

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site
City of Niagara Falls, New York

April 2023

T0682-022-001

Prepared For:

THE PAPERMILL LLC



Prepared By:



IN
ASSOCIATION
WITH



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

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site

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BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

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

If yes, provide existing site number: _____

☐

Yes

☒

No

Is this a revised submission of an incomplete application?

If yes, provide existing site number: C932182

☒

Yes

☐

No

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SECTION I: Property Information

PROPOSED SITE NAME: 1001 Buffalo Avenue

ADDRESS/LOCATION: 1001 Buffalo Avenue

CITY/TOWN: Niagara Falls

ZIP CODE 14303

MUNICIPALITY (LIST ALL IF MORE THAN ONE):

COUNTY: Niagara

SITE SIZE (ACRES) 3.8

LATITUDE:

LONGITUDE:

43 ° 4 ' 54.73 " 79 ° 2 ' 56.48 "

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

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Figures 1, 2, 3, & 4

Parcel Address	Section	Block	Lot	Acreage
1001 Buffalo Avenue	159.14	1	4	3.8

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description.	Y	N
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map)	<input checked="" type="radio"/>	<input type="radio"/>
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information) If yes, identify census tract: <u>212</u> Percentage of property in En-zone (check one): 0% <input type="radio"/> 1-49% <input type="radio"/> 50-99% <input type="radio"/> 100% <input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
4. Is the project located within a disadvantaged community? See application instructions for additional information.	<input checked="" type="radio"/>	<input type="radio"/>
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.	<input type="radio"/>	<input checked="" type="radio"/>
6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<input type="radio"/>	<input checked="" type="radio"/>
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION I: Property Information (CONTINUED)

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

SECTION II: Project Description

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

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

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

☐ Yes ☐ No ☒ N/A

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

☒ RIWP ☐ RAWP ☐ IRM ☐ No

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

Is this information attached? ☒ Yes ☐ No

Application text, Section II & Figure 11

SECTION III: Land Use Factors

1. What is the property's current municipal zoning designation? D1-A (Downtown)

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

Residential ☐ Commercial ☒ Industrial ☐

Application text, Section III & Figure 8

3. Current use (select all that apply):

Residential ☐ Commercial ☒ Industrial ☐ Recreational ☐ Vacant ☒

4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant.
Is this summary included with the application?

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

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

Residential ☐ Commercial ☒ Industrial ☐

If residential, does it qualify as single-family housing? ☐ N/A

<input type="radio"/>	<input type="radio"/>
-----------------------	-----------------------

6. Please provide a statement detailing the specific proposed post-remediation use.
Is this summary attached?

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

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

<input type="radio"/>	<input checked="" type="radio"/>
-----------------------	----------------------------------

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

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

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

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

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

<input checked="" type="radio"/>	<input type="radio"/>
----------------------------------	-----------------------

SECTION IV: Property's Environmental History

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

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

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

*Please describe other known contaminants and the media affected: Potential TENORM

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

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

Are the required drawings included with this application?

☒ YES

☐ NO Figure 10

- Indicate Past Land Uses (check all that apply):

Coal Gas Manufacturing	<input type="checkbox"/>	Manufacturing	<input checked="" 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	<input type="checkbox"/>

Other: Formerly a log pond associated with International Paper in the late 1800s - early 1900s, which was filled in with miscellaneous fill materials.

SECTION V: Requestor Information

NAME: The Papermill LLC

ADDRESS: 1625 Buffalo Avenue, Suite 2D

CITY/TOWN: Niagara Falls

ZIP CODE 14303

PHONE: (716) 280-9769

EMAIL: Matt@Rupalhospitality.com

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

SECTION VI: Requestor Eligibility

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

	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?	<input type="radio"/>	<input checked="" type="radio"/>
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?	<input type="radio"/>	<input checked="" type="radio"/>
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.	<input type="radio"/>	<input checked="" type="radio"/>
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?	<input type="radio"/>	<input checked="" type="radio"/>
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.	<input type="radio"/>	<input checked="" type="radio"/>
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?	<input type="radio"/>	<input checked="" type="radio"/>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting of contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?	<input type="radio"/>	<input checked="" type="radio"/>
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?	<input type="radio"/>	<input checked="" type="radio"/>

SECTION VI: Requestor Eligibility (CONTINUED)			
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?		Y <input type="radio"/>	N <input checked="" type="radio"/>
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		<input type="radio"/>	<input checked="" type="radio"/>
11. Are there any unregistered bulk storage tanks on-site which require registration?		<input type="radio"/>	<input checked="" type="radio"/>
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:			
PARTICIPANT <input type="checkbox"/> A requestor who either (1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum, or (2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.		VOLUNTEER <input checked="" type="checkbox"/> A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum. NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste. If a requestor whose liability arises solely as a result of ownership, operation of, or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached? Yes <input checked="" type="radio"/> No <input type="radio"/> N/A <input type="radio"/>			
14. Requestor relationship to the property (check one; if multiple applicants, check all that apply): <input type="checkbox"/> Previous Owner <input checked="" type="checkbox"/> Current Owner <input type="checkbox"/> Potential/Future Purchaser <input type="checkbox"/> Other: _____ If the requestor is not the current owner, proof of site access sufficient to complete remediation must be provided. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an environmental easement on the site. Is this proof attached? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> N/A Note: A purchase contract or lease agreement does not suffice as proof of site access.			

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Matt Green

ADDRESS: 5123 Bronson Drive

CITY: Lewiston

ZIP CODE: 14092

PHONE: (716) 280-9769

EMAIL: Matt@rupalhospitality.com

REQUESTOR'S CONSULTANT (CONTACT NAME): Michael Lesakowski

COMPANY: TurnKey Environmental Restoration, LLC

ADDRESS: 2558 Hamburg Turnpike, Suite 300

CITY: Buffalo

ZIP CODE: 14218

PHONE: (716) 856-0635

EMAIL: mlesakowski@bm-tk.com

REQUESTOR'S ATTORNEY (CONTACT NAME): Michael Dowd

COMPANY:

ADDRESS: 920 Center Street

CITY: Lewiston

ZIP CODE: 14092

PHONE: (716) 754-7865

EMAIL: mjdowd63@gmail.com

SECTION VIII: Program Fee

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

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

SECTION IX: Current Property Owner and Operator Information

CURRENT OWNER: The Papermill LLC

CONTACT NAME: Nirel Patel

ADDRESS: 1625 Buffalo Avenue, Suite 2D

CITY: Niagara Falls

ZIP CODE: 14303

PHONE: (716) 285-0904

EMAIL: Nirel@Rupalhospitality.com

OWNERSHIP START DATE: 2015

CURRENT OPERATOR: N/A - Currently a vacant industrial building

CONTACT NAME:

ADDRESS:

CITY:

ZIP CODE:

PHONE:

EMAIL:

OPERATION START DATE:

SECTION X: Property Eligibility Information

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	<input type="radio"/>	<input checked="" type="radio"/>
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	<input type="radio"/>	<input checked="" type="radio"/>
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. <div style="text-align: right;">N/A <input checked="" type="radio"/></div>	<input type="radio"/>	<input type="radio"/>
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	<input type="radio"/>	<input checked="" type="radio"/>
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	<input type="radio"/>	<input checked="" type="radio"/>

SECTION XI: Site Contact List

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

- The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
- Residents, owners, and occupants of the property and adjacent properties.
- Local news media from which the community typically obtains information.
- The public water supplier which services the area in which the property is located.
- Any person who has requested to be placed on the contact list.
- The administrator of any school or day care facility located on or near the property.
- The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

SECTION XII: Statement of Certification and Signatures

(By requestor who is an individual)

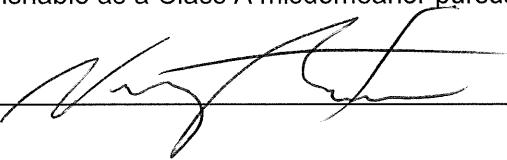
If this application is approved, I hereby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the DER-32, Brownfield Cleanup Program Applications and Agreements; and (3) that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

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

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

Date: 1/31/2023 Signature: 

Print Name: Nirel Patel

SUBMITTAL INFORMATION

- Two (2) copies, one unbound 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) on an external storage device (such as thumb drive or CD), must be sent to:
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway, 11th Floor
Albany, NY 12233-7020

PLEASE DO NOT SUBMIT SUPPORTING DOCUMENTS WITH THE HARD COPY APPLICATION FORM.
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: _____

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.

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

From ECL 27-1405(31):

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

From 6 NYCRR 375-3.2(l) 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:

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

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

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

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

Check appropriate box below:

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

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

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

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

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

☐ Yes – planned renewable energy facility site with documentation

☐ Pending – planned renewable energy facility awaiting documentation

*Selecting this option will result in a “pending” status. The appropriate documentation will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No – not a planned renewable energy facility site

If yes, please provide any documentation available to demonstrate that the property is planned to be developed as a renewable energy facility site.

From ECL 27-1405(33) as of April 9, 2022:

“Renewable energy facility site” shall mean real property (a) this is used for a renewable energy system, as defined in section sixty-six-p of the public service law; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

From Public Service Law Article 4 Section 66-p as of April 23, 2021:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

7. Is the site located within a disadvantaged community, within a designated Brownfield Opportunity Area, and plans to meet the conformance determinations pursuant to subdivision ten of section nine-hundred-seventy-r of the general municipal law?

☐ Yes - *Selecting this option will result in a “pending” status, as a BOA conformance determination has not yet been made. Proof of conformance will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.

☐ No

From ECL 75-0111 as of April 9, 2022:

(5) "Disadvantaged communities" means communities that bear the burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate-income households, as identified pursuant to section 75-0111 of this article.

Brownfield Cleanup Program Application
1001 Buffalo Avenue Site

SECTION I – PROPERTY INFORMATION

Parcel Description

The 1001 Buffalo Avenue Site (referred to herein as the Project Site and/or the Site), subject to this NYS Brownfield Cleanup Program (BCP) application, is in the City of Niagara Falls, Niagara County, New York (see Figures 1, 2, and 3), in a commercial and industrial area. The Site is approximately 3.8 acres, and is further identified as:

- 1001 Buffalo Avenue, SBL No. 159.14-1-4 (see Figure 4)

A metes and bounds description of the proposed BCP boundary is attached.

Figure 5 identifies the Site as being located within a NYSDEC Environmental Justice Area.

According to the NYS En-Zone Map, the Site is located within a designated Environmental Zone (En-Zone), Type ‘AB’, pursuant to Tax Law 21(b)(6), Census tract 212 (see Figure 6).

According to The NYS Climate Leadership and Community Protection Act Disadvantaged Communities Map, the Site is located within a Disadvantaged Communities census tract 36063021200 (see Figure 7).

Easements and Permits

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

Utilities are in the rights-of-way along Buffalo Avenue, and electrical power lines are located west adjacent to the Site. The Site is supplied with municipal sanitary sewer, electric, natural-gas, and public potable water. The Papermill LLC is not aware of any other easements or restrictions on the Site.

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site

There is a closed Spill (9211019) associated with a 2,500-gallon fuel oil UST that was closed-in-place within the site building dated December 1, 1992. Remedial activities were completed, and the spill was assigned an inactive status on February 28, 1994.

Property Description Narrative

Location

The Site is located along Buffalo Avenue in a highly developed mixed-use residential, commercial, and industrial area of the City of Niagara Falls, Niagara County, New York. The Site is located north of the Robert Moses Parkway and is highly visible while driving into the City of Niagara Falls. The Site is bordered by Buffalo Avenue along the northern boundary with commercial/industrial properties beyond; public utility vacant land owned by Mohawk Power Corp, beyond which is the Robert Moses Parkway to the south; Niagara Falls Wastewater Treatment Plant to the east; and a parking lot/green space to the west.

Site Features

The Site has one vacant industrial building, with associated parking and driveways, and select green space.

Zoning and Land Use

The project will include the redevelopment of the on-site building into an entertainment venue featuring an indoor go-karting facility, laser tag arena, bowling alleys, arcade, adventure course, rock climbing walls, and miniature golf. The City of Niagara Falls zoning for the Site is Downtown 1-A (D1-A) (see Figure 8).

The surrounding parcels are currently used as follows:

- North – Buffalo Avenue, beyond which is vacant commercial land and a warehouse
- South – public utility vacant land owned by Mohawk Power Corp
- East – Niagara Falls Wastewater Treatment Plant
- West – vacant recreation area to the west

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site

Past Use of the Site

The Site was formerly associated with the east adjacent property, which was occupied by International Paper Company's Niagara Falls Plant during the late 1800s to the early 1900s. The Site was used as a log pond from 1892 to 1897 and as a storage area for pulp wood in 1914. Sometime between 1914 and 1995, the Site was owned and operated by Moore Business Forms (Moore) or their predecessor Guilman Fanfold. Moore used the Site for printing operations and manufacturing of printer paper since at least 1928. The Site building was constructed between 1927 and 1932. Historic Sanborn maps show that by 1955, Moore Business Forms facility included a press room, bindery, and raw material storage. In 1995, the Site was purchased by Promex Medical, Inc. and used for the repackaging and storage of pharmaceutical products. The area along Buffalo Avenue and in the immediate area of the Site has been historically primarily light to heavy industrial with some manufacturing and commercial establishments.

Elevated polycyclic aromatic hydrocarbons (PAHs) and metals (some of which exceed Industrial SCO's) are likely related to fill material of unknown origin that was brought to the Site to fill in the former log pond.

Site Geology and Hydrogeology

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slopes westward towards Lake Erie and the Niagara River, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, no digital data is available for this area and is defined as an "unsurveyed area." According to the United States Geological Survey, National Geologic Map database, soils at the Site consist of till. Additionally, based on historical information reviewed and the results of the investigations conducted, a significant amount of fill material covers the Site. The fill material, consisting of cinders, ash, brick, slag, wood chips, concrete, asphalt, glass, and scrap metal, was identified across the Site at depths of up to 8 to 12 feet below ground surface (fbgs). Figure 9 depicts a soil map associated with the Site.

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site

Regional groundwater likely flows south towards the Niagara River. Local groundwater flow, however, may be influenced by subsurface features, such as utilities, former development, and localized subsurface fill conditions.

Additional work is required to investigate groundwater flow direction and quality at the Site.

Environmental Assessment Narrative

Past use of the Site owned by International Paper Company's Niagara Falls Plant including its former use as log pond that was backfilled with material from an unknown origin, has impacted the Site. Figure 10 summarizes the environmental impacts identified in the previous investigation.

Soil – Fill material, consisting of cinders, ash, brick, slag, wood chips, concrete, asphalt, glass, and scrap metal, was identified across the Site at depths of up to 8 to 12 fbg.

Laboratory analytical results indicate elevated PAHs and metals in soil exceeding RRSCO, CSCO, and ISCO, including:

- Benzo(a)anthracene exceeded its ISCO (11.0 mg/kg) in TP-21 (18 mg/kg) and TP-27 (39 mg/kg); its CSCO (5.6 mg/kg) in SS-1 (7.9 mg/kg), SS-8 (6.5 mg/kg); and TP-26 (6.4 mg/kg), and its RRSCO (1.0 mg/kg) in TP-3 (3.1 mg/kg), TP-20 (2.0 mg/kg) and TP-25 (1.5 mg/kg).
- Benzo(b)fluoranthene exceeded its ISCO (11.0 mg/kg) in TP-21 (26 mg/kg) and TP-27 (38 mg/kg), its CSCO (5.6 mg/kg) in SS-1 (7.3 mg/kg), SS-8 (7.6 mg/kg); and TP-26 (7.8 mg/kg); and its RRSCO (1.0 mg/kg) in TP-3 (3.7 mg/kg) and TP-20 (2.6 mg/kg).
- Chrysene exceeded its RRSCO (3.9 mg/kg) in TP-21 (20 mg/kg), TP-26 (5.9 mg/kg), and TP-27 (43 mg/kg).
- Benzo(k)fluoranthene exceeded its CSCO (1.0 mg/kg) in TP-3 (1.6 mg/kg); and its RRSCO (3.9 mg/kg) in TP-21 (11 mg/kg), and TP-27 (15 mg/kg).
- Benzo(a)pyrene exceeded its ISCO (1.1 mg/kg) in SS-1 (5.7 mg/kg), SS-2 (3.3 mg/kg), SS-4 (1.5 mg/kg), SS-8 (5.2 mg/kg), TP-3 (3.0 mg/kg), TP-20 (2.3 mg/kg), TP-21 (20 mg/kg), TP-26 (6.3 mg/kg), and TP-27 (36 mg/kg).

Brownfield Cleanup Program Application
1001 Buffalo Avenue Site

- Indeno(1,2,3-cd)pyrene exceeded its ISCO (11 mg/kg) in TP-21 (11 mg/kg) and TP-27 (18 mg/kg); and its RRSCO (0.5 mg/kg) in TP-3 (1.4 mg/kg), TP-20 (1.3 mg/kg), and TP-26 (3.7 mg/kg).
- Dibenzo(a,h)anthracene exceeded its ISCO (1.1 mg/kg) in SS-1 (1.2 mg/kg), TP-26 (1.2 mg/kg), and TP-27 (6.1 mg/kg); its CSCO (0.56 mg/kg) in SS-2 (0.62 mg/kg), SS-8 (0.99 mg/kg); and its RRSCO (0.33 mg/kg) in TP-20 (0.41 mg/kg).
- Arsenic exceeded its ISCO (16 mg/kg) in SS-2 (18.2 mg/kg) and TP-8 (20.5 mg/kg).
- Barium exceeded its ISCO (400 mg/kg) in the Dup sample (collected from TP-8) (422 mg/kg).
- Copper exceeded its CSCO (270 mg/kg) in SS-2 (2,890 mg/kg).
- Lead exceeded its CSCO (1,000 mg/kg) in SS-2 (1,310 mg/kg), in the Dup sample (collected from TP-8) (1,080 mg/kg) and its RRSCO (400 mg/kg) in TP-27 (567 mg/kg).
- Mercury exceeded its RRSCO (0.81 mg/kg) in TP-21 (1.9 mg/kg), and TP-26 (1.1 mg/kg).

Laboratory analytical results indicate elevated metals in groundwater exceeding the NYSDEC TOGS, including:

- Antimony, Iron, and Manganese in MW-1 (10.8 µg/L, 1,570 µg/L, and 972 µg/L, respectively).
- Iron, in MW-2 (3,590 µg/L).
- Antimony and Manganese in MW-3 (5.53 µg/L and 352 µg/L, respectively).
- Iron, Manganese, and Sodium in MW-4 (1,710 µg/L, 800 µg/L, and 25,600 µg/L, respectively).
- Antimony, Iron, Lead, Manganese, and Sodium in MW-5 (5.53 µg/L, 4,240 µg/L, 34.4 µg/L, 330 µg/L, 38,600 µg/L, respectively).
- Iron, Magnesium, Manganese, and Sodium (4,710 µg/L, 58,600 µg/L, 1,010 µg/L, 56,000 µg/L, respectively).

Previous investigation documentation has been provided electronically.

Brownfield Cleanup Program Application
1001 Buffalo Avenue Site

SECTION II – PROJECT DESCRIPTION

The Papermill LLC is willing to complete additional investigation and remediate the Site under the NYS BCP and is submitting this BCP Application for eligibility acceptance into the program. Investigation activities are planned to be completed after acceptance into the BCP (tentatively in March 2023), with assumed remedial activities in 2023 through 2024, and approval and issuance of the Certificate of Completion in 2024.

Figure 11 presents a preliminary project schedule.

The project will include the redevelopment of the on-site building into an entertainment venue featuring an indoor go-karting facility, laser tag arena, bowling alleys, arcade, adventure course, rock climbing walls, and miniature golf.

SECTION III – LAND USE FACTORS

1 and 2 – Current Zoning

The Site, located within the City of Niagara Falls, is zoned D1-A (Downtown) (see Figure 8).

3 and 4 – Current Use

The Site is occupied by a vacant industrial building.

Historically, the Site was operated by International Paper Company's Niagara Falls Plant during the late 1800s to the early 1900s. The Site was used as a log pond from 1892 to 1897 and as a storage area for pulp wood in 1914. Sometime between 1914 and 1995, the Site was owned and operated by Moore Business Forms (Moore) or their predecessor Guilman Fanfold. Moore used the Site for printing operations and manufacturing of printer paper since at least 1928. The Site building was constructed between 1927 and 1932. Historic Sanborn maps show that by 1955, Moore Business Forms facility included a press room, bindery, and raw material storage. In 1995, the Site was purchased by Promex Medical, Inc. and used for the repackaging and storage of pharmaceutical products.

Brownfield Cleanup Program Application

1001 Buffalo Avenue Site

5 through 10 – Planned Future Use

The Volunteer plans to redevelop the 3.8-acre Site into an entertainment venue featuring an indoor go-karting facility, laser tag arena, bowling alleys, arcade, adventure course, rock climbing walls, and miniature golf. The vicinity of the Site includes various hotels and restaurants and would be consistent with recent development in the area.

The proposed use is consistent with the 2030 Niagara Communities Comprehensive Plan that discusses cleaning up previously contaminated lands and redeveloping brownfields and other underutilized properties.

SECTION IV - PROPERTY'S ENVIRONMENTAL HISTORY

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

Phase II Environmental Site Assessment – January 2018

LaBella Associates (LaBella) completed a Phase II Environmental Site Assessment (ESA) to assess the environmental concerns identified during the review of a September 2006 Phase I ESA Report and a March 2008 Phase II Sampling, Analysis, and Monitoring Plan. The findings of the Phase II ESA are included on Figure 10 and described below:

- The overland gamma radiation survey identified several areas proximate the Site building (southwest, northwest, north, and southeast) exhibiting gamma radiation level readings at more than two times the background count rate. The soil gamma radiation readings ranged from 9,229 to 12,104 counts per minute (cpm), while the soil background count rate was determined to be 6,152 cpm.
- Fill material was encountered across the Site and generally consisted of brown to brownish red silty clay with gravel, angular rocks, bricks, asphalt, scrap metal, concrete, glass, ash, cinders, and crushed concrete. Fill materials were encountered to maximum depths of six to 13 fbs.
- Eight surface soil/fill samples were collected from across the Site. Laboratory analysis of these samples identified several semi-volatile organic compounds (SVOCs) detected in surface soil/fill were at concentrations exceeding NYSDEC Part 375 Commercial and Industrial SCOs (CSCOs and ISCOs).

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1001 Buffalo Avenue Site

- Five two-inch groundwater monitoring wells were installed at the Site. Several metals including antimony, arsenic, iron, lead, magnesium, manganese, and sodium were detected at concentrations exceeding the NYSDEC TOGS AWQS in one or more of the groundwater samples.
- During the preliminary site visit and at the time of sample collection one drainage structure containing sediment was identified along the south exterior of the Site building. The drainage structure was observed to be filled with soil/sediment, had vegetation growing out of it, and appeared to be blocked. One sediment sample (Sediment-1) was collected from the drainage structure. One SVOC, benzo(a)pyrene, was detected at a concentration exceeding the NYSDEC Part 375 Commercial and Industrial Use SCOs.
- One pad-mounted transformer, located on the west side of the building, was sampled for polychlorinated biphenyls (PCBs). No PCBs were detected in the sample.
- Several Asbestos-Containing Materials (ACMs) were determined to contain greater than 1% asbestos including various 9" floor tiles and associated mastic, gray aircell pipe insulation, gray window caulk, black and silver roofing, black tar, tan caulk, and black mastic.
- Black window caulking located along the windows within the 1st and 2nd floor office areas was determined to be PCB-Contaminated.
- Several representative interior and exterior painted surfaces such as door frames, window frames, piping, etc. were tested for the presence of lead-based paint (LBP) using X-Ray Fluorescence (XRF) testing procedures. Several components were found to be positive for the presence of lead.
- Visible widespread mold growth was observed on various substrates (suspended ceiling tiles, gypsum wall board, wall plaster, etc.) throughout the first and second floors within the Site building. The results from the air samples taken for the building indicate that a significant mold problem is prevalent throughout the building.

Supplemental Phase II ESA – October 2022

TurnKey completed a supplemental environmental investigation to assess potential contamination related to historic operations on-site (Log Pond, paper manufacturer, printer). Ten test pits were advanced, and six of the test pits were selected for laboratory analysis. Findings are summarized on Figure 10 and described below:

**Brownfield Cleanup Program Application
1001 Buffalo Avenue Site**

- Fill material was identified in nine of the ten test pits completed within the proposed BCP boundary. Fill ranged in depth from surface to between 8 and 12 feet below ground surface (fbgs), and was generally described as cinders, ash, brick, slag, wood chips, concrete, asphalt, glass, and scrap metal.
- Elevated PAHs exceeding the RRSCO, Commercial Use SCO (CSCO), and Industrial Use SCOs (ISCO), were detected in 5 of 6 sampled locations.
- Elevated metals, specifically lead and mercury, were identified exceeding the RRSCO in 3 of 6 locations sampled.

SECTION V – REQUESTOR INFORMATION

The New York State Corporation and Business Entity Database printout for The Papermill LLC is attached.

SECTION VI – REQUESTOR ELIGIBILITY INFORMATION

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

- The PAH and metals contamination in soil/fill is reasonably attributable to the history of the Site being utilized as a log pond and subsequently being filled in with material from unknown sources.
- The Applicant became involved with the property well after the discharge of contaminants at the Site.
- Since ownership, the Site has been vacant and secured in preparation for redevelopment.

SECTION VII – REQUESTOR CONTACT INFORMATION

Contact information for The Papermill LLC is provided.

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

Brownfield Cleanup Program Application
1001 Buffalo Avenue Site

Michael J. Dowd, Esq. will be acting as the Requestor's attorney.

SECTION VIII – PROGRAM FEE

The Requestor will not be requesting a fee waiver.

SECTION IX – 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 is provided in the table below, as available.

Parcel Address	Use	Approx. Date(s)	Relationship to Applicant
1001 Buffalo Avenue			
Current Owner/Operator			
The Papermill LLC 200 Rainbow Boulevard Niagara Falls, New York 14303 Phone: (716) 285-0904	Manufacturing/ Processing (currently vacant)	2015 ~ Present	Applicant
Previous Owners/Operators			
1001 Buffalo Avenue (Address and Phone Number Unknown).	Manufacturing	2007~ 2015	None
Niagara County IDA Samuel M. Ferraro Center, 6311 Inducon Corporate Dr Suite One, Sanborn, NY 14132 Phone: (716) 278-8750	Manufacturing	2001~2007	None
Moore Business Forms 300 Lang Blvd, Grand Island, NY 14072 (800) 280-4520	Manufacturing	1987 ~ 2001	None
International Paper Company's Niagara Falls Plant (100 Bud Mil Dr, Buffalo, NY 14206, including a Log Pond from 1892 to 1897, (716) 852-2144 Moore Business Forms (300 Lang Blvd, Grand Island, NY 14072, (800) 280-4520), Promex Medical, Inc. (3075 Oakmead Village Dr #0811, Santa Clara, CA 95051, (408) 496-0222)	Manufacturing	Late 1800s-1987	None

Brownfield Cleanup Program Application
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SECTION X – PROPERTY ELIGIBILITY INFORMATION

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

SECTION XI – SITE CONTACT LIST

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

Niagara County Contacts:

Chairman Rebecca J. Wydysh
Niagara County Legislature
175 Hawley Street
Lockport, NY 14094

Director Shultz
Niag. Co. Emergency Services & Fire Coordination
5574 Niagara Street Ext. P.O. Box 496
Lockport, NY 14095-0496

Ms. Donna Owens
Niagara Falls City Admin.
745 Main Street
Niagara Falls, New York 14301

Lockport Office – Shaw Building
Niagara Co. Health Dept.
5467 Upper Mountain Road
Lockport, NY 14094

Clerk Alysa T. Tomasino
Niagara County Legislature
175 Hawley Street
Lockport, NY 14094

Ms. Susan Langdon, Executive Director
Niagara Co. Ind. Dev. Agency
6311 Inducon Corporate Drive
Sanborn, NY 14132

Mr. Chris Voccio
Niagara Co. Legislature – 6th District
175 Hawley Street
Lockport, New York 14094

Mr. Richard E Updegrove
Niagara County Manager
59 Park Avenue
Lockport, NY 14094

Nathaniel Bonafede
Niagara Co. Econ. Dev.
6311 Inducon Corporate Dr., Suite One
Sanborn, NY 14132

Niagara Falls Office – Trott Access Center
Niagara County Dept. of Health
1001-11th Street
Niagara Falls, New York 14301

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Vicky Wideman
Niagara Falls City Clerk
745 Main Street
Niagara Falls, New York 14301

City of Niagara Falls Contacts:

Mayor Robert Restaino
745 Main Street
P.O. Box 69
Niagara Falls, NY 14302-0069

Nicholas Forster - Chairman
Niagara Falls Water Board
5815 Buffalo Avenue
Niagara Falls, NY 14304

Robert Buzzelli, City Engineer
City Hall Room 303
745 Main Street
Niagara Falls, NY 14302

Kevin Forma, Director of Planning
City of Niagara Fall Dept. of Planning/Env. Services
745 Main Street
Niagara Falls, NY 14302

Local News Media:

Buffalo News
ATTN: Mr. Bruce Andriatch
1 News Plaza
Buffalo, NY 14240

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

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

WKBW News Channel 7
ATTN: Environmental News Desk
7 Broadcast Plaza
Buffalo, NY 14202

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

Business First
ATTN: John Tebeau
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
P.O. Box 1263, Horizons Plaza
Buffalo, NY 14240

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The Niagara Gazette
310 Niagara Street
Niagara Falls, NY 14302
ATTN: News Director
WLVL 1340

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

Nearby Schools:

Principal Rocco Merino
Bloneva Bond Primary School
2513 Niagara Street
Niagara Falls, NY 14303

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

Principal Derek Zimmerman
Gaskill Preparatory
910 Hyde Park Blvd.
Niagara Falls NY 14301

Document Repository

Niagara Falls Public Library
Earl W. Brydges Building
1425 Main Street
Niagara Falls, NY 14305

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site are provided in the table below and shown on Figure 12.

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1008	Buffalo Avenue	Other storage, warehouse, and distribution facilities	Parry K L Inc. 1008 Buffalo Avenue, Niagara Falls, New York 14301
1014	Buffalo Avenue	Vacant land located in commercial areas	Eleventh Street Properties LLC 800 Main Street, Suite 3d, Niagara Falls, New York, 14301
1051	Buffalo Avenue	Public utility vacant land	Niagara Mohawk Power Corp. 300 Erie Boulevard, Syracuse, New York 13202

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1111	Buffalo Avenue	Sewage treatment and water pollution control	Niagara Falls Water Board 5815 Buffalo Avenue, Niagara Falls, New York 14304
1004	Rainbow Boulevard	Vacant land located in commercial areas	Eleventh Street Properties LLC 800 Main Street, Suite 3d, Niagara Falls, New York 14301
0	Railroad Ceiling	--	CSX Transportation Inc. 500 Water Street, C910 Jacksonville, Florida 32202

Document Repository

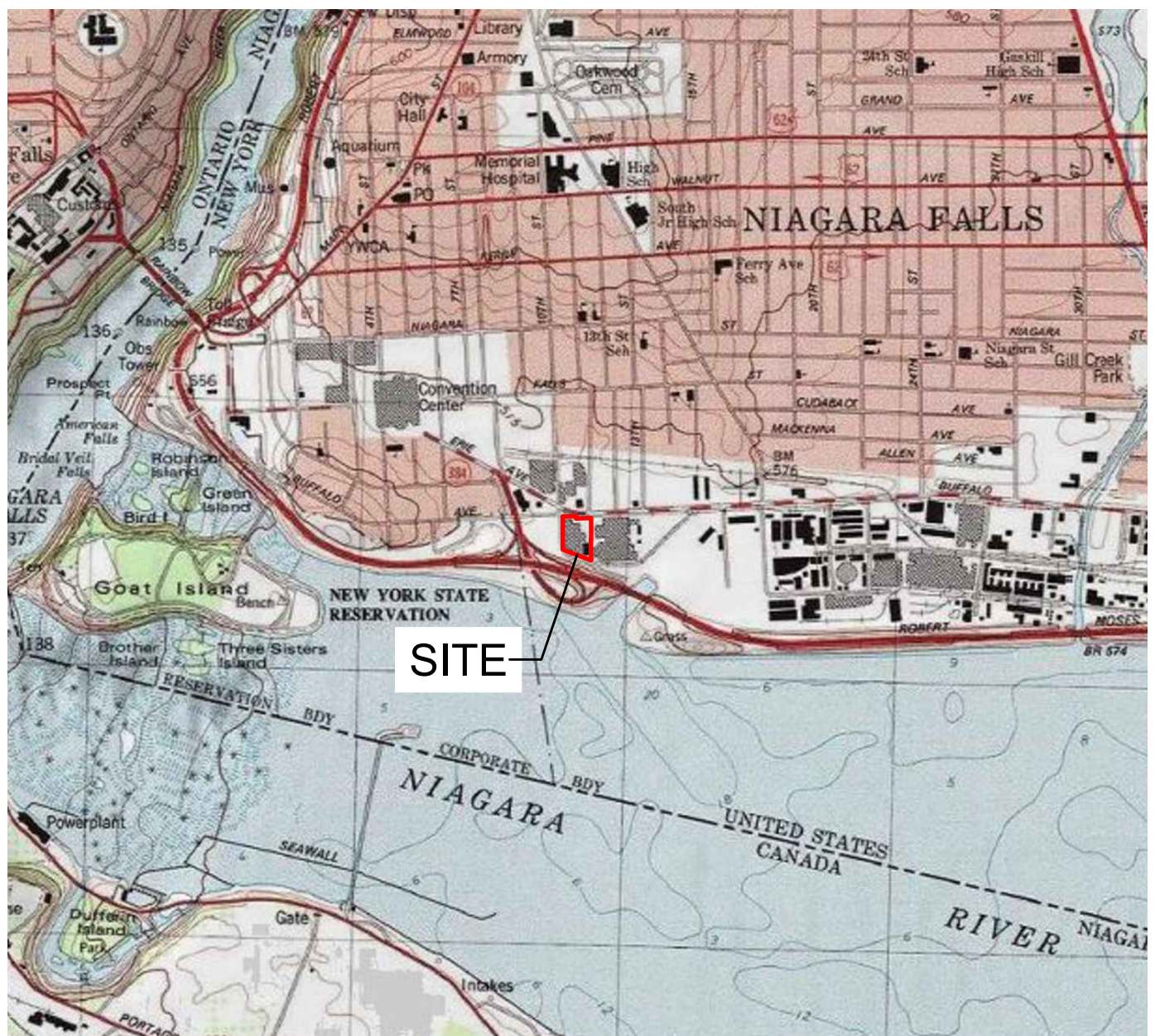
The Niagara Falls Public Library (Main Library, located at 1425 Main Street, Niagara Falls, New York) would act as the document repository for the BCP Site. An email acknowledgement from the repository is attached.

FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Survey and Tax Map
Figure 4	Surrounding Areas Map
Figure 5	NYSDEC Environmental Justice Area Map
Figure 6	NYS En-Zone Map
Figure 7	Disadvantaged Communities Map
Figure 8	Site Zoning Map
Figure 9	Soil Type Map
Figure 10	Historic Investigation Locations and Results
Figure 11	Preliminary Project Schedule
Figure 12	Adjacent Property Owners

FIGURE 1

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 1: Site Location and Vicinity Map.dwg



2000' 0' 2000' 4000'

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



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

PROJECT NO.: T0682-022-001

DATE: DECEMBER 2022

DRAFTED BY: CMS

SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

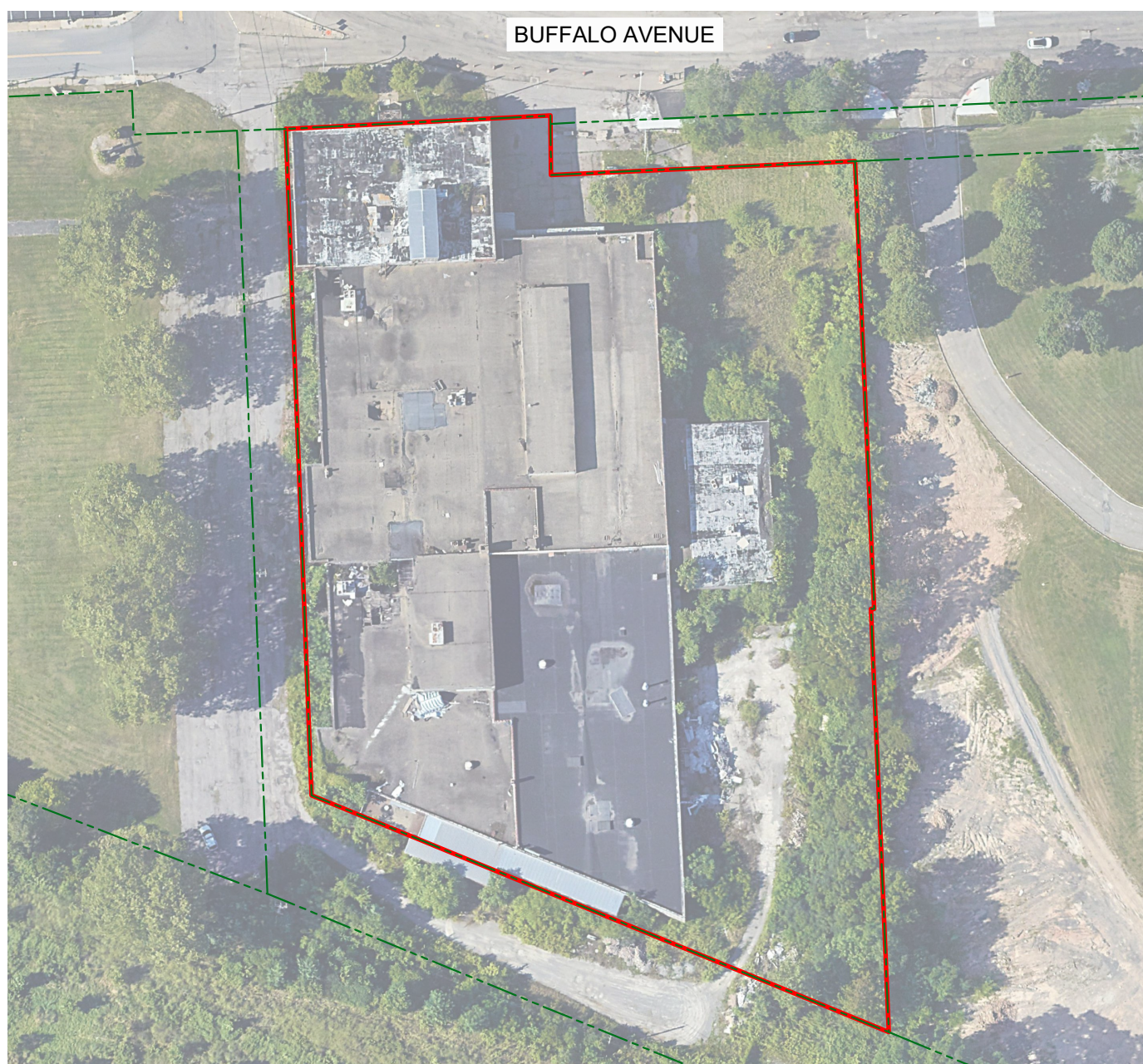
1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC

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

FIGURE 2

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 2: Site Plan (Aerial).dwg



SCALE: 1 INCH = 100 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- - - - - PARCEL BOUNDARY



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

PROJECT NO.: T0682-022-001

DATE: DECEMBER 2022

DRAFTED BY: CMS

SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC

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

FIGURE 3

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 3: Survey and Tax Map.dwg

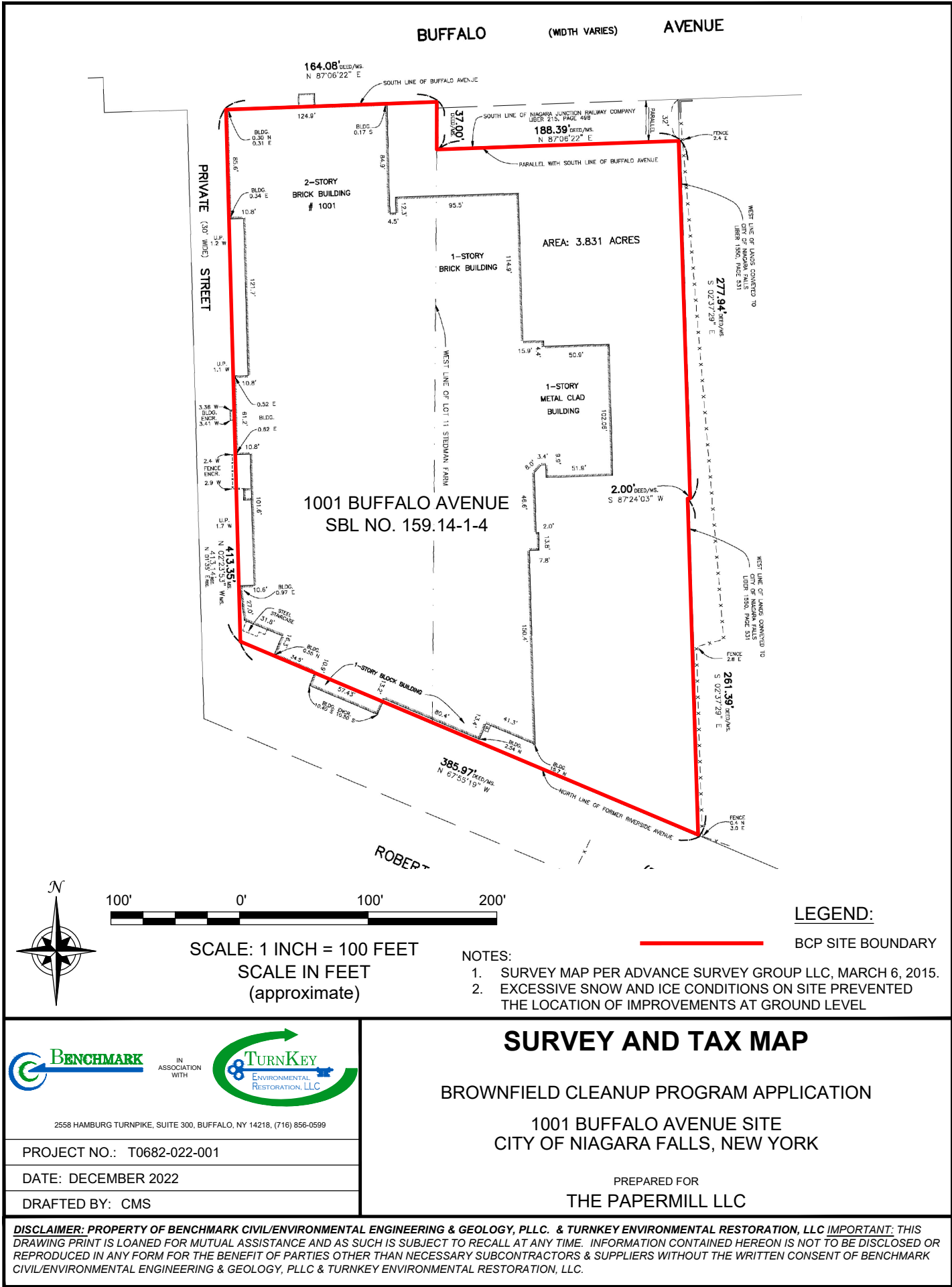


FIGURE 4

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 4: Surrounding Areas Map.dwg



SCALE: 1 INCH = 500 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- - - - - 1000' SETBACK



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

PROJECT NO.: T0682-022-001

DATE: DECEMBER 2022

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SURROUNDING AREAS MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC

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FIGURE 5

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 5: NYSDEC Environmental Justice Area Map.dwg

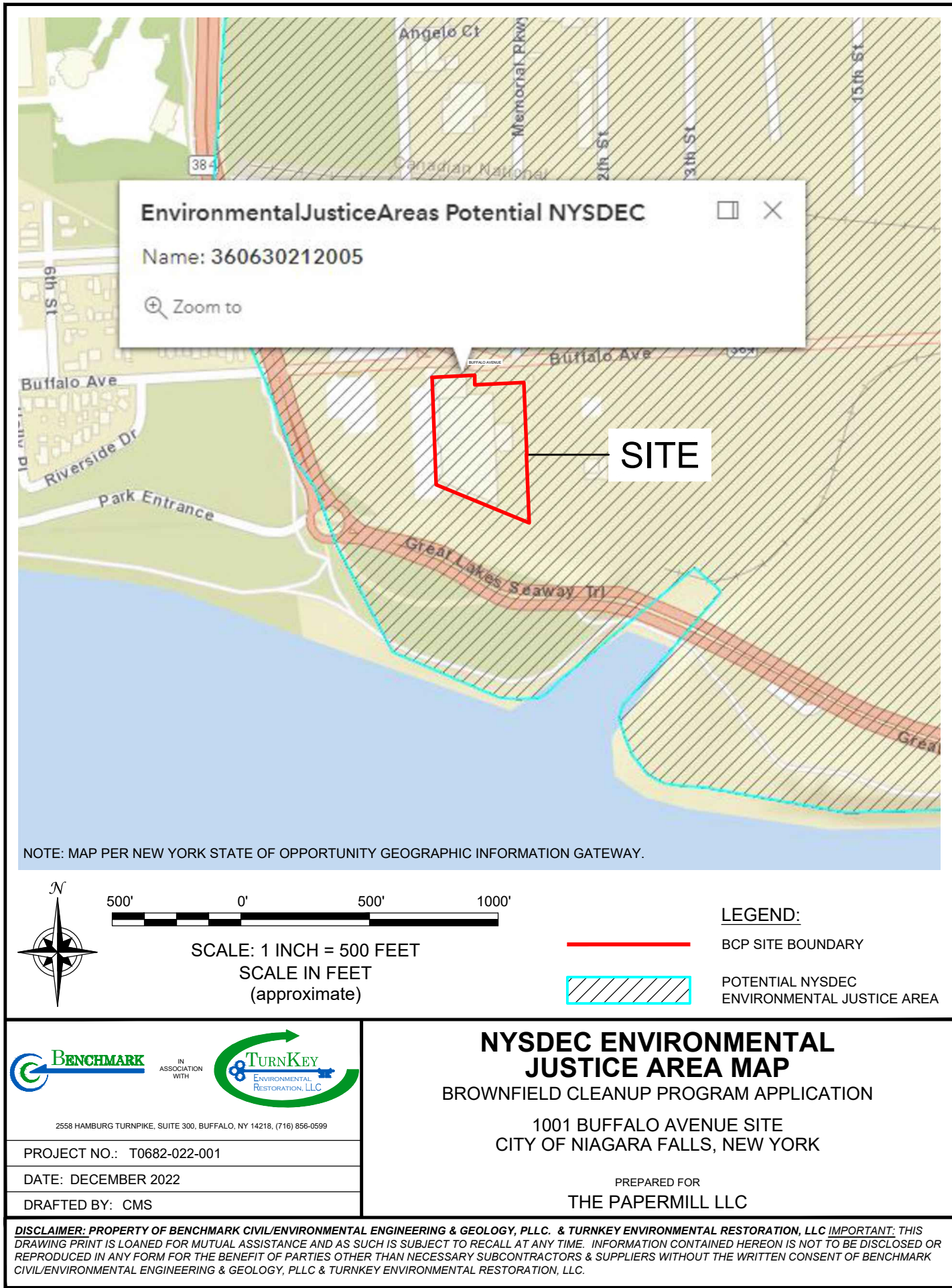


FIGURE 6

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 6; NYS En-Zone Map.dwg



SCALE: 1 INCH = 100 FEET
SCALE IN FEET
(approximate)

LEGEND:

- BCP SITE BOUNDARY
- TYPE "A"
- TYPE "AB"



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

PROJECT NO.: T0682-022-001

DATE: DECEMBER 2022

DRAFTED BY: CMS

THE PAPERMILL LLC

BROWNFIELD CLEANUP PROGRAM APPLICATION

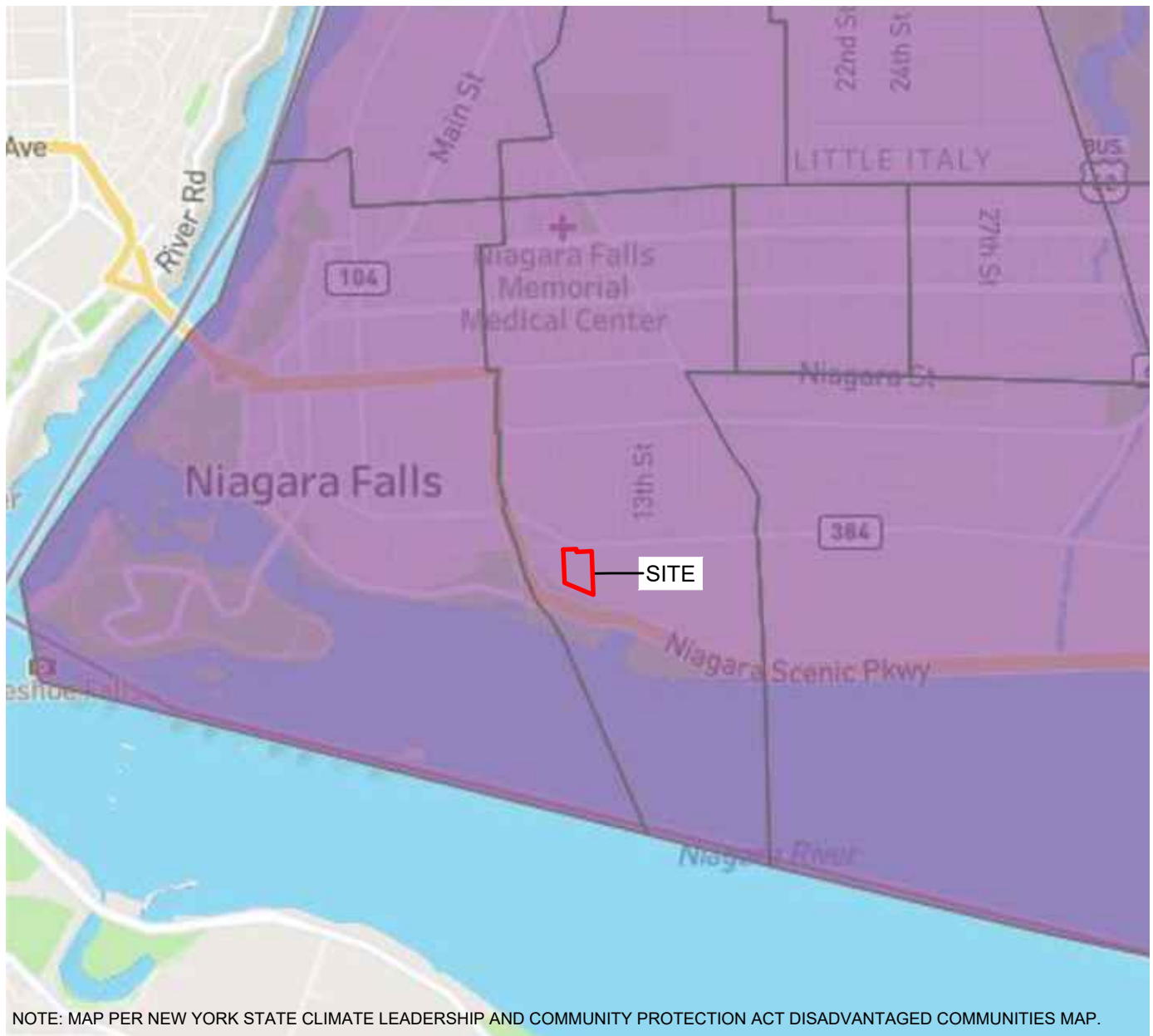
1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
ELEMENT DEVELOPMENT LLC

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

FIGURE 7

F:\CAD\Benchmark\Rupal Hospitality\BCP App\Figure 7: Disadvantaged Communities Map.dwg



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



LEGEND:

BCP SITE BOUNDARY
DRAFT DISADVANTAGED COMMUNITIES



IN
ASSOCIATION
WITH



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

PROJECT NO.: T0682-022-001

DATE: DECEMBER 2022

DRAFTED BY: CMS

DISADVANTAGED COMMUNITIES MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC

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LEGEND:

BCP SITE BOUNDARY

Residential

R1 - Detached Single

R1-A

R1-B

R1-C

R1-D

R2 - Doubles

R2-A

R2-B

R3 - Multi-Family

R3-A

R3-B

R3-C

R4 - Heritage

R4

Commercial

C1 - Neighborhood

C1-A

C1-B

C2 - Traditional

C2-A

C2-B

C3 - General

C3

Downtown

D1 - Downtown

D1-A

D1-B

D1-C

D1-D

D2 - Gorge View

D2

Other

I1 - Business Park

I2 - Industrial

INS - Institutional

OS - Open Space

NPD - Negotiated Planned Development

500'

0'

500'

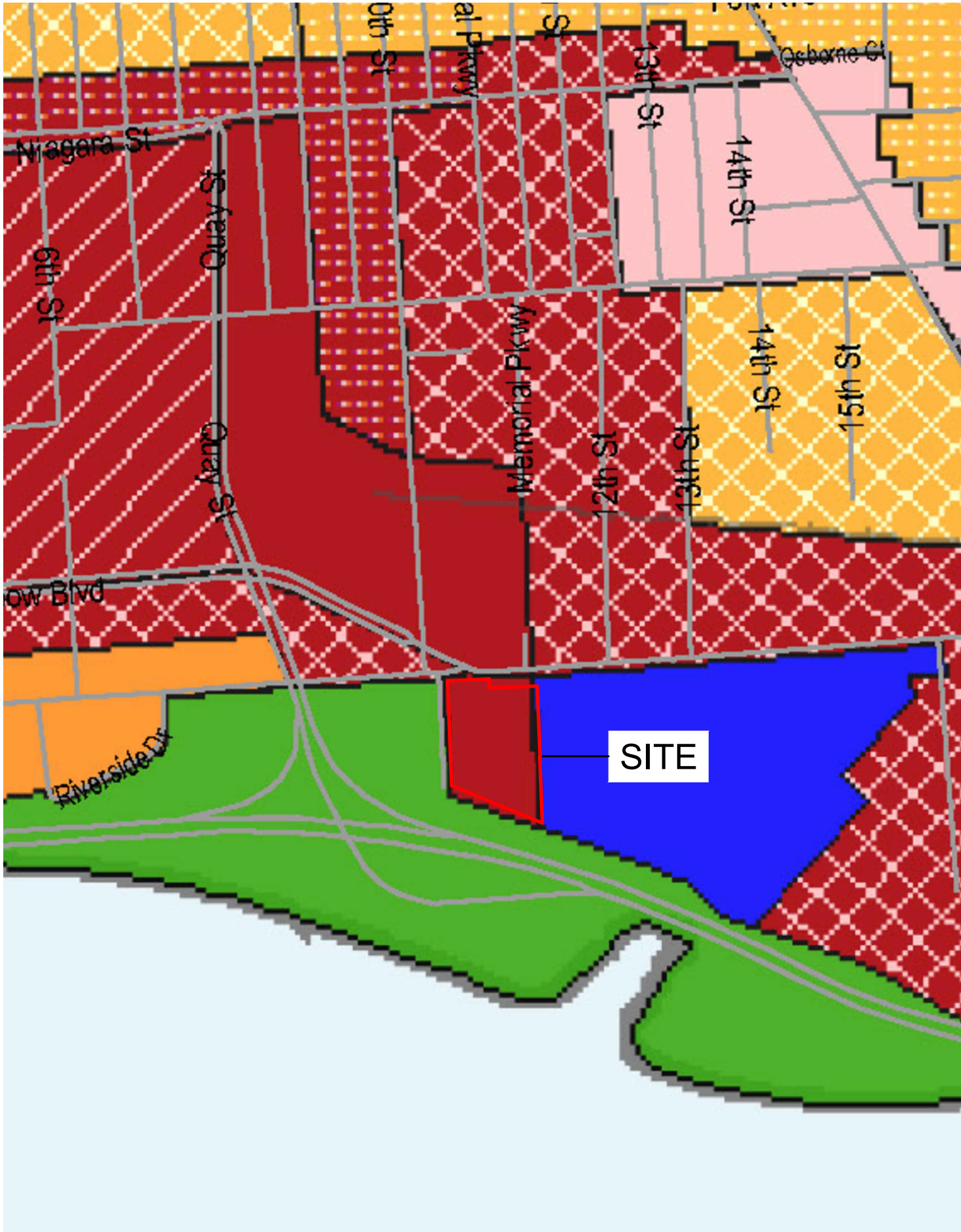
1000'

SCALE: 1 INCH = 500 FEET

SCALE IN FEET

(approximate)

NOTE: MAP PER CITY OF NIAGARA FALLS GEOGRAPHIC INFORMATION SYSTEM.



TURNKEY
ENVIRONMENTAL
RESTORATION, LLC

IN
ASSOCIATION
WITH

BENCHMARK

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

JOB NO.: T0682-022-001

SITE ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1001 BUFFALO AVENUE SITE

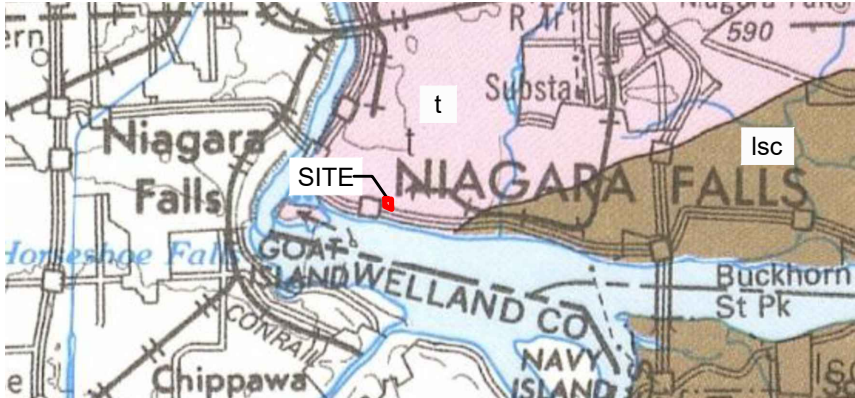
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR

THE PAPERMILL LLC

FIGURE 8

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

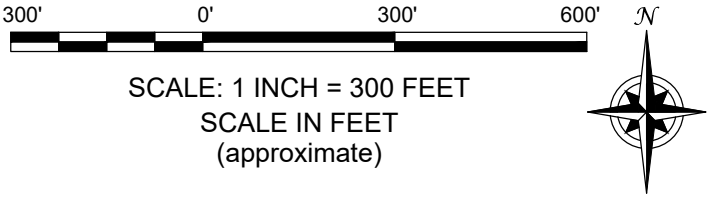


INSET-1: SURFICIAL GEOLOGY MAP
SCALE: 1" = 2 MILES

NOTE: MAP PER USGS NATIONAL GEOLOGIC MAP DATABASE.



NOTE: MAP PER NIAGARA COUNTY GIS.



LEGEND:

- BCP SITE BOUNDARY
- Ua — UNSURVEYED AREA
- W — WATER
- lsc — Lacustrine silt and clay
- t — Till

SOIL TYPE MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION
1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC

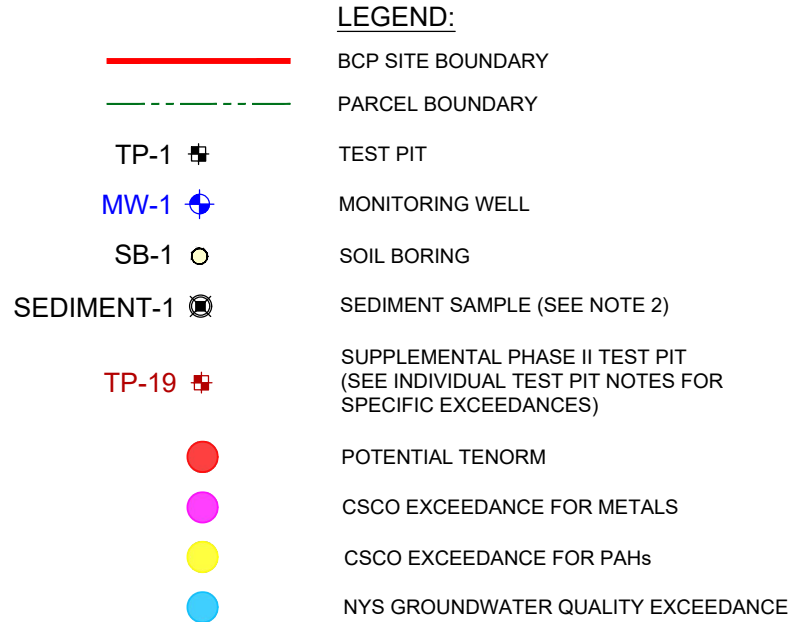


2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218,
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JOB NO.: T0682-022-001

FIGURE 9

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

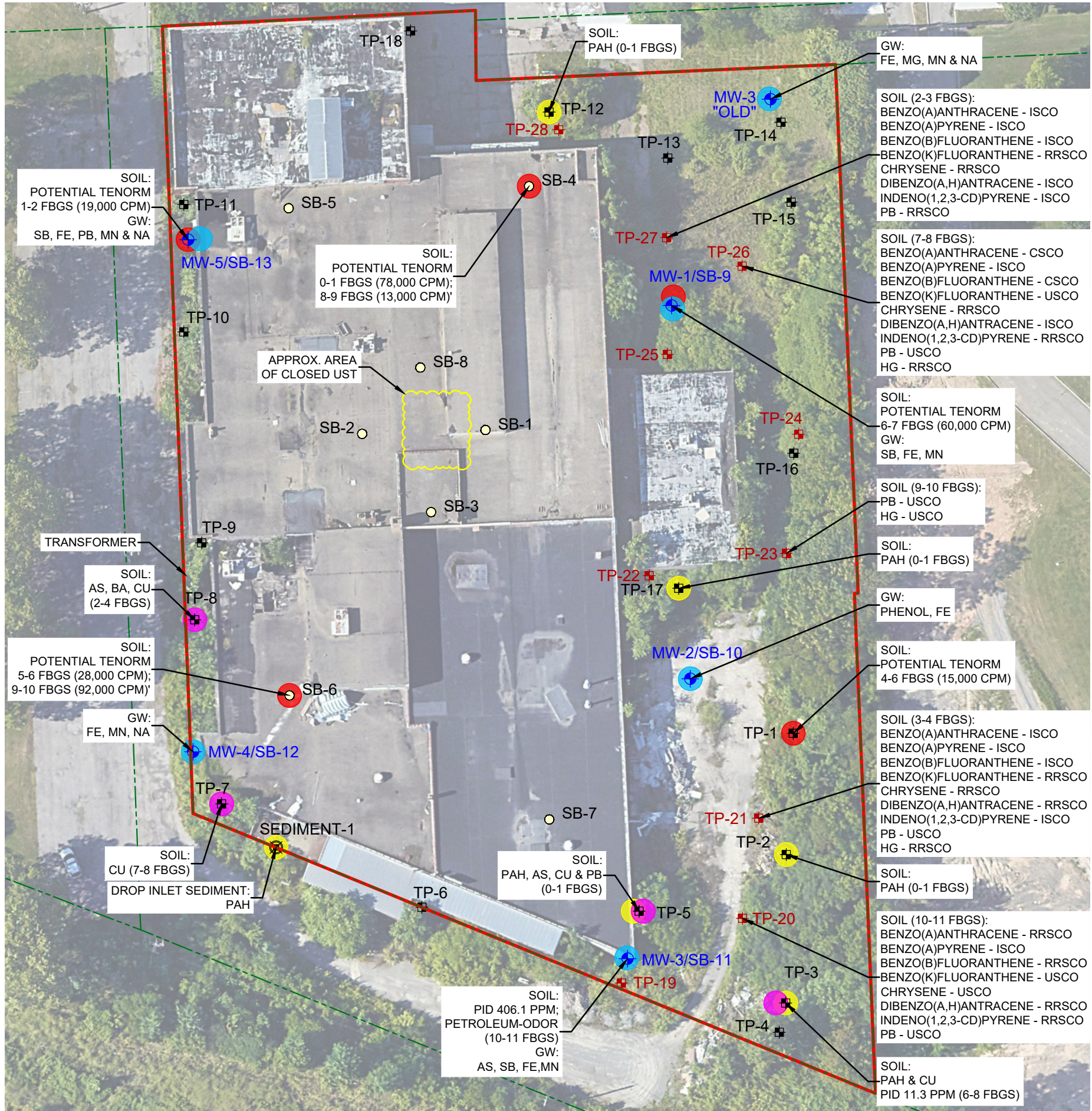
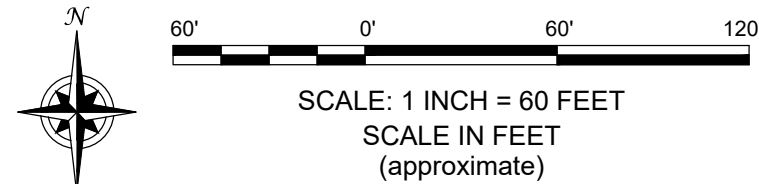


NOTES:

- RESULTS OF TESTING ADAPTED FROM A REPORT PREPARED BY LABELLA ASSOCIATES DATED JANUARY 30, 2018.
- SEDIMENT SAMPLE WAS OBTAINED FROM THE BOTTOM OF A DROP INLET.
- FILL MATERIAL WAS ENCOUNTERED ACROSS THE SITE AND GENERALLY CONSISTED OF BROWN TO BROWNISH-RED SILTY CLAY WITH GRAVEL, ANGULAR ROCKS, BRICKS, ASPHALT, SCRAP METAL, CONCRETE, GLASS, ASH, CINDERS, AND CRUSHED CONCRETE. FILL MATERIALS WERE ENCOUNTERED TO MAXIMUM DEPTHS OF 6 TO 13 FBGS. A DECOMPOSING WOOD CHIP MATERIAL WAS ENCOUNTERED IN SEVERAL TEST PITS AND SOIL BORINGS (TP-2, TP-5, TP-7, TP-8, TP-9, SB-7, SB-10, SB-11, AND SB-12) RANGING IN DEPTH FROM 4 TO 10.5 FBGS. [FORMER PAPER MANUFACTURER].

DEFINITIONS:

- TENORM = TECHNOLOGICALLY ENHANCED NATURALLY OCCURRING RADIOACTIVE MATERIAL, CPM = COUNTS PER MINUTE.
- PAH= POLYNUCLEAR AROMATIC HYDROCARBONS
- GW = GROUNDWATER
- PID = PHOTOIONIZATION DETECTOR
- AS = ARSENIC
- BA = BARIUM
- CU = COPPER
- PB = LEAD
- FE = IRON
- SB = ANTIMONY
- MN = MANGANESE
- MG = MANGNESIUM
- NA = SODIUM
- HG = MERCURY
- FBGS = FEET BELOW GROUND SURFACE
- USCO = 6NYCRR PART 375 UNRESTRICTED USE SOIL CLEANUP OBJECTIVE (SCO)
- RRSCO = 6NYCRR PART 375 RESTRICTED RESIDENTIAL SCO
- CSCO = 6NYCRR PART 375 COMMERCIAL USE SCO
- ISCO = 6NYCRR PART 375 INDUSTRIAL USE SCO



HISTORIC INVESTIGATION LOCATIONS AND RESULTS

BROWNFIELD CLEANUP PROGRAM APPLICATION
1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK



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

JOB NO.: T0682-022-001

PREPARED FOR
THE PAPERMILL LLC

FIGURE 10

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PROJECT NO.: T0682-022-001

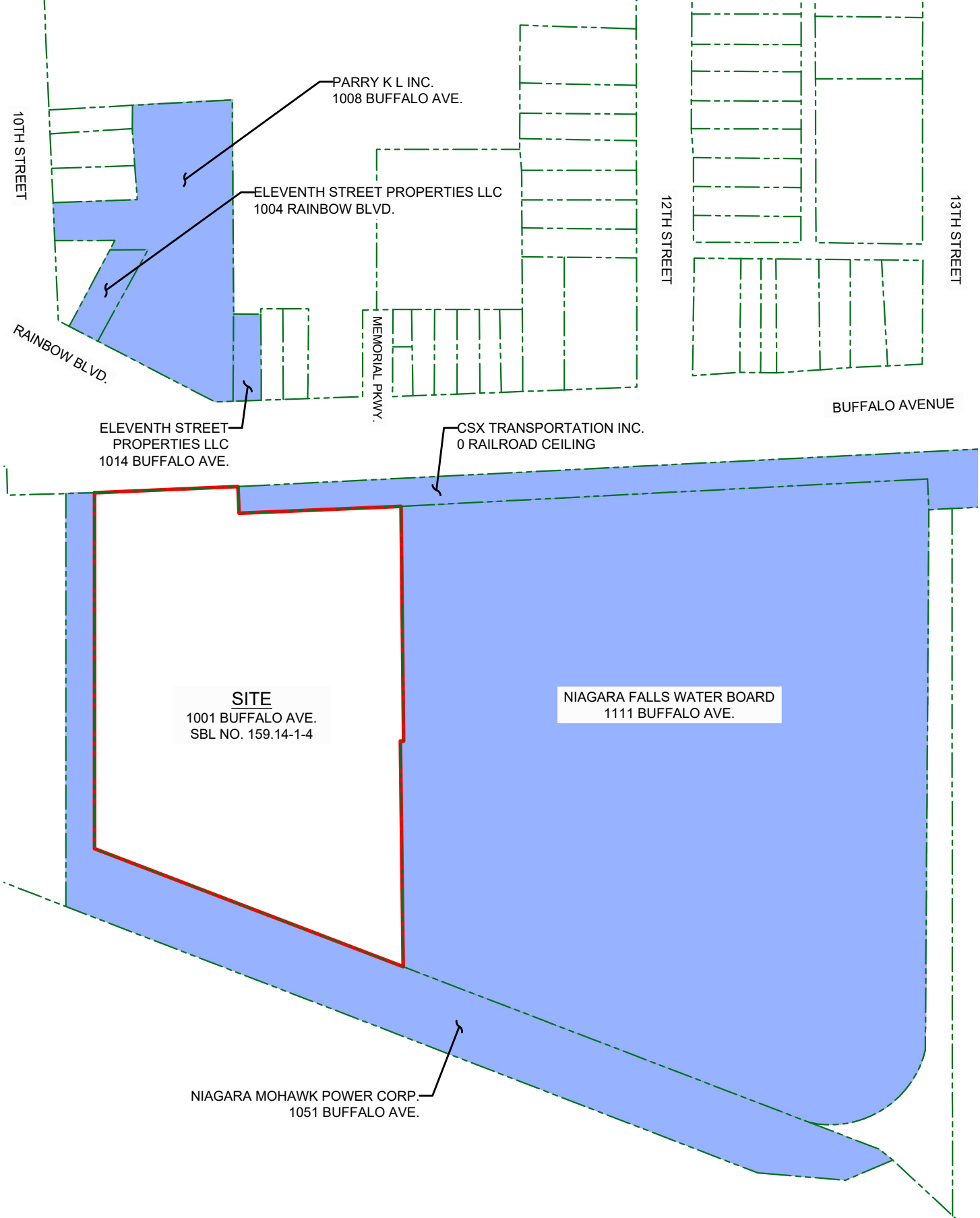
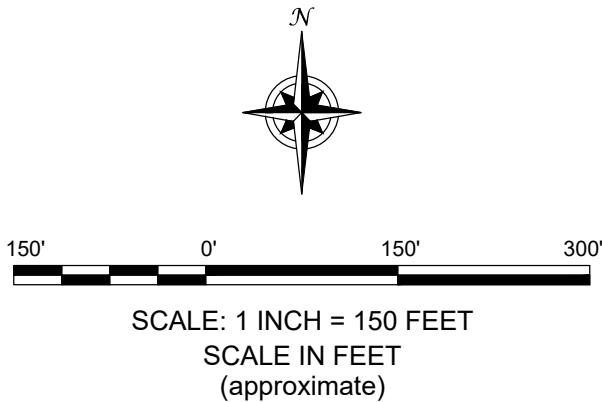
Adjacent Property Addresses				
No	Street	S.B.L.	Property Description	Property Owner
1008	Buffalo Avenue	159.55-1-43	Other storage, warehouse and distribution facilities	Parry K L Inc. 1008 Buffalo Ave. Niagara Falls, NY 14301
1014	Buffalo Avenue	159.55-1-42	Vacant land located in commercial areas	Eleventh Street Properties LLC 800 Main St., Suite 3d Niagara Falls, NY 14301
1051	Buffalo Avenue	159.14-1-3	Public utility vacant land	Niagara Mohawk Power Corp. 300 Erie Boulevard Syracuse, NY 13202
1111	Buffalo Avenue	159.14-1-5	Sewage treatment and water pollution control	Niagara Falls Water Board 5815 Buffalo Ave. Niagara Falls, NY 14304
1004	Rainbow Boulevard	159.55-1-44	Vacant land located in commercial areas	Eleventh Street Properties LLC 800 Main St., Suite 3d Niagara Falls, NY 14301
0	Railroad Ceiling	700.00-41-2	--	CSX Transportation Inc. 500 Water St., C910 Jacksonville, FL 32202

LEGEND:

BCP SITE BOUNDARY

PARCEL BOUNDARY

ADJACENT PROPERTY



ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION
1001 BUFFALO AVENUE SITE
CITY OF NIAGARA FALLS, NEW YORK

PREPARED FOR
THE PAPERMILL LLC



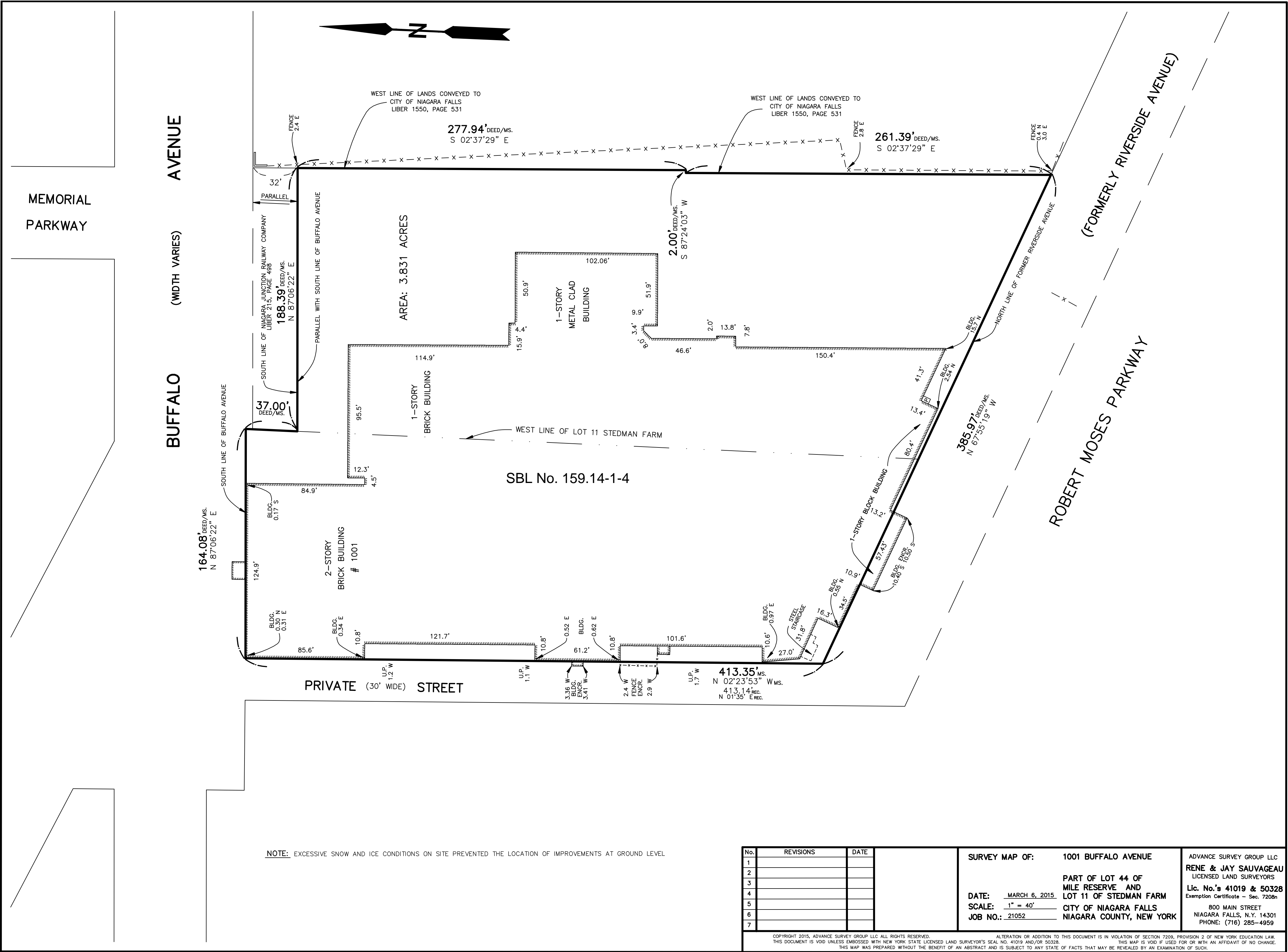
2558 HAMBURG TURNPIKE, SUITE 300, BUFFALO, NY 14218,
(716) 856-0599

JOB NO.: T0682-022-001

FIGURE 12

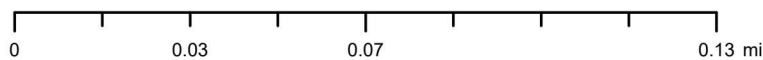
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ATTACHMENTS



No.	REVISIONS	DATE		SURVEY MAP OF:	1001 BUFFALO AVENUE	ADVANCE SURVEY GROUP LLC
1						RENE & JAY SAUVAGEAU
2						LICENSED LAND SURVEYORS
3						Lic. No.'s 41019 & 50328
4						Exemption Certificate - Sec. 7208n
5						800 MAIN STREET
6						NIAGARA FALLS, N.Y. 14301
7						PHONE: (716) 285-4959

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Report run date: December 16, 2022

Parcel Report

Information reflects Final Assessment Roll 2022

SBL: 159.14-1-4

Owner: The Papermill LLC

Prcl Numb: 1001

Prcl Street: Buffalo Ave

Prcl Muni: Niagara Falls

Prop Code: 710

Prop Code Description: Manufacturing and processing

Front: 0

Sqft Living Area: 0

Total Assessed Value: 400,000

Depth: 0

Year Built: 0

Land Assessed Value: 57,900

Acres (approx): 3.82

Full Market Value: 645,200

Department of State

Division of Corporations

Entity Information

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

Entity Details

ENTITY NAME: THE PAPERMILL LLC	DOS ID: 4706503
FOREIGN LEGAL NAME:	FICTITIOUS NAME:
ENTITY TYPE: DOMESTIC LIMITED LIABILITY COMPANY	DURATION DATE/LATEST DATE OF DISSOLUTION:
SECTION OF LAW: 203 LLC - LIMITED LIABILITY COMPANY LAW	ENTITY STATUS: ACTIVE
DATE OF INITIAL DOS FILING: 02/06/2015	REASON FOR STATUS:
EFFECTIVE DATE INITIAL FILING: 02/06/2015	INACTIVE DATE:
FOREIGN FORMATION DATE:	STATEMENT STATUS: CURRENT
COUNTY: NIAGARA	NEXT STATEMENT DUE DATE: 02/28/2023
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: THE PAPERMILL LLC
Address: 1625 BUFFALO AVENUE, SUITE 2D, NIAGARA FALLS, NY, UNITED STATES, 14303

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
-------------	------------------	-----------------

The Papermill LLC

UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER

January 31, 2023

The undersigned being the holder of all of the membership interest of **The Papermill, LLC**, a New York limited liability company (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Nirel Patel** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 1001 Buffalo Avenue (S.B.L. No. 159.14-1-4), Niagara Falls, New York; and be it further

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

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

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

A handwritten signature in black ink, appearing to read 'Nirel Patel', is written over a horizontal line.

Name: Nirel Patel

Authorized Member

Jessica Dombrowski

From: Jessica Dombrowski
Sent: Tuesday, December 13, 2022 1:41 PM
To: spotwin@nioga.org
Subject: Document Repository for Brownfield Cleanup Program Site
Attachments: BCP App LOT Doc Rep Request.pdf

Good afternoon:

Please see the attached letter requesting the Niagara Falls Public Library to act as the document repository for a potential Brownfield Cleanup Program Site identified as 1001 Buffalo Avenue, Niagara Falls, New York.

Please let me know if this request can be granted and if you need any additional information.

Thank you,

Jessica Dombrowski

Project Scientist

jdombrowski@bm-tk.com

TurnKey Environmental Restoration, LLC

Benchmark Civil/Environmental Engineering & Geology, PLLC

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

Phone: (716) 856-0599 Office, Mobile: (716) 716-445-7990

Strong Advocates | Effective Solutions | Integrated Implementation



December 13, 2022

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

Re: Document Repository for Brownfield Cleanup Program
1001 Buffalo Avenue Site
Niagara Falls, New York

Dear Ms. Potwin:

Per our arrangement, thank you for agreeing to the Niagara Falls Public Library acting as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
TurnKey Environmental Restoration, LLC

A handwritten signature in black ink that reads "Jessica L. Dombrowski". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jessica Dombrowski
Project Scientist

c: File: 0682-022-001

From: [Sarah Potwin](#)
To: [Jessica Dombrowski](#)
Subject: Re: Document Repository for Brownfield Cleanup Program Site
Date: Tuesday, December 13, 2022 2:03:10 PM

Yes of course. Send what you need and we will make it avail to the public .

Sarah Potwin

NFPL

On Tue, Dec 13, 2022 at 1:41 PM Jessica Dombrowski <jdombrowski@bm-tk.com> wrote:

Good afternoon:

Please see the attached letter requesting the Niagara Falls Public Library to act as the document repository for a potential Brownfield Cleanup Program Site identified as 1001 Buffalo Avenue, Niagara Falls, New York.

Please let me know if this request can be granted and if you need any additional information.

Thank you,

Jessica Dombrowski

Project Scientist

jdombrowski@bm-tk.com

TurnKey Environmental Restoration, LLC

Benchmark Civil/Environmental Engineering & Geology, PLLC

www.benchmarkturnkey.com

2558 Hamburg Turnpike, Suite 300, Buffalo, NY 14218

Phone: (716) 856-0599 Office, Mobile: (716) 716-445-7990

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Professional Opinions: Views expressed in this message may only be relied upon as professional opinion if and when provided by principals of the Companies to authorized representatives of the organization with which we have an active client-engineer relationship and when directly pertaining to a binding contract scope of work.

--

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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December 13, 2022

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

Re: Document Repository for Brownfield Cleanup Program
1001 Buffalo Avenue Site
Niagara Falls, New York

Dear Ms. Potwin:

Per our arrangement, thank you for agreeing to the Niagara Falls Public Library acting as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,
TurnKey Environmental Restoration, LLC

A handwritten signature in black ink that reads "Jessica L. Dombrowski". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jessica Dombrowski
Project Scientist

c: File: 0682-022-001

The Papermill LLC

UNANIMOUS WRITTEN CONSENT OF THE SOLE MEMBER

January 31, 2023


The undersigned being the holder of all of the membership interest of **The Papermill, LLC**, a New York limited liability company (the “Company”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company.

RESOLVED, that **Nirel Patel** (an “Authorized Person”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program (BCP) Application, the Brownfield Cleanup Agreement (BCA), or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for property located at 1001 Buffalo Avenue (S.B.L. No. 159.14-1-4), Niagara Falls, New York; and be it further

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

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

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

A handwritten signature in black ink, appearing to read 'Nirel Patel', is written over a horizontal line.

Name: Nirel Patel

Authorized Member

1001 BUFFALO AVENUE SITE

ORGANIZATIONAL CHART

SITE OWNER/APPLICANT

The Papermill LLC

1625 Buffalo Avenue, Suite 2D
Niagara Falls, New York 14303

APPLICANT MEMBER

Nirel Patel
716-285-0904

PREVIOUS INVESTIGATIONS

Included on a CD