	Soil Rating
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1	01 - Primary				52272	
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Commercial Site Uses			
Site #	Commercial Use	Total Units	Total Rentable Area (sqft.)
1	Z15 - Nursing home	119	114387
1	A07 - External apt	1	1419
1	F03 - Dstr wrhouse	0	6144

Improvements							
Site #	Structure Code	SqFt	Dimensions	Quantity	Overall Condition	Actual Year Built	Effective Year Built
1	CP8 - Canpy-com st	96.00		1.00	3 - Normal	1940	
1	LP4 - Pavng-asphlt		8500.00 x 6.00	1.00	3 - Normal	1970	

Exemptions					
Code Description		Amount	Exemption %	Start Year	End Year
18020 - MUNICI		\$200,000.00		2019	

Special Districts					
Code Description		Type	Primary Units	Secondary Units	Amount
RD291 - County refuse		A	0.00	0.00	\$200,000.00

Sales										
Deed Date	Deed Book	Deed Page	Contract Date	Sale Date	Last Physical Inspection Date	Sale Price	Net Sale Price	Usable for Valuation	Arms Length	Prior Owner
12/31/2003	3263	278		12/31/2003		\$60,000	\$60,000	No	No	Catholic Charities Of
05/13/2005	3317	114		05/13/2005		\$215,000	\$215,000	No	Yes	DoVale Jose & Raquel
09/27/2005	3333	41		09/27/2005		\$760,000	\$760,000	No	No	Granite Realty Group Inc
04/07/2006	3354	721		04/07/2006		\$760,000	\$760,000	No	No	Londen Land Compnay LLC
08/08/2006	3367	972		08/08/2006		\$0	\$0	No	No	Orchards Development
10/17/2011	2011	17693		10/17/2011		\$250,000	\$250,000	No	No	Nylola LLC
10/17/2011	2011	17692		10/17/2011		\$0	\$0	No	No	Nylola LLC
10/26/2018	2018	18972		10/26/2018		\$900,000	\$900,000	Yes	Yes	Dulzura Inc
10/29/2018	2018	19114		10/29/2018		\$0	\$0	No	No	Metropolis Properties
10/29/2018	2018	19115		10/29/2018		\$0	\$0	No	No	Niagara County IDA

Structure



2022 Assessment Information

Land Assessed Value	\$1,600
Total Assessed Value	\$5,000
Equalization Rate	67%
Full Market Value	\$7,463
Partial Construction	No
County Taxable	\$0
Municipal Taxable	\$0
School Taxable	\$0

Property Description

Property Type	439 - Sm park gar
Neighborhood Code	7
SWIS	291100
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
Road Type	-
Zoning	C2-A Trad Comm HH

Last Property Sale

Deed Date	10/29/2018
Deed Book	2018
Deed Page	19115
Contract Date	
Sale Date	10/29/2018
Date Last Physically Inspected	
Full Sale Price	\$0
Net Sale Price	\$0
Usable For Valuation	No
Arms Length	No
Prior Owner	Niagara County IDA

Owner Information

Owner Name	Address 1	Address 2	PO Box	City	State	Zip	Unit Name	Unit Number
Niagara County IDA	136-20 38th Ave			Flushing	NY	11354	Ste	9J
RE: Metropolis Properties	136-20 38th Ave			Flushing	NY	11354	Ste	9J
Management LLC	136-20 38th Ave			Flushing	NY	11354	Ste	9J

Land

Site #	Land Type	Acres	Front	Depth	Sq Ft	Soil Rating
1	01 - Primary				4482	

Improvements

Site #	Structure Code	SqFt	Dimensions	Quantity	Overall Condition	Actual Year Built	Effective Year Built
1	RG4 - Gar-1.0 det	528.00		1.00	3 - Normal	1970	
1	LP4 - Pavng-asphalt		2250.00 x 6.00	1.00	3 - Normal	1970	

Exemptions

Code Description	Amount	Exemption %	Start Year	End Year
18020 - MUNICI	\$5,000.00		2019	

Special Districts

Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0.00	0.00	\$5,000.00

Sales

Deed Date	Deed Book	Deed Page	Contract Date	Sale Date	Last Physical Inspection Date	Sale Price	Net Sale Price	Usable for Valuation	Arms Length	Prior Owner
10/17/2011	2011	17693		10/17/2011		\$250,000	\$250,000	No	No	Nylola LLC
10/17/2011	2011	17692		10/17/2011		\$0	\$0	No	No	Nylola LLC
10/26/2018	2018	18972		10/26/2018		\$900,000	\$900,000	Yes	Yes	Dulzura Inc
10/29/2018	2018	19114		10/29/2018		\$0	\$0	No	No	Metropolis Properties
10/29/2018	2018	19115		10/29/2018		\$0	\$0	No	No	Niagara County IDA

Structure

No image found for this Parcel.

2022 Assessment Information

Land Assessed Value	\$2,600
Total Assessed Value	\$2,600
Equalization Rate	67%
Full Market Value	\$3,881
Partial Construction	No
County Taxable	\$0
Municipal Taxable	\$0
School Taxable	\$0

Property Description

Property Type	438 - Parking lot
Neighborhood Code	7
SWIS	291100
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
Road Type	-
Zoning	C2-A Trad Comm HH

Last Property Sale

Deed Date	10/29/2018
Deed Book	2018
Deed Page	19115
Contract Date	
Sale Date	10/29/2018
Date Last Physically Inspected	
Full Sale Price	\$0
Net Sale Price	\$0
Usable For Valuation	No
Arms Length	No
Prior Owner	Niagara County IDA

Owner Information								
Owner Name	Address 1	Address 2	PO Box	City	State	Zip	Unit Name	Unit Number
Niagara County IDA	136-20 38th Ave			Flushing	NY	11354	Ste	9J
RE: Metropolis Properties	136-20 38th Ave			Flushing	NY	11354	Ste	9J
Management LLC	136-20 38th Ave			Flushing	NY	11354	Ste	9J

Land						
Site #	Land Type	Acres	Front	Depth	Sq Ft	Soil Rating
1	01 - Primary		61.00	124.00		

Improvements							
Site #	Structure Code	SqFt	Dimensions	Quantity	Overall Condition	Actual Year Built	Effective Year Built
1	LP4 - Pavng-asphlt		7564.00 x 6.00	1.00	3 - Normal	1993	

Exemptions				
Code Description	Amount	Exemption %	Start Year	End Year
18020 - MUNICI	\$2,600.00		2019	

Special Districts				
Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0.00	0.00	\$2,600.00

Sales										
Deed Date	Deed Book	Deed Page	Contract Date	Sale Date	Last Physical Inspection Date	Sale Price	Net Sale Price	Usable for Valuation	Arms Length	Prior Owner
07/02/1991	2333	00047		07/01/1991		\$25,000	\$25,000	No	Yes	Allen James A & Eliz
06/30/1993	2454	252		06/23/1993		\$40,000	\$40,000	Yes	Yes	Allen James A & Eliz
10/17/2011	2011	17693		10/17/2011		\$250,000	\$250,000	No	No	Nylola LLC
10/17/2011	2011	17692		10/17/2011		\$0	\$0	No	No	Nylola LLC
10/26/2018	2018	18972		10/26/2018		\$900,000	\$900,000	Yes	Yes	Dulzura Inc
10/29/2018	2018	19114		10/29/2018		\$0	\$0	No	No	Metropolis Properties
10/29/2018	2018	19115		10/29/2018		\$0	\$0	No	No	Niagara County IDA

Property Details - 626 Ferry Ave, Niagara Falls, 14301 - 159.30-1-10 - SWIS: 291100

Structure

No image found for this Parcel.

2022 Assessment Information

Land Assessed Value	\$1,500
Total Assessed Value	\$1,500
Equalization Rate	67%
Full Market Value	\$2,239
Partial Construction	No
County Taxable	\$0
Municipal Taxable	\$0
School Taxable	\$0

Property Description

Property Type	330 - Vacant comm
Neighborhood Code	7
SWIS	291100
Water Supply	3 - Comm/public
Utilities	4 - Gas & elec
Road Type	-
Zoning	C2-A Trad Comm HH

Last Property Sale

Deed Date	10/29/2018
Deed Book	2018
Deed Page	19115
Contract Date	
Sale Date	10/29/2018
Date Last Physically Inspected	
Full Sale Price	\$0
Net Sale Price	\$0
Usable For Valuation	No
Arms Length	No
Prior Owner	Niagara County IDA

Owner Information

Owner Name	Address 1	Address 2	PO Box	City	State	Zip	Unit Name	Unit Number
Niagara County IDA	136-20 38th Ave			Flushing	NY	11354	Ste	9J
RE: Metropolis Properties	136-20 38th Ave			Flushing	NY	11354	Ste	9J
Management LLC	136-20 38th Ave			Flushing	NY	11354	Ste	9J

Land

Site #	Land Type	Acres	Front	Depth	Sq Ft	Soil Rating
1	01 - Primary		35.00	124.00	4340	

No Improvements Data Found

Exemptions

Code Description	Amount	Exemption %	Start Year	End Year
18020 - MUNICI	\$1,500.00		2019	

Special Districts

Code Description	Type	Primary Units	Secondary Units	Amount
RD291 - County refuse	A	0.00	0.00	\$1,500.00

Sales

Deed Date	Deed Book	Deed Page	Contract Date	Sale Date	Last Physical Inspection Date	Sale Price	Net Sale Price	Usable for Valuation	Arms Length	Prior Owner
10/16/1989	2223	00224		10/01/1989		\$32,000	\$32,000	Yes	Yes	Serianni Sheila Et Al
11/16/1995	2617	225		11/14/1995		\$37,500	\$37,500	Yes	Yes	Difranco Salvatore M
10/17/2011	2011	17693		10/17/2011		\$250,000	\$250,000	No	No	Nylola LLC
10/17/2011	2011	17692		10/17/2011		\$0	\$0	No	No	Nylola LLC
10/26/2018	2018	18972		10/26/2018		\$900,000	\$900,000	Yes	Yes	Dulzura Inc
10/29/2018	2018	19114		10/29/2018		\$0	\$0	No	No	Metropolis Properties
10/29/2018	2018	19115		10/29/2018		\$0	\$0	No	No	Niagara County IDA

BCP APPLICATION PART B – SECTIONS V - X

SECTION V – ADDITIONAL REQUESTOR INFORMATION

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

SECTION VII – REQUESTOR ELIGIBILITY

SECTION IX – CONTACT LIST

SECTION X – LAND USE FACTORS

EXHIBIT B1 - DOCUMENT REPOSITORY CONFIRMATION

APPENDIX B
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Mount St Marys Revitalization Site

SECTION V – ADDITIONAL REQUESTOR INFORMATION

Marvin Wilmoth and Anthony Ceroy are acting as the requestor's authorized representatives. Thomas H. Forbes, P.E. from Benchmark Civil/Environmental Engineering & Geology PLLC is the requestor's consultant and Linda Shaw, Esq. from Knauf Shaw LLP is the requestor's attorney. Contact information for the requestor's representatives, consultant and attorney are provided in Section V of the BCP application form.

SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION

Reasonable attempts were made to attain complete information regarding current and previous site owners and operators. Information for the previous and current owners/operators are provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
515 6th Street			
Current Owner/Operator			
Metropolis Properties Management LLC 136-20 38 th Street Flushing, NY 11354	Vacant	October 2018 ~ Present	None – No Relationship
Previous Owners/Operators			
Dulzura Inc. PO Box 26095 Las Vegas, NY 89126	Vacant	October 2011 ~ October 2018	None – No relationship
Nylola LLC 4343 E Camelback Road Suite 400 Phoenix, AZ 85018	Vacant	August 2006 ~ October 2011	None – No relationship
Orchards Development Address Unavailable	Vacant	April 2006 ~ August 2006	None – No relationship
Londen Land Company LLC 4343 E Camelback Road Suite 400 Phoenix, AZ 85018	Vacant	September 2005 ~ April 2006	None – No relationship
Granite Realty Group Inc. Address Unavailable	Vacant	May 2005 ~ September 2005	None – No relationship

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DoVale Jose & Raquel 11 Glenwood Road Sommerville, MA 02145	Vacant	December 2003 ~ May 2005	None – No relationship
Catholic Charities/Mount St. Mary's Hospital 147 Reist Street Williamsville, NY 14221	Mount St. Mary's Hospital/Manor	At least 1914 ~ December 2003	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
620 Ferry Avenue			
Current Owner/Operator			
Metropolis Properties Management LLC 136-20 38 th Street Flushing, NY 11354	Vacant	October 2018 ~ Present	None – No relationship
Previous Owners/Operators			
Dulzura Inc PO Box 26095 Las Vegas, NY 89126	Vacant	October 2011 ~ October 2018	None – No relationship
Nylola LLC 4343 E Camelback Road Suite 400 Phoenix, AZ 85018	Vacant	Unknown ~ October 2011	None – No relationship

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
624 Ferry Avenue			
Current Owner/Operator			
Metropolis Properties Management LLC 136-20 38 th Street Flushing, NY 11354	Vacant	October 2018 ~ Present	None – No relationship
Previous Owners/Operators			
Dulzura Inc. PO Box 26095 Las Vegas, NY 89126	Vacant	October 2011 ~ October 2018	None – No relationship
Nylola LLC 4343 E Camelback Road Suite 400 Phoenix, AZ 85018	Vacant	June 1993 ~ October 2011	None – No relationship

APPENDIX B
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Mount St Marys Revitalization Site

James A. Allen & Elizabeth Address Unavailable	Residential	At least 1991 ~ June 1993	None – No relationship
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Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
626 Ferry Avenue			
Current Owner/Operator			
Metropolis Properties Management LLC 136-20 38 th Street Flushing, NY 11354	Vacant	October 2018 ~ Present	None – No relationship
Previous Owners/Operators			
Dulzura Inc. PO Box 26095 Las Vegas, NY 89126	Vacant	October 2011 ~ October 2018	None – No relationship
Londen Land Company LLC 4343 E Camelback Road Suite 400 Phoenix, AZ 85018	Vacant	September 1995 ~ October 2011	None – No relationship
DoVale Jose & Raquel 11 Glenwood Road Sommerville, MA 02145	Vacant	2004-2005	None – No relationship
Salvatore M Difrancio Address Unavailable	Residential	October 1989 ~ September 1995	None – No relationship
Serianni Sheila Et Al Address Unavailable	Residential	Unknown ~ October 1989	None – No relationship

SECTION VII – REQUESTOR ELIGIBILITY INFORMATION

The Applicant, Mount St Marys LLC, qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). The Phase I and Phase II reports, prepared by a qualified environmental professional, on behalf of Mount St Marys LLC, determined that subsurface SVOC and metals contamination identified throughout the Site is attributable to former uses and/or fill material utilized there prior to the period of ownership of the parcels comprising the Site by the Applicant. Asbestos and Hazardous Waste Inspections were

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completed at the Site and identified several asbestos and lead containing material on-site that would require proper mitigation and disposal prior to any building redevelopment.

SVOC and metals impacts are present at the Site. The former uses and/or the presence of fill material have impacted the Site. Applicant's liability for the parcels addressed at 515 6th Street, as well as 620, 624, and 626 Ferry Avenue, will arise solely from taking beneficial ownership after the contaminants had already been released and/or placed at the Site prior to beneficial ownership by Mount St Marys LLC, and the Applicant has no relationship with the entities which owned or operated the Site or portions thereof at the time of such disposal or discharge. The Applicant does not currently own the parcels addressed at 515 6th Street as well as 620, 624, and 626 Ferry Avenue. Therefore, Mount St Marys LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

The Applicant has approval from the current property owner, Metropolis Properties Management LLC, to access the Site in order to complete the Site investigation and remediation under the BCP. Access agreements are provided as Exhibit A2.

SECTION IX – CONTACT LIST INFORMATION

Site Contact List

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

Niagara County Contacts:

Richard E. Updegrove
Niagara County Manager
Philo J. Brooks County Office Building
2nd Floor
59 Park Avenue
Lockport, NY 14094

Niagara County Legislator Jeffrey Elder
District 4
175 Hawley Street
Lockport, NY 14094

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Benjamin J. Bidell
Niagara County Department of
Economic Development
Planning Manager
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, NY 14132

Amy E. Fisk,
Niagara County Department of Economic
Development
Brownfield Program Manager
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, NY 14132

Mr. Robert M. Graber
Niagara County Clerk of the Legislature
Niagara County Courthouse, 1st Floor
175 Hawley Street
Lockport, NY 14094

Susan Langdon, Executive Director
NCIDA
6311 Inducon Corporate Drive
Samuel M. Ferraro Center, Suite One
Sanborn, NY 14132

Director Daniel J. Stapleton
Niagara County Department of Health
5467 Upper Mountain Road, Suite 100
Lockport, NY 14094

Director Jonathan Schultz
Niagara County Emergency Services
5574 Niagara Street Extension
Lockport, NY 14095

City of Niagara Falls Contacts:

Robert Restaino, Mayor
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302

John Spanbauer
Niagara Falls City Council Chairman
745 Main Street, City Hall Room 202
Niagara Falls, NY 14302

Eric A. Cooper, Director of Planning
City of Niagara Falls
745 Main Street
Niagara Falls, NY 14302

Supplier of Potable Water:

Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

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Mount St Marys Revitalization Site

Local News Media:

Buffalo News
ATTN: Ms. Aaron Besecker
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
ATTN: Ms. Maria Sisti
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
ATTN: Ms. Lisa Fullone
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
ATTN: Ms. Melanie Pritchard
7 Broadcast Plaza
Buffalo, NY 14202

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

Business First
ATTN: Anne Marie Franczyk
465 Main Street
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk
ATTN: Mr. Michael Desmond
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

Nearby Schools:

Lynne Tompkins, Principal
Harry F. Abate Elementary
1625 Lockport Street
Niagara Falls, NY 14305

Geraldine A. Donovan Early Childhood and
Headstart Center
1631 Main Street
Niagara Falls, NY 14305

Document Repository

Mrs. Sarah Potwin
Executive Library Director
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305

APPENDIX B
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Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below (see Figure 9).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
457	6 th Street	Apartments	Buffalo EG Property 3840 Robinson Road, Unit #207 Amherst, NY 14228
474	6 th Street	Three Family Year-Round Residence	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
510	6 th Street	Apartment	Nicholas J. George 597 Sandlewood Drive Lewiston, NY 14092
512	6 th Street	Three Family Year-Round Residence	Donald W. Farley 1609 Niagara Avenue Niagara Falls, NY 14305
516	6 th Street	Two Family Year-Round Residence	Michael Carson 1216 Ferry Avenue Niagara Falls, NY 14301
520	6 th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
522	6 th Street	Two Family Year-Round Residence	City of Niagara Falls NY 745 Main Street, PO Box 69 Niagara Falls, NY 14302
524	6 th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street Niagara Falls, NY 14302
528	6 th Street	Apartments	Niagara EC8 LLC 50 Highland Avenue Somerville, MA 02143
530	6 th Street	Residential Vacant Land	Jerry D. Lamb 5 Tenaflly Road Englewood, NJ 07631

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534	6th Street	Residential Vacant Land	City of Niagara Falls NY 745 Main Street Niagara Falls, NY 14302
536	6th Street	Two Family Year-Round Residence	John E. Truesdale 536 6th Street Niagara Falls, NY 14301
538	6th Street	One Family Year-Round Residence	Roni Kazi Aktaruzzaman and Hossain Nazia 368 58th Court West Des Moines, IA 50266
542	6th Street	Social Organizations	Carolyn's House Housing 32 Cottage Street Lockport, NY 14094
543	6th Street	Apartments	Walnut Avenue Homes Housing 1201 East Fayette Street Syracuse, NY 13210
528	Ferry Avenue	Downtown Row Type (detached)	YASB LLC 244-18 88th Street Bellrose, NY 12426
617	Ferry Avenue	Two Family Year-Round Residence	Fernhill Realty Corp 346 Wyoming Avenue Buffalo, NY 14215
619	Ferry Avenue	Vacant Land Located in Commercial Areas	Fernhill Realty Corp 346 Wyoming Avenue Buffalo, NY 14215
473	7th Street	One Family Year-Round Residence	FCB Properties LLC 524 Cayuga Drive Niagara Falls, NY 14304
501	7th Street	Apartments	Ljubisko Cetinja 501 7th Street Niagara Falls, NY 14301
511	7th Street	Vacant Land Located in Commercial Areas	Roy L. Hood and Janeliunas 119 Valecrest Drive Etobicoke, Ontario M9A 4P7
516	7th Street	Two Family Year-Round Residence	Debbie Payne 516 7th Street Niagara Falls, NY 14301
517	7th Street	Two Family Year-Round Residence	Develop Niagara Inc. 437 Memorial Parkway Niagara Falls, NY 14303

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520	7th Street	Two Family Year-Round Residence	Chandra Bambah 520 7th Street Niagara Falls, NY 14301
522	7th Street	One Family Year-Round Residence	Michael P. Murphy II 522 7th Street Niagara Falls, NY 14301
530	7th Street	Apartments	Walnut Avenue Homes Housing 1201 East Fayette Street Syracuse, NY 13210
532	7th Street	Apartments	Phong D. Bui and Christopher-T Park 459 49th #5-W New York, NY 10019
534	7th Street	One Family Year-Round Residence	Tony Brinson and Mae Pearl 534 7th Street Niagara Falls, NY 14301
540	7th Street	Two Family Year-Round Residence	Javd Group Inc. 288 Bay 38th Street Brooklyn, NY 11214
544	7th Street	Three Family Year-Round Residence	Fred T. Chambers Sr. 544 7th Street Niagara Falls , NY 14301

Document Repository

The Niagara Falls Main Branch (Earl W. Brydges Building) Public Library has agreed to act as the document repository for the proposed BCP Site. A letter of acknowledgement from the repository is included in Exhibit B1.

SECTION X – LAND USE FACTORS

1 – Current Zoning

The current zoning for the Site is C2-A which is intended to allow for a mix of residential and commercial uses along major travel corridors (see Figure 10). The planned redevelopment is consistent with the City of Niagara Falls Zoning and Land Use plans.

2 – Current Use

The Site consists of four (4) lots in the City of Niagara Falls. Parcel 515 6th Street contains a single building that is currently vacant but historically operated as a hospital/nursing home.

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Parcels 620, 624, and 626 Ferry Avenue have historically had structures for residential uses but are currently vacant with no remaining structures except for a vacant residential garage located on the northern portions of 620 and 624 Ferry Avenue.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire 1.591-acre Site, with the renovation of the historic St. Mary's Hospital/Nursing Home building into multi-family affordable apartment homes with associated parking lot to be located on the 620, 624, and 626 Ferry Avenue parcels. A preliminary project rendering of the development is included as Figure 6.

The planned multi-residential redevelopment is consistent with the historic and recent development patterns within the City of Niagara Falls. Historically, the Site has been used for commercial and residential purposes and the surrounding areas have included residential and commercial use. The current zoning for the Site and the adjacent properties is C2-A, which is intended to allow for a mix of residential and commercial uses along major travel corridors. Permitted uses include a full range of retail, service, office uses serving a local or regional market and residential uses on or above the ground floor. The proposed redevelopment supports recent development pattern and current land use requirements.

January 20, 2022

Mrs. Sarah Potwin
Executive Library Director
Niagara Falls Public Library
1425 Main Street
Niagara Falls, NY 14305

Re: Document Repository for Brownfield Cleanup Program
Site located at 515 6th Street and 620, 624, & 626 Ferry Avenue
Niagara Falls, New York 14301

Dear Mrs. Potwin:

On behalf of our client, Benchmark Civil/Environmental Engineering & Geology, PLLC would like to request the Niagara Falls Public Library – Main Branch Library to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
Benchmark Civil/Environmental Engineering & Geology, PLLC

A handwritten signature in blue ink that reads 'Charlotte Clark'.

Charlotte Clark
Project Engineer

cc. Jaspal Walia (NYSDEC)

File: B0474-021-001

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www.benchmarkturnkey.com

**2558 Hamburg Turnpike, Suite 300 | Buffalo, NY 14218
phone: (716) 856-0599 | fax: (716) 856-0583**

Charlotte M. Clark

From: Sarah Potwin <spotwin@nioga.org>
Sent: Thursday, January 20, 2022 9:44 AM
To: Charlotte M. Clark
Cc: Bryan W. Mayback
Subject: Re: BCP Site Document Repository Request - 515 6th Street and 620, 624, & 626 Ferry Avenue
Parcels

Received, thank you.

Yes of course, we are glad to help you by housing and making available your study documents to our NF citizens at the 14 25 Main Street library location.

Sarah Potwin
Executive Library Director
Niagara Falls Public Library
1425 Main Street
Niagara Falls, New York 14303
tel 716-286-4914
www.niagarafallspubliclib.org



On Thu, Jan 20, 2022 at 9:27 AM Charlotte M. Clark <cclark@bm-tk.com> wrote:

Good Morning Sarah,

Contacting you in regards to the future Brownfield Cleanup Program (BCP) Site located in the City of Niagara Falls at 515 6th Street as well as 620, 624, and 626 Ferry Avenue. Attached is the letter of transmittal requesting that the Niagara Falls Library – Main Branch (Earl W. Brydges Building) Public Library act as the document repository for the potential BCP Site. Please respond at your earliest convenience and let me know if you have any questions.

Regards,

Charlotte Clark

Project Engineer

cclark@bm-tk.com

Benchmark Civil/Environmental Engineering & Geology, PLLC

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

Phone: (716) 856-0599, Mobile: (716) 220-1201

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--

Sarah Potwin
Executive Library Director
Niagara Falls Public Library
1425 Main Street
Niagara Falls, New York 14303
tel 716-286-4914

www.niagarafallspubliclib.org



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