

**A&A Metal Fabricating Inc. Site  
90 Washington Boulevard, Perry, NY  
Brownfield Cleanup Program Application Narrative**

**SECTION II. PROPERTY INFORMATION- SITE DESCRIPTION AND BCP ELIGIBILITY**

*A) SITE DESCRIPTION*

The property (hereinafter referred to as the “Project Site” or the “Site”) subject to this BCP Application is located at 90 Washington Boulevard in the Village and the Town of Perry, Wyoming County, New York encompassing two tax parcels (Village Tax Parcel # 100.10-2-1 and Town Tax Parcel # 100.06-1.3). The Site is a former manufacturing facility situated in a now distressed neighborhood north of downtown. Site mapping and tax parcel records are attached hereto as **Exhibit C**.

The Site has a dead-end access from Washington Boulevard. The Site is bounded to the North by the Silver Lake Outlet and an abandoned railroad grade, to the South and West by agricultural and undeveloped woodlots, and to the East by commercial and Village residential properties.

The two-tax parcel Site consists of a 17.58 acres. The area within the BCP application consists of approximately 12.1 acres and includes a complex of six buildings in various states of deterioration and disrepair, with an approximate 113,000 sq. ft. footprint. The former A&A Metal Fabricating facility operated on the Site and has been abandoned by the owners since 2002. Approximately 4 acres of undeveloped woodlands and scrub-shrub to the west of the manufacturing area, and 1.5 acres to the east of the manufacturing area will be excluded from the BCP area as shown on the Site Boundary Figure. The buildings on the Site are described as follows:

Building #1 – Truck Garage, approximately 2,228 sq. ft. brick with 1-12’ door and 2-15’ doors, built in 1934;

Building #2 – Office Building, approximately 2,252 sq. ft., and Industrial Shop, approximately 35,250 sq. ft. wood timber and structural steel frame, built in 1934;

Building #3 – Industrial Plate Shop, approximately 42,600 sq. ft. corrugated steel skin on structural steel frame, built in 1934;

Building #4 – Warehouse, approximately 24,225 sq. ft. corrugated steel skin on structural steel frame, built in 1934;

Building #5 – Garage and Storage, approximately 5,200 sq. ft., built in 1900; and

Building #6 – Paint House, approximately 800 sq. ft., built in 1934.

*B) ELIGIBILITY FOR ACCEPTANCE INTO THE BROWNFIELD CLEANUP PROGRAM*

The Site meets the definition of a “brownfield site” as set forth in New York State Environmental Conservation Law Section 27-1407.8(a), in that: (A) there is a reasonable basis to believe that contamination is likely to be present on the Site; and (B) there is a reasonable basis to believe that the contamination or potential presence of contamination is complicating the development or re-use of the Site. The regulations set forth in 6 N.Y.C.R.R. § 375-3.3(a)(1) clarify

that the “Brownfield” definition has two (2) separate and distinct elements; namely, the “Contamination Element” and the “Complication Element”:

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

Additionally, the New York State Department of Environmental Conservation (“DEC”) published BCP Eligibility Guidance in March, 2005 using the contamination/complication model established under 6 N.Y.C.R.R. § 375-3.3(a)(1). This guidance establishes several factors that DEC considers in evaluating whether a site is eligible for participation in the BCP.

#### A) Contamination Element

With respect to the establishing the Contamination Element (or a reasonable basis to believe the Contamination Element has been met), DEC will consider the following:

- (A) the nature and extent of known or suspected contamination;
- (B) whether contaminants are present at levels that exceed standards, criteria or guidance;
- (C) whether contamination on the proposed site is historic waste material or exceeds background levels;
- (D) whether there are or were industrial or commercial operations at the proposed site which may have resulted in environmental contamination; and/or
- (E) whether the proposed site has previously been subject to closure, a removal action, an interim or final remedial action, corrective action or any other cleanup activities performed by or under the oversight of the State or Federal government.

As set forth within this BCP Application and the attachments and Exhibits thereto, we respectfully submit that the Contamination Element of the BCP Eligibility Test has been met. There is a reasonable basis to believe that contamination does exist on the Site, and there is a reasonable basis to believe that additional contamination above and beyond what is known to exist on the Site to date, is likely to be present on this Site. A Phase I Environmental Site Assessment Report prepared by Clark Patterson Lee in July of 2009 (“Phase I Report”) (See **Exhibit D**) has revealed the following possible areas of contamination in connection with the Site:

- Unknown waste disposal in the parking lot area – there appears to be several feet of fill, consisting of unknown waste material. Drums were observed buried within the fill, along with significant quantities of metal. The drums contained burned residue and sand blast sand residue;
- Above ground storage tank facility – Historical (Sanborn Map) records indicate the presence of an above ground storage tank facility on the Site. The tanks appear to

have been removed; however, no records were available as to whether the tanks and pad were removed appropriately;

- There are two transformer pads on the property. There is significant oil staining around the transformers. There are no records of the transformer oils being removed. Given the approximate age of the transformers, it is likely these transformers contained PCB-oils;
- Wood Floor Blocks – the flooring of the buildings #2 and #3 have significant quantities of oil-stained wood floor blocks;
- Floor Drains - the garage building had two floor drains with significant oil staining on the concrete floor. It is not known if these drains are tied in to the Village sanitary sewer system; and
- Sand Blast Residue – There are significant quantities of sand blast sand containing paint residue dumped behind building #6.

(See Phase I Report at Figures 1 and 2).

A limited Phase II Environmental Site Assessment Report (“Phase II Report”) (also conducted by Clark Patterson Lee) prepared for the Wyoming County Business Center in July of 2009 further characterized areas of environmental concern. (See, Phase II Report at **Exhibit E**). The Phase I Report was further assessed in the Phase II Report; specifically, sampling and analysis was completed to identify levels of contaminants associated with each recognized environmental condition, and additional evidence of contamination was reported, as follows:

- **Unknown wastes in the parking lot area** – The parking area and northeastern part of the developed portion of the Site has been filled in place over 10 feet with soil and miscellaneous debris; there are numerous 55-gallon drums buried within the fill, and exposed on the surface of the fill slopes. The drums contain burned residue and sand blast residue. The extent of the waste is not known; however, the topography of the parking lot and height of the slopes indicate several thousand cubic yards of fill exist in this location. Further soil sample results of this area indicate levels of semi-volatile organic and metals levels that exceed N.Y. State DEC regulation Section 6 NYCRR 375-6.8(b): Restricted Use Soil Cleanup Objectives levels for Commercial and Industrial Land Uses (See Appendix D to Phase II Report);
- **Wood Floor Blocks** – The flooring of buildings #2 and #3 have significant quantities of oil-stained wood floor blocks. The blocks themselves and soils beneath the blocks identified levels of semi-volatiles exceeding of Restricted Use Soil Cleanup Objectives for Commercial and Industrial Land Uses; and
- **Sand Blast Residue** – There are significant quantities of sand blast sand containing paint residue dumped behind Building #6. Sampling indicated semi-volatile organics and metals concentrations that exceeded Restricted Use Soil Cleanup Objectives for Commercial and Industrial Land Uses. Tables 1 through 3 attached to the end of this narrative present the sampling and analysis data with reference to Unrestricted and Restricted Industrial use SCO’s.

(See Phase II Report at **Exhibit E**).

Given the presence of known contamination discussed above and described in the reports attached hereto as **Exhibits D and E**, and given the uncertainty of the presence of additional contamination in light of the Site's history of industrial manufacturing, there is a confirmation that contamination exists on the Site, and/or indicating that the contamination is present at levels that exceed state standards.

#### B) Complication Element

With respect to the establishing the Complication Element (or a reasonable basis to believe the Complication Element has been met), the DEC will consider the following:

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

As described within this BCP application, it is respectfully submitted that there is a reasonable basis to believe that the contamination known to be present on the Site is complicating the development, use or re-use of the Site.

The uncertainty of the severity of contamination on the Site makes remediation necessary to facilitate the property's continued and future use. Remediating and revitalizing the Site will encourage private capital investment, and will result in real job creation, job growth and job retention, provided contamination at the Site is identified and remediated.

The Site is unattractive for redevelopment or reuse in its current state due to the actual presence of contamination and the reasonable perception that there is additional contamination most likely present on the Site. As noted in the Phase I Environmental Site Assessment dated July, 2009, there are two transformer pads on the Site, no records of transformer oils being removed, and it is likely that the transformers on Site contained PCB-oils.

The economic distress affecting the Site and the properties in the immediate vicinity adds additional complications to its redevelopment. For example, as of October, 2009, according to statistics provided by the New York State Department of Labor, Wyoming County's unemployment rate was 8.0-8.9%. Further, the Site is located in a Census Tract that, as of 1999 Census Data, exhibited a statistic of 6.2% of families living below poverty level. (Source: U.S. Census Bureau). The general economic duress of the Project Site and the neighboring area, combined with known contamination issues affecting the Project Site, provide a dual complicating affect chilling any redevelopment opportunities of the Site.

Any effort to improve investment within this area and make the community a more viable place for future residents and businesses must address identified areas of environmental concern including the Project site, and similarly situated properties. The availability of BCP liability relief and tax credits may well be the driving force behind making this area marketable for future development.

The estimated cost of a proposed remedial program with regard to the Site is likely to be significant in comparison to the anticipated value of the Site as redeveloped or reused. This has likely been one of the reasons behind the Site's underutilization. Given the presence of known environmental intrusion identified in the attached reports and given the uncertainty of the presence of additional contamination in the light of the projects historical uses, it is imperative that additional investigation be conducted to characterize the full extent of environmental impacts. The extent of contamination and thus remediation costs, are unknown, and will most likely significantly add to, the capital expenditures the Applicant plans to undertake at the Site.

In conclusion, based on the foregoing (and as discussed and depicted within the BCP application), the Site meets the Contamination Element and the Complication Element tests. As such, the Site qualifies as a Brownfield Site eligible for participation in the BCP because: (A) there is a reasonable basis to believe that contamination is likely to be present on the Site; and (B) there is a reasonable basis to believe that the contamination or potential presence of contamination may be complicating the development or re-use of the Site.

### **SECTION III. CURRENT SITE OWNER/OPERATOR INFORMATION**

Owners- A&A Metal, Inc. was the last owner of the Site. A&A manufactured large metal tanks and industrial smokestacks. A&A ceased operations at the Site in 2001. After A&A ceased operations, the property was marketed for sale and A&A leased a portion of the site for a six-month period to a company named Bion, a manufacturer of manure-based organic soil sold under the label BionSoil. Bion ceased operations on the Site after its lease expired. A&A ceased payment of property taxes in 2002. In 2006, Wyoming County moved the Property off of the active tax rolls, thereby deeming taxes non-collectable and removing the County's tax obligations with regard to the Site to the local taxing jurisdictions.

WCBC Washington, LLC (WCBC) took by assignment a certain mortgage made by A&A Metal Fabricating, Inc., to Petrex, Inc., effective on December 16, 2008, and recorded on February 4, 2009. WCBC Washington LLC is a special purpose entity whose sole member is the Wyoming County Business Center, Inc., a New York State Not-For-Profit Local Development Corporation. The Wyoming County Business Center, Inc., was created for the exclusive purposes of relieving and reducing unemployment, promoting employment, bettering job opportunities, and lessening the burdens of government. The Wyoming County Business Center, Inc., mission, which its purposes will achieve, includes promoting economic development initiatives in Wyoming County, New York by undertaking real estate development and management and other community-based economic development activities. WCBC Washington, LLC, was created in contemplation of taking title to the real property that is the subject of this Brownfield Cleanup Program Application. It has taken by assignment the mortgage, and has accessed the site to exercise its rights of inspection as permitted by the mortgage. Upon acceptance into the Brownfield Cleanup Program, it is contemplated that it may initiate a foreclosure to take title to the real property to implement remediation and redevelopment activities. A copy of the Assignment of Mortgage is enclosed.

Operators- The Project Site is currently idle and abandoned. The Wyoming County Business Center Washington LLC seeks to undertake a cooperative redevelopment effort in conjunction with the County of Wyoming and the Wyoming County Industrial Development

Agency (WCIDA) whereby the WCBC would acquire a right to quite title to the Site via the County's existing tax lien, undertake investigation and marketing of the Site to prospective tenants, and upon completion of Site investigation and identification of tenants, WCBC and WCIDA would provide long-term lease and/or purchase options in conjunction with other available incentives (the contemplated ARE Tech Center Project is further discussed below). Demolition of five of the six on-site buildings and rehabilitation of the remaining building is the requisite first step in accomplishing the WCBC's plan for the ARE Tech Center Project.

## **SECTION VI. PROJECT DESCRIPTION**

### **Opportunity**

The restoration of the former A&A Metals industrial site is a unique opportunity to transform a blighted brownfield, vacant field and liability into a critically important community asset. The property is currently off the tax rolls and has fallen into a state complete disrepair. Control of the Site has been reestablished and eventual ownership of the property will be accomplished through the auspices of the WCBC and the WCIDA.

### **Vision**

The vision for the Project Site is to create a multi-parcel technology, business park and incubator that fosters living wage job growth and acts as a sustainable commercial/industrial anchor for the Town and Village of Perry, Wyoming County and the Western New York/Genesee Valley region. The goal is to add to the diversity of industry types in the County by providing 77,500 square feet of advanced, shovel-ready business and light industrial space that leverages the County's investment and leadership in the fields of wind energy, anaerobic digestion and potential for bio-mass and bio-fuel production and solar energy conversion.

The WCBC is proposing the creation of the ***ARE Tech Center*** (the Alternative & Renewable Energy Technology Center). This new facility will take advantage of Wyoming County's central location in the emergent renewable "green energy" initiatives heavily promoted by both New York State and Federal policy and programs. Situated mid-way between the Buffalo-Niagara and Greater Rochester metropolitan regions and with ties to both the Buffalo-Niagara and Greater Rochester Enterprise groups, the WCBC is aggressively marketing the County's prime location to a variety of companies at the forefront of the "Renewable/Green" industry. National and international recruitment is being pursued in conjunction with the WCBC's marketing effort. The ***ARE Tech Center*** will offer green technology leaders an opportunity to establish office, research, manufacturing and warehouse space in the heart of their active facilities.

### **Proximity to Energy Use Markets**

Wyoming County is located within a 10 hour drive of more than 135 million people, 50% of the combined U.S. and Canadian population. Fifty-five percent of U.S. and 77% of Canadian manufacturing activity also occur within the same radius. The County is situated midway between

the northeastern and mid-western U.S. energy use markets and is well positioned to reach markets in both Ontario and Quebec.<sup>1</sup>

**Mileage to Major Cities: (approx. road mileage)**

Albany, NY	255	Montreal, Que.	360
Baltimore, MD	325	New York, NY	320
Binghamton, NY	155	Niagara Falls, NY	65
Boston, MA	420	Ottawa, Ont.	295
Buffalo, NY	40	Philadelphia, PA	310
Cincinnati, OH	460	Pittsburgh, PA	230
Chicago, IL	560	Richmond, VA	455
Cleveland, OH	220	Rochester, NY	50
Columbus, OH	355	Syracuse, NY	125
Detroit, MI	300	Toronto, Ont.	140
Hartford, CT	355	Washington, DC	350

**Highways:** Interchanges along the Governor Thomas E. Dewey Thruway (US I-90) can be accessed at Batavia (Exit 48, 26 mi.) and Le Roy (Exit 47, 24 mi.). Interstate 390 can be accessed at Mt. Morris (Exit 7, 12 mi.) and Geneseo (Exit 8, 21 mi.). In addition, Access to the Aurora Expressway I-400 can be reached via US Route 20A at East Aurora (34 mi.). United States Rte. 20A constitutes the major east/west roadway through Wyoming County. The County is also served by a network of New York State roads such as routes 19 & 19A, 39, 63, 77, 78, 98, 238, 246, 354, 362 and 436.

**Airports**

Wyoming County:

Name: Perry-Warsaw Airport

Distance: Approximately 5.5 miles

Characteristics: The airport has two runways; one 3450' long by 60' wide paved with full taxiways; and, one 1850' long grass strip. The airport has pilot activated runway lights and strobes for night and poor weather operations and provides fueling services. Installation of global positioning system (GPS) capabilities in the near future is anticipated. Currently, the airport is used by medical evacuation service providers, the National Guard, the Civil Air Patrol and a variety of private and corporate consumers. A successful airplane restoration and refinishing business and a flight maintenance business are located on the premises.

Buffalo: Buffalo Niagara International Airport

Distance: Approximately 54 miles

Carriers:

Passenger: AirTran Air Ways, American Airlines, Continental, Delta Air Lines, jetBlue Air Ways, Northwest, Southwest, United Airlines, US Airways

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<sup>1</sup> Source: Wyoming County Chamber of Commerce.

Cargo: Federal Express, Southwest Cargo, United Parcel Service, Worldwide Flight Services  
Fixed Base: Prior Aviation

Rochester: Greater Rochester International Airport

Distance: Approximately 49 miles

Carriers:

Passenger: Air Canada, AirTran Air Ways, American Airlines, Continental Airlines, Delta Air Lines, jetBlue Air Ways, Northwest Airlines, Southwest Airlines, United Airlines, US Airways

Cargo: Federal Express, Southwest Cargo, United Parcel Service, Worldwide Flight Services

**Rail:** Rail service in Wyoming County is provided by The Norfolk & Southern and Rochester & Southern rail freight companies.

**Water:** The nearest commercial ports available to Wyoming County manufacturers are located in Buffalo on Lake Erie and Rochester on Lake Ontario. Both ports offer access to markets on the upper Great Lakes and the opportunity for worldwide transport of goods via the St. Lawrence Seaway. The 524 mile long New York State Canal System is located due north of Wyoming County and runs generally east and west from Buffalo to the Hudson River. The canal system is a commercially viable waterway that allows the passage of oversized loads to ports from the Great Lakes, Finger Lakes, Hudson River and Lake Champlain

## **Technology**

### **Wind Energy**

The County is currently home to four operating wind farms with 227 active turbines. An additional 78 turbines in two new wind farms are in the planning stages. Development companies, with either active or proposed facilities in Wyoming County include: Invenergy, LLC, Noble Environmental Power and Horizon Wind Energy. The Perry area is also host to a small scale wind turbine pilot program and the WCBC is discussing the potential for siting a manufacturing/assembling facility of the innovative wind generators in the County.

### **Anaerobic-digestion**

There are presently two anaerobic bio-digesters in operation on farms in the Town of Perry (Emerling Farms and Sunny Knoll Farm), with additional two units proposed in neighboring towns (Synergy Farm in Covington and Swiss Valley Farm in Warsaw) and a multi-farm digester proposed in the Village of Perry. Wyoming County is the number one dairy producing county in New York State (the State ranks third nationally behind Wisconsin and California). Utilization of the dairy industry's by-products as feedstock for on-site and "grid ready" energy production is significant growth opportunity.

### **Bio-mass and Bio-fuel**

Wyoming County farmland represents a major opportunity for the production of feedstock for both the bio-mass and bio-fuel sectors of the green energy industry. Fallow and underutilized croplands are available for the production of high quality crops to be used by bio-mass/bio-fuel energy producers. Farm support services are readily available, from equipment supplies and maintenance to

motivated and skilled farm managers. Wyoming County's premier agricultural heritage and workforce is poised to lead the way in the green technology business sector.

### Solar

According to Greater Rochester Enterprise, the region is "well poised for the next generation of thin-film solar development" which takes advantage of the expertise garnered by local world-class leaders in the fields of optics, glass, polymers and film.

### Technological and Material Support

Wyoming County and the proposed **ARE Tech Center** are strategically located amid at least 18 highly regarded colleges and universities, all within a 60 mile commuting distance. Significantly, world-class advancements in research and development and engineering in the fields of green technology are occurring at the Rochester Institute of Technology, SUNY Alfred University, SUNY University at Buffalo and the University of Rochester.

According to Buffalo-Niagara Enterprise there are over 1,600 firms in the Buffalo Niagara region that offer services compatible with wind energy alone. Greater Rochester Enterprise claims the region has over 1,300 firms with a rich history of precision manufacturing. The Rochester region is home to the world leader in the fields of optics (Bausch & Lomb, Xerox), polymer and film development (Kodak, ExxonMobil Films), advanced fuel cell research (General Motors, Delphi) and high performance glass (Corning).

### Highly Qualified and Motivated Workforce

Wyoming County people make high quality employees. With an unparalleled work ethic, great attitude, low turnover rates, and low absenteeism, our employees are highly skilled, educated, and enthusiastic about their jobs.

The recently retired president of Prestolite Electric, Mike Lea, compared the productivity of the workforce of their Wyoming County facility to that of their other facilities in the U.S. and overseas and discovered "my employees in Wyoming County produced 15-18% more than our manufacturing plants in other locales."

### **ARE Tech Center Property**

#### Current Conditions

The 17.58-acre property, situated adjacent to the southern side of the Silver Lake Outlet is comprised of a vacant, dilapidated post-industrial brownfield and undeveloped fallow field and woodlands. Demolition of five of the six on-site buildings and rehabilitation of the remaining building is requisite first step in accomplishing the Business Center's plan for the **ARE Tech Center** project. Phase I and II Environmental studies have been completed for the site leading to submission of this brownfield clean-up grant application.

#### Zoning

The **ARE Tech Center** property is located within Wyoming County Empire Zone Development Zone #4 and is zoned C-2 Commercial in the Village of Perry and LD Lake District in the Town of Perry. The property is also located in a Hub Zone with close proximity to a Foreign Trade Zone located in both Rochester and Buffalo.

### On-site Infrastructure

The Project Site is currently served by the following utilities:

### Public Water and Sewer

The Village of Perry provides both municipal water and sewer service to the proposed **ARE Tech Center** property.

### Electric

Electric service is provided by New York State Gas and Electric (NYSEG), which has a 12.5 kVa 3 phase line serving the site. The closest NYSEG substation is less than one mile from the property.

### Natural Gas

NYSEG also provides natural gas to the site via a 2 inch, 60 psi line.

### Telecommunications

Telecommunication service at the proposed **ARE Tech Center** is provided by Frontier Communication Corporation. The site has digital and broadband capacity via aerial fiber and twisted copper pair lines. The nearest remote central office is less than two miles from the site.

### Transportation/Access

Truck and automobile access to the proposed **ARE Tech Center** is via Washington Boulevard and NYS Route 39 which is 0.3 miles east of the site. An easement along the southwest portion of the property will provide a second vehicular entrance to the property off Washington Boulevard. Eventual plans include a third entryway from Walker Road on the western end of the site.

In sum, it is anticipated that the proposed remediation and redevelopment of almost 18 acres of underutilized, abandoned and environmentally compromised property located at the former A&A Metal Site will assist Wyoming County in positioning itself as a leader in the alternative/renewable energy sector, while attracting five manufacturing/assembly operations with employment expectations of 5-10 employees for each business, with anticipation of doubling employment within a decade.

### Conceptual Schedule

<b>Task</b>	<b>Duration (Days)</b>	<b>Start Date</b>	<b>End Date</b>
Acceptance of BCP Application	1	May 1, 2010	May 1, 2010
Public Notice of ENB / newspaper	30	May 5, 2010	June 7, 2010
Preparation of Brownfield Cleanup Agreement	30	June 7, 2010	June 21, 2010
Citizen Participation Plans	20	June 21, 2010	July 13, 2010
Submittal of a Draft Remedial Investigation (RI) Work Plan	45	June 21, 2010	August 12, 2010
NYSDEC RI Work Plan Review	45	August 12, 2010	September 27, 2010
Implement RI	90	October 4, 2010	January 3, 2011
Develop RI Report	60	January 3, 2011	March 7, 2011
Public Comment / NYSDEC Review	45	March 7, 2011	April 22, 2011
Final NYSDEC Review / Initiate Site Redevelopment	15	April 22, 2010	May 9, 2011

## **SECTION VII. PROPERTY'S ENVIRONMENTAL HISTORY**

6. Owners: The Requestor is not related to any prior site owner. Former site owners and the current owner are listed below in chronologic order.

- Silver Lake Realty Corporation
- New York Central Electric
- Kaustine Company, Inc
- Village of Perry
- County of Wyoming
- Kaustine Furnace & Tank Corporation
- Perry Overseas Veterans Incorporated
- A&A Metal Fabricating

7. Operators: The Requestor is not related to any prior site operator. Former site operators are listed below in chronologic order.

- New York Central Electric
- Kaustine Company, Inc.
- Kaustine Furnace & Tank Corporation
- A&A Metal Fabricating

## **SECTION VIII. CONTACT LIST INFORMATION**

### *1. County, Town, Village Contact Information*

- a. County Contact Information  
Wyoming County  
A. Douglas Berwanger - Board Chairman  
143 N. Main St.  
Warsaw, New York 14569
- b. Town Contact Information  
Town Of Perry  
James R. Brick - Supervisor  
22 S. Main Street  
Perry, NY 14530
- c. Village Contact Information  
Village of Perry  
Terry Murphy – Administrator  
46 N. Main Street  
Perry, NY 14530

2. *Residents, Owners and Occupants of Property and Adjacent Property*

- a. Project Property  
A & A Metal Fabricating Inc.  
90 Washington Boulevard  
Perry, New York 14530
- b. Proposed Property Owner  
WCBC Washington, LLC  
6470 Route 20A  
Perry, New York 14530
- c. Adjacent Property Owners  
(On file with NYSDEC)

3. *Local Media*

- a. Democrat and Chronicle
- b. Batavia Daily

4. *Public Water Supplier*

Village of Perry

5. *Any person who has requested to be on the contact list*

None

6. *The administrator of any school or day care facility located on or near property*

No schools or daycare facilities are located near the property

7. *The location of a document repository for the project*

Perry Village Hall  
46 N. Main Street  
Perry, NY 14530

**SECTION IX. LAND USE FACTORS**

*Item 2. Is Proposed Use Consistent with Applicable Zoning Laws/Maps?*

See **Exhibit D, Appendix C.**

*Item 4. Environmental Justice Concerns*

The Site is not identified as having potential Environmental Justice on the NYSDEC Wyoming County showing census block groups that qualify as Potential Environmental Justice Areas under NYSDEC criteria located at: [www.dec.ny.gov/docs/permits\\_ej\\_operations\\_pdf/wyomingco.pdf](http://www.dec.ny.gov/docs/permits_ej_operations_pdf/wyomingco.pdf)

See also **Exhibit D, Appendix C**.

*Item 8: Cultural Resources*

According to the NY State Historic Preservation Office GIS-Public Access site (<http://www.oprhp.state.ny.us/nr/main.asp>), the Site is located within an archeo-sensitive area. In addition, the Site is located within the vicinity of a designated historical site, as detailed in the following table.

Historic Site ID	Historic Site Name
05NR05594	First Methodist Episcopal Church of Perry

See also **Exhibit D, Appendix C** with a map prepared by the New York State Parks, Recreation and Historic Preservation National Register Listing Internet Application. The map shows that the Site is located within an archeological sensitive area. The map also shows historic site ID 05NR05594, located to the northeast of the Site within the Village of Perry.

*Item 9: Natural Resources*

See **Exhibit D, Appendix C**. According to the New York State Department of Environmental Conservation online Environmental Resource Mapper Application, the Site is within a half mile of Silver Lake Outlet, state regulated freshwater wetlands, and an area containing rare plants or rare animals. **Exhibit D, Appendix C** contains a map of the Site showing the location of these resources.

*Item 10: Floodplains*

See **Exhibit D, Appendix C**. According to the Federal Emergency Management Agency's Flood Insurance Rate Maps for the Town of Perry (Community Number 360946B) and the Village of Perry (Community Number 361025B), the Project is located within a half mile of a 100-year floodplain. **Exhibit D, Appendix C** contains maps of the area showing the location of the 100-year flood plain.

*Item 12. Proximity to residential, urban, commercial, industrial, agricultural and recreational areas*

The Project Site has been abandoned by former owner A & A Metals and was previously used to manufacture large metal tanks and industrial smoke stacks. The current zoning of the Site is C-2: Commercial General Business.

The property immediately adjacent to the east of the Site consists of four residential properties. This area is currently zoned as an R-2 Zone: Residential Two Family. Residential properties also exist to the south of Washington Boulevard, approximately 200 feet from the Site.

Property immediately adjacent to the west of the Site is owned by Silver Lake Sportsman Club and currently is zoned as L-D: Lake Development Special. This property borders Silver Lake and is considered a recreational and tourist area. Perry is also approximately 4 miles from Letchworth State Park, also a tourist and recreational destination.

Property immediately adjacent to the south of the Site is owned by Overseas Veterans and is listed as a commercial land use. This property contains a VFW building and parking lot.

Agricultural land use is located approximately 175 feet to the northwest of the Site. Other Industrial land is located approximately 180 feet to the northeast of the Site.

*Item 13: Groundwater Vulnerability*

The Project Site is in close proximity to Silver Lake Outlet. The topography of the Project Site is such that groundwater has a high potential to drain directly to the Silver Lake Outlet. Surface water infiltrating into the soil around the abandoned buildings and Project Site has a very high potential of migrating from the Site, and eventually into the Silver Lake Outlet.

During site visits, two seepage points were located to the north of the Project Site, between the Project Site and Silver Lake Outlet. These points drain directly to the Silver Lake Outlet and could possibly contain contaminants from the Project Site.

The Project Site is also in close proximity to Silver Lake. Silver Lake is on the New York State Section 303(d) List of Impaired/TMDL Waters and is also denoted as a high priority water body, scheduled for TMDL/restoration strategy development and submission for approval to USEPA within the next two years.

*Item 14: Geography and Geology of the Site*

The Project Site consists of approximately 17.58 acres. Overall, the Site is relatively flat, gently sloping towards the Silver Lake Outlet. A steep embankment is located on the northern side of the property line, leading to the Silver Lake Outlet. There are six abandoned buildings located on the site with debris, barrels, and manufacturing parts throughout the Site.

According to the United States Department of Agriculture – National Resources Conservation Service Online Web Soil Survey, the majority of the soils in the project area are classified as LaB - Langford Channery Silt Loam. These soils are generally found on slopes of 3 to 8% and are very deep and well drained. The parent material consists of loamy till derived from siltstone, sandstone, shale, and some limestone. Soils in this classification are in the Hydrologic Group C. Wyoming County Soil Survey information is included in **Exhibit D, Appendix C**.

Test pits were conducted on the Site. The majority of test pits contained silty clay with gravel and sand. Most of the tests pits revealed debris ranging from concrete debris, drums and barrels, car parts, brick and ash.