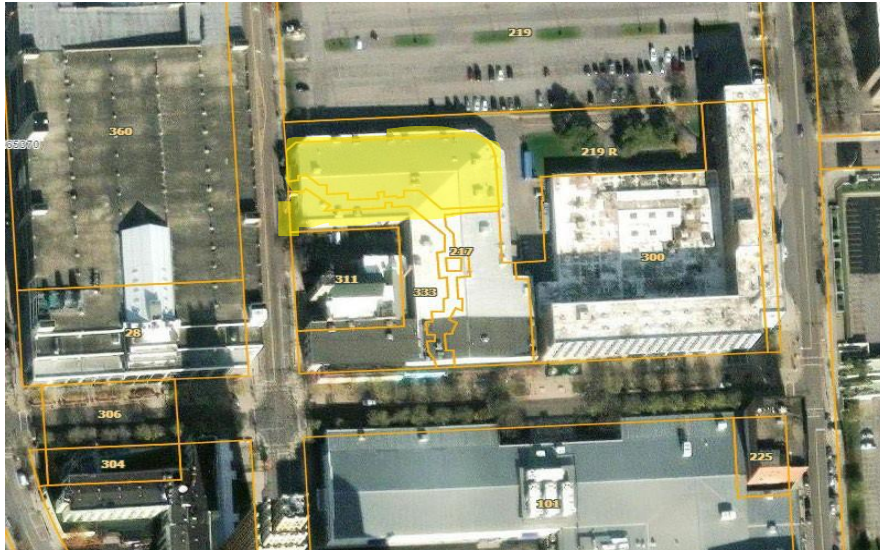


**NEW YORK STATE
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)
APPLICATION FORM , REVISION 14**

**THE NEST SITE
333 1ST STREET**

CITY OF NIAGARA FALLS, NIAGARA COUNTY, NEW YORK



Submitted For:

**Community Services for Every1, Inc.
180 Oak Street
Buffalo, NY 14203**

Prepared for:

**New York State Department of Environmental Conservation
700 Delaware Ave,
Buffalo New York 14209**

Prepared by:



**960 Busti Avenue, Suite B-150
Buffalo, New York 14213**

Revised July 2023

TABLE OF CONTENTS

BCP Application Form – Completed

Pages 1-12

ATTACHMENTS & FIGURES

ATTACHMENTS & Figures

A – Section I: Property Information

- Figure 1 – Section I – Site Location Map– USGS 7.5-minute
- Figure 2 – Section I - Site Survey and Tax Map
- Figure 3 – Section I – Site Parcel Map & Adjacent Property Owners
- Figure 4 – Section I – Designated En-zone Map
- Figure 5 – Section I & III – Disadvantaged Communities Map
- Figure 6 – Section I & Section III – Brownfield Opportunity Area Map
- Figure 7 - Section I and Section IV – LiRo Engineers 2019 Phase II Investigation Locations & Contaminant Exceedances
- Figure 8 - Section I and Section IV – BE3 2023 Phase II Investigation Locations & Contaminant Exceedances
- Figure 9 – Section I & Section III – Zoning Map

Table A - BE3 2023 Phase 2 ESA Soil Sample Results

Tables 1LiRo – 4LiRo – 2018 Phase 2 ESA Soil/Soil Vapor Sample Results

B – Section II: Project Description – Short Description of Development

- Figure 10 – Section II – Preliminary Project Schedule

C – Section III: Land Use Factors

- Figure 4, 5, 6 and 9

D – Section IV: Property's Environmental History

- Figures 7 and 8
- Table A - BE3
- Tables 1LiRo-4LiRo

E – Section V: Requestor Information

- NYSDOS-Corporate & Business Entity

F – Section VI: Requester Eligibility Information

- Voluntary Statement

G – Section IX: Current Property Owner and Operator Information

H – Section XI: Site Contact List & Document Repository Letter

SUBSURFACE ESAs – ELECTRONIC VERSION ONLY ON DVD – FILE 2

LiRo Engineers 2018 Phase 1 ESA, LiRo Engineers 2019 Phase II ESA2023 Phase II ESA and BE3 2023 Phase II ESA



960 Busti Ave – Suite B-150 Buffalo, New York



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: C932183

☒

Yes

☐

No

BCP App Rev 14 – January 2023

SECTION I: Property Information

PROPOSED SITE NAME: The Nest

ADDRESS/LOCATION: 333 1st Street

CITY/TOWN: Niagara Falls

ZIP CODE 14303

MUNICIPALITY (LIST ALL IF MORE THAN ONE): Niagara Falls

COUNTY: Niagara County

SITE SIZE (ACRES) 0.985

LATITUDE:

LONGITUDE:

43 ° 05 ' 12.88 " 79 ° 03 ' 39.82 "

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:

See Attachment A-Figure 2-Site Survey & Tax Map

ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.

Parcel Address	Section	Block	Lot	Acreage
333 1st Street (portion of parcel)	159.09	1	p/o 2.11	0.833
217 Old Falls Street (portion of parcel)	159.09	1	p/o 2.12	0.152

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. See Attachment A - Figure 2 - Site Survey & Tax Map	☒	☐
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map) See Attachment A - Figures 1,2 & 3	☒	☐
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) See Attachment A - Figure 4 If yes, identify census tract: <u>211</u> Percentage of property in En-zone (check one): 0% ☐ 1-49% ☐ 50-99% ☐ 100% ☒	☒	☐
4. Is the project located within a disadvantaged community? See application instructions for additional information. See Attachment A - Figure 5	☒	☐
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information. See Attachment A - Figure 6	☐	☒
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:	☐	☒
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?	☐	☒
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.	☐	☒

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

SECTION II: Project Description	
See Attachment B	
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	

SECTION III: Land Use Factors		
1. What is the property's current municipal zoning designation? <u>Downtown D1-A</u>		
2. What uses are allowed by the property's current zoning (select all that apply)? See Figure 9 Residential ☒ Commercial ☒ Industrial ☐		
3. Current use (select all that apply): Residential ☐ Commercial ☐ Industrial ☐ Recreational ☐ Vacant ☒		
4. Please provide a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date by which the site became vacant. Is this summary included with the application?	See Attachment C Y N ☒ ☐	
5. Reasonably anticipated post-remediation use (check all that apply): Residential ☒ Commercial ☒ Industrial ☐ If residential, does it qualify as single-family housing? ☐ N/A		
6. Please provide a statement detailing the specific proposed post-remediation use. Is this summary attached? See Attachment C		
7. Is the proposed post-remediation use a renewable energy facility? See application instructions for additional information.		
8. Do current and/or recent development patterns support the proposed use?		
9. Is the proposed use consistent with applicable zoning laws/maps? See Attachment C Please provide a brief explanation and additional documentation if necessary.		
10. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? See Attachment C Please provide a brief explanation and additional documentation if necessary.		

SECTION IV: Property's Environmental History**See Attachment D**

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

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

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

*Please describe other known contaminants and the media affected:

- 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
- See Attach. D & LiRo Figures 7 & Tables 1-4 & BE3 Figure 8 and Table A as well as attached electronic Documents**

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

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

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

Other: Commercial/Recreational

SECTION V: Requestor Information

NAME: Community Services for Every1, Inc.

ADDRESS: 180 Oak Street

CITY/TOWN: Buffalo

ZIP CODE 14203

PHONE: (716) 883-8888

E MAIL: kkinderman@csevery1.com

	Y	N
1. Is the requestor authorized to conduct business in New York State (NYS)?	☒	☐
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the NYS Department of State's Corporation & Business Entity Database . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached? See Attachment E	☒	☐
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 ☒	☐	☐
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? See Attachment E Documents that are not properly certified will not be approved under the BCP.	☒	☐

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

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

SECTION VII: Requestor Contact Information

REQUESTOR'S REPRESENTATIVE: Kelly E. Kinderman		
ADDRESS: 180 Oak Street		
CITY: Buffalo		ZIP CODE: 14203
PHONE: (716) 883-8888	EMAIL: kkinderman@csevery1.com	
REQUESTOR'S CONSULTANT (CONTACT NAME): Jason Brydges		
COMPANY: Brydges Engineering in Environment and Energy (BE3)		
ADDRESS: 960 Busti Avenue, Suite B-150		
CITY: Buffalo		ZIP CODE: 14213
PHONE: (716) 249-6880	EMAIL: jbrydges@be3corp.com	
REQUESTOR'S ATTORNEY (CONTACT NAME): Linda Shaw		
COMPANY: Knauf Shaw, LLP		
ADDRESS: 2600 Innovation Square-100South Clinton Avenue		
CITY: Rochester		ZIP CODE: 14604
PHONE: (585) 414-3122	EMAIL: lshaw@nyenvlaw.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?	☐	☒
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 ☒	☐

SECTION IX: Current Property Owner and Operator Information**See Attachment G**

CURRENT OWNER: USA Niagara Development Corp.		
CONTACT NAME: Paul Ray		
ADDRESS: 222 1st Street, 7th Floor		
CITY: Niagara Falls		ZIP CODE: 14303
PHONE: (716) 304-3288	EMAIL: paul.ray@esd.ny.gov	
OWNERSHIP START DATE: 2014		
CURRENT OPERATOR: Same as above		
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.	☐	☒
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____	☐	☒
3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? If yes, please provide: Permit Type: _____ EPA ID Number: _____ Date Permit Issued: _____ Permit Expiration Date: _____	☐	☒
4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents. N/A ☒	☐	☐
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? If yes, please provide the order number: _____	☐	☒
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? If yes, please provide additional information.	☐	☒

SECTION XI: Site Contact List
To be considered complete, the application must include the Brownfield Site Contact List in accordance with <i>DER-23: Citizen Participation Handbook for Remedial Programs</i>. Please attach, at a minimum, the names and mailing addresses of the following: See Attachment H • 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 Vice President of Program Support and Development (title) of Community Services for Every1, Inc (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: 07/07/2023

Signature: 

Print Name: Kelly Kinderman

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.

BCP App Rev 14

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

From ECL 27-1405(31):

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

From 6 NYCRR 375-3.2(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.

ATTACHMENT A

SECTION I: PROPERTY INFORMATION

- Figure 1 – Section I – Site Location Map– USGS 7.5-minute**
- Figure 2 – Section I - Site Survey and Tax Map**
- Figure 3 – Section I – Site Parcel Map & Adjacent Property Owners**
- Figure 4 – Section I & III – Designated En-zone Map**
- Figure 5 – Section I & III – Disadvantaged Communities Map**
- Figure 6 – Section I & Section III – Brownfield Opportunity Area Map**
- Figure 7 - Section I and Section IV – LiRo Engineers 2019 Phase II Investigation Locations & Contaminant Exceedances**
- Figure 8 - Section I and Section IV – BE3 2023 Phase II Investigation Locations & Contaminant Exceedances**
- Figure 9 – Section I & Section III – Zoning Map**

Table A - BE3 2023 Phase 2 ESA Soil Sample Results

Tables 1LiRo – 4LiRo – 2018 Phase 2 ESA Soil/Soil Vapor Sample Results



SECTION I – PROPERTY INFORMATION

Location

The New North Lot that comprises the site is composed of a portion of two parcels SBL # 59.09-1-2.11 and #159.09-1-2.12 located at 333 1st Street and 217 Old Falls Street respectively in the City of Niagara Falls (refer to **Figures 1 and 3**). The portion of these two parcels that compose the BCP site is approximately 0.985 acres and is now named The Nest (Site) with an address of 333 1st Street, City of Niagara Falls, Niagara County, New York (refer to **Figure 2 – Site Survey and Tax Map**). The Site has in the past been called Old Falls Street. The Site is bound by 1st Street to the west, Old Falls Street to the south, a commercial building to the east, and a large parking lot to the north. The surrounding area is mixed use residential/commercial.

The Site is at an elevation of 575 feet, and located at 43° 5' 12.88" N; Longitude 79° 3' 39.82" W and the area has been historically mixed commercial with some residential. The property to the north is a large parking lot. The Sheraton Inn is adjacent to the Site to the east and the Rainbow Bridge parking garage to the west of 1st Street. To the south is a vacant commercial building and a church with a parking area. See **Figure 3** for adjacent property owners and at the end of this section. According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an EnZone Type AB designated for Census Tract 211 (see **Figure 4**), a Disadvantaged Community (see **Figure 5**), but is not in a Brownfield Opportunity Area (see **Figure 6**).

Site Features

Approximately 95 percent of the Site contains a vacant two-story commercial building known as the Smokin' Joe's Native Center and was formerly used as a retail store and graphics center (see **Figure 8**). The property is bound by 1st Street to the west, Old Falls Street to the south, a commercial building to the east, and a large parking lot to the north. The surrounding area is mixed use residential/commercial.

The site is generally flat and gently sloping towards city streets and the Niagara River to the west. Surface and shallow groundwater flow most likely has been impacted over time by the various developments and fills as well as foundations, street beds, and utility lines. Surface water is directed to adjacent streets and storm drains within the building. In general, groundwater most likely flows west - northwest towards the Niagara River.

Current Zoning and Land Use

The site building is currently vacant. According to the City of Niagara Falls Zoning Map, the current zoning for the Site is defined as Downtown D1-A (see **Figure 9**). Any future redevelopment will be in accordance with the local zoning. Multi-residential buildings are admissible under current zoning.

The purpose of the D1 zone sub-districts is to provide for a diverse combination of commercial, residential, and mixed-use building types within the city's core tourist areas; to be protective of the world-class views of and from the Falls, by graduating building height and massing district-wide and

by encouraging design flexibility in creating, maintaining, and optimizing resulting view-sheds. Development is intended to be very intense with high lot coverage and pedestrian- oriented with a strong emphasis on creating safe, active, and inviting streetscapes. Parking, where provided, shall be concealed or structured. The “A” at the end of the D1-A classification means it is close to a casino.

Past Use of the Site

Site history information was obtained through multiple sources including, but not limited to, Sanborn maps, topographical maps, aerial photographs, city directories and municipal building permits. The following is a summary of what was available in the records:

- In 1892, the northern portion of the site was occupied by multiple independent residences, stables and shared dwellings including the American House and Temperance House. The southeastern portion of the site was occupied by Western Hotel and the northwestern portion by Hotel Nassau.
- In 1914, the northwestern portion of the site was occupied by stables, dwellings and the Converse House, the northeastern portion by Wayne Hotel and American Express Company, the eastern portion by Temperance Hotel, the southwestern portion by Hotel Imperial and the southwestern portion by Hotel Nassau.
- The site was occupied as follows in 1950: Converse Hotel, J.N. Adams and Co. staging floor and auto parking in the northwest, Wayne Hotel and auto parking in the northeast, Temperance Hotel in the east, New Imperial Hotel and J.N. Adams and Co., a department store, and multiple storefronts in the southeast, and various stores in the southwest.
- In 1955, the site remains relatively unchanged with the exception of the renaming of Temperance Hotel to Henry Hubbs Hotel.
- 1950 through 1970 Sanborn maps indicated the presence of two gas tanks of unknown size in the northwest corner of the site. These gas tanks are not identified on subsequent maps and no removal records were identified, thus presenting a potential vapor intrusion concern. See **Figures 7 and 8** for approximate locations.
- In 1969, J.N. Adams and Co. department store was converted into a leather goods manufacturer. All storefronts located in the southwestern portion of the site were demolished between 1969 and 1970.
- In 1971, the one- and two-story masonry building, and garage were demolished. The site appears as vacant land from 1979 to 1985. The site was under the ownership of Niagara Heritage Group and Niagara County Industrial Development Agency (IDA) in 1995 and 1996, respectively.
- From 1995 to 2019, the site is occupied by a large, U-shaped structure mostly occupied by Smokin’ Joe’s Native Center retail store and graphics department with a portion not occupied.
- Vacant from 2020.

Historical records (street directories, Sanborn Maps, etc.) offer the following comments related to the Site and the surrounding properties:

Year	Comments
1950-1962	Site: The Site appears to be developed with primarily commercial operations (i.e., YMCA, J.N. Adam and Co. department store, and auto parking). Two gas tanks are present in the northwest corner of the Site. Surrounding Properties: The surrounding area appears to be developed with commercial operations including, but not limited to, a gas station, a dry cleaners, W. A. Case and Son Manufacturing Co., etc. Railroad tracks are present to the northeast of the Site. Also, some residential development
1969-1970	Site: The Site appears to be developed with commercial operations including, but not limited to, a leather goods manufacturing facility, New Imperial Hotel, Henry Hubbs Motel, First Presbyterian Church annex, auto parking, etc. Two gas tanks are present in the northwest corner of the Site. Surrounding Properties: The surrounding area appears to be developed with commercial operations including but not limited to: a gas station, a dry-cleaning facility, Motorcycle sales and service, and Manufacturers and Traders Trust Co. Railroad tracks are present to the northeast of the Site.
1979-1985	Site: The Site appears as vacant land. Surrounding Properties: The surrounding area appears to be developed with commercial operations including, but not limited to, the 1st Presbyterian Church, Beir Bros department store, Niagara Hilton, and Fire Department Station No. 2 (in 1979), Rainbow Center Shopping Mall, Niagara Hilton, and 1st Presbyterian Church (in 1985)
1995-2017	Site: The Site appears to be developed with one large U-shaped structure. Surrounding Properties: The surrounding area appears to primarily include commercial operations.

The history and use of the Site suggests there were potential environmental impacts associated with fill material and its historical use as well as adjacent properties past industrial use. Potential contaminants include metals, polycyclic aromatic hydrocarbons (PAHs), petroleum and solvents.

Site Geology and Hydrogeology

The Phase II ESA borings indicate that shallow subsurface fill conditions generally consisted of fill with brown to black silty clayey sand with some debris such as brick and concrete. Fill depths ranged from 0 to 8 bgs. Below the fill in most locations was stiff red-brown silty clay or clayey silt. Bedrock

was encountered at 8 feet in one location; however, refusal of the drill rig was observed due to debris in the fill. The boreholes were completed to a range of 2 to 9.5 feet below ground surface.

A geotechnical investigation was performed by Foundation Design, P.C. A total of four borings were advanced on the property to assess the subsurface for geotechnical purposes. BE3 was on-site for environmental oversight. The geotechnical borings (see **Figure 8**) indicate bedrock at depth of approximately 11 feet bgs consisting of weathered dolomite.

Groundwater was not encountered in any of the Phase II ESA borings and, therefore, no groundwater samples were collected nor any specific hydrogeological Site characteristics assessed. Generally, however, groundwater flow follows topography, with flow from higher to lower elevations. Based on the Site and surrounding topography, groundwater flow is expected to be to the west-northwest. Estimated groundwater levels and/or flow direction(s) may vary due to seasonal fluctuations in precipitation, local usage demands, geology, underground structures, or dewatering operations.

Environmental Assessment

Various Environmental assessments have occurred on the property including the following:

- A Phase I Environmental Site Assessment (ESA) was performed on the Site by LiRo Engineers Inc. in October 2018 to identify the presence or likely presence of recognized environmental conditions (RECs). Two gasoline tanks were located on-site in the northwest corner from 1950 to 1970. This was identified as a REC.
- A subsequent Phase II was performed by LiRo Engineers Inc. in February 2019 to investigate potential impacts in soil and soil gas on the subject property. The purpose of this assessment was to identify potential environmental impacts at Old Falls Street Site in Niagara Falls, New York. The property was previously commercial and had a history of two gasoline tanks located on-site in the northwest corner. Adjacent properties also have a history of commercial use, and a railroad was present in the northeast corner. The laboratory results indicate that there are urban fill conditions existing at the property to at least 0-8 feet bgs resulting in target compounds (metals and SVOCs) above NYSDEC restricted residential and industrial SCOs. Historical use, previous environmental investigations, and this assessment indicate environmental impacts exist on the property in soils above NYSDEC SCOs. LiRo **Figure 8** and **Tables 1LiRo – 4LiRo** provide the locations of the soil and soil vapor samples and the analytical results with regulatory exceedances.
- A subsequent Phase II was performed by BE3/AMD. in April 2023. The purpose of this assessment was to identify potential environmental impacts at Old Falls Street Site (The Nest) in Niagara Falls, New York for possible entry into the BCP. The property was previously commercial and had a history of two gasoline tanks located on-site in the northwest corner. Adjacent properties also have a history of commercial use, and a railroad was present in the northeast corner. The laboratory results indicate that there are urban fill conditions existing at

the property to at least 0-8 feet bgs resulting in target compounds (metals and SVOCs) above NYSDEC restricted residential and industrial SCOs. Historical use, previous environmental investigations, and this assessment indicate environmental impacts exist on the property in soils above NYSDEC SCOs. BE3 **Figure 8** and **Table A** provide the locations of the soil samples and the analytical results with Part 375 SCOs that were exceeded.

The history and use of the Site suggests there were potential environmental impacts associated with fill material and its historical use as well as adjacent properties past industrial use. Potential contaminants include metals, polycyclic aromatic hydrocarbons (PAHs), petroleum and solvents.

Adjacent Property Owners

A list of Adjacent property owners is provided below and on **Figure 3**.

360 Rainbow Mall
City of Niagara Falls
Niagara Falls, NY 14303

311 1st Street
First Presbyterian Church
Niagara Falls, NY 14303

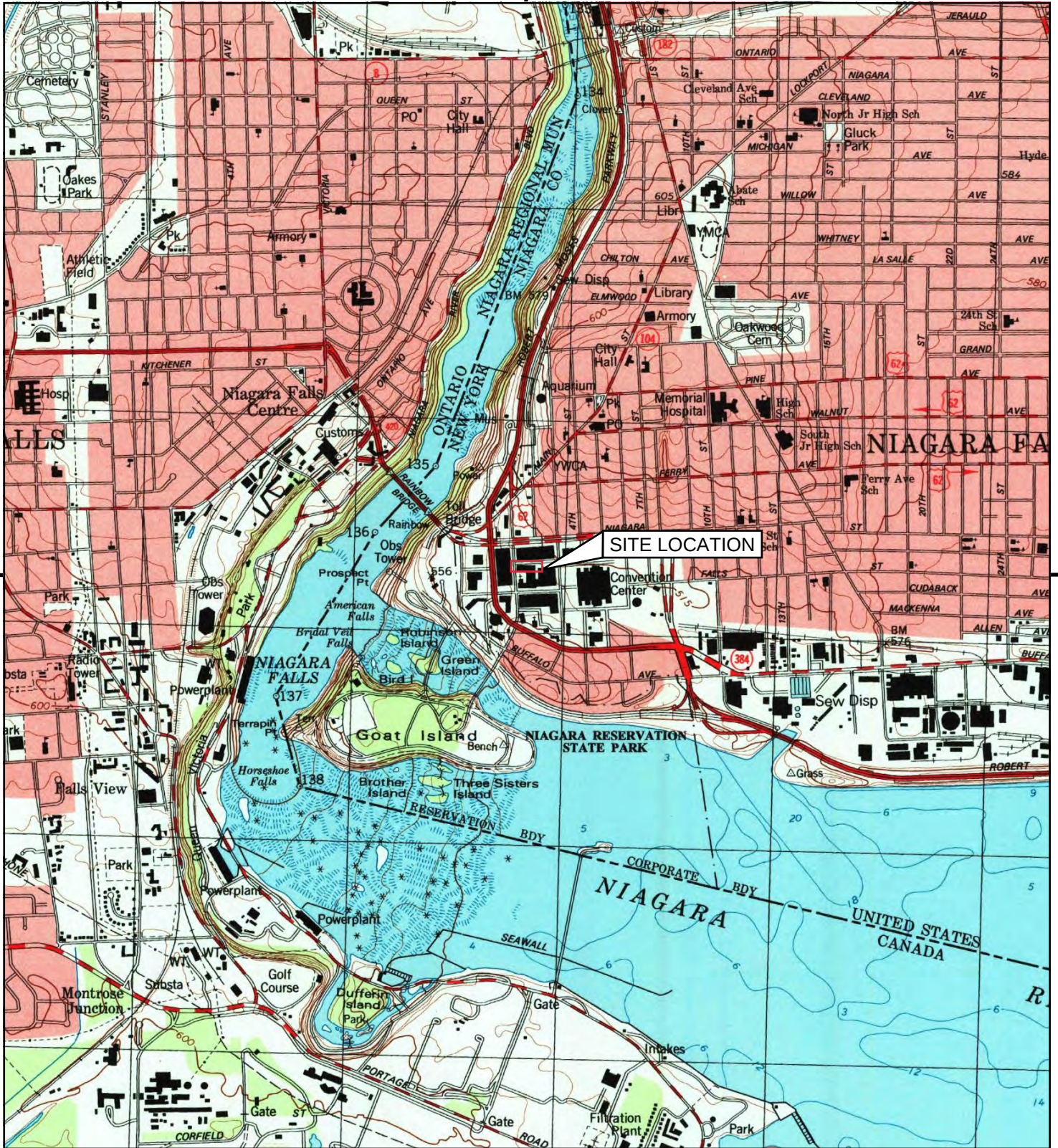
217 Old Falls Street
USA Niagara Development
Niagara Falls, NY 14303

333 1st Street
USA Niagara Development
Niagara Falls, NY 14303

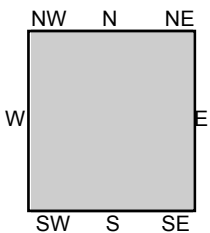
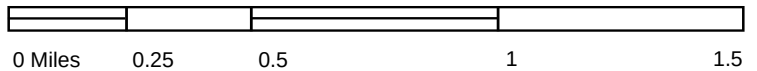
219 Niagara St.
City of Niagara Falls
Niagara Falls, NY 14303
Parking Lot

219 R Niagara St.
City of Niagara Falls
Niagara Falls, NY 14303

300 3rd Street
NFNY Hotel Management LLC
Niagara Falls, NY 14303



This report includes information from the following map sheet(s).



TP, Niagara Falls, 1999, 7.5-minute

FIGURE 1 - SITE LOCATION MAP

FILE: Z:\nbms (Nbsvr01) (Z)\Active Projects\4551 1st Street Apartments\4551 January 20 2023.dgn

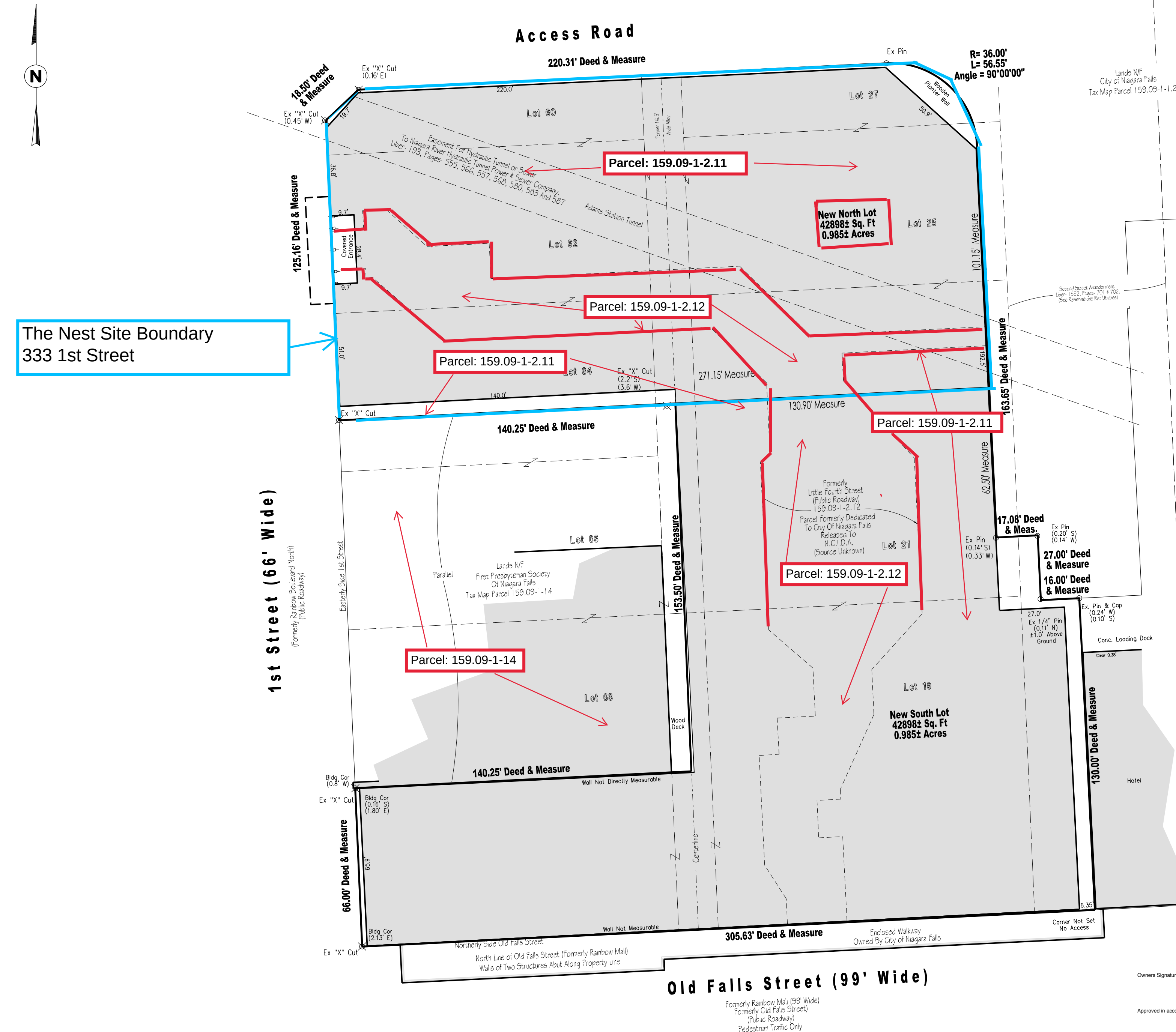


FIGURE 2 - SITE SURVEY AND TAX MAP

Niagara Boundary
And Mapping Services

PO Box 1120
Lewiston, NY 14092
(716) 297-9584

E-Mail:
lee@niagaraboundary.com

Map
Showing Subdivision
of
Property Owned
by

**USA Niagara
Development Corporation**

Deed Reference: Instrument No. 2019-04063
Tax ID: 159.09-1-2.11 & 159.09-1-2.12

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY
MAP IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE
NEW YORK STATE EDUCATION LAW.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN
ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS
THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

LOT	SECTION	TOWNSHIP	RANGE
43			
Mile Reserve		Niagara Falls	
CITY		Niagara	
STATE		New York	
DATE		January 18, 2023	
SCALE		1" = 30'	
JOB NO.		4551-23	
REVISIONS			

OWNERS SIGNATURES: _____

APPROVED IN ACCORDANCE WITH ARTICLE V OF THE NIAGARA FALLS SUBDIVISION REGULATIONS

CITY ENGINEER: _____ DATE: _____

CITY ASSESSOR: _____ DATE: _____

DIRECTOR OF PLANNING: _____ DATE: _____

"ONLY COPIES FROM THE ORIGINAL OF THIS
SURVEY MARKED WITH AN ORIGINAL OF THE
LAND SURVEYOR'S EMBOSSED SEAL SHALL BE
CONSIDERED TO BE VALID TRUE COPIES."

THIS SURVEY WAS PREPARED FOR THE PARTIES
AND PURPOSE INDICATED HEREON. ANY EXTENSION
OF THE USE BEYOND THE PARTIES OR PURPOSE
INDICATED IS EXPRESSLY FORBIDDEN WITHOUT
WRITTEN RELEASE OR PERMISSION OF THE UNDERSIGNED.

USE OF THIS SURVEY IN CONJUNCTION
WITH AN AFFIDAVIT OF NO CHANGE IS FORBIDDEN

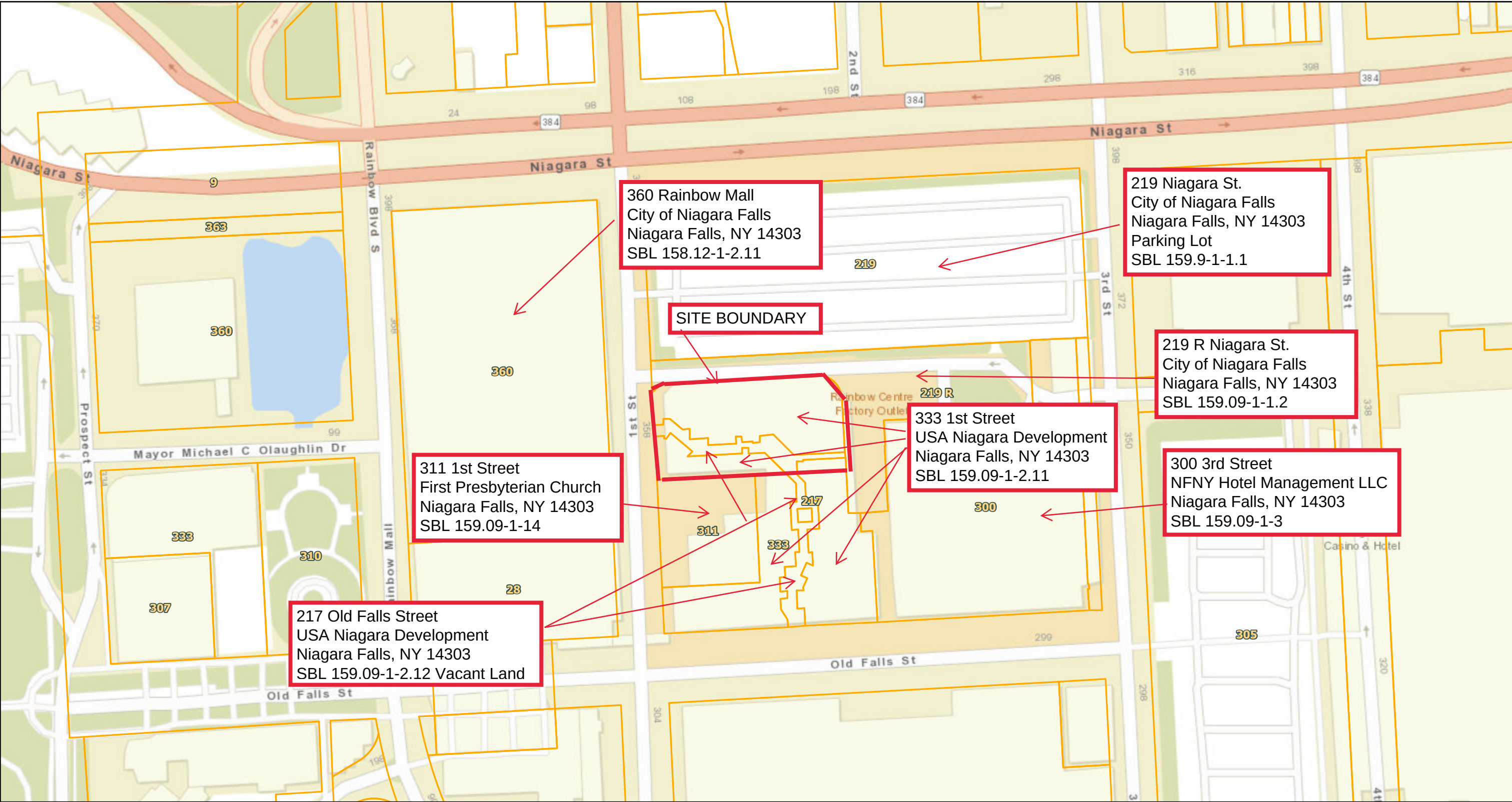
Kenneth L. Slaughenhoupt Lic. No. 50349



Map Reference:
Map By J.C. Haines Dated 12/20/1861 -
Filed N.C.C.O. In Cover 389.

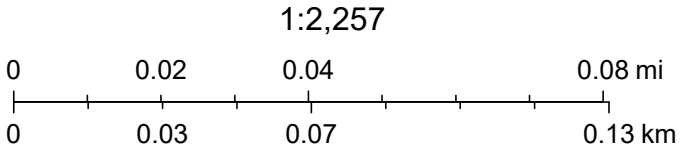
"Pursuant to chapter 605 of the laws of 1985, I certify that this Subdivision map was prepared under my
direction and the outbounds survey of the premises contained within said subdivision was prepared
under my direction and is shown on my map dated January 18, 2023."

ArcGIS Web Map



5/2/2023, 4:28:10 PM

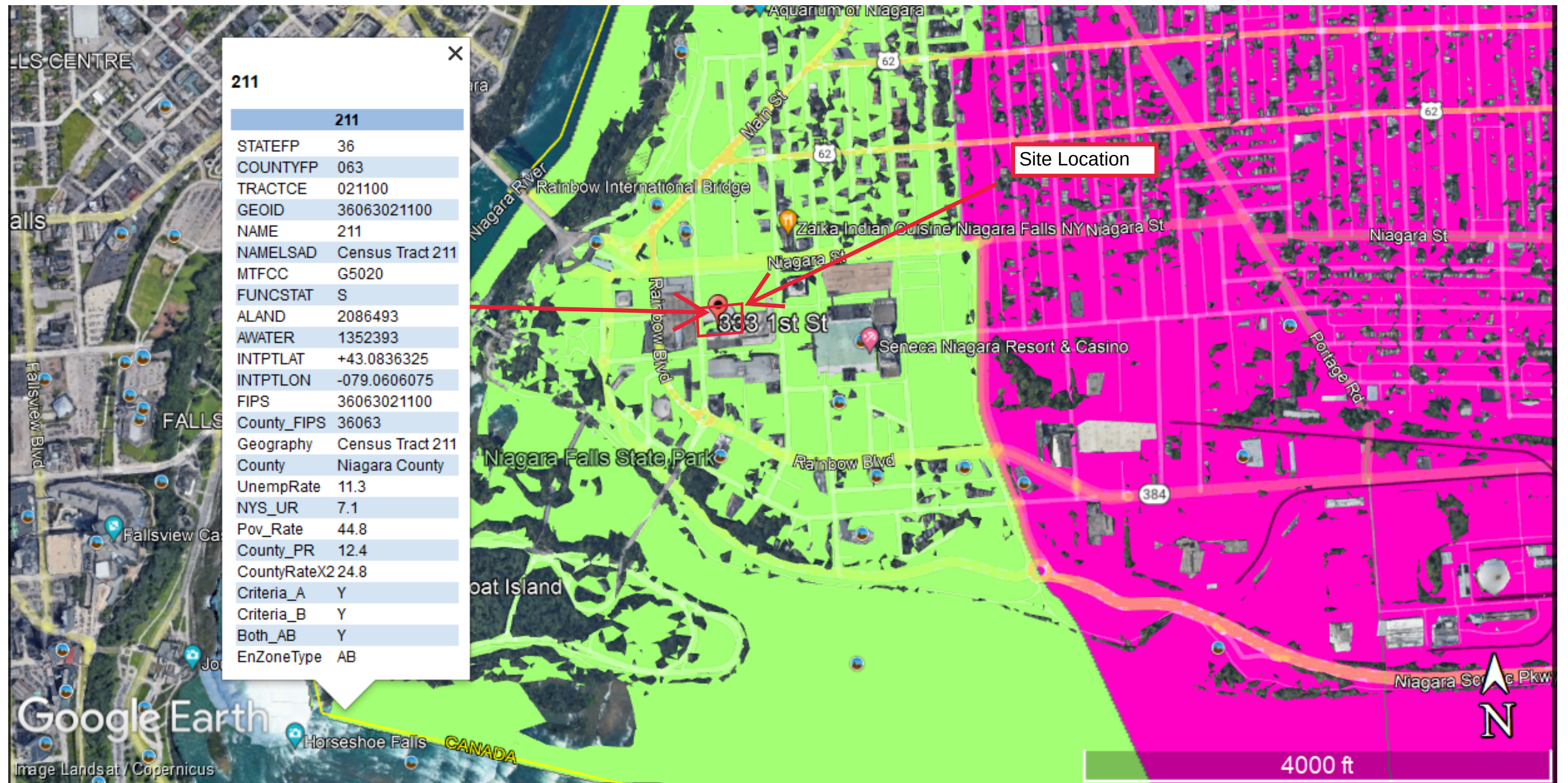
- Municipal Boundary (NYS IT, 2017)
- Parcels (Niagara County Final Roll, 2022)



Note:
See Figure 2 for Site
boundfary & parcel Details

FIGURE 3 - SITE PARCEL MAP & ADJACENT PROPERTY OWNERS

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



MAP ADAPTED FROM GOOGLE EARTH PRO®



May 2023

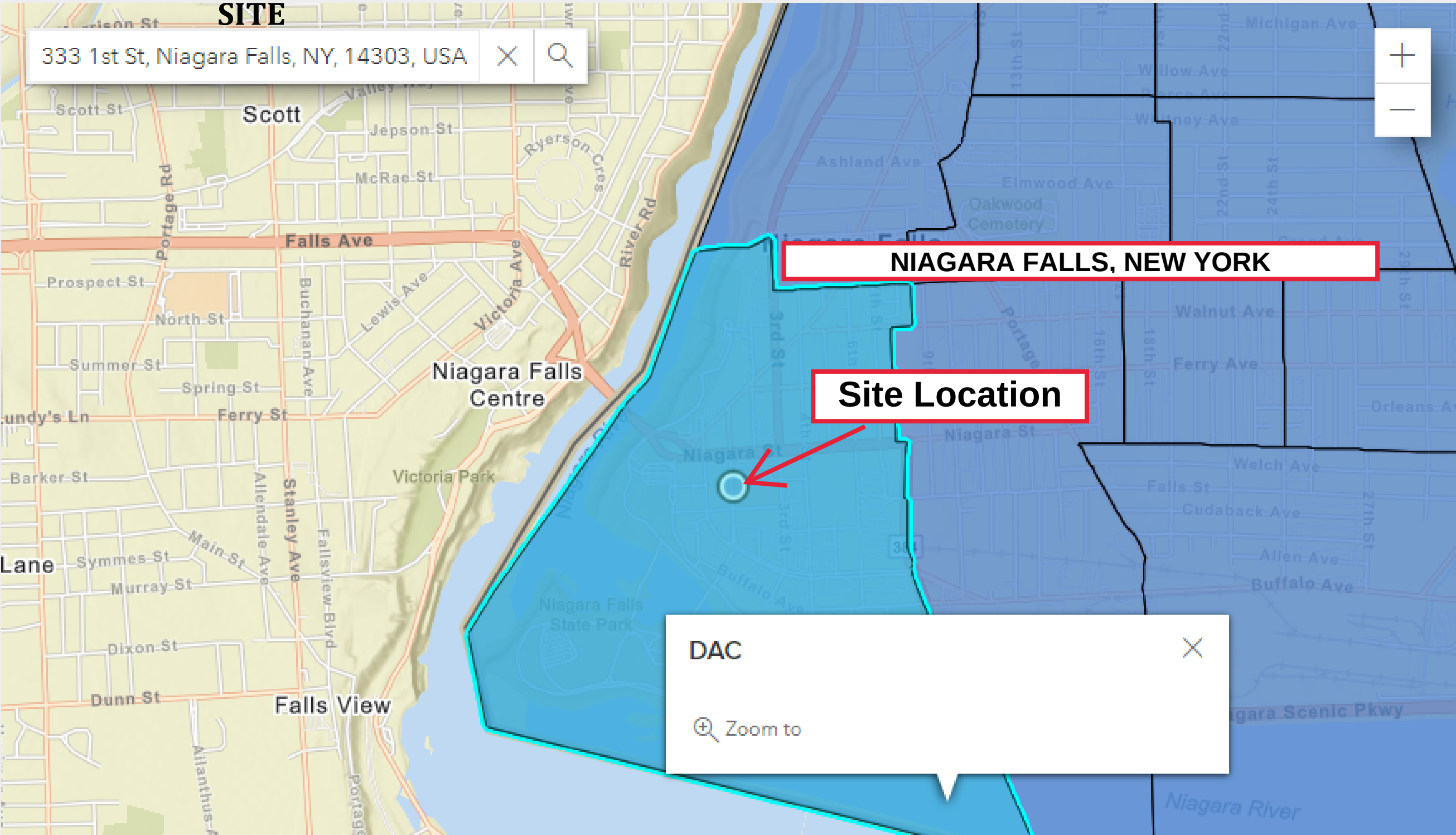
Figure 4 En-Zone Map

SCALE: See Map Scale

SHEET 1 OF 1

Revisions

333 1st St, Niagara Falls, New York, 14303
This address meets the criteria identified for a disadvantaged community.



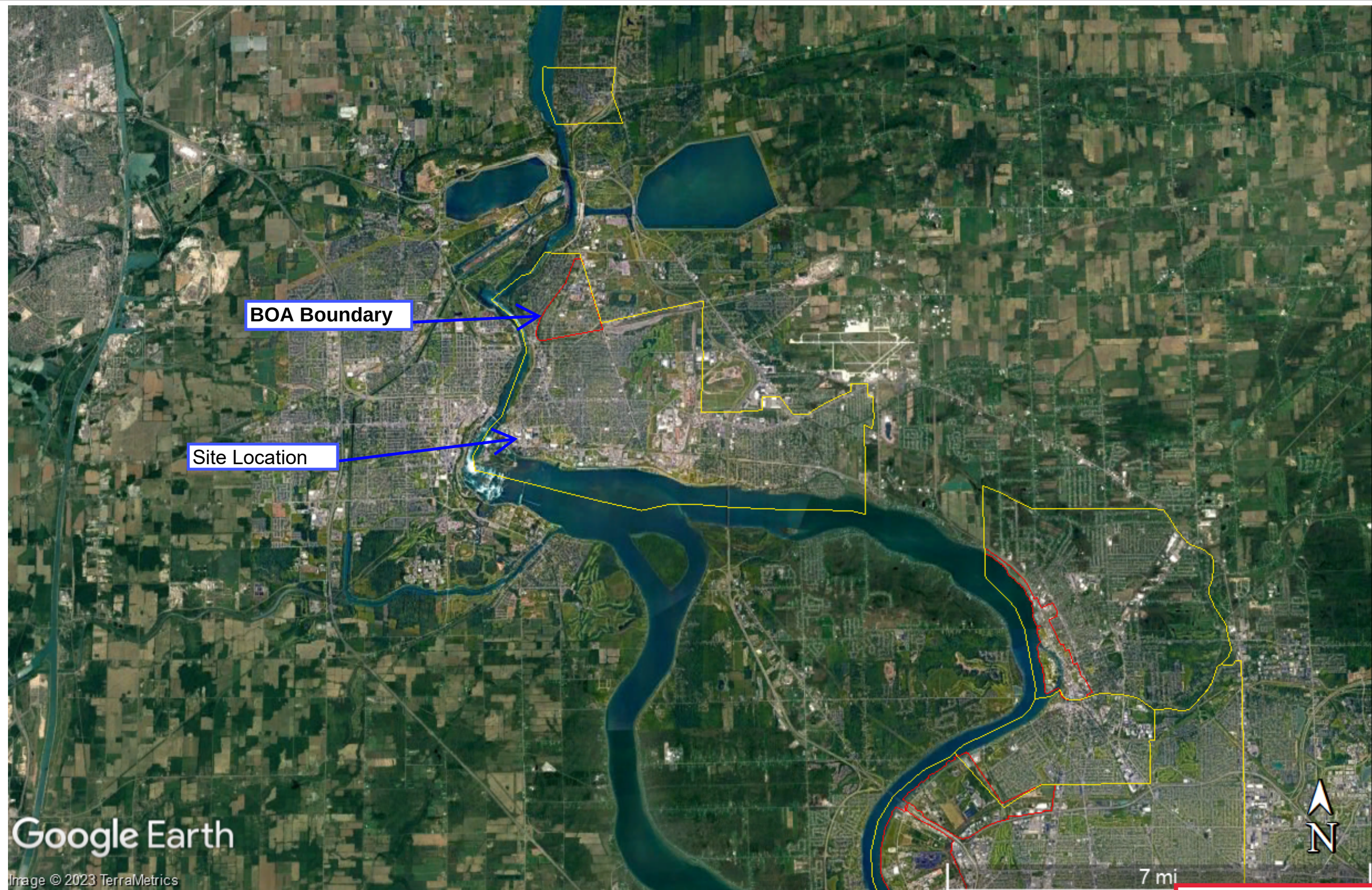
May 2023

Figure 5
Disadvantaged
Community DAC

SCALE: N/A

SHEET 1 OF 1

Revisions



NOTE: Site location is not within a BOA boundary
(red encircled areas on map)



May 2023

FIGURE 6
Brownfield
Opportunity Area Map
Niagara Falls NY

SCALE: See Map Scale

SHEET 1 OF 1

Revisions

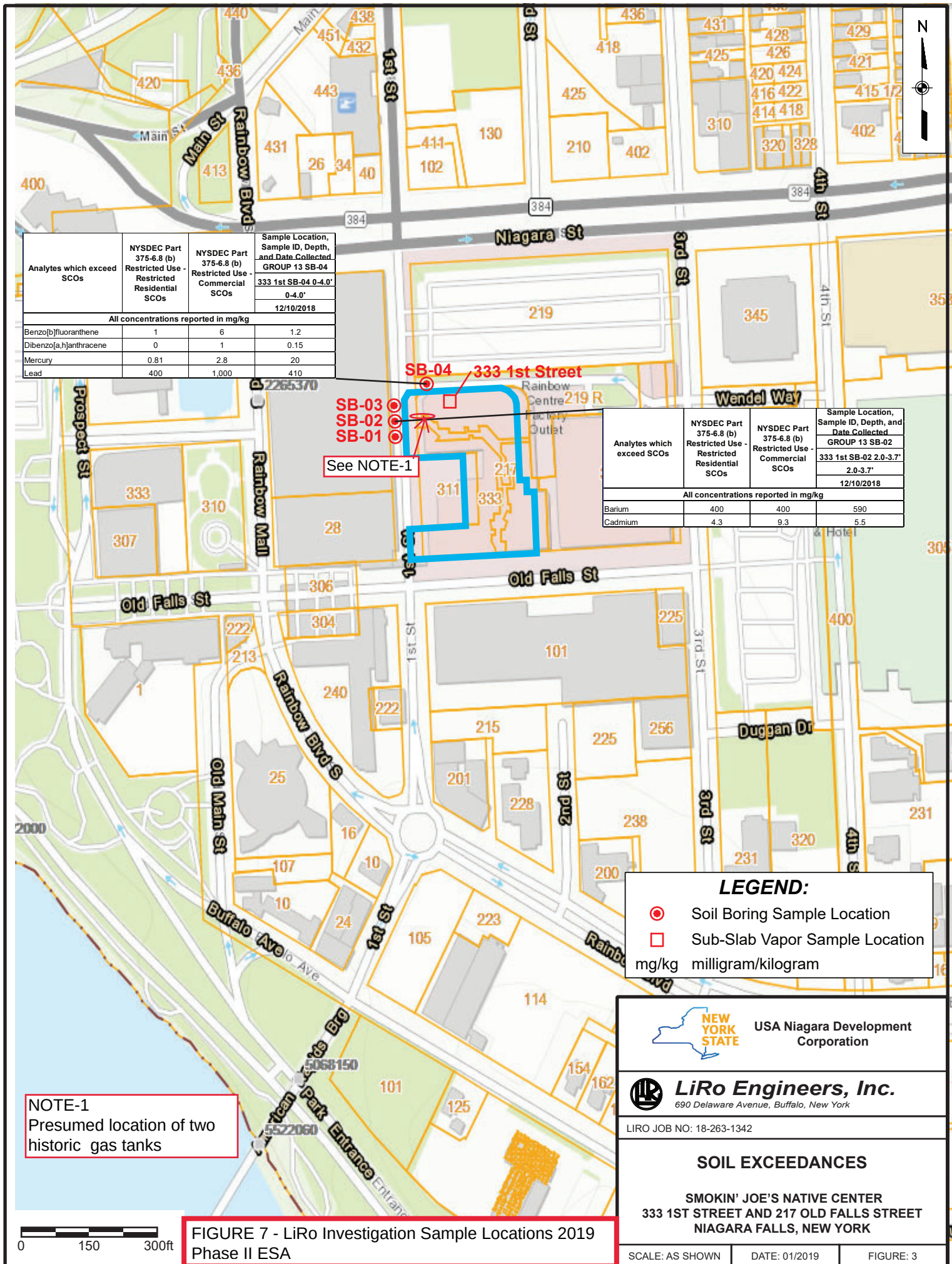
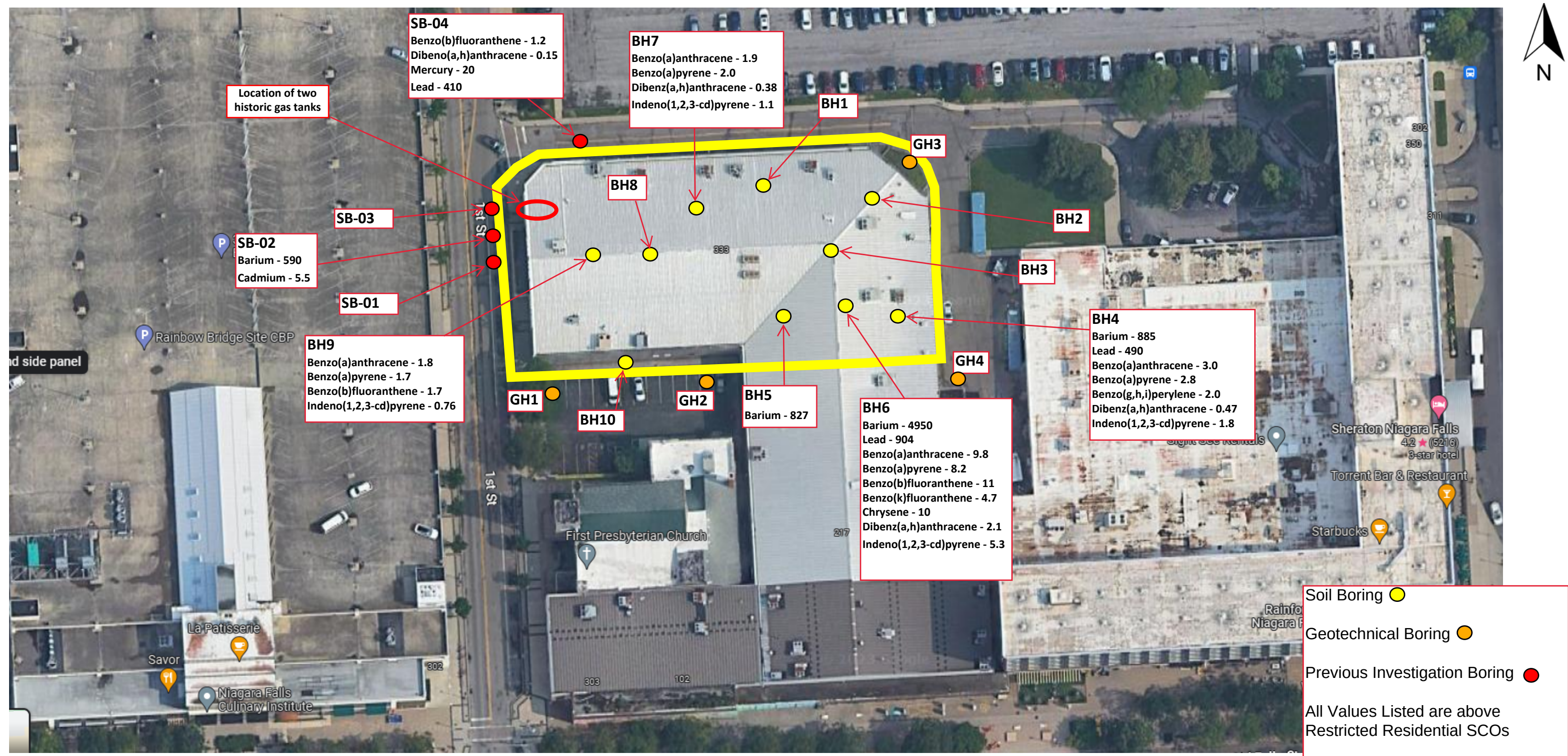


Figure 8 - BE3 Investigation Sample Locations 2023 Phase II ESA



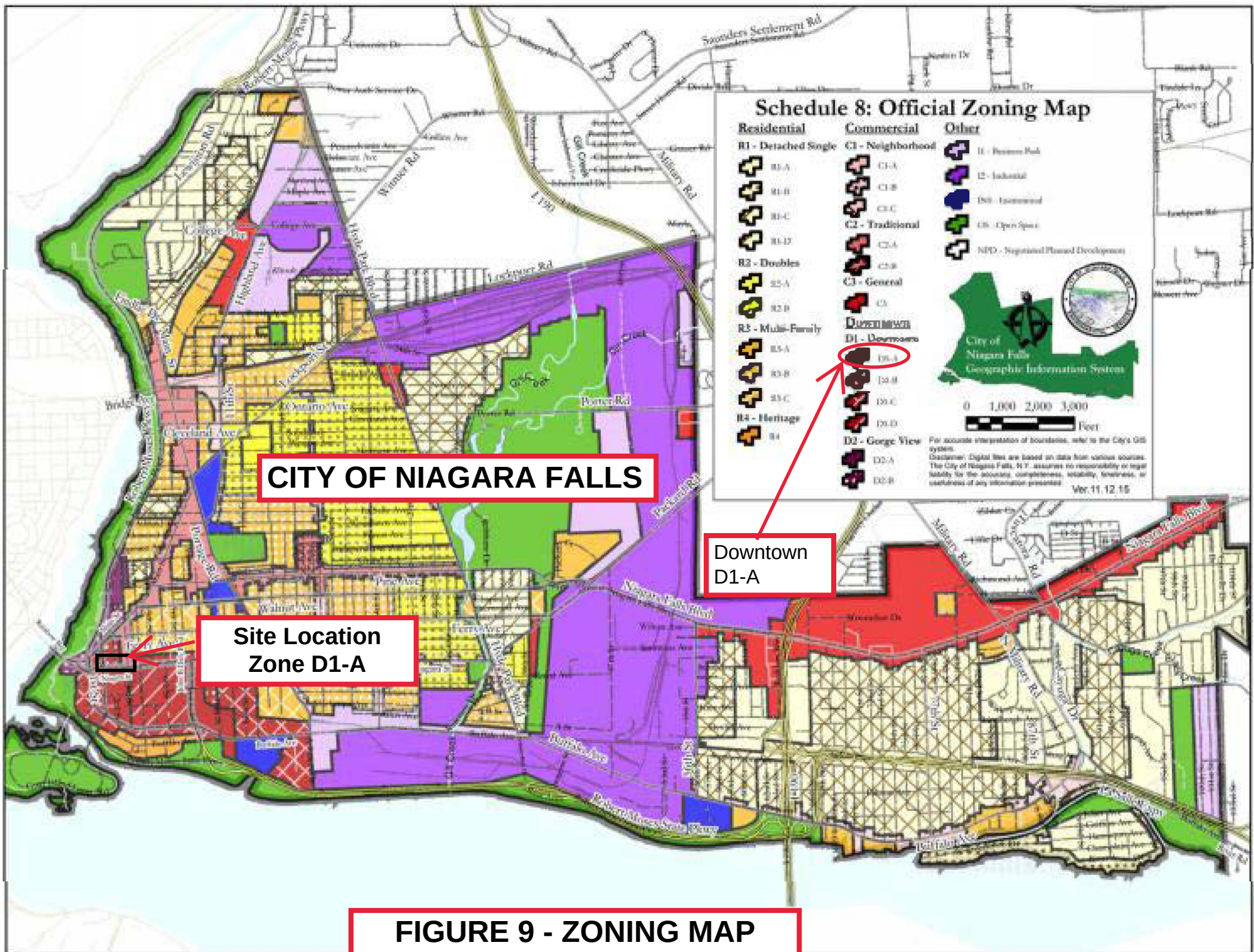


TABLE A
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report April 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date												NYSDEC Soil Cleanup Objectives (SCOs)	
	BH1 3-6	BH1 7-8	BH2 3-6	BH2 3-4	BH3 3-7	BH4 1-2	BH5 3-6	BH6 2-4	BH7 1-4	BH8 2-4	BH9 2-4	BH10 2-4	Restricted Residential	Commerical
	3/9/2023					4/3/2023								
METALS/INORGANICS														
Arsenic	1.8	-	ND	-	3.5	5.1	4.5	4.9	4.0	4.7	6.0	3.6	16	16
Barium	20.9	-	6.2	-	70.8	885	827	4950	63	87.7	73	128	400	400
Beryllium	0.5	-	0.054 J	-	0.39	0.40	0.17 J	0.43	0.31	0.45	0.45	0.24	72	590
Cadmium	1.1	-	0.8	-	1.2	0.66	0.58	0.98	0.56	0.87	1.40	0.67	4.3	9.3
Chromium	4.9	-	1.6	-	8.9	13.7	14.6	18.4	9.8	16.0	13.2	15.8	110	400
Copper	8.9	-	1.4 J	-	40.0 F1	18.7	16.1	25.6	16.8	22.8	19.0	17.7	270	270
Lead	65	-	5.7	-	73.7	490	100	904	115	154	134	185	400	1,000
Manganese	647	-	613	-	350 B	495 B	464 B	585 B	425 B	556 B	589 B	505 B	2,000	10,000
Mercury	0.43	-	0.011	-	0.019 J	0.13	0.33	0.58	0.24	0.46	0.53	0.76	0.81	2.8
Nickel	3.6 J	-	1.2 J	-	10	10.0	7.7	9.5	8.7	12.8	13.5	7.3	310	310
Selenium	1.2 J	-	0.76 J	-	ND	ND	ND	ND	ND	ND	0.61 J	ND	180	1,500
Silver	ND	-	ND	-	ND	ND	0.27 J	0.34	ND	0.35 J	0.42 J	ND	180	1,500
Zinc	324	-	73.1	-	279	394	476	638	241	331	441	241	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)														
Acenaphthene	ND	-	ND	-	ND	ND	ND	ND	ND	ND	ND	ND	100	500
Acenaphthylene	ND	-	ND	-	0.026 J	0.42 J	ND	2.7 J	0.27 J	ND	ND	ND	100	500
Anthracene	ND	-	ND	-	ND	1.1 J	ND	2.8 J	0.57 J	ND	0.93 J	ND	100	500
Benzo(a)anthracene	ND	-	ND	-	0.074 J	3	ND	9.8	1.9	0.89 J	1.8 J	ND	1	5.6
Benzo(a)pyrene	ND	-	ND	-	0.081 J	2.8	ND	8.2	2.0	0.79 J	1.7 J	0.41 J	1	1
Benzo(b)fluoranthene	ND	-	ND	-	0.11 J	2.8	ND	11.0	2.3	0.9 J	1.7 J	0.46 J	1	5.6
Benzo(g,h,i)perylene	ND	-	ND	-	0.093 J	2	ND	5.40	1.30	0.53 J	0.82 J	0.23 J	100	500
Benzo(k)fluoranthene	ND	-	ND	-	0.062 J	1.7 J	ND	4.70	0.88	0.5 J	1.0 J	0.28 J	3.9	56
Chrysene	ND	-	ND	-	0.1 J	2.6	ND	10	1.8	0.81 J	1.6 J	0.44 J	3.9	56
Dibenz(a,h)anthracene	ND	-	ND	-	ND	0.47 J	ND	2.1 J	0.38 J	ND	ND	ND	0.33	0.56
Dibenzofuran	ND	-	ND	-	ND	0.24 J	ND	0.48 J	ND	ND	ND	ND	NA	NA
Fluoranthene	0.031 J	-	ND	-	0.18 J	7.1	ND	22.0	4.0	1.8 J	4.1	1.1 J	100	500
Fluorene	ND	-	ND	-	ND	0.3 J	ND	ND	ND	ND	0.29 J	ND	100	500
Indeno(1,2,3-cd)pyrene	ND	-	ND	-	0.076 J	1.8	ND	5.3	1.1 J	0.45 J	0.76 J	ND	0.5	5.6
Naphthalene	ND	-	ND	-	ND	ND	ND	ND	ND	ND	ND	ND	100	500
Phenanthrene	ND	-	ND	-	0.14 J	4.7	ND	13.0	1.9	0.77 J	3.0	0.56 J	100	500
Pyrene	0.026 J	-	ND	-	0.15 J	4.6	ND	14.0	2.7	1.3 J	2.9	0.7 J	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)														
1,2,4-Trimethylbenzene	-	0.002	-	0.0026 J	-	-	-	-	-	ND	ND	-	52	190
1,3,5-Trimethylbenzene	-	0.00065	-	0.00072 J	-	-	-	-	-	ND	ND	-	52	190
2-Butanone (MEK)	-	ND	-	ND	-	-	-	-	-	ND	0.0059 J	-	100	500
Acetone	-	ND	-	ND	-	-	-	-	-	0.009 J	0.052	-	100	500
Benzene	-	ND	-	ND	-	-	-	-	-	ND	0.00027 J	-	4.8	44
Chloroform	-	0.00036	-	0.00041 J	-	-	-	-	-	0.00051	0.00049 J	-	49	350
Ethylbenzene	-	0.00043	-	ND	-	-	-	-	-	ND	ND	-	41	390
Toluene	-	0.0016	-	0.00093	-	-	-	-	-	ND	ND	-	100	500
Xylenes, Total	-	0.0032	-	0.0022	-	-	-	-	-	ND	ND	-	100	500

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

K Result is reported as Benzo(b)fluoranthene

E Results exceeded calibration range

T Result is Tentatively Identifies Compound and an estimated value

Analyte detected

Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

Reported concentration greater than or equal to the NYSDEC Commercial SCO

Table 1 LiRo- Summary of Target Compound List Volatile Organic Compound Detections in Subsurface Soil

**Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13**

VOCs	NYSDEC Part 375-6.8 (b) Restricted Use - Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 8.1'	333 1st SB-02 4.0'	333 1st SB-03 9.0'	333 1st SB-04 3.5'
			8.1'	4.0'	9.0'	3.5'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
Chloroform	49	350	ND	ND	ND	0.0029
Ethylbenzene	41	390	ND	ND	0.0012	ND
m&p-Xylenes	100	500	0.0026	ND	0.0018	0.0014
Methylene chloride	100	500	ND	ND	ND	0.007
Tetrachloroethene	19	150	ND	0.0066	ND	0.18
Trichloroethene	21	200	ND	ND	ND	0.18
Xylenes (Total)	100	500	0.0026	ND	0.0018	0.0014
Total VOCs	NS	NS	0.0052	0.0066	0.0048	0.3727

Notes:

All concentrations are reported in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard.

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included in the table above.

Table 2 LiRo- Summary of Target Compound List Semi-Volatile Organic Compound Detections in Subsurface Soil

Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13

SVOCs	NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 1.8-3.1'	333 1st SB-02 2.0-3.7'	333 1st SB-03 0.8-4.0'	333 1st SB-04 0-4.0'
			1.8-3.1'	2.0-3.7'	0.8-4.0'	0-4.0'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
2-Methylnaphthalene	NS	NS	ND	ND	ND	0.15
Acenaphthylene	100	500	ND	ND	ND	0.13
Anthracene	100	500	ND	ND	ND	0.33
Benzo[a]anthracene	1	5.6	ND	ND	ND	0.95
Benzo[a]pyrene	1	1	ND	ND	ND	0.94
Benzo[b]fluoranthene	1	5.6	ND	ND	ND	1.2
Benzo[g,h,i]perylene	100	500	ND	ND	ND	0.61
Benzo[k]fluoranthene	3.9	56	ND	ND	ND	0.38
Carbazole	NS	NS	ND	ND	ND	0.12
Chrysene	3.9	56	ND	ND	ND	0.88
Dibenzo[a,h]anthracene	0.33	0.56	ND	ND	ND	0.15
Dibenzofuran	59	350	ND	ND	ND	0.063
Fluoranthene	100	500	ND	ND	ND	1.7
Hexachlorobutadiene	NS	NS	0.039	ND	0.12	0.18
Indeno[1,2,3-cd]pyrene	0.5	5.6	ND	ND	ND	0.55
Naphthalene	100	500	ND	ND	ND	0.073
Phenanthrene	100	500	ND	ND	ND	1.4
Pyrene	100	500	ND	ND	ND	1.8
Total SVOCs	NS	NS	0.039	ND	0.12	12

Notes:

All concentrations are reported in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard.

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included in the table above.

Table 3 LiRo- Summary of Target Analyte List Metal Detections in Subsurface Soil

Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13

Metals	NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 1.8-3.1'	333 1st SB-02 2.0-3.7'	333 1st SB-03 0.8-4.0'	333 1st SB-04 0-4.0'
			1.8-3.1'	2.0-3.7'	0.8-4.0'	0-4.0'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
Mercury	0.81	2.8	0.18	ND	0.11	20
Aluminum	NS	NS	16,000	2,100	6,100	5,000
Barium	400	400	80	590	46	140
Calcium	NS	NS	180,000	490,000	200,000	680,000
Chromium	110	400	22	6.9	11	19
Cobalt	NS	NS	13	3.9	5.8	5.4
Copper	270	270	23	ND	11	37
Iron	NS	NS	30,000	15,000	14,000	18,000
Lead	400	1,000	190	140	140	410
Magnesium	NS	NS	110,000	290,000	110,000	400,000
Manganese	2,000	10,000	1,900	1,700	1,000	1,900
Nickel	310	310	29	13	13	18
Potassium	NS	NS	1,800	1,300	1,100	1,200
Sodium	NS	NS	1,900	880	1,000	1,700
Zinc	10,000	10,000	2,700	1,300	750	1,600
Arsenic	16	16	8	3.4	3.9	11
Cadmium	4.3	9.3	2.8	5.5	ND	ND

Notes:

All concentrations are in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included on the table above.

Table 4 LiRo- Summary of Volatile Organic Compounds in Sub-Slab Vapor

**Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13**

Parameters	Matrix Sub-Slab Vapor Concentration Range	New York State Department of Health Air Guidance Value	Sample ID	333 1st Street	
			Laboratory ID	200-46679-1	
			Date Collected	12/11/2018	
			Type	Sub-Slab Vapor	
			Matrix	Air	
Volatile Organic Compounds (VOCs)			Units		
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon TF)	NC	NC	µg/m ³	0.9	J
1,2,4-Trimethylbenzene	NC	NC	µg/m ³	3.6	
1,3,5-Trimethylbenzene	NC	NC	µg/m ³	1.1	J
1,4-Dichlorobenzene	NC	NC	µg/m ³	28	
4-Ethyltoluene (p-Ethyltoluene)	NC	NC	µg/m ³	0.68	J
4-Isopropyltoluene	NC	NC	µg/m ³	0.81	J
Acetone	NC	NC	µg/m ³	23	J
Benzene	NC	NC	µg/m ³	1.1	J
n-Butane	NC	NC	µg/m ³	2.6	
Carbon disulfide	NC	NC	µg/m ³	2.6	J
Carbon tetrachloride	6 to <60	NC	µg/m ³	0.42	J
Chlorodifluoromethane (Freon 22)	NC	NC	µg/m ³	2.1	J
Chloroform	NC	NC	µg/m ³	0.86	J
Cyclohexane	NC	NC	µg/m ³	0.52	J
Dichlorodifluoromethane	NC	NC	µg/m ³	6	
Ethylbenzene	NC	NC	µg/m ³	1.4	J
m,p-Xylene	NC	NC	µg/m ³	6.4	
Methyl ethyl ketone	NC	NC	µg/m ³	3.7	
n-Butylbenzene	NC	NC	µg/m ³	0.87	J
n-Heptane	NC	NC	µg/m ³	2	
n-Hexane	NC	NC	µg/m ³	2	
o-Xylene	NC	NC	µg/m ³	2.3	
Styrene	NC	NC	µg/m ³	1	J
Tetrachloroethylene	100 to <1000	100	µg/m ³	11	
Toluene	NC	NC	µg/m ³	5.3	
Trichloroethene	6 to <60	5	µg/m ³	2.5	
Trichlorofluoromethane	NC	NC	µg/m ³	3	
Xylenes (Total)	NC	NC	µg/m ³	8.9	

Notes:

All concentrations are reported in micrograms per cubic meter (ug/m3)

NC = No Criteria

ND = Compound not detected above method detection limit (see attached lab report for detection limits)

J = Result is less than the reporting limit but greater or equal to the method detection limit and the concentration is an approximate value.

ATTACHMENT B

SECTION II: PROJECT DESCRIPTION

Figure 10 – Preliminary Project Schedule

SECTION II – Project Description – Short Description of Development

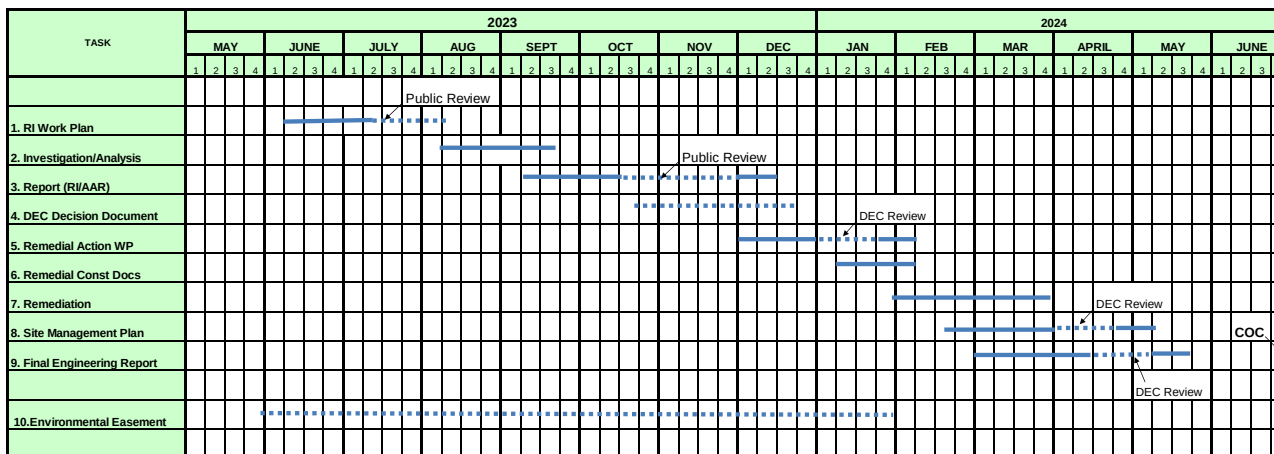
Plans include demolition of the existing building and replace with a 76 unit, 6 story, residential complex.

Community Services for Every1, Inc., acting as a Volunteer, will complete additional investigation and remediate the site under the NYS BCP, and is submitting this BCP Application for eligibility acceptance into the program.

Project Start Date & Anticipated Certificate of Completion

The project will **start work** with the preparation of a Remedial Investigation (RI) Work Plan and complete a RI upon acceptance into the BCP **during calendar year 2023** and will complete remediation for an **anticipated Certificate of Completion (COC)** in 2024. A preliminary project schedule is shown on **Figure 10**.

BCP PRELIMINARY PROJECT SCHEDULE MAY 2023
THE NEST SITE - 333 1st STREET - NIAGARA FALLS, NY



ATTACHMENT C

SECTION III: LAND USE FACTORS

Figure 4 – Designated En-zone Map

Figure 5 - Disadvantaged Communities Map

Figure 6 – BOA

Figure 9 – Zoning Map

SECTION III – Land Use Factors

Application Section III #4 – Summary of Current Business Operations or Uses – possible contaminant source areas and date site became vacant

The current zoning for the Site is Downtown – D1-A. Refer to **Figure 9** the City of Niagara Falls Zoning Plan. The immediate area around the site is mainly mixed urban commercial and recreational use. The Site became completely vacant in 2020.

Site history information was obtained through multiple sources including, but not limited to, Sanborn maps, topographical maps, aerial photographs, city directories and municipal building permits. The following is a summary of what was available in the records:

- In 1892, the northern portion of the site was occupied by multiple independent residences, stables and shared dwellings including the American House and Temperance House. The southeastern portion of the site was occupied by Western Hotel and the northwestern portion by Hotel Nassau.
- In 1914, the northwestern portion of the site was occupied by stables, dwellings and the Converse House, the northeastern portion by Wayne Hotel and American Express Company, the eastern portion by Temperance Hotel, the southwestern portion by Hotel Imperial and the southwestern portion by Hotel Nassau.
- The site was occupied as follows in 1950: Converse Hotel, J.N. Adams and Co. staging floor and auto parking in the northwest, Wayne Hotel and auto parking in the northeast, Temperance Hotel in the east, New Imperial Hotel and J.N. Adams and Co., a department store, and multiple storefronts in the southeast, and various stores in the southwest.
- In 1955, the site remains relatively unchanged with the exception of the renaming of Temperance Hotel to Henry Hubbs Hotel.
- 1950 through 1970 Sanborn maps indicated the presence of two gas tanks of unknown size in the northwest corner of the site. These gas tanks are not identified on subsequent maps and no removal records were identified, thus presenting a potential vapor intrusion concern. See Phase 2 figures for approximate locations.
- In 1969, J.N. Adams and Co. department store was converted into a leather goods manufacturer. All storefronts located in the southwestern portion of the site were demolished between 1969 and 1970.
- In 1971, the one- and two-story masonry building, and garage were demolished. The site appears as vacant land from 1979 to 1985. The site was under the ownership of Niagara Heritage Group and Niagara County Industrial Development Agency (IDA) in 1995 and 1996, respectively.
- From 1995 to 2019, the site is occupied by a large, U-shaped structure mostly occupied by Smokin' Joe's Native Center retail store and graphics department with a portion not occupied.
- Vacant from 2020.

Historical records suggest that the site and surroundings were occupied as follows:

Year	Comments
1950-1955	Site: The Site appears to be developed with primarily commercial operations (i.e., YMCA, J.N. Adam and Co. department store, and auto parking). Two gas tanks are present in the northwest corner of the Site. Surrounding Properties: The surrounding area appears to be developed with commercial operations including, but not limited to, a gas station, a dry cleaners, W. A. Case and Son Manufacturing Co., etc. Railroad tracks are present to the northeast of the Site.
1969-1970	Site: The Site appears to be developed with commercial operations including, but not limited to, a leather goods manufacturing facility, New Imperial Hotel, Henry Hubbs Motel, First Presbyterian Church annex, auto parking, etc. Two gas tanks are present in the northwest corner of the Site. Surrounding Properties: The surrounding area appears to be developed with commercial operations including but not limited to: a gas station, a dry-cleaning facility, Motorcycle sales and service, and Manufacturers and Traders Trust Co. Railroad tracks are present to the northeast of the Site.
1979-1985	Site: The Site appears as vacant land. Surrounding Properties: The surrounding area appears to be developed with commercial operations including, but not limited to, the 1st Presbyterian Church, Beir Bros department store, Niagara Hilton, and Fire Department Station No. 2 (in 1979), Rainbow Center Shopping Mall, Niagara Hilton, and 1st Presbyterian Church (in 1985)
1894-1901	Site: The Site appears to be developed but the nature of the development is not clear on these maps. Surrounding Properties: The surrounding area also appears to be developed. However, the nature of the development is not clear on these maps.
1944-2013	Site: Due to the highly developed nature of the area of the Site, detailed development is not indicated on these maps.
1938-1962	Site: The Site appears to be developed with several commercial structures. Surrounding Properties: The surrounding area appears to primarily include commercial operations and some residential development.
1978-1981	Site: The Site appears to be vacant land. Surrounding Properties: The surrounding area appears to primarily include commercial operations.

1995-2017	Site: The Site appears to be the northern portion developed from one large U-shaped structure. Surrounding Properties: The surrounding area appears to primarily include commercial operations.
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The history and use of the Site suggests there is the potential for contaminants of concern associated with fill material and past commercial use. Potential contaminants include metals, polycyclic aromatic hydrocarbons (PAHs), solvents, and PCBs. PAHs are a group of chemicals that are formed during incomplete burning of wood, coal, gas, garbage, or other organic substances and are widely distributed in the environment and particularly in older urban environments where coal, gas, and petroleum were burned for heat and other energy uses.

Application Section III #6 – Proposed Post-Remediation Use

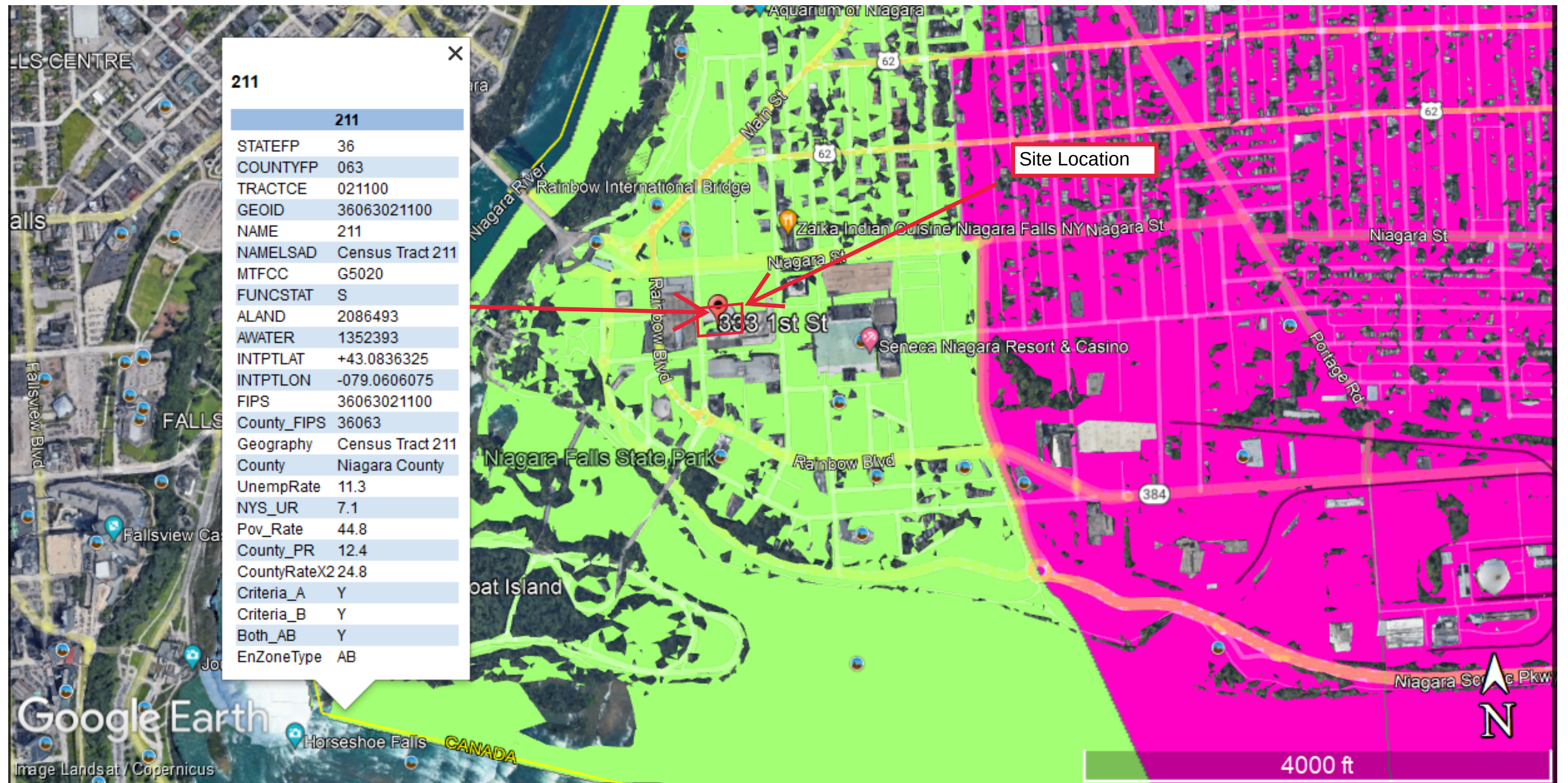
Plans include demolition of the existing building and replace with a 76 unit, 6 story, residential complex.

Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?

The current zoning for the Site is Downtown – D1-A. Refer to **Figure 9** current zoning map and is consistent with the proposed use. The purpose of the D1 zone sub-districts is to provide for a diverse combination of commercial, residential, and mixed-use building types within the city's core tourist areas; to be protective of the world-class views of and from the Falls, by graduating building height and massing district-wide and by encouraging design flexibility in creating, maintaining, and optimizing resulting view-sheds. Development is intended to be very intense with high lot coverage and pedestrian-oriented with a strong emphasis on creating safe, active, and inviting streetscapes. Parking, where provided, shall be concealed or structured. The A at the end of the D1-A classification means it is close to a casino

Application Section III #10 – Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans?

The site is in the City of Niagara Falls EnZone area (see **Figure 4**) and Disadvantaged Communities (DAC) area (see **Figure 5**) which demonstrates that the proposed project is consistent with adopted land use plans. The Site however, is not within the BOA area (see **Figure 6**)



MAP ADAPTED FROM GOOGLE EARTH PRO®



May 2023

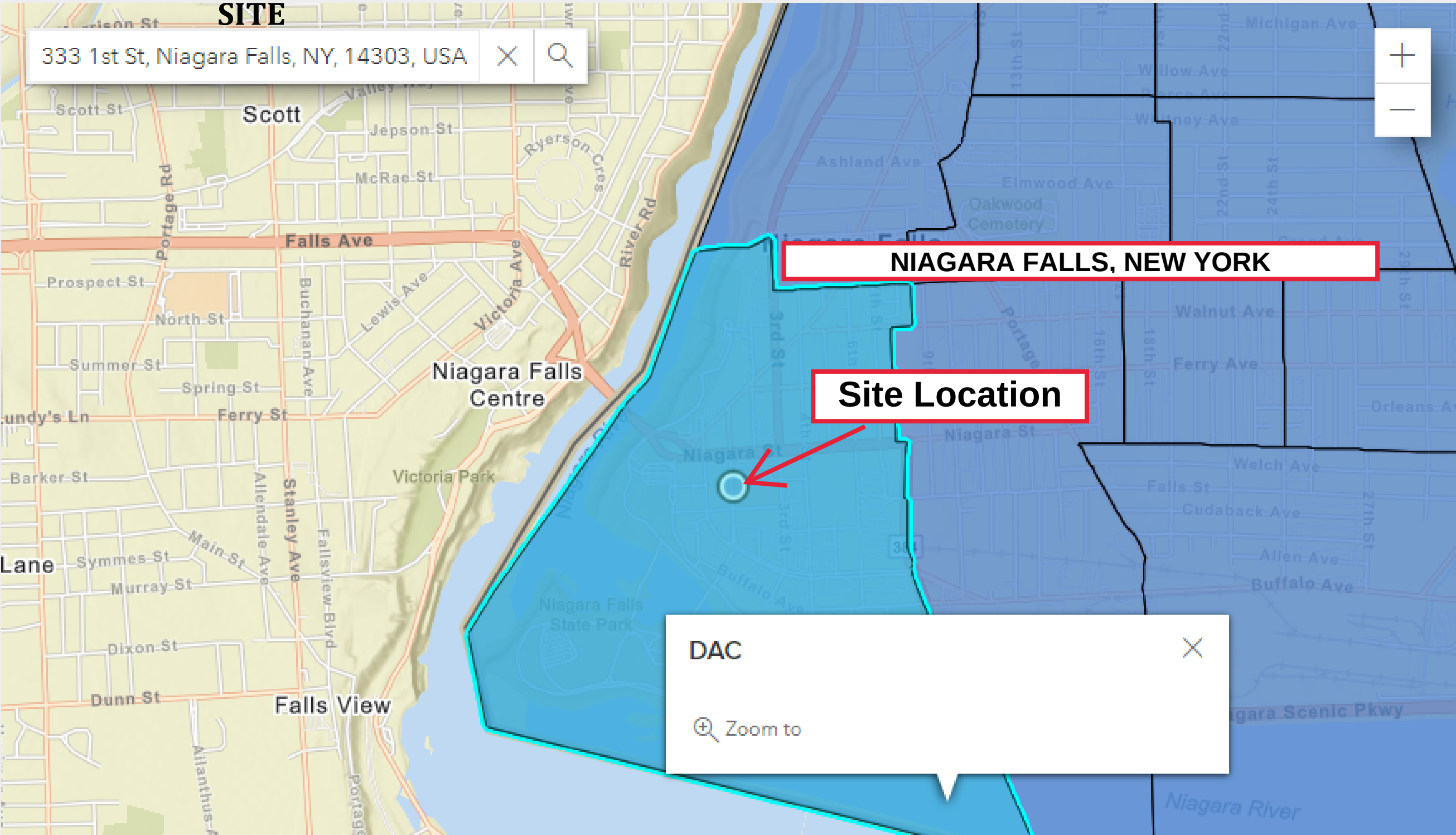
Figure 4 En-Zone Map

SCALE: See Map Scale

SHEET 1 OF 1

Revisions

333 1st St, Niagara Falls, New York, 14303
This address meets the criteria identified for a disadvantaged community.



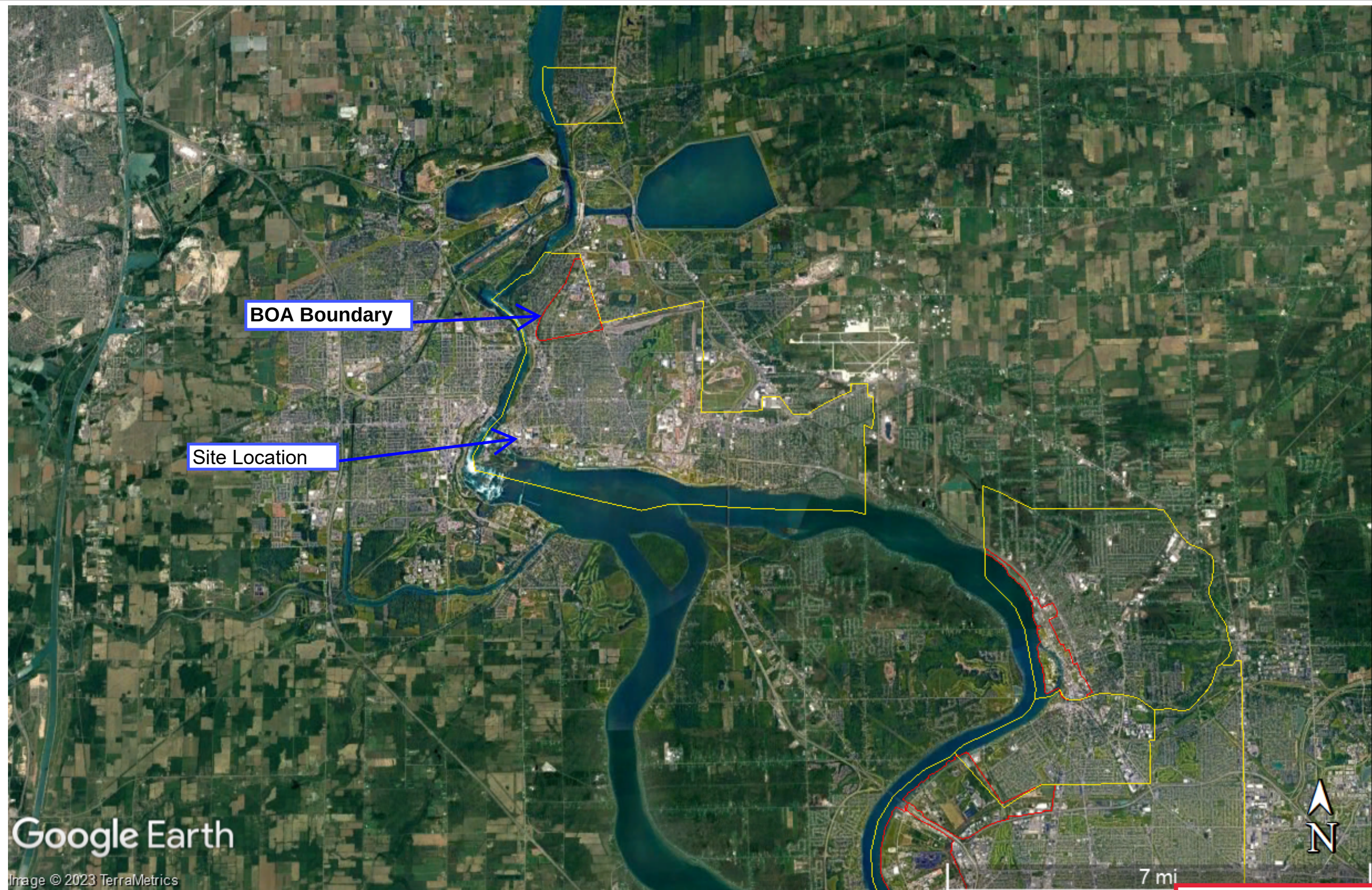
May 2023

Figure 5
Disadvantaged
Community DAC

SCALE: N/A

SHEET 1 OF 1

Revisions



NOTE: Site location is not within a BOA boundary
(red encircled areas on map)



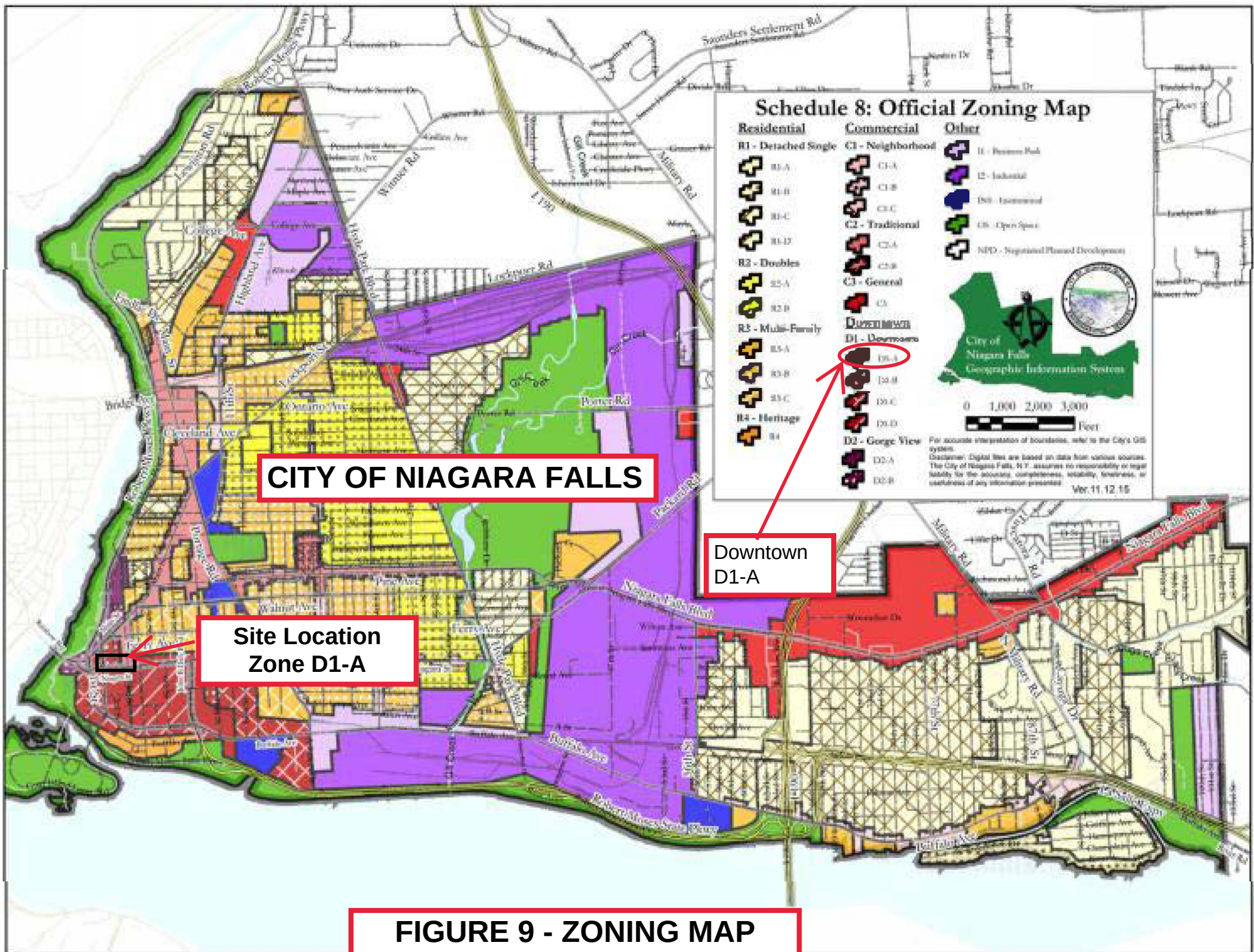
May 2023

FIGURE 6
Brownfield
Opportunity Area Map
Niagara Falls NY

SCALE: See Map Scale

SHEET 1 OF 1

Revisions



ATTACHMENT D

SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

**Figure 7 - LiRo Engineers 2019 Phase II Investigation
Locations & Contaminant Exceedances**

**Figure 8 - BE3 2023 Previous Investigation Locations &
Contaminant Exceedances**

Table A - BE3 Phase 2 Soil Sample Results

**Tables 1LiRo – 4LiRo – LiRo 2018 Phase 2 ESA Soil/Soil Vapor
Sample Results**



SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY

Various Environmental assessments have occurred on the property Old Falls Street Site now called the “The Nest,” including the following:

- A Phase I Environmental Site Assessment (ESA) was performed on the Site by LiRo Engineers Inc. in October 2018 to identify the presence or likely presence of recognized environmental conditions (RECs). Two gasoline tanks were located on-site in the northwest corner from 1950 to 1970 (see **Figure 7**). This was identified as a REC.
- A subsequent Phase II was performed by LiRo Engineers Inc. in February 2019 to investigate potential impacts in soil and soil gas on the subject property. The purpose of this assessment was to identify potential environmental impacts at Old Falls Street Site (The Nest) in Niagara Falls, New York. The Site was previously commercial and had a history of two gasoline tanks located on-site in the northwest corner. Adjacent properties also have a history of commercial use, and a railroad was present in the northeast corner. The laboratory results indicate that there are urban fill conditions existing at the property to at least 0-8 feet bgs resulting in target compounds (metals and SVOCs) above NYSDEC restricted residential and industrial SCOs. Historical use, previous environmental investigations, and this assessment indicate environmental impacts exist on the property in soils above NYSDEC SCOs. LiRo **Figure 7** and LiRo **Tables 1LiRo – 4LiRo** provide the locations of the soil and soil vapor samples and the analytical results with regulatory exceedances.
- A subsequent Phase II was performed by BE3/AMD. in April 2023. The purpose of this assessment was to identify potential environmental impacts at Old Falls Street Site (The Nest) in Niagara Falls, New York for possible entry into the BCP. The property was previously commercial and had a history of two gasoline tanks located on-site in the northwest corner (see **Figure 8**). Adjacent properties also have a history of commercial use, and a railroad was present in the northeast corner. The laboratory results indicate that there are urban fill conditions existing at the property to at least 0-8 feet bgs resulting in target compounds (metals and SVOCs) above NYSDEC restricted residential and industrial SCOs. Historical use, previous environmental investigations, and this assessment indicate environmental impacts exist on the property in soils above NYSDEC SCOs. BE3 **Figure 8** and BE3 **Table A** provide the locations of the soil samples and the analytical results with Part 375 SCOs that were exceeded.

The history and use of the Site suggests there were potential environmental impacts associated with fill material and its historical use as well as adjacent properties past industrial use. Potential contaminants include metals, polycyclic aromatic hydrocarbons (PAHs), petroleum and solvents.

An electronic copy (**Portable Document Format (PDF)**) of the Phase I and two Phase II ESAs discussed above are included with this application (CD).

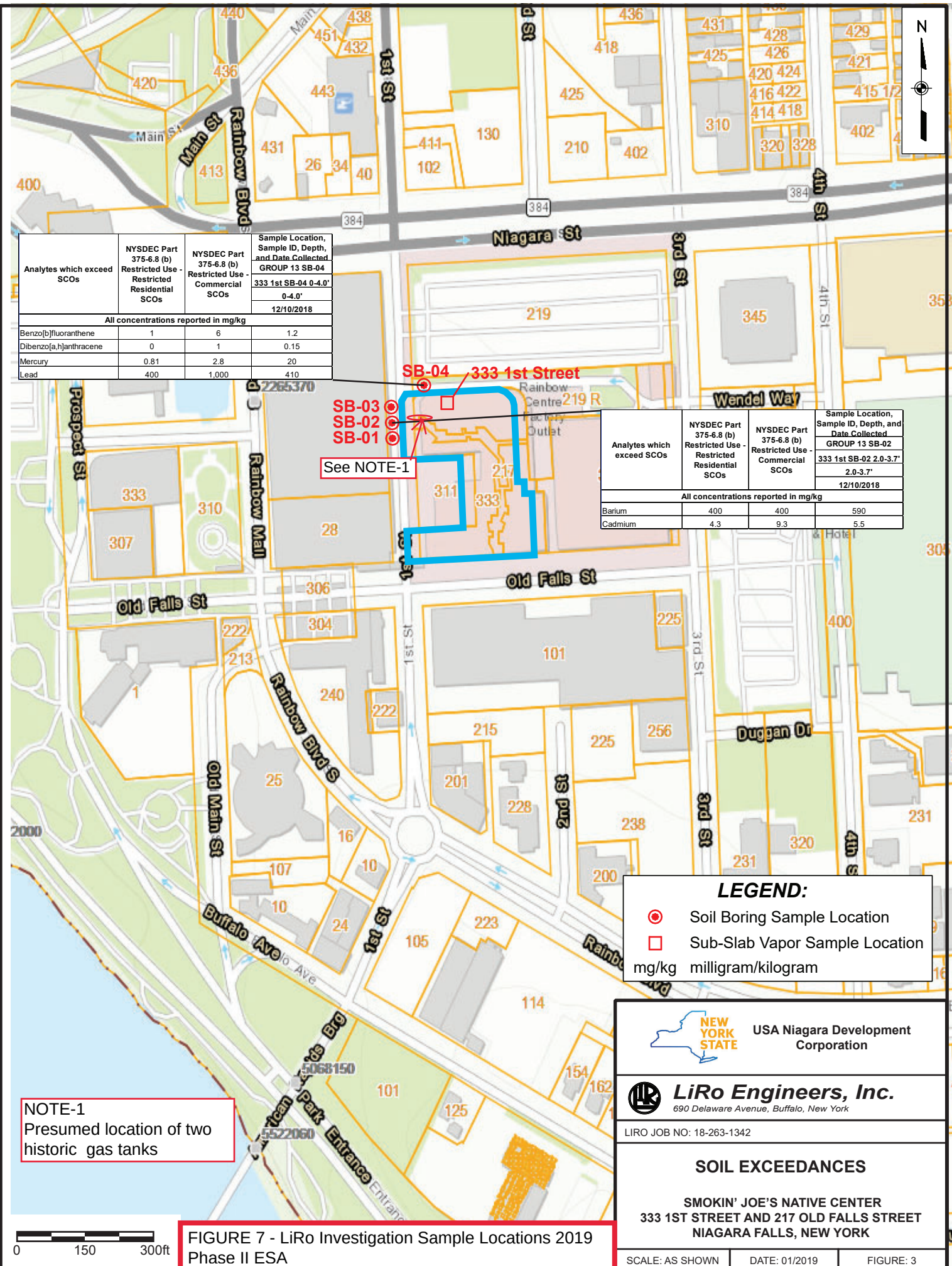
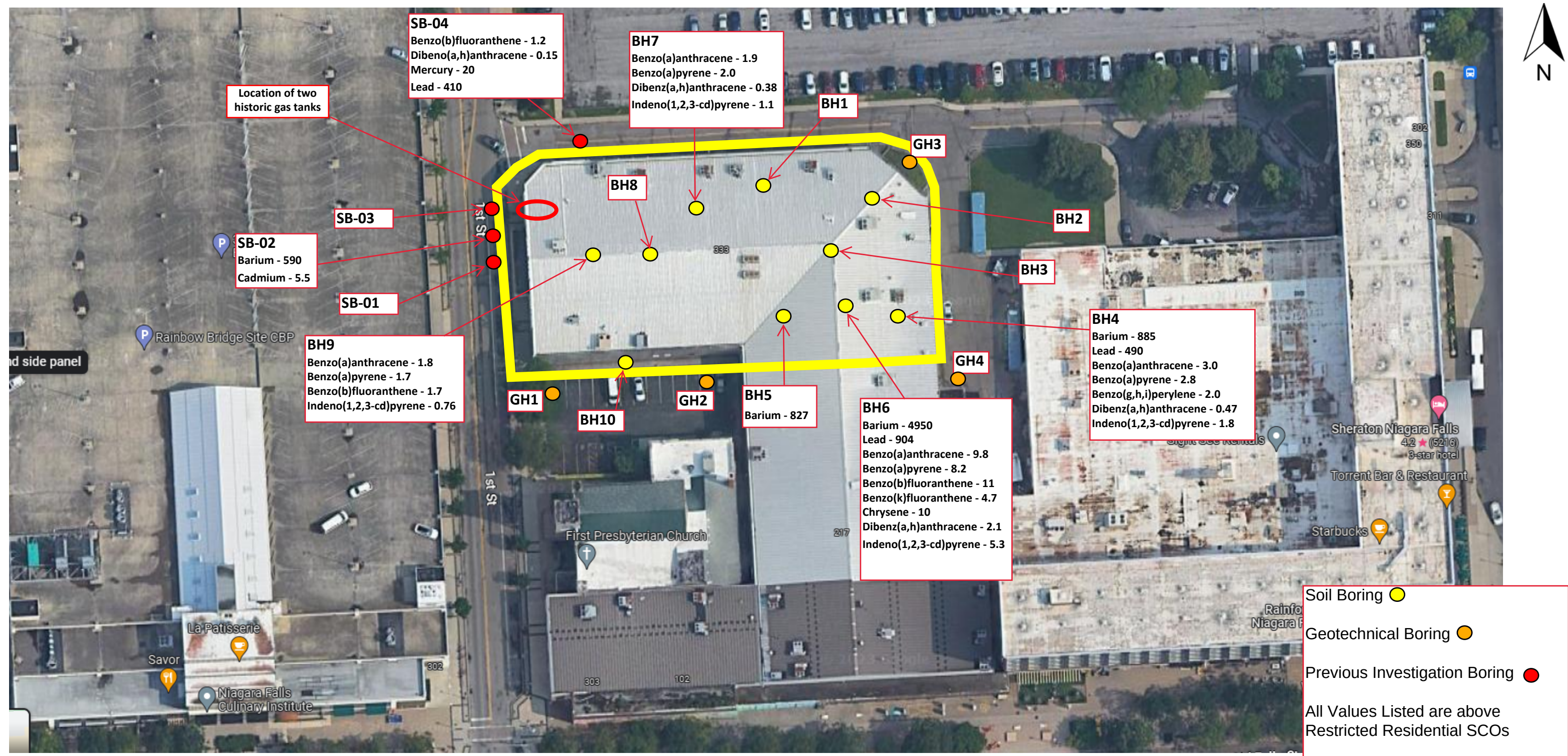


Figure 8 - BE3 Investigation Sample Locations 2023 Phase II ESA



Old Falls Street Boring Locations	
Old Falls Street	4/3/2023
Niagara Falls, New York	Edgemere

TABLE A
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	BE3 Phase II Report April 2023 - Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date												NYSDEC Soil Cleanup Objectives (SCOs)	
	BH1	BH1	BH2	BH2	BH3	BH4	BH5	BH6	BH7	BH8	BH9	BH10	Restricted Residential	Commerical
	3-6	7-8	3-6	3-4	3-7	1-2	3-6	2-4	1-4	2-4	2-4	2-4		
	3/9/2023					4/3/2023								
METALS/INORGANICS														
Arsenic	1.8	-	ND	-	3.5	5.1	4.5	4.9	4.0	4.7	6.0	3.6	16	16
Barium	20.9	-	6.2	-	70.8	885	827	4950	63	87.7	73	128	400	400
Beryllium	0.5	-	0.054 J	-	0.39	0.40	0.17 J	0.43	0.31	0.45	0.45	0.24	72	590
Cadmium	1.1	-	0.8	-	1.2	0.66	0.58	0.98	0.56	0.87	1.40	0.67	4.3	9.3
Chromium	4.9	-	1.6	-	8.9	13.7	14.6	18.4	9.8	16.0	13.2	15.8	110	400
Copper	8.9	-	1.4 J	-	40.0 F1	18.7	16.1	25.6	16.8	22.8	19.0	17.7	270	270
Lead	65	-	5.7	-	73.7	490	100	904	115	154	134	185	400	1,000
Manganese	647	-	613	-	350 B	495 B	464 B	585 B	425 B	556 B	589 B	505 B	2,000	10,000
Mercury	0.43	-	0.011	-	0.019 J	0.13	0.33	0.58	0.24	0.46	0.53	0.76	0.81	2.8
Nickel	3.6 J	-	1.2 J	-	10	10.0	7.7	9.5	8.7	12.8	13.5	7.3	310	310
Selenium	1.2 J	-	0.76 J	-	ND	ND	ND	ND	ND	ND	0.61 J	ND	180	1,500
Silver	ND	-	ND	-	ND	ND	0.27 J	0.34	ND	0.35 J	0.42 J	ND	180	1,500
Zinc	324	-	73.1	-	279	394	476	638	241	331	441	241	10,000	10,000
SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)														
Acenaphthene	ND	-	ND	-	ND	ND	ND	ND	ND	ND	ND	ND	100	500
Acenaphthylene	ND	-	ND	-	0.026 J	0.42 J	ND	2.7 J	0.27 J	ND	ND	ND	100	500
Anthracene	ND	-	ND	-	ND	1.1 J	ND	2.8 J	0.57 J	ND	0.93 J	ND	100	500
Benzo(a)anthracene	ND	-	ND	-	0.074 J	3	ND	9.8	1.9	0.89 J	1.8 J	ND	1	5.6
Benzo(a)pyrene	ND	-	ND	-	0.081 J	2.8	ND	8.2	2.0	0.79 J	1.7 J	0.41 J	1	1
Benzo(b)fluoranthene	ND	-	ND	-	0.11 J	2.8	ND	11.0	2.3	0.9 J	1.7 J	0.46 J	1	5.6
Benzo(g,h,i)perylene	ND	-	ND	-	0.093 J	2	ND	5.40	1.30	0.53 J	0.82 J	0.23 J	100	500
Benzo(k)fluoranthene	ND	-	ND	-	0.062 J	1.7 J	ND	4.70	0.88	0.5 J	1.0 J	0.28 J	3.9	56
Chrysene	ND	-	ND	-	0.1 J	2.6	ND	10	1.8	0.81 J	1.6 J	0.44 J	3.9	56
Dibenz(a,h)anthracene	ND	-	ND	-	ND	0.47 J	ND	2.1 J	0.38 J	ND	ND	ND	0.33	0.56
Dibenzofuran	ND	-	ND	-	ND	0.24 J	ND	0.48 J	ND	ND	ND	ND	NA	NA
Fluoranthene	0.031 J	-	ND	-	0.18 J	7.1	ND	22.0	4.0	1.8 J	4.1	1.1 J	100	500
Fluorene	ND	-	ND	-	ND	0.3 J	ND	ND	ND	ND	0.29 J	ND	100	500
Indeno(1,2,3-cd)pyrene	ND	-	ND	-	0.076 J	1.8	ND	5.3	1.1 J	0.45 J	0.76 J	ND	0.5	5.6
Naphthalene	ND	-	ND	-	ND	ND	ND	ND	ND	ND	ND	ND	100	500
Phenanthrene	ND	-	ND	-	0.14 J	4.7	ND	13.0	1.9	0.77 J	3.0	0.56 J	100	500
Pyrene	0.026 J	-	ND	-	0.15 J	4.6	ND	14.0	2.7	1.3 J	2.9	0.7 J	100	500
VOLATILE ORGANIC COMPOUNDS (VOCs)														
1,2,4-Trimethylbenzene	-	0.002	-	0.0026 J	-	-	-	-	-	ND	ND	-	52	190
1,3,5-Trimethylbenzene	-	0.00065	-	0.00072 J	-	-	-	-	-	ND	ND	-	52	190
2-Butanone (MEK)	-	ND	-	ND	-	-	-	-	-	ND	0.0059 J	-	100	500
Acetone	-	ND	-	ND	-	-	-	-	-	0.009 J	0.052	-	100	500
Benzene	-	ND	-	ND	-	-	-	-	-	ND	0.00027 J	-	4.8	44
Chloroform	-	0.00036	-	0.00041 J	-	-	-	-	-	0.00051	0.00049 J	-	49	350
Ethylbenzene	-	0.00043	-	ND	-	-	-	-	-	ND	ND	-	41	390
Toluene	-	0.0016	-	0.00093	-	-	-	-	-	ND	ND	-	100	500
Xylenes, Total	-	0.0032	-	0.0022	-	-	-	-	-	ND	ND	-	100	500

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

K Result is reported as Benzo(b)fluoranthene

E Results exceeded calibration range

T Result is Tentatively Identifies Compound and an estimated value

Analyte detected

Reported concentration greater than or equal to the NYSDEC Restricted Residential SCO

Reported concentration greater than or equal to the NYSDEC Commercial SCO

Table 1 LiRo- Summary of Target Compound List Volatile Organic Compound Detections in Subsurface Soil

**Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13**

VOCs	NYSDEC Part 375-6.8 (b) Restricted Use - Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 8.1'	333 1st SB-02 4.0'	333 1st SB-03 9.0'	333 1st SB-04 3.5'
			8.1'	4.0'	9.0'	3.5'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
Chloroform	49	350	ND	ND	ND	0.0029
Ethylbenzene	41	390	ND	ND	0.0012	ND
m&p-Xylenes	100	500	0.0026	ND	0.0018	0.0014
Methylene chloride	100	500	ND	ND	ND	0.007
Tetrachloroethene	19	150	ND	0.0066	ND	0.18
Trichloroethene	21	200	ND	ND	ND	0.18
Xylenes (Total)	100	500	0.0026	ND	0.0018	0.0014
Total VOCs	NS	NS	0.0052	0.0066	0.0048	0.3727

Notes:

All concentrations are reported in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard.

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included in the table above.

Table 2 LiRo- Summary of Target Compound List Semi-Volatile Organic Compound Detections in Subsurface Soil

Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13

SVOCs	NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 1.8-3.1'	333 1st SB-02 2.0-3.7'	333 1st SB-03 0.8-4.0'	333 1st SB-04 0-4.0'
			1.8-3.1'	2.0-3.7'	0.8-4.0'	0-4.0'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
2-Methylnaphthalene	NS	NS	ND	ND	ND	0.15
Acenaphthylene	100	500	ND	ND	ND	0.13
Anthracene	100	500	ND	ND	ND	0.33
Benzo[a]anthracene	1	5.6	ND	ND	ND	0.95
Benzo[a]pyrene	1	1	ND	ND	ND	0.94
Benzo[b]fluoranthene	1	5.6	ND	ND	ND	1.2
Benzo[g,h,i]perylene	100	500	ND	ND	ND	0.61
Benzo[k]fluoranthene	3.9	56	ND	ND	ND	0.38
Carbazole	NS	NS	ND	ND	ND	0.12
Chrysene	3.9	56	ND	ND	ND	0.88
Dibenzo[a,h]anthracene	0.33	0.56	ND	ND	ND	0.15
Dibenzofuran	59	350	ND	ND	ND	0.063
Fluoranthene	100	500	ND	ND	ND	1.7
Hexachlorobutadiene	NS	NS	0.039	ND	0.12	0.18
Indeno[1,2,3-cd]pyrene	0.5	5.6	ND	ND	ND	0.55
Naphthalene	100	500	ND	ND	ND	0.073
Phenanthrene	100	500	ND	ND	ND	1.4
Pyrene	100	500	ND	ND	ND	1.8
Total SVOCs	NS	NS	0.039	ND	0.12	12

Notes:

All concentrations are reported in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard.

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included in the table above.

Table 3 LiRo- Summary of Target Analyte List Metal Detections in Subsurface Soil

Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13

Metals	NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs	NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs	Sample Location, Sample ID, Depth, and Date Collected			
			GROUP 13 SB-01	GROUP 13 SB-02	GROUP 13 SB-03	GROUP 13 SB-04
			333 1st SB-01 1.8-3.1'	333 1st SB-02 2.0-3.7'	333 1st SB-03 0.8-4.0'	333 1st SB-04 0-4.0'
			1.8-3.1'	2.0-3.7'	0.8-4.0'	0-4.0'
			12/10/2018	12/10/2018	12/10/2018	12/10/2018
Mercury	0.81	2.8	0.18	ND	0.11	20
Aluminum	NS	NS	16,000	2,100	6,100	5,000
Barium	400	400	80	590	46	140
Calcium	NS	NS	180,000	490,000	200,000	680,000
Chromium	110	400	22	6.9	11	19
Cobalt	NS	NS	13	3.9	5.8	5.4
Copper	270	270	23	ND	11	37
Iron	NS	NS	30,000	15,000	14,000	18,000
Lead	400	1,000	190	140	140	410
Magnesium	NS	NS	110,000	290,000	110,000	400,000
Manganese	2,000	10,000	1,900	1,700	1,000	1,900
Nickel	310	310	29	13	13	18
Potassium	NS	NS	1,800	1,300	1,100	1,200
Sodium	NS	NS	1,900	880	1,000	1,700
Zinc	10,000	10,000	2,700	1,300	750	1,600
Arsenic	16	16	8	3.4	3.9	11
Cadmium	4.3	9.3	2.8	5.5	ND	ND

Notes:

All concentrations are in parts per million (ppm or mg/kg).

ND = Compound not detected above method detection limit (see attached lab report for mdl's).

NS = No Standard

SCOs = Soil Cleanup Objectives as per the NYSDEC Regulations 6 NYCRR Subpart 375-6 Remedial Program Soil Cleanup Objectives (December 14, 2006).

Bold = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Restricted Residential SCOs.

Shading = Concentration exceeds NYSDEC Part 375-6.8 (b) Restricted Use - Commercial SCOs.

Only detected parameters are included on the table above.

Table 4 LiRo- Summary of Volatile Organic Compounds in Sub-Slab Vapor

**Smokin' Joe's Native Center
333 1st Street and 217 Old Falls Street
Niagara Falls, NY
Group #13**

Parameters	Matrix Sub-Slab Vapor Concentration Range	New York State Department of Health Air Guidance Value	Sample ID	333 1st Street	
			Laboratory ID	200-46679-1	
			Date Collected	12/11/2018	
			Type	Sub-Slab Vapor	
			Matrix	Air	
Volatile Organic Compounds (VOCs)			Units		
1,1,2-Trichloro-1,2,2-trifluoroethane (Freon TF)	NC	NC	µg/m ³	0.9	J
1,2,4-Trimethylbenzene	NC	NC	µg/m ³	3.6	
1,3,5-Trimethylbenzene	NC	NC	µg/m ³	1.1	J
1,4-Dichlorobenzene	NC	NC	µg/m ³	28	
4-Ethyltoluene (p-Ethyltoluene)	NC	NC	µg/m ³	0.68	J
4-Isopropyltoluene	NC	NC	µg/m ³	0.81	J
Acetone	NC	NC	µg/m ³	23	J
Benzene	NC	NC	µg/m ³	1.1	J
n-Butane	NC	NC	µg/m ³	2.6	
Carbon disulfide	NC	NC	µg/m ³	2.6	J
Carbon tetrachloride	6 to <60	NC	µg/m ³	0.42	J
Chlorodifluoromethane (Freon 22)	NC	NC	µg/m ³	2.1	J
Chloroform	NC	NC	µg/m ³	0.86	J
Cyclohexane	NC	NC	µg/m ³	0.52	J
Dichlorodifluoromethane	NC	NC	µg/m ³	6	
Ethylbenzene	NC	NC	µg/m ³	1.4	J
m,p-Xylene	NC	NC	µg/m ³	6.4	
Methyl ethyl ketone	NC	NC	µg/m ³	3.7	
n-Butylbenzene	NC	NC	µg/m ³	0.87	J
n-Heptane	NC	NC	µg/m ³	2	
n-Hexane	NC	NC	µg/m ³	2	
o-Xylene	NC	NC	µg/m ³	2.3	
Styrene	NC	NC	µg/m ³	1	J
Tetrachloroethylene	100 to <1000	100	µg/m ³	11	
Toluene	NC	NC	µg/m ³	5.3	
Trichloroethene	6 to <60	5	µg/m ³	2.5	
Trichlorofluoromethane	NC	NC	µg/m ³	3	
Xylenes (Total)	NC	NC	µg/m ³	8.9	

Notes:

All concentrations are reported in micrograms per cubic meter (ug/m3)

NC = No Criteria

ND = Compound not detected above method detection limit (see attached lab report for detection limits)

J = Result is less than the reporting limit but greater or equal to the method detection limit and the concentration is an approximate value.

ATTACHMENT E

SECTION V: REQUESTOR INFORMATION

NYSDOS Corporation & Business Entity



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION V – Requester Information

The Requestor, Community Services for Every1, Inc. is a corporation authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout.

Kelly E. Kinderman is Vice President of Program Support and Development Corporate Compliance Officer

Investigation, assessment and remedial workplans, reports and other documents will be prepared for the Requestor by Brydges Engineering in Environment & Energy (BE3). BE3 is a New York State Licensed Professional Engineering firm meeting the requirements of Section 7210 of the Education Law to provide professional engineering services in the State of New York (Certification number 0019059) and is authorized to practice engineering in New York State. All documents will be certified by a New York State licensed professional engineer.

Department of State

Division of Corporations

Entity Information

Return to Results

Return to Search

Entity Details



ENTITY NAME: COMMUNITY SERVICES FOR EVERY1, INC.
FOREIGN LEGAL NAME:
ENTITY TYPE: DOMESTIC NOT-FOR-PROFIT CORPORATION
SECTIONOF LAW: -
DATE OF INITIAL DOS FILING: 02/10/1987
EFFECTIVE DATE INITIAL FILING: 02/10/1987
FOREIGN FORMATION DATE:
COUNTY: ERIE
JURISDICTION: NEW YORK, UNITED STATES

DOS ID: 1143562
FICTITIOUS NAME:
DURATION DATE/LATEST DATE OF DISSOLUTION:
ENTITY STATUS: ACTIVE
REASON FOR STATUS:
INACTIVE DATE:
STATEMENT STATUS: NOT REQUIRED
NEXT STATEMENT DUE DATE:
NFP CATEGORY: CHARITABLE

ENTITY DISPLAY NAME HISTORY FILING HISTORY MERGER HISTORY ASSUMED NAME HISTORY

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: THE CORPORATION

Address: ATTN: MINDY CERVONI, 180 OAK STREET, BUFFALO, NY, UNITED STATES, 14203

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

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

ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY INFORMATION

Volunteer Statement



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION VI – Requestor Eligibility

The Requestor, Community Services for Every1, Inc. qualifies as a “Volunteer” in accordance with NY ECL27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). The Volunteer Requestor has no relationship to the current series of owners and operators and has never utilized the premises other than developing re-development concepts for the property.

Further investigation in 2023 was completed with permission of the current owners in preparation for redevelopment studies and to identify any further remedial concerns.

The Requestor became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site; and is entitled to Volunteer status under NY ECL27-1405(1)(b).

Attached is a letter from the current site owner authorizing site access sufficient to complete remediation to the NYSDEC and the requestor and 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.

May 22, 2023

NYSDEC
Division of Environmental Remediation
625 Broadway
Albany, NY 12233-7020

Re: Property Access Agreement - NYSDEC Brownfield Cleanup Program –
Community Services for Every1, Inc. – The Nest site, Buffalo, NY

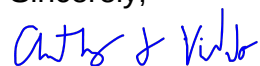
To whom it may concern:

Please be advised that I am the owner of the above-referenced property (the “Site”). The Site is composed of portions of two different addresses/parcels (333 1st Street – SBL 159.09-1-2.11 and 217 Old Falls Street – SBL 159.09-1-2.12). As owner of the Site, I am aware of and acknowledge that Community Services for Every1, Inc. will be filing an application to enter the NYSDEC Brownfield Cleanup Program (the “BCP”) and, after acceptance into the BCP, will be executing a Brownfield Cleanup Agreement (“BCA”) with the NYSDEC for environmental investigation and remediation of the Site.

As owner of the Site, I authorize Community Services for Every1, Inc. (and any of its designated contractors and consultants) unlimited access to the Site to perform the required work related to and necessary to secure a Certificate of Completion under the BCP, including placing an Environmental Easement on the Site, provided all activities are completed in accordance with any DEC requirements and the provisions of the BCP and the BCA.

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

Sincerely,



USA Niagara Development Corporation
222 First St. Ste. 7
Niagara Falls, NY 14303
(716) 304 3288

ATTACHMENT G

SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION IX – Current/Previous Property Owner Operator Information

PREVIOUS OWNERS/OPERATORS	LAST KNOWN ADDRESS	USE	RELATIONSHIP TO REQUESTOR
1989-1995 Falls Street Leasing	217 Old Falls Street Niagara Falls, NY 14303	Commercial/Recreation	None
1995– 1996 Niagara Heritage Group	Timon Hall, Room 125 Niagara University NF, NY 14109	Commercial/Recreation	None
1996 – 2016 Niagara County IDA	6311 Inducon Corporate Drive Sanborn, NY 14132	Commercial/Recreation	None
2016 – 2019 Niagara Street Leasing	333 1 st Street Niagara Falls, NY 14303	Commercial/Recreation	None
2019 – Current USA Niagara Development Corp	222 1 st Street 7 th Floor, Niagara Falls, NY 14303	Vacant	None

ATTACHMENT H

**SECTION XI: SITE CONTACT LIST INFORMATION
and
Document Repository Letter**



960 Busti Ave – Suite B-150 Buffalo, New York

SECTION XI – Site Contact List and Document Repository Letter

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. An executed document repository letter from the Niagara Falls Public Library is attached at the end of this section.

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 1409

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

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

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

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

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

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

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
1 News Plaza
Buffalo, NY 14240

WGRZ TV - Ch. 2
259 Delaware Avenue
Buffalo, NY 14202

WIVB - Ch. 4
2077 Elmwood Avenue
Buffalo, NY 14207

WKBW News Channel 7
7 Broadcast Plaza
Buffalo, NY 14202

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

Business First
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

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

A list of Adjacent property owners is provided below and on **Figure 3**.

360 Rainbow Mall
City of Niagara Falls
Niagara Falls, NY 14303

311 1st Street
First Presbyterian Church
Niagara Falls, NY 14303

217 Old Falls Street
USA Niagara Development
Niagara Falls, NY 14303

333 1st Street
USA Niagara Development
Niagara Falls, NY 14303

219 Niagara St.
City of Niagara Falls
Niagara Falls, NY 14303
Parking Lot

219 R Niagara St.
City of Niagara Falls
Niagara Falls, NY 14303

333 1st Street
USA Niagara Development
Niagara Falls, NY 14303

300 3rd Street
NFFNY Hotel Management LLC
Niagara Falls, NY 14303



May 19, 2023

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

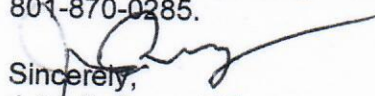
**RE: BROWNFIELD CLEANUP PROGRAM – OLD FALLS STREET SITE (333 1st STREET),
NIAGARA FALLS, NEW YORK**

Dear Ms. Potwin,

Our client, Edgemere Development, Inc. is in the process of applying to the New York State Department of Environmental Conservation (NYSDEC) Brownfield Cleanup Program (BCP) for a project located at 333 1st Street, Niagara Falls, New York. On behalf of our client, I am requesting that the Niagara Falls Public Library function as the document repository for the public documents associated with this project. The project documentation may include the application, work plans, management plans, and reports. Currently the project is anticipated to start in the second half of 2023 and end in 2024.

The BCP requires that we receive formal acknowledgement that the Niagara Falls Public Library agrees to function as a document repository for this project. Your acceptance of the use of Niagara Falls Public Library as a document repository for the project may be indicated by signing in the space provided below or by providing a letter indicating acceptance.

Thank you for agreeing to function in this capacity. If you have any questions, please call me at 801-870-0285.


Sincerely,
John B. Berry, PE
Brydges Engineering in Environment & Energy DPC

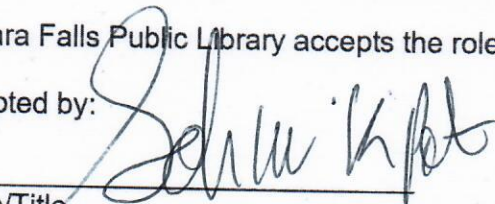
Niagara Falls Public Library accepts the role of public repository for this project.

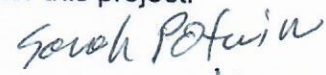
Accepted by:

Name/Title

Library Name

Date




Sarah Potwin
Exec. Library Director

Niagara Falls Public
Library, NY

5.19.2023