

# Brownfield Cleanup Program Application

*1155 Niagara Street Site  
Buffalo, New York*

October 2020

0550-020-001

Prepared For: Great Point Opportunity Fund (A) QOZB, LLC



Prepared By:

In Association With:



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



## BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

☐ Yes

☒ No

If yes, provide existing site number: \_\_\_\_\_

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

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

DEC USE ONLY  
BCP SITE #:

NAME Great Point Opportunity Fund (A) QOZB, LLC

ADDRESS 1349 Old Post Road

CITY/TOWN Pound Ridge

ZIP CODE 10576

PHONE

FAX

E-MAIL Lawrence.Quinn52@gmail.com

Is the requestor authorized to conduct business in New York State (NYS)?

☒ Yes ☐ No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **See Appendix A; Section I**

Do all individuals that will be certifying documents meet the requirements detailed below? ☒ Yes ☐ No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.** **See Appendix A; Section I**

#### Section II. Project Description

1. What stage is the project starting at?

☒ Investigation

☐ Remediation

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

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2): ☐ Yes ☐ No **Not Applicable**

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and **See Appendix A; Section II**
- the date the Certificate of Completion is anticipated. **See Figure 5**

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

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

**2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.**

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum	X		
Chlorinated Solvents			
Other VOCs			
SVOCs	X (PAHs)		
Metals	X	X	
Pesticides			
PCBs			
Other*		Freon /CFCs	

**\*Please describe:** \_\_\_\_\_

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

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

**See Appendix A; Section III****See Figure 7**

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

**ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?\***

(\*answering No will result in an incomplete application)

☒ Yes ☐ No

**4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):**

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

Other: Former dairy manufacturer; vehicle garage/storage; blacksmith; factory; pipe shop; USTs;

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME 1155 Niagara Street Site				
ADDRESS/LOCATION 1155 Niagara Street				
CITY/TOWN Buffalo		ZIP CODE 14213		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL): City of Buffalo				
COUNTY Erie		SITE SIZE (ACRES) 3.67		
LATITUDE (degrees/minutes/seconds) 42 ° 54 ' 52.08 "		LONGITUDE (degrees/minutes/seconds) 78 ° 53 ' 54.72 "		
<b>Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column. ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.</b>				
Parcel Address	Section No.	Block No.	Lot No.	Acreage
1155 Niagara Street	99.34	9	1.1	3.67
1. Do the proposed site boundaries correspond to tax map metes and bounds? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach an accurate map of the proposed site.				
2. Is the required property map attached to the application? <span style="border: 1px solid red; padding: 2px;">See Figures 2, 3 &amp; 4</span> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (application will not be processed without map)				
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See <a href="#">DEC's website</a> for more information) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <div style="text-align: right; margin-top: 5px;"> <span style="border: 1px solid red; padding: 2px;">See Figure 8</span> If yes, identify census tract : <u>61</u> </div> <div style="margin-top: 5px;">           Percentage of property in En-zone (check one):            <input type="checkbox"/> 0-49%            <input type="checkbox"/> 50-99%            <input checked="" type="checkbox"/> 100%         </div>				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, identify name of properties (and site numbers if available) in related BCP applications: _____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach relevant supporting documentation.				
7. Are there any lands under water? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, these lands should be clearly delineated on the site map.				



#### Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?  
If yes, identify here and attach appropriate information. ☐ Yes ☒ No

Easement/Right-of-way Holder

Description

None/unknown

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

<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>
Petroleum Bulk Storage (9-601821)	NYSDEC	PBS - Fuel Oil UST(closed)
Chemical Bulk Storage (9-000322)	NYSDEC	CBS (closed)
Chemical Bulk Storage (9-000468)	NYSDEC	CBS (closed)

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

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

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

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

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

Not Applicable

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? ☐ ☐

Not Applicable

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? ☐ ☐

Not Applicable

**NOTE:** If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: \_\_\_\_\_

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

<b>Section V. Additional Requestor Information</b> <b>See Instructions for Further Guidance</b>		DEC USE ONLY	
BCP SITE NAME: _____		BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE Mr. Lawrence Quinn			
ADDRESS 219 Lexington Avenue			
CITY/TOWN Buffalo		ZIP CODE 14222	
PHONE 716-955-0414	FAX	E-MAIL lawrence.quinn52@gmail.com	
NAME OF REQUESTOR'S CONSULTANT Mr. Michael Lesakowski			
ADDRESS 2558 Hamburg Turnpike, Suite 300			
CITY/TOWN Buffalo		ZIP CODE 14218	
PHONE 716-856-0599	FAX 716-856-0583	E-MAIL mlesakowski@bm-tk.com	
NAME OF REQUESTOR'S ATTORNEY Mr. David Flynn, Esq.			
ADDRESS One Canalside, 125 Main Street			
CITY/TOWN Buffalo		ZIP CODE 14203	
PHONE 716-847-5473	FAX 716-852-6100	E-MAIL dflynn@phillipslytle.com	
<b>Section VI. Current Property Owner/Operator Information – if not a Requestor</b> See Appendix B; Section VII			
CURRENT OWNER'S NAME Rich Holdings Inc.		OWNERSHIP START DATE 12/7/2017	
ADDRESS One Robert Rich Way			
CITY/TOWN Buffalo		ZIP CODE NY	
PHONE 14213	FAX 716-878-8767	E-MAIL wgrieshober@rich.com	
CURRENT OPERATOR'S NAME Same as Owner - contact Mr. William Grieshober, Jr (SVP, General Counsel)			
ADDRESS Same as Owner			
CITY/TOWN Same as Owner		ZIP CODE Same as Owner	
PHONE Same as Owner	FAX Same as Owner	E-MAIL Same as Owner	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". See Appendix B; Section VI			
IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
<b>Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)</b> See Appendix B; Section VII			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

## Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. ☐ Yes ☒ No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. ☐ Yes ☒ No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? ☐ Yes ☒ No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? ☐ Yes ☒ No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? ☐ Yes ☒ No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? ☐ Yes ☒ No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? ☐ Yes ☒ No
11. Are there any unregistered bulk storage tanks on-site which require registration? ☐ Yes ☒ No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW: **See Appendix B; Section VII**

### ☐ PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

### ☒ VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

**If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.**

## Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

☐ Previous Owner ☐ Current Owner ☒ Potential /Future Purchaser ☐ Other \_\_\_\_\_

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted**. Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site. Is this proof attached?

☒ Yes ☐ No

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

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

1. Is / was the property, or any portion of the property, listed on the National Priorities List?  
If yes, please provide relevant information as an attachment. ☐ Yes ☒ No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305? ☐ Yes ☒ No  
If yes, please provide: Site # \_\_\_\_\_ Class # \_\_\_\_\_
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility? ☐ Yes ☒ No  
If yes, please provide: Permit type: \_\_\_\_\_ EPA ID Number: \_\_\_\_\_  
Date permit issued: \_\_\_\_\_ Permit expiration date: \_\_\_\_\_
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. ☐ Yes ☐ No  
**Not Applicable**
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10? ☐ Yes ☒ No  
If yes, please provide: Order # \_\_\_\_\_
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum? ☐ Yes ☒ No  
If yes, please provide explanation as an attachment.

## Section IX. Contact List Information

**See Appendix B; Section IX**

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

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located. **See Figure 9**
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors <span style="border: 1px solid red; padding: 2px;">See Appendix B; Section X</span>	
<p>1. What is the current municipal zoning designation for the site? <u>N-1S</u></p> <p>What uses are allowed by the current zoning? (Check boxes, below)</p> <p><input checked="" type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input checked="" type="checkbox"/> Industrial   <span style="border: 1px solid red; padding: 2px;">See Appendix B, Section X</span></p> <p>If zoning change is imminent, please provide documentation from the appropriate zoning authority.</p>	
<p>2. Current Use: <input type="checkbox"/> Residential   <input type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   <input checked="" type="checkbox"/> Vacant   <input type="checkbox"/> Recreational   (check all that apply)</p> <p><b>Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.</b></p>	
<p>3. Reasonably anticipated use Post Remediation: <input type="checkbox"/> Residential   <input checked="" type="checkbox"/> Commercial   <input type="checkbox"/> Industrial   (check all that apply)   <b>Attach a statement detailing the specific proposed use.</b></p> <p>If residential, does it qualify as single family housing? <span style="float: right;"><input type="checkbox"/> Yes   <input type="checkbox"/> No</span></p> <p style="text-align: right;"><span style="border: 1px solid red; padding: 2px;">Not Applicable</span></p>	
<p>4. Do current historical and/or recent development patterns support the proposed use?</p> <p>See Appendix B; Section X</p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p>
<p>5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B; Section X</p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p>
<p>6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.</p> <p>See Appendix B; Section X</p>	<p><input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No</p>

## XI. Statement of Certification and Signatures

(By requestor who is an individual)

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

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

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

(By a requestor other than an individual)

Great Point Opportunity Fund (A) QOZB, LLC

Authorized Representative

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

Date: 10/30/20 Signature: Samuel

Print Name: Lawrence Quinn, Authorized Representative

### SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
  - Chief, Site Control Section
  - New York State Department of Environmental Conservation
  - Division of Environmental Remediation
  - 625 Broadway
  - Albany, NY 12233-7020

FOR DEC USE ONLY

BCP SITE T&A CODE: \_\_\_\_\_ LEAD OFFICE: \_\_\_\_\_



## BCP Application Summary (for DEC use only)

**Site Name:** 1155 Niagara Street Site  
**City:** Buffalo

**Site Address:** 1155 Niagara Street  
**County:** Erie **Zip:** 14213

### Tax Block & Lot

**Section (if applicable):** 99.34 **Block:** 9 **Lot:** 1.1

**Requestor Name:** Great Point Opportunity Fund (A) QOZB, LLC **Requestor Address:** 1349 Old Post Road  
**City:** Pound Ridge **Zip:** 10576 **Email:** Lawrence.Quinn52@gmail.com

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

**Name:** Mr. Lawrence Quinn **Address:** 219 Lexington Avenue  
**City:** Buffalo **Zip:** 14222 **Email:** lawrence.quinn52@gmail.com

### Requestor's Attorney

**Name:** Mr. David Flynn, Esq. **Address:** One Canalside, 125 Main Street  
**City:** Buffalo **Zip:** 14203 **Email:** dflynn@phillipslytle.com

### Requestor's Consultant

**Name:** Mr. Michael Lesakowski **Address:** 2558 Hamburg Turnpike, Suite 300  
**City:** Buffalo **Zip:** 14218 **Email:** mlesakowski@bm-tk.com

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

**DER Determination:** ☐ Agree ☐ Disagree

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

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

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

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

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

Notes:

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

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

Notes:

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

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

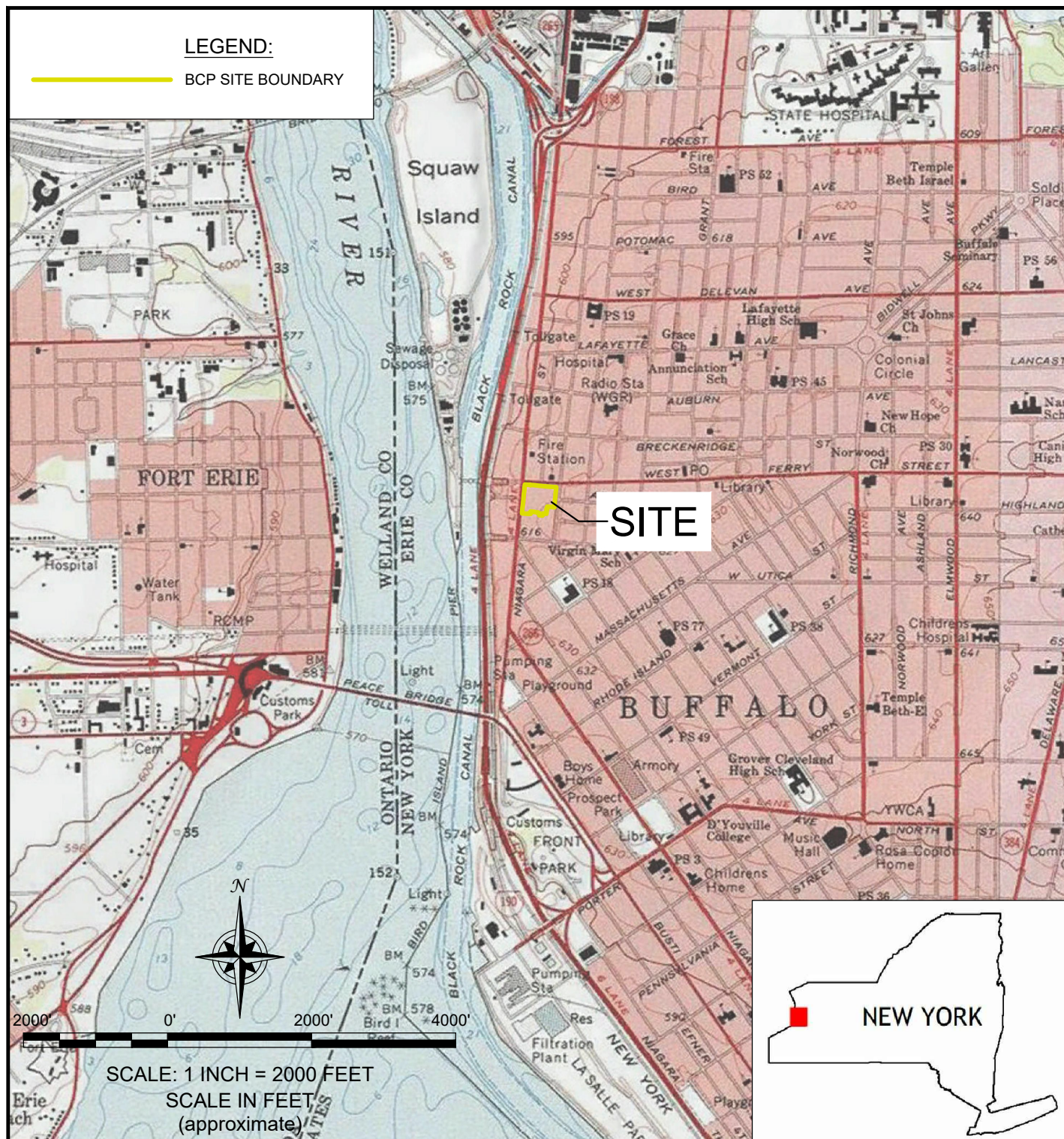
Notes:

## FIGURES

Figure 1	Site Location and Vicinity Map
Figure 2	Site Plan (Aerial)
Figure 3	Tax Map
Figure 4	Property Base Map (1,000' Setback)
Figure 5	Preliminary Project Schedule
Figure 6	Preliminary Project Rendering
Figure 7	Previous Investigation Locations & Areas of Concern
Figure 8	En-Zone Map
Figure 9	BOA Map
Figure 10	Adjacent Property Owners
Figure 11	Zoning Map
Figure 12	USDA Soil Type Map



**FIGURE 1**



## SITE LOCATION AND VICINITY MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
 BUFFALO, NEW YORK

PREPARED FOR

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC



2558 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 858-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

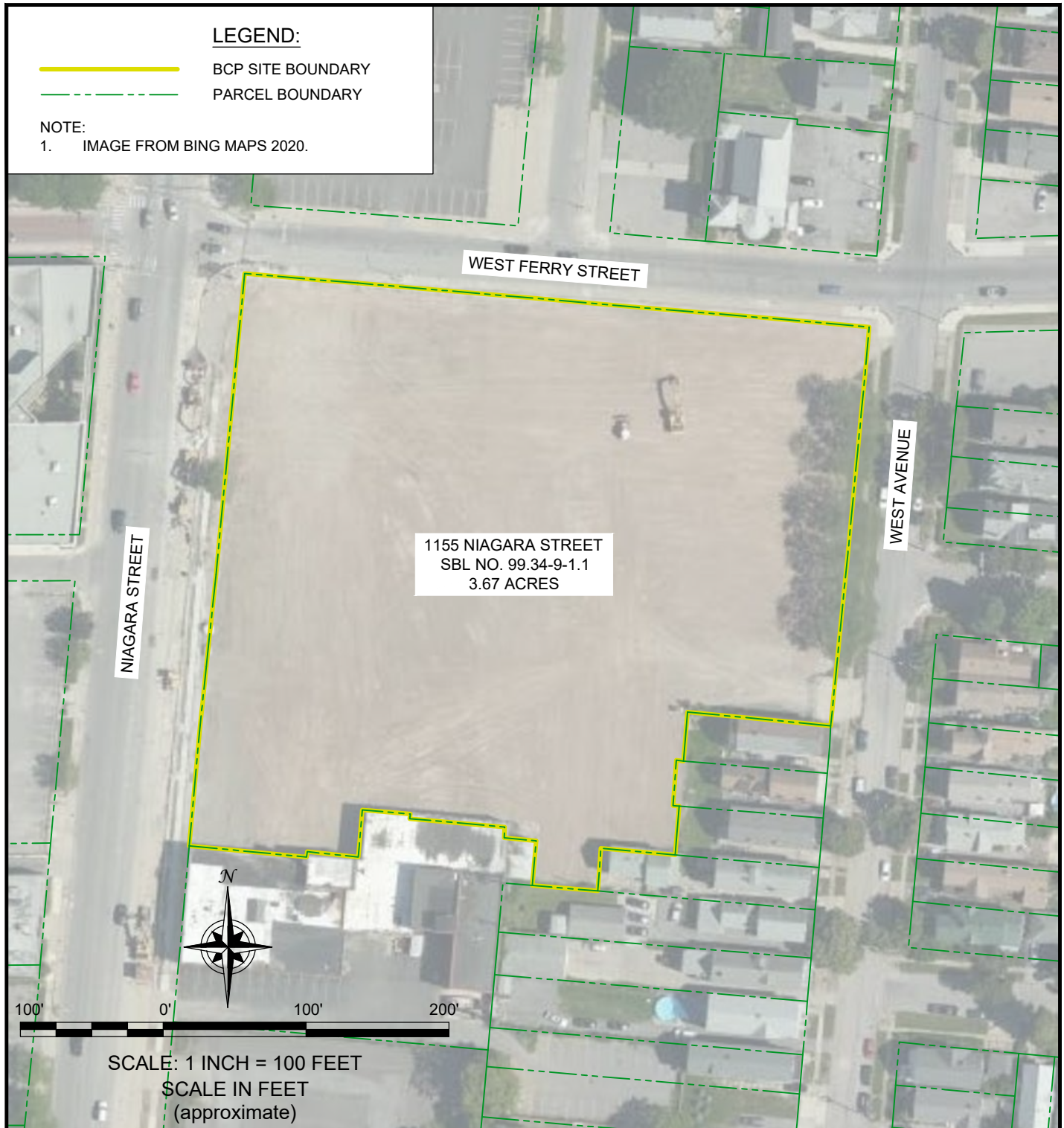
DRAFTED BY: CMS

**DISCLAIMER:**

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



**FIGURE 2**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

DRAFTED BY: CMS

## SITE PLAN (AERIAL)

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK

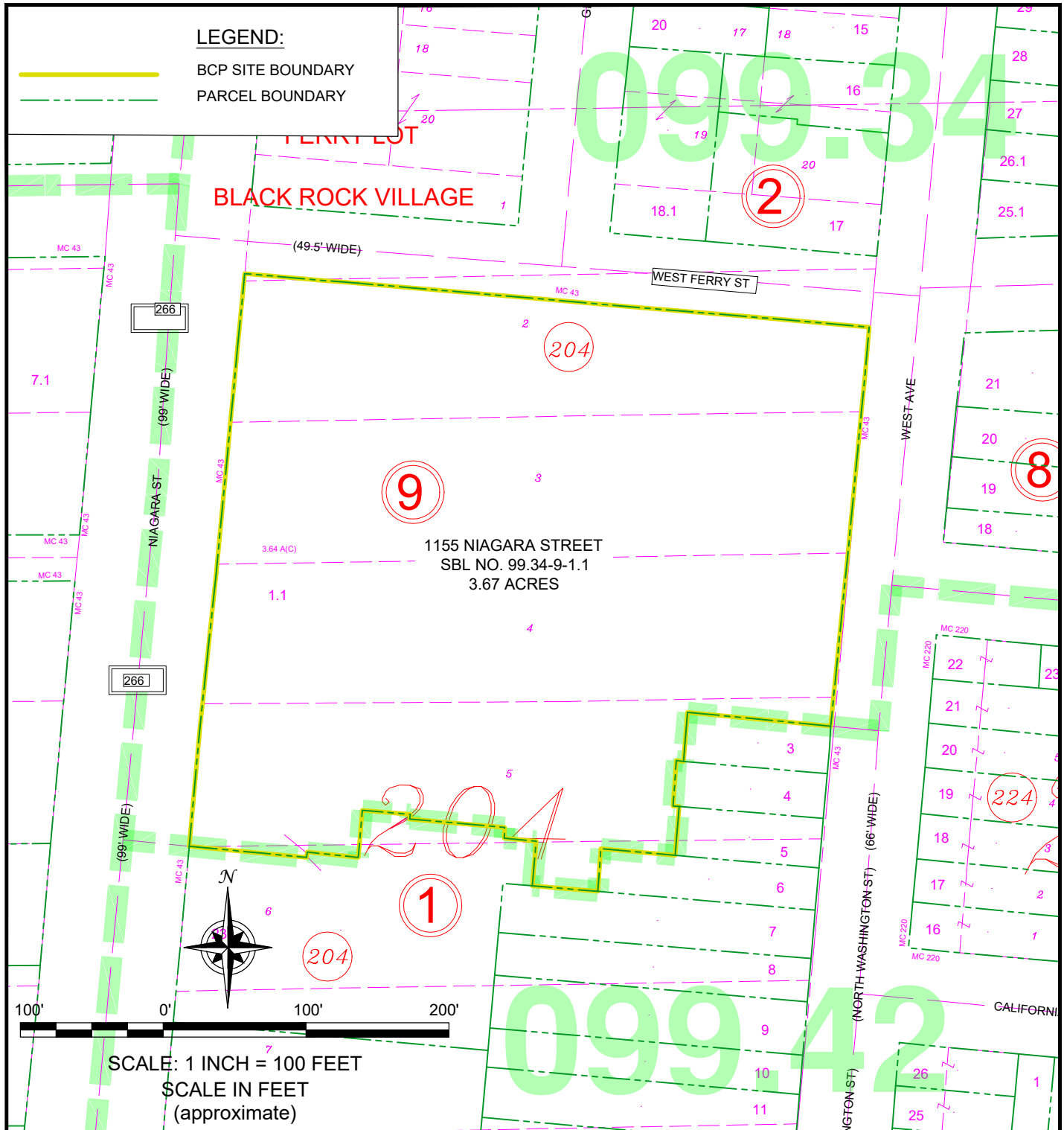
PREPARED FOR

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

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**FIGURE 3**



## TAX MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
 BUFFALO, NEW YORK

PREPARED FOR

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC



2558 HAMBURG TURNPIKE  
 SUITE 300  
 BUFFALO, NY 14218  
 (716) 858-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

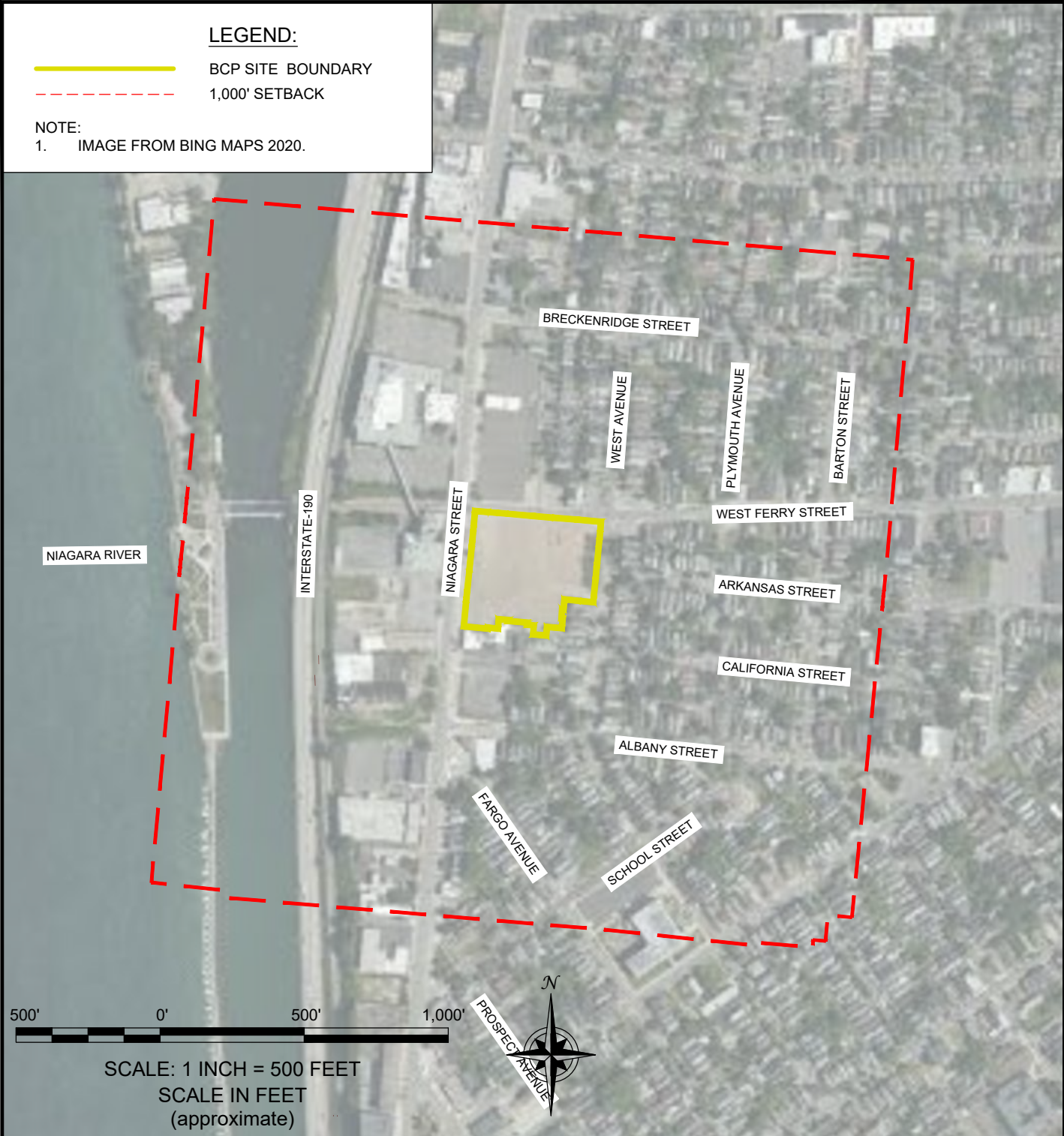
DRAFTED BY: CNK


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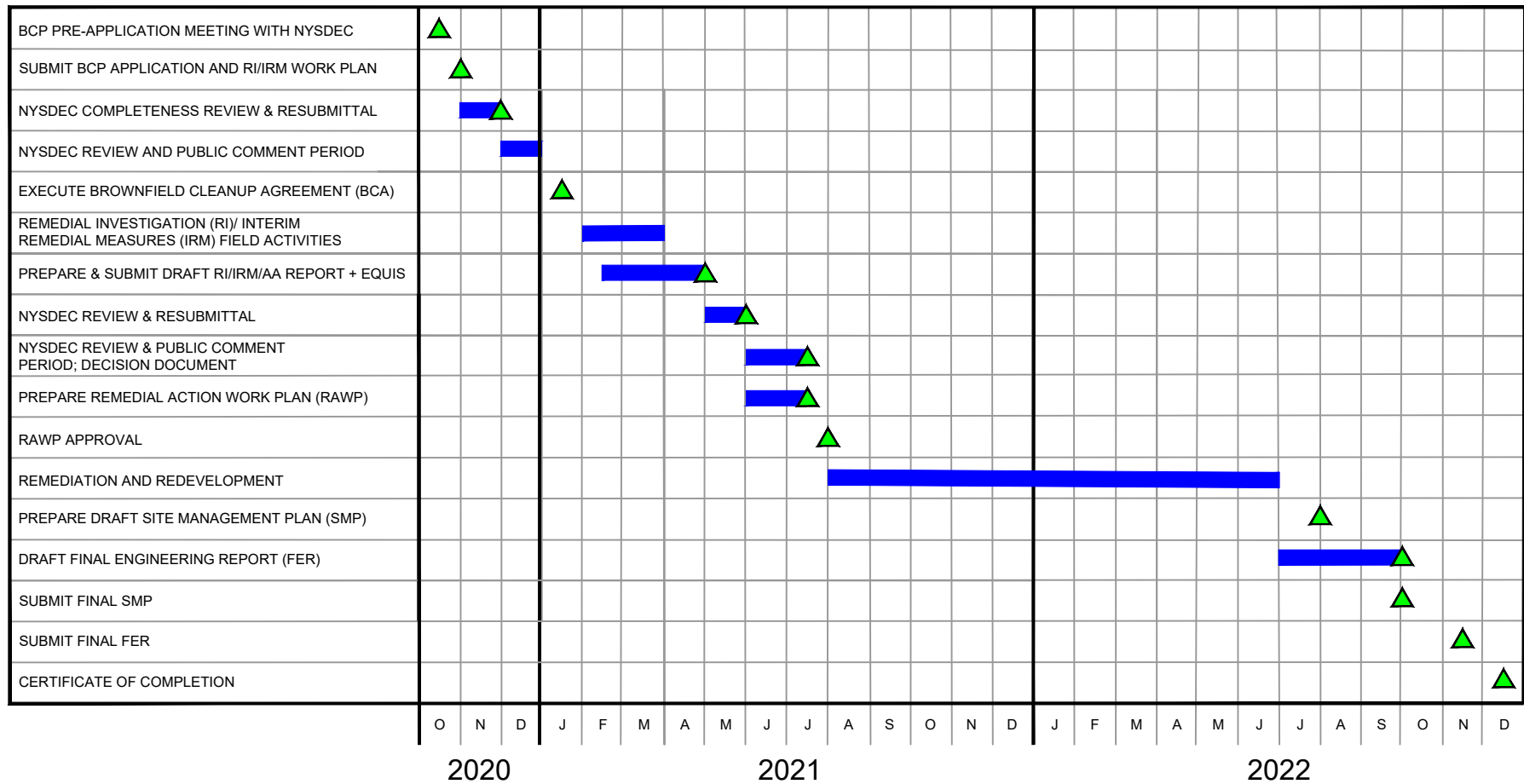
**FIGURE 4**



 <p><b>2558 HAMBURG TURNPIKE SUITE 300 BUFFALO, NY 14218 (716) 858-0635</b></p>	<h2 style="margin: 0;">PROPERTY BASE MAP (1,000' SETBACK)</h2> <p style="margin: 10px 0;">BROWNFIELD CLEANUP PROGRAM APPLICATION</p> <p style="margin: 10px 0;"><b>1155 NIAGARA STREET SITE BUFFALO, NEW YORK</b></p> <p style="margin: 5px 0;">PREPARED FOR</p> <p style="margin: 0;"><b>GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC</b></p>
<p>PROJECT NO.: T0550-020-001</p>	
<p>DATE: OCTOBER 2020</p>	
<p>DRAFTED BY: CNK</p>	

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**PROJECT TASKS:**

2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

DRAFTED BY: CNK

## PRELIMINARY PROJECT SCHEDULE

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK

PREPARED FOR

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

FIGURE 5

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2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

DRAFTED BY: CNK

## PRELIMINARY PROJECT RENDERING

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK

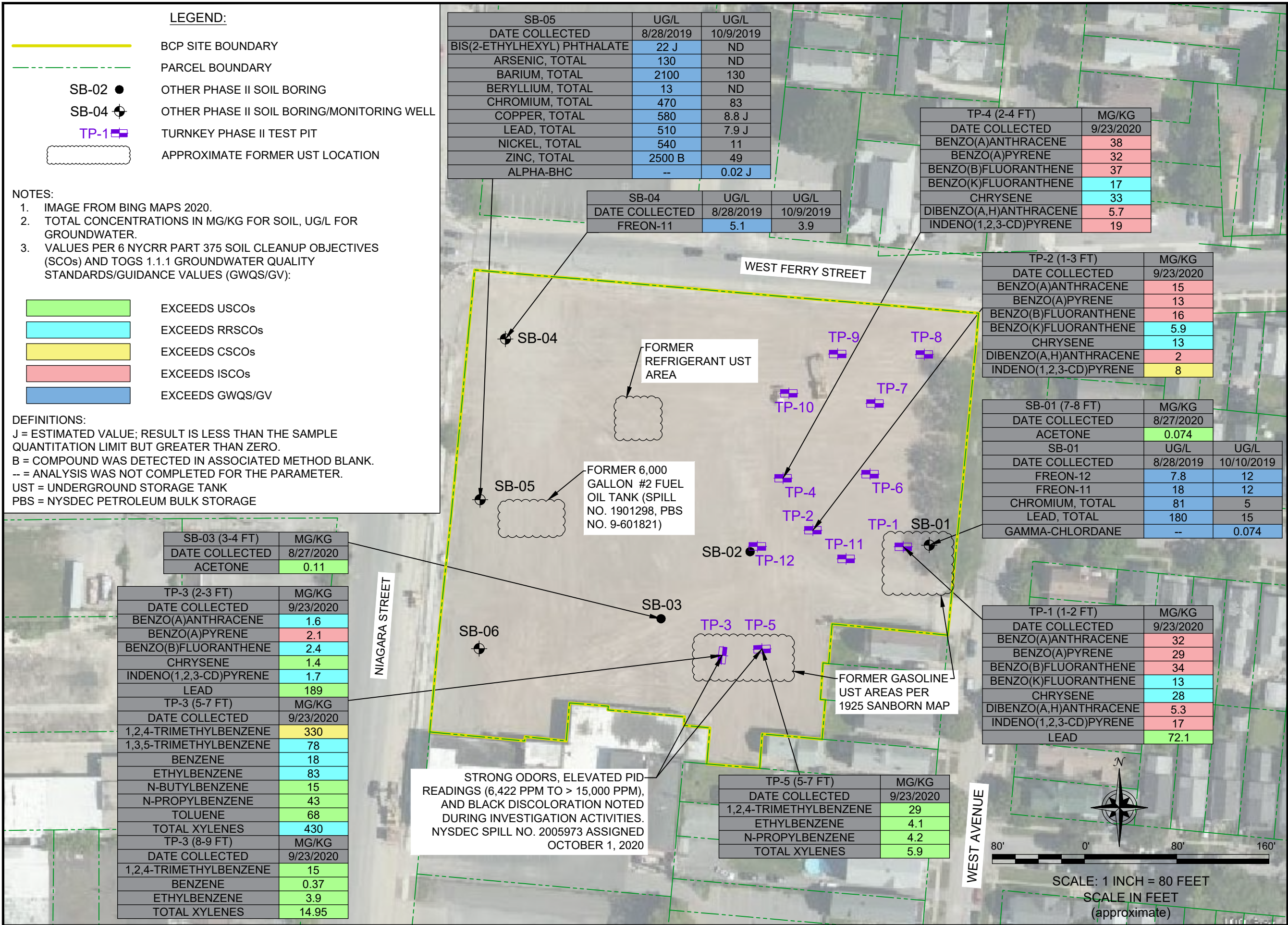
PREPARED FOR

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

FIGURE 6

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2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 856-0635

**TURNKEY**  
ENVIRONMENTAL  
RESTORATION, LLC

**PREVIOUS INVESTIGATION LOCATIONS  
AND AREAS OF CONCERN**

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK

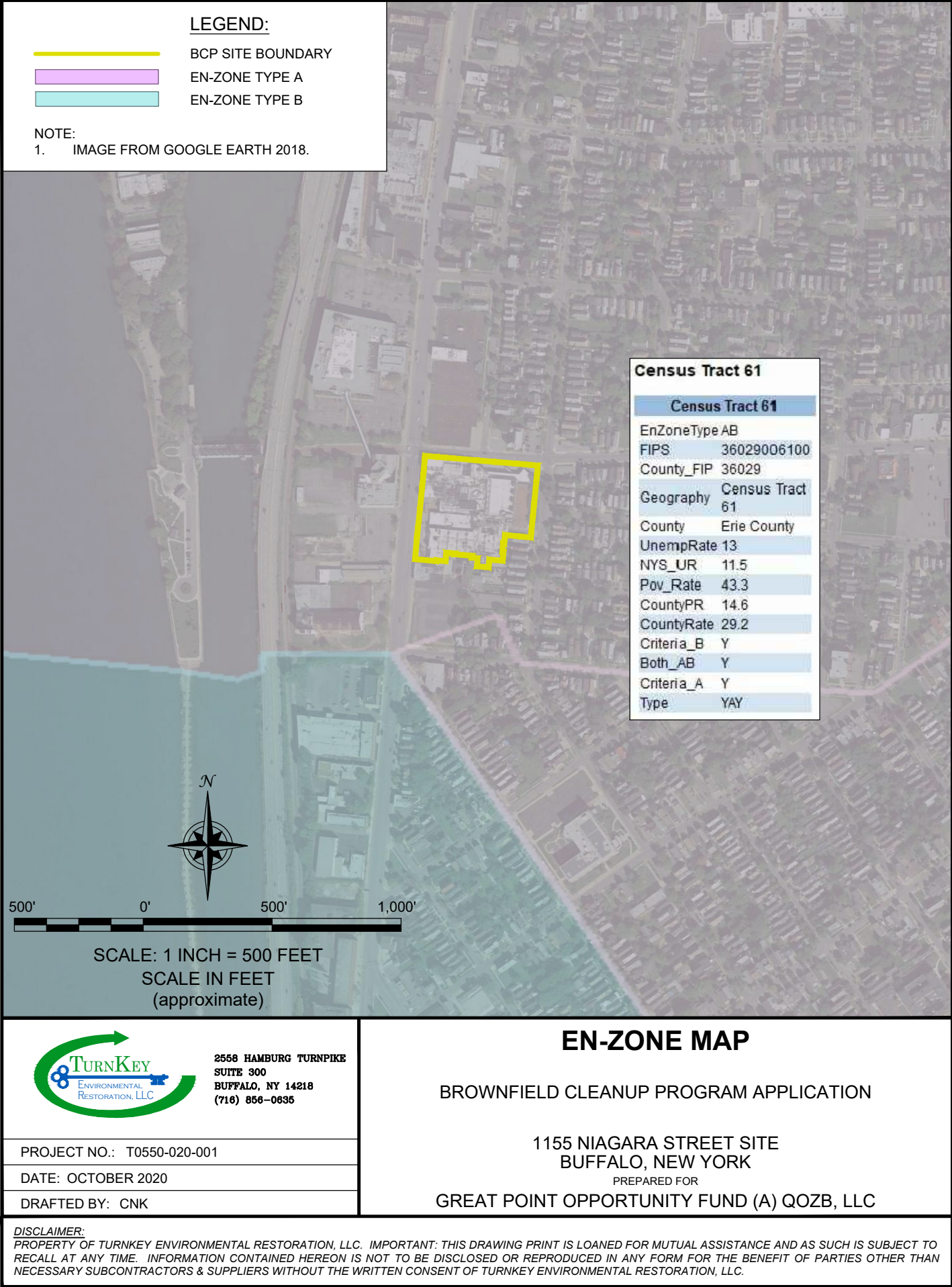
PREPARED FOR  
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JOB NO.: T0550-020-001

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**FIGURE 8**

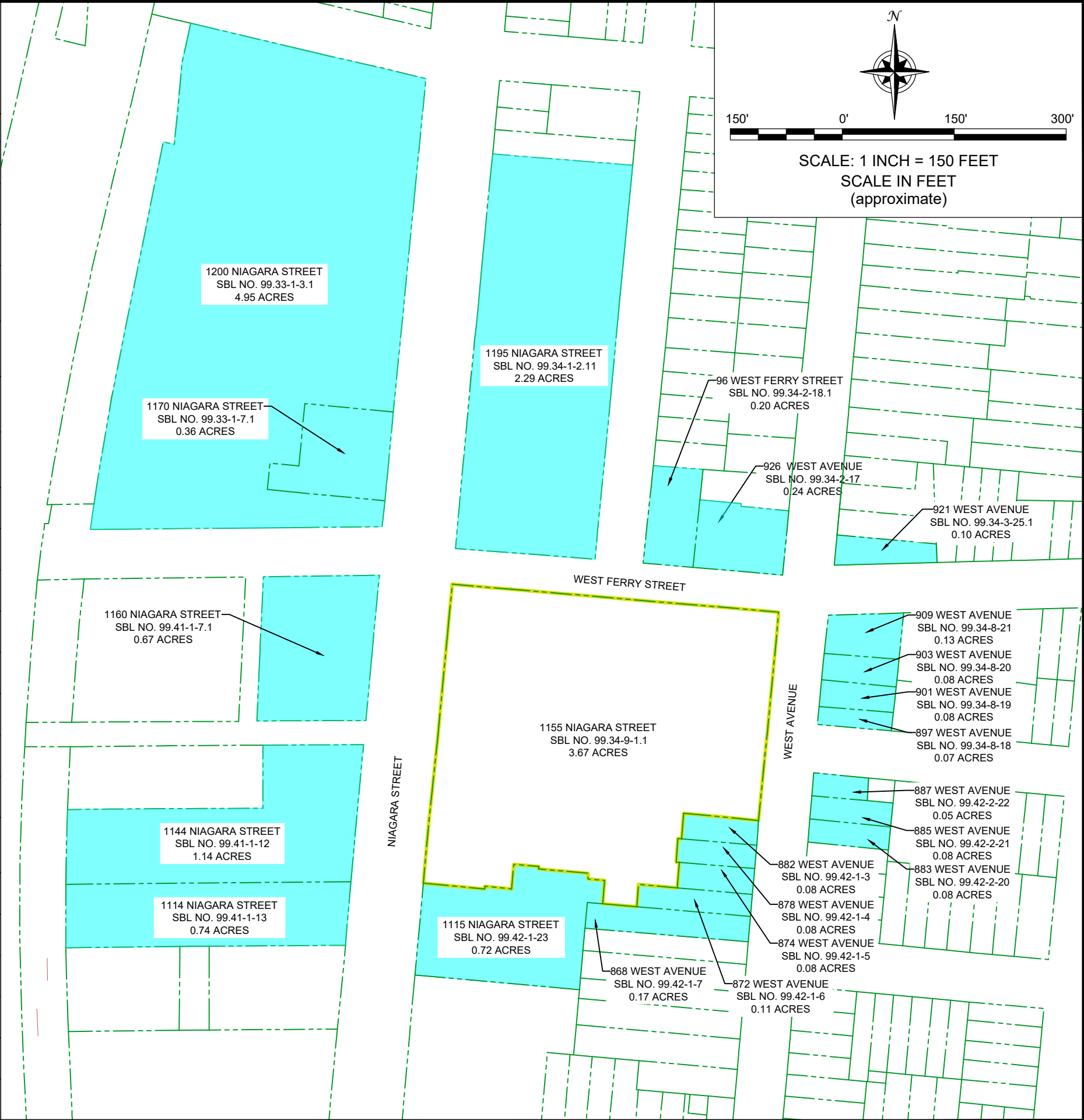


**FIGURE 9**





LEGEND:			
<div><div></div>BCP SITE BOUNDARY</div>			
<div><div></div>PARCEL BOUNDARY</div>			
<div><div></div>ADJACENT PROPERTIES</div>			
Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1115	Niagara Street	Commercial Other Storage, Warehouse, & Industrial	1115 NS Holdings LLC 1111 Niagara Street Buffalo, NY 14213
1114	Niagara Street	Manufacturing and Processing	A.F. Oliver Gear & Machine Co. 1120 Niagara Street Buffalo, NY 14213
1144	Niagara Street	Vacant Commercial	Jenesis Development LLC 1150 Niagara Street Buffalo, NY 14213
1160	Niagara Street	Commercial Office Building	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14213
1200	Niagara Street	Commercial Office Building	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14213
1170	Niagara Street	Vacant Commercial	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14213
1195	Niagara Street	Commercial Downtown Row Type	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14213
96	West Ferry Street	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
926	West Avenue	Community Services Religious	All Nations House of Prayer 104 West Ferry Street Buffalo, NY 14213
921	West Avenue	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
909	West Avenue	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
903	West Avenue	Residential Two Family Year-Round	Hodan Isse 903 West Avenue, Lower Buffalo, NY 14213
901	West Avenue	Residential Two Family Year-Round	Jennifer Earls & Nancy Bowe (JTROS) 901 West Avenue Buffalo, NY 14213
897	West Avenue	Residential Three Family Year-Round	David & Melody Kazmierczak 897 West Avenue Buffalo, NY 14213
887	West Avenue	Residential One Family Year-Round	David F. & Melody Kazmierczak 887 West Avenue Buffalo, NY 14213
885	West Avenue	Residential Two Family Year-Round	Jose D. Alvarez C/O Jonny Alvarez 885 West Avenue, Upper Buffalo, NY 14213
883	West Avenue	Residential Three Family Year-Round	Muhammad Bilal 134 Ontario Street Buffalo, NY 14207
882	West Avenue	Residential Two Family Year-Round	Nicholas Pugliese 882 West Avenue Buffalo, NY 14213
878	West Avenue	Residential Two Family Year-Round	Columbus West Properties LLC 862 West Avenue Buffalo, NY 14213
874	West Avenue	Residential Two Family Year-Round	Columbus West Properties LLC 862 West Avenue Buffalo, NY 14213
872	West Avenue	Residential Multiple Residences	Ian Finn 5 Woodcrest Drive Aurora, NY 14127
868	West Avenue	Residential Two Family Year-Round	Ian Finn 5 Woodcrest Drive Aurora, NY 14127



2558 HAMBURG TURNPIKE  
SUITE 300  
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ADJACENT PROPERTY OWNERS

BROWNFIELD CLEANUP PROGRAM APPLICATION

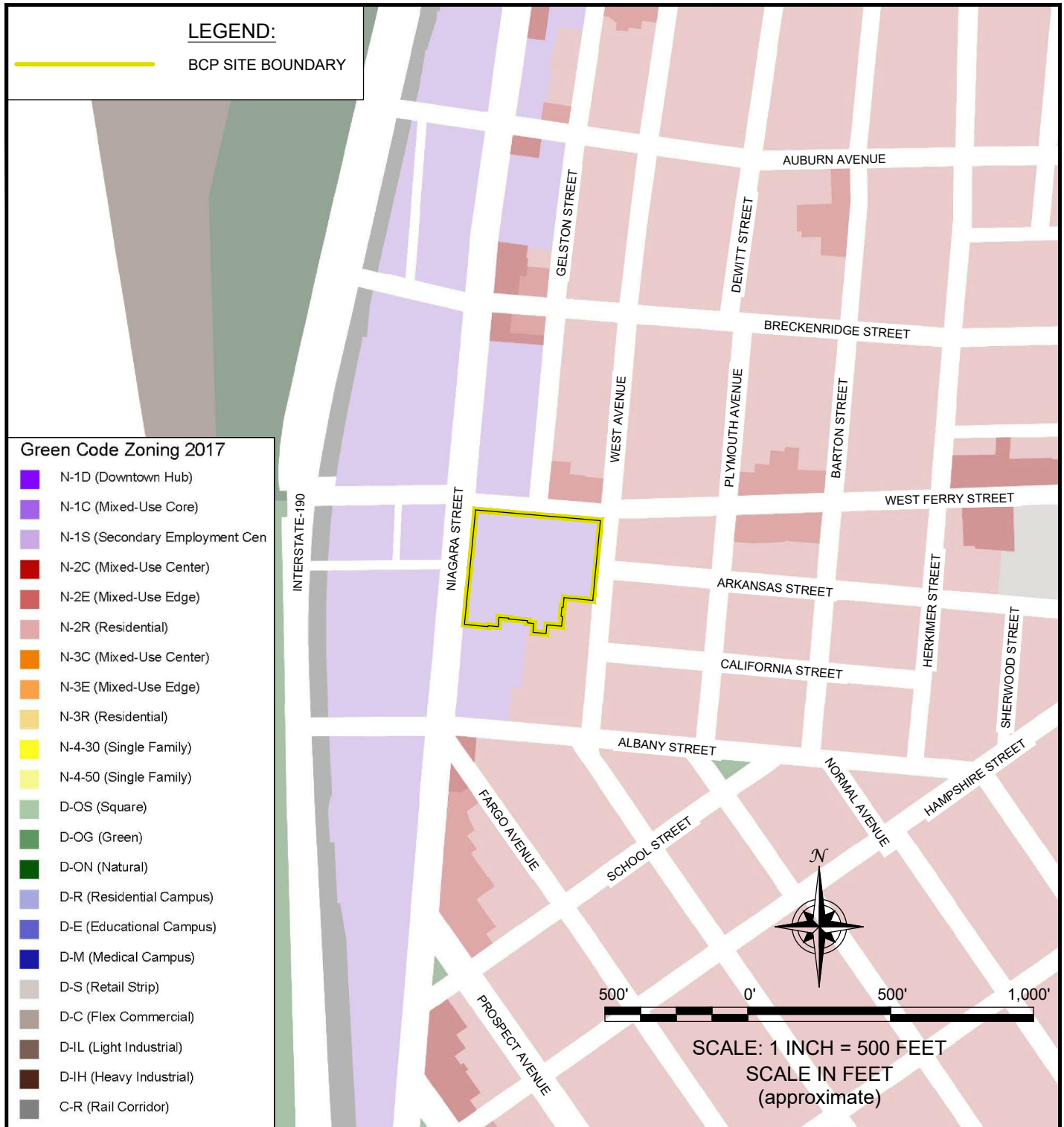
1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK  
PREPARED FOR  
GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

FIGURE 10

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**FIGURE 11**



2558 HAMBURG TURNPIKE  
SUITE 300  
BUFFALO, NY 14218  
(716) 858-0635

PROJECT NO.: T0550-020-001

DATE: OCTOBER 2020

DRAFTED BY: CNK

## ZONING MAP

BROWNFIELD CLEANUP PROGRAM APPLICATION

1155 NIAGARA STREET SITE  
BUFFALO, NEW YORK

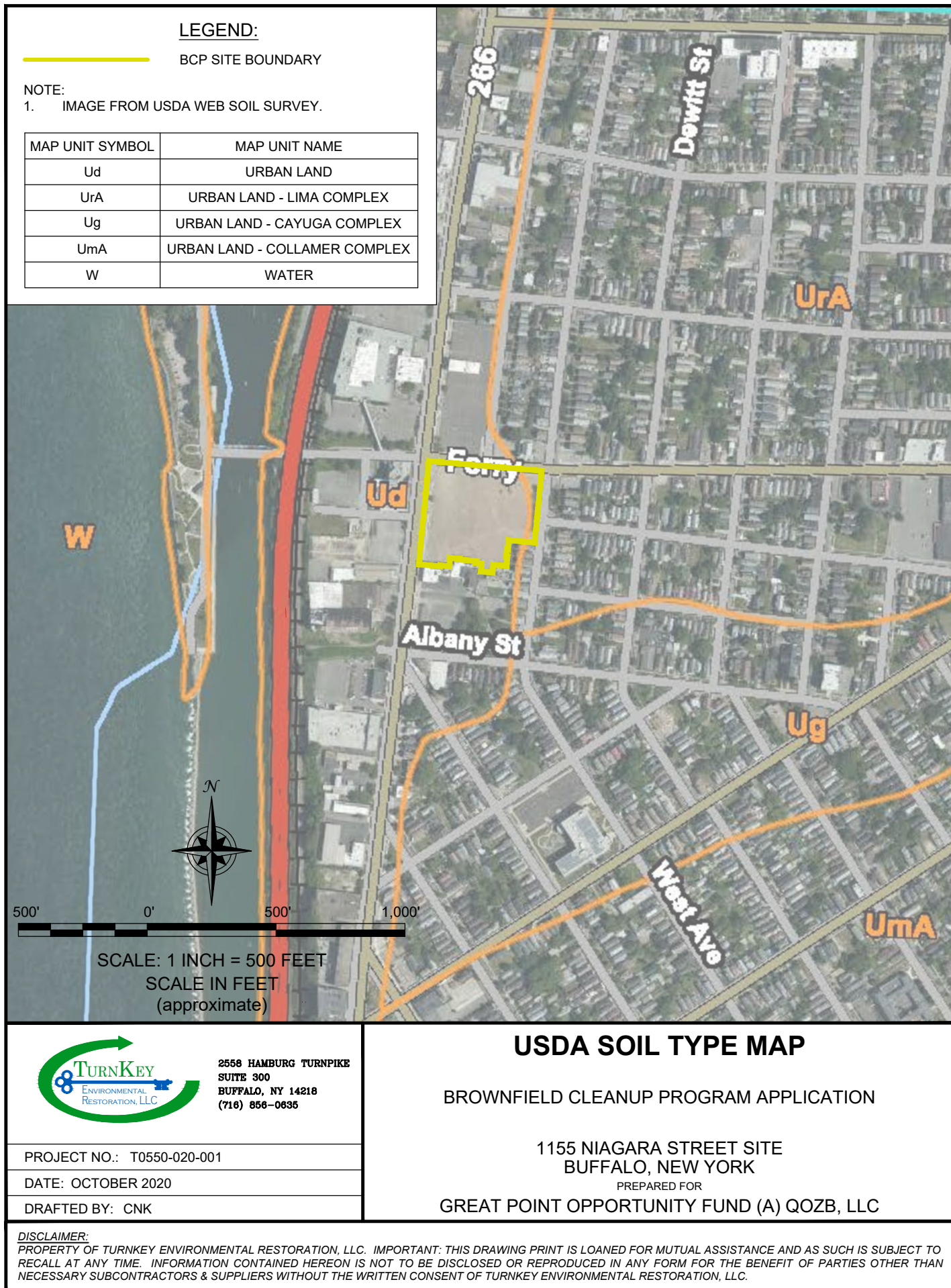
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**FIGURE 12**



# **APPENDIX A**

## **BCP APPLICATION PART A – SECTIONS I - IV**

**SECTION I – REQUESTOR INFORMATION**

**SECTION II – PROJECT DESCRIPTION**

**SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

**SECTION IV – PROPERTY INFORMATION**

**NYS DOS CORPORATION & BUSINESS ENTITY DATABASE INFORMATION**

**SIGNATURE RESOLUTION**

**ERIE COUNTY PARCEL DETAIL REPORT**



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

**SECTION I – REQUESTOR INFORMATION**

The Applicant, Great Point Opportunity Fund (A) QOZB, LLC (Great Point), is authorized to conduct business in New York State. A copy of the New York State Corporation and Business Entity Database printout for the Applicant is attached.

Great Point Opportunity Fund (A) QOZB, LLC member/owner information is attached.

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

**SECTION II – PROJECT DESCRIPTION**

Great Point, acting as a Volunteer, is willing to complete additional investigation and remediate the 1155 Niagara Street Site (see Figures 1-4) under the New York State (NYS) Brownfield Cleanup Program (BCP), and is submitting this BCP Application for eligibility acceptance into the program.

A preliminary project schedule is shown on Figure 5.

The anticipated future use of the site is a commercial media production facility. A preliminary project rendering is included as Figure 6.

The Project will result in the remediation and redevelopment of an environmentally impacted Site located at the corner of Niagara Street and West Ferry Street in the City of Buffalo, Erie County, New York.

**SECTION III – PROPERTY’S ENVIRONMENTAL HISTORY**

A summary of the previous environmental investigations completed for the 1155 Niagara Street Site (hereinafter, the “Site”) are provided below.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

November 2019 – Limited Phase II Investigation

GHD completed a limited Phase II Investigation at the site and documented the findings in a letter report dated November 13, 2019. The investigation consisted of six soil borings and four temporary monitoring wells. Findings of the investigation, included:

- Referenced previous investigation identified former USTs, including refrigerant tank(s) and historic tanks, with ammonia spills identified.
- Shallow fill material was identified across the Site.
- Chlorofluorocarbons (CFCs) including Freon-11 and Freon-12 was reported exceeding NYDEC Groundwater Quality Standards (GWQS) at multiple locations, respectively.
- Elevated metals, including arsenic, chromium and lead were identified exceeding their respective GWQS at multiple locations. Additional elevated barium, beryllium, copper, nickel, and zinc were also identified exceeding their respective GWQS.

October 2020 – Limited Phase II Environmental Investigation

TurnKey Environmental Restoration, LLC (TurnKey) completed a limited Phase II Environmental Investigation at the Site and documented the findings in a letter report dated October 14, 2020. The investigation consisted of twelve test pits (TP-1 through TP-12) completed to target depths of 8 to 9 fbs. Findings of the investigation, included:

- Historic records indicate the presence of at least two (2) USTs, related to a former vehicle storage area in the southern portion of the site, and a former contractor's yard in the eastern portion of the Site.
- Fill material was identified across the Site in all 12 TP locations. Similar fill material, including brick, block, concrete, glass, and cindery-ash materials were identified. Former building foundations and/or concrete subgrade structures were encountered.
- Elevated PID readings greater than 15,000 ppm was detected in the vicinity of former UST(s). Strong odors and staining was identified in the TP(s).
- Based on the petroleum contamination identified during the investigation, the NYSDEC Spill hotline was notified and Spill No. 2005973 was issued for the Site.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

- Elevated petroleum-related VOCs including BTEX-compounds (benzene, toluene, ethylbenzene and xylene), 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene, were identified exceeding their respective 6 NYCRR Part 375 Unrestricted Use SCOs (USCOs), Restricted Residential Use SCOs (RRSCOs), and Commercial Use SCOs (CSCOs) at select locations.
- Elevated polycyclic aromatic hydrocarbons (PAHs) were identified exceeding their respective USCOs, RRSCOs, CSCOs, and Industrial Use SCOs (ISCOs) in shallow fill across the Site.
- Elevated lead was detected in shallow fill exceeding its USCO.

Summary of Previous Investigation Findings:

- Historic records identify multiple USTs were present on-Site.
- Fill material was identified in all 12 TP locations across the Site, including brick, block, glass, cinders and ash.
- Petroleum contamination was identified including elevated PID readings greater than 15,000 ppm, odors, and visual staining of on-Site soils
- Elevated VOCs, PAHs, and metals exceeding RRSCO, CSCO, and ISCO were identified at multiple locations across the Site. Applicable SCOs for the Site are CSCOs.
- Based on the petroleum contamination identified during the investigation, the NYSDEC Spill hotline was notified and Spill No. 2005973 was issued for the Site.
- Elevated CFCs (Freon) and metals were detected in on-Site groundwater above GWQS/GVs.

Investigation locations and findings are shown on Figure 7.



**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

**SECTION IV – PROPERTY INFORMATION**

**Parcel Description**

The 1155 Niagara Street Site (Site), subject to this BCP application, consists of one (1) tax parcel totaling  $\pm 3.67$ -acre, and is addressed at 1155 Niagara Street with SBL No. 99.34-9-1.1. The Site is located in a highly developed residential, commercial, and industrial neighborhood in the City of Buffalo, Erie County, New York (see Figures 1-3). The Erie County parcel detail report for the Site is provided for reference in Appendix A.

According to NYSDEC Environmental Zone (EN-Zone) mapping, the Site is located within a EN-Zone Type AB, designated census tract 61 (see Figure 8).

The Site is located within the Tonawanda Street Corridor Brownfield Opportunity Area (BOA) (See Figure 9).

**Easements and Permits**

The Site has access to municipal sanitary sewer, electric, natural-gas, and public potable water. Utilities are located in the right-of-way along Niagara Street and West Ferry Street. Great Point is unaware of any other easements on the Site.

The Site was identified in the NYSDEC Petroleum Bulk Storage database (PBS No. 9-601821), the NYSDEC Chemical Bulk Storage database (CBS Nos. 9-000322, and 9-000468), and NYSDEC Spill database (2005973 and 1901298). Additional spills identified on nearby addresses may be located on Site including 9001855 and 9004024. Nearby spills that are likely located offsite include 8901738, 9209676, and 9914444.

USEPA Facility No. 110000327049: and a RCRA generator (NYD002108371),  
EPA Facility No. 1100004350327: Laura Collision Service Inc., is listed as a RCRA generator (NYD013741376).

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

Property Description and Environmental Assessment

Location

The Site is located at the southeast corner of Niagara Street and West Ferry Street in a highly developed mixed-use residential, commercial, and industrial neighborhood in the City of Buffalo, Erie County, New York. The Site is bordered by West Ferry Street to the north, residential, commercial, and industrial properties to the south, Niagara Street to the West, and West Avenue to the east. Adjacent property owners are identified on Figure 10.

Site Features

The Site is currently vacant land covered by vegetation and gravel. The Site was formerly developed with a manufacturing facility that was demolished.

Zoning and Land Use

According to The Buffalo Green Code's Land Use Plan (2016), the current zoning for the Site is N-1S (see Figure 11). The current use of the Site is vacant land.

The surrounding parcels are as follows:

- north – commercial, vacant commercial, community services (religious);
- south – residential, commercial, industrial;
- east – residential, vacant commercial; and,
- west – commercial, vacant commercial.

The anticipated future use of the site is commercial. Proposed redevelopment includes a media production facility. The planned redevelopment is consistent with the Buffalo Green Code's Land Use Plan.

Past Use of the Site

The Site was developed with numerous residential properties from at least 1899 through at least 1981. The Site was also formerly developed with commercial and industrial buildings

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

from at least 1925 through at least 1981. Specifically, operations included a vehicle garage/storage, a contractor's yard, and a blacksmith in at least 1925. In at least 1951, operations included a factory, a pipe shop, a garage, and storage. Dairy related manufacturing operation occupied a portion of the Site from at least 1951 through at least 1981. Two former gasoline USTs, one former No. 2 fuel oil UST, one former refrigerant UST, and five former chemical ASTs with unknown contents were identified at the Site.

Previous Phase II investigations identified elevated petroleum VOCs proximate to one of the gasoline USTs and PAHs and lead in the fill across the Site at concentrations exceeding USCOs, RRSCOs, CSCOs, and/or ISCOs. Additionally, CFCs and metals were detected in the groundwater exceeding GWQS/GV. Subsurface conditions will be further assessed as part of a Remedial Investigation (RI).

Previous investigation reports are provided electronically on the enclosed CD.

Site Geology and Hydrogeology

The Site is located within the Erie-Ontario Lowlands, which is typified by little topographic relief, and gently slopes westward towards Lake Erie, except in the immediate vicinity of major drainage ways. According to the United States Department of Agriculture (USDA) Web soil survey, the majority of the Site soils are characterized as Urban Land and Urban Land-Lima Complex (UrA). Urban land is characterized where 80 percent or more of the soil surface is covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment. The Urban Land-Lima Complex is characterized as a 60% urban land, 30% Lima and similar soils, and 10% minor components. The Lima Complex is a moderately well drained soil with 1 to 6 percent slopes (Figure 12).

Previous investigations have identified fill material on-Site ranging from 1-9 fbgs, underlain by assumed native clays ranging from 3 to 12.5 fbgs.

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

Bedrock was encountered at depths ranging from 8.5 to 12.5 fbg during previous investigations.

Regional and local groundwater likely flows west towards the Niagara River, located less than 300 ft west of the Site boundary. Local groundwater flow however may be influenced by subsurface features such as excavations, utilities, and localized fill conditions. Groundwater was encountered between 5 and 6 fbg during previous investigations. Additional investigation is required to assess and characterize groundwater flow patterns and quality are planned during the Remedial Investigation.

The Site is not located within or proximate to any state or federally regulated wetlands or floodplains.

Environmental Assessment Narrative

VOCs, PAHs, and metals were identified as the primary contaminants of concern reasonably attributed to historic use and the presence of fill materials. Figure 7 summarizes the environmental impacts identified in the previous investigations.

Soil – Petroleum impacted soils were identified on-Site, with elevated PID readings greater than 15,000 ppm, odors and stained soils. NYSDEC Spill No. 2005973 was issued for the Site.

Laboratory analytical results indicate elevated petroleum VOCs, PAHs and metals exceed RRSCO, CSCO, and ISCOs. Specifically, 1,2,4-trimethylbenzene was detected exceeding its CSCO (190 mg/kg) at TP-3 from 5-7 ft (330 mg/kg) and exceeding its USCO (3.6 mg/kg) at TP-3 from 8-9 ft (15 mg/kg) and TP-5 from 5-7 ft (29 mg/kg). 1,3,5-trimethylbenzene, benzene, ethylbenzene, n-butylbenzene, n-propylbenzene, and total xylenes were also detected exceeding their respective USCOs and RRSCOs at TP-3 and TP-5. Elevated concentrations of PAHs were detected at TP-1 (1-2 ft) and TP-4 (2-4 ft) with detections of

**APPENDIX A**  
**BCP Application – Part A**  
**Section I – Section IV**  
**1155 Niagara Street Site**

benzo(a)anthracene, benzo(a)pyrene, and benzo(b)fluoranthene and other PAHs significantly exceeding their RRSCOs and ISCOs. Lead was detected exceeding its USCO (63 mg/kg) at TP-1 (1-2 ft, 72.1 mg/kg) and TP-3 (2-3 ft 189 mg/kg). PAH and lead exceedances were observed in samples collected from the fill layer.

Groundwater – Freon-12 was detected exceeding its GWQS/GV (5 ug/L) at SB-01 (7.8 ug/L, 12 ug/L) and Freon-11 was detected exceeding its GWQS/GV (5 ug/L) at SB-01 (18 ug/L, 12 ug/L) and SB-04 (5.1 ug/L). Total chromium was detected exceeding its GWQS/GV (50 mg/kg) at SB-01 (81 mg/kg) and SB-05 (470 mg/kg). Total lead was detected exceeding its GWQS/GV (25 mg/L) at SB-01 (180 mg/L) and SB-05 (510 mg/L). Total arsenic, barium, beryllium, copper, nickel, and zinc were also detected exceeding their respective GWQS/GV SB-05.

Historic documents and previous investigation reports are provided electronically on the enclosed CD.

# NYS Department of State

## Division of Corporations

### Entity Information

The information contained in this database is current through October 19, 2020.

---

Selected Entity Name: GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

Selected Entity Status Information

**Current Entity Name:** GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

**DOS ID #:** 5661567

**Initial DOS Filing Date:** NOVEMBER 25, 2019

**County:** WESTCHESTER

**Jurisdiction:** DELAWARE

**Entity Type:** FOREIGN LIMITED LIABILITY COMPANY

**Current Entity Status:** ACTIVE

Selected Entity Address Information

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

GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

1349 OLD POST RD

POUND RIDGE, NEW YORK, 10576

**Registered Agent**

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

**\*Stock Information**

**# of Shares**

**Type of Stock**

**\$ Value per Share**



No Information Available

\*Stock information is applicable to domestic business corporations.

### Name History

Filing Date	Name Type	Entity Name
NOV 25, 2019	Actual	GREAT POINT OPPORTUNITY FUND (A) QOZB, LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

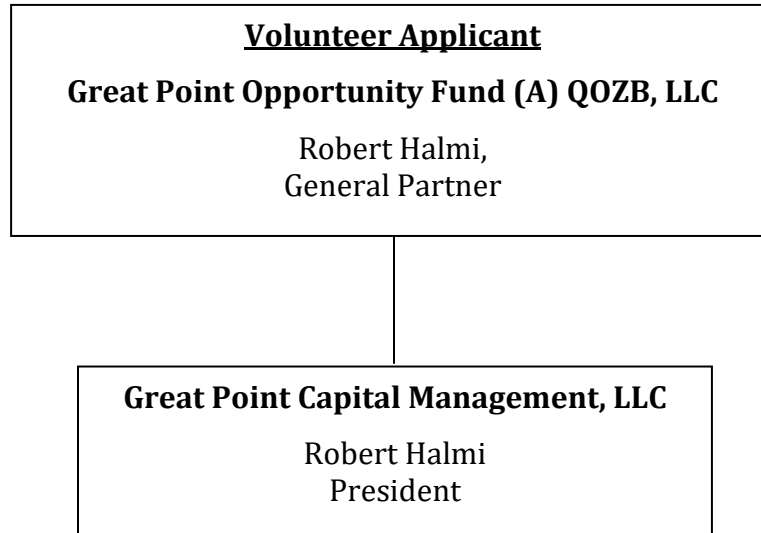
NOTE: New York State does not issue organizational identification numbers.

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**1155 NIAGARA STREET SITE**

**ORGANIZATIONAL CHART**



**Great Point Opportunity Fund (A) QOZB, LLC**

**UNANIMOUS WRITTEN CONSENT OF THE MEMBERS**

October 27, 2020

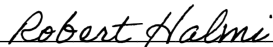
The undersigned being holders of all of the membership interest of Great Point Opportunity Fund (A) QOZB, LLC, a Delaware limited liability company (the “**Company**”), hereby jointly consent to the adoption of the following resolutions without a meeting and direct that this Consent be filed with the minutes of the Company:

**RESOLVED**, that Larry Quinn (an “**Authorized Person**”) be, and hereby is, authorized, directed, and empowered, acting alone, in the name or on behalf of the Company, to execute the Brownfield Cleanup Program (“**BCP**”) Application, the BCP Agreement, or any other documents or agreements necessary to enter and participate in the New York State Department of Environmental Conservation’s Brownfield Cleanup Program (Environmental Conservation Law Article 27, Title 14) for the property located at 1155 Niagara Street, Buffalo, New York; and be it further

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

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

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



Robert Halmi, General Partner  
Great Point Opportunity Fund (A) QOZB, LLC



Robert Halmi, Partner  
Great Point Opportunity Fund (A) QOZB, LLC

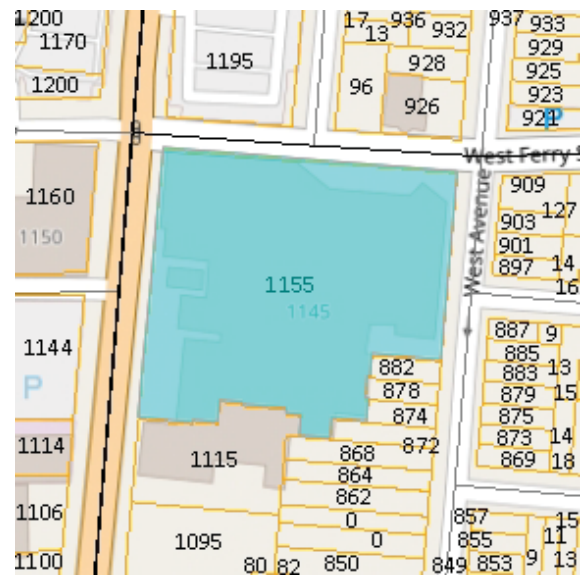
# Erie County On-Line Mapping System

## Parcel Detail Report

Report generated:  
10/22/2020 8:46:08 AM



Parcel Overview Map



Parcel Detail Map

**PIN:** 1402000993400009001100

**SBL:** 99.34-9-1.1

**Address:** 1155 NIAGARA

**Owner 1:** RICH HOLDINGS INC.

**Owner 2:**

**Mailing Address:** ONE ROBERT RICH WAY

**City/Zip:** BUFFALO NY 14213

**Municipality:** City of Buffalo

**Property Class:** 710

**Class Description:** C - Manufacture

**Front:** 399

**Depth:** 0

**Deed Roll:** 1

**Deed Book:** 11322

**Deed Page:** 5285

**Deed Date:**

**Acreage:** 3.66853747

**Total Assessment:** \$648,000

**Land Assessment:** \$79,000

**County Taxes:** \$648,000

**Town Taxes:** \$0

**School Taxes:** \$0

**Village Taxes:** \$0

**School District:** CITY OF BUFFALO

**Year Built:** 0

**Sqft Living Area:** 0

**Condition:** 0

**Heating:** 0

**Basement:** 0

**Fireplace:** 0

**Beds:** 0

**Baths:** 0



# **APPENDIX B**

## **BCP APPLICATION PART B – SECTION V - XI**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

**SECTION VII – REQUESTOR ELIGIBILITY**

**SECTION IX – CONTACT LIST**

**SECTION X – LAND USE FACTORS**

**RIGHT OF ACCESS LETTER**

**DOCUMENT REPOSITORY CONFIRMATION**

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

**SECTION VI – CURRENT PROPERTY OWNER/OPERATOR INFORMATION**

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

Property Information	Use	Approx. Date(s)	Relationship to Applicant
<b>1155 Niagara Street</b>			
<b>Current Owner/Operator</b>			
Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213	Vacant	December 2017 to Present	Owner No Relationship
<b>Past Owners/Operators</b>			
Island Oasis Manufacturing, LLC Kerry Foodservice 3400 Millington Road Beloit, WI 53511	Industrial	2011 to 2016	Former Operator No Relationship
Jersey Niagara Corporation	Industrial	May 2011 to December 2017	Former Owner No Relationship
Rich Products Corporation One Robert Rich Way Buffalo, NY 14213	Industrial	At least 1951 to May 2011	Former Owner/Operator No Relationship
Wilber Farms Dairy	Industrial	At least 1951	Former Owner/Operator No Relationship
Thomas Brown Contracting Company	Commercial	At least 1925	Former Owner/Operator No Relationship
Various Unknown Owners/Operators	Residential, Commercial, Industrial	At least 1899 to at least 1981	Former Owners/Operators No Relationship

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

**SECTION VII – REQUESTOR ELIGIBILITY INFORMATION**

The Applicant, Great Point Opportunity Fund (A) QOZB, LLC (Great Point), qualifies as a “Volunteer” in accordance with NY ECL 27-1405(1)(b) and 6NYCRR 375-3.2(b)(2) based on the following:

Great Point currently does not own the property and has no relationship to past owners or operators. Great Point is currently in the process of acquiring the Site, and any liability for the Site will arise solely as a result of taking ownership.

A copy of the Site Access Authorization from the current owner to Great Point is attached.

The Applicant became involved with the property after the disposal or discharge of contaminants and has no relationship with the previous owners/operators of the Site, therefore, Great Point Opportunity Fund (A) QOZB, LLC is entitled to Volunteer status under NY ECL27-1405(1)(b).

**SECTION IX – CONTACT LIST INFORMATION**

**Site Contact List**

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

*Erie County Contacts:*

Honorable Mark Poloncarz  
Erie County Executive  
95 Franklin Street  
Buffalo, NY 14202

Honorable April Baskin  
Erie County Legislator, District 2  
792 E. Delavan Avenue  
Buffalo, NY 14215

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

Commissioner Thomas R. Hersey, Jr.  
Erie Co. Environment & Planning  
95 Franklin Street  
Buffalo, NY 14202

Mr. John Hood  
Erie Co. Environment & Plan.  
95 Franklin Street, 10<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. Robert M. Graber  
Erie County Legislature Clerk  
92 Franklin Street, 4<sup>th</sup> Floor  
Buffalo, NY 14202

Mr. John Cappellino  
ECIDA  
95 Perry Street  
Buffalo, NY 14203

Commissioner Gale Burstein, MD  
Erie County Health Department  
95 Franklin Street, Room 931  
Buffalo, NY 14202

Commissioner Daniel Neaverth, Jr.  
Erie County Local Emergency  
45 Elm Street  
Buffalo, NY 14203

*City of Buffalo Contacts:*

Byron W. Brown, Major  
City of Buffalo  
65 Niagara Square, Room 201  
Buffalo, NY 14202

David A. Rivera, Councilman  
City of Buffalo, Niagara District  
65 Niagara Square, Room 1504  
Buffalo, NY 14202

James A. Morrell, Chairman  
City of Buffalo Planning Board  
65 Niagara Square, Room 901  
Buffalo, NY 14202

*Supplier of Potable Water:*

Buffalo Water Department  
Veolia Water  
2 Porter Avenue  
Buffalo, NY 14201

Erie County Water Authority  
295 Main Street #350  
Buffalo, NY 14203



**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

*Local News Media:*

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

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

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

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

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

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

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

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

*Nearby Schools:*

Mr. Michael Suwala, Principal  
PS 19 Native American Magnet  
97 W. Delavan Avenue  
Buffalo, NY 14213

Ms. Lynn Piccirillo, Principal  
PS 45 International School  
141 Hoyt Street  
Buffalo, NY 14213

Mrs. Andrea Todoro, School Leader  
West Buffalo Charter School  
113 Lafayette Avenue  
Buffalo, NY 14213

Ms. Aakta Patel, Principal  
PS18 Dr. Antonia Pantoja Community School  
750 West Avenue  
Buffalo, NY 14213

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

Ms. Dawn M. DiNatale, Principal  
PS 30 Frank A. Sedita Academy  
21 Lowell Street  
Buffalo, NY 14213

Aakta Patel, Principal  
PS 18 Dr. Antonia Pantoja Community School of  
Academic Excellence  
750 West Avenue  
Buffalo, NY 14213

*Other Interested Parties:*

WNY Director  
Citizens Environmental Coalition  
543 Franklin Street  
Buffalo, NY 14202-1109

*Document Repository:*

April Tompkins  
Deputy Director  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

Jason Barone  
Branch Manager  
Isaias Gonzalez-Soto Branch Library  
280 Porter Avenue  
Buffalo, NY 14201

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

Adjacent Property Owners

Information for the residents, owners, and occupants of the properties adjacent to the Site is provided in the table below (see Figure 10).

Adjacent Property Address			Property Owner Mailing Address
No.	Street	Property Use	
1115	Niagara Street	Commercial Other Storage, Warehouse, & Distribution Facilities	1115 NS Holdings LLC 1111 Niagara Street Buffalo, NY 14213
1114	Niagara Street	Industrial Manufacturing and Processing	A.F. Oliver Gear & Machine Co. 1120 Niagara Street Buffalo, NY 14213
1144	Niagara Street	Vacant Commercial	Jenesis Development LLC 1150 Niagara Street Buffalo, NY 14213
1160	Niagara Street	Commercial Office Building	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14213
1200	Niagara Street	Commercial Office Building	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14240
1170	Niagara Street	Vacant Commercial	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14240
1195	Niagara Street	Commercial Downtown Row Type	Rich Products Corporation C/O Nicole Enderston Tax One Robert Rich Way Buffalo, NY 14240
96	West Ferry Street	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
926	West Avenue	Community Services Religious	All Nations House of Prayer 104 West Ferry Street Buffalo, NY 14213

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

921	West Avenue	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
909	West Avenue	Vacant Commercial	Rich Holdings Inc. One Robert Rich Way Buffalo, NY 14213
903	West Avenue	Residential Two Family Year-Round	Hodan Isse 903 West Avenue, Lower Buffalo, NY 14213
901	West Avenue	Residential Two Family Year-Round	Jennifer Earls & Nancy Bowe (JTROS) 901 West Avenue Buffalo, NY 14213
897	West Avenue	Residential Three Family Year-Round	David & Melody Kazmierczak 897 West Avenue Buffalo, NY 14213
887	West Avenue	Residential One-Family Year-Round	David F. & Melody Kazmierczak 887 West Avenue Buffalo, NY 14213
885	West Avenue	Residential Two Family Year-Round	Jose D. Alvarez C/O Jonny Alvarez 885 West, Upper Buffalo, NY 14213
883	West Avenue	Residential Three Family Year-Round	Muhammad Bilal 134 Ontario Street Buffalo, NY 14207
882	West Avenue	Residential Two Family Year-Round	Nicholas Pugliese 882 West Avenue Buffalo, NY 14213
878	West Avenue	Residential Two Family Year-Round	Columbus West Properties LLC 862 West Avenue Buffalo, NY 14213
874	West Avenue	Residential Two Family Year-Round	Columbus West Properties LLC 862 West Avenue Buffalo, NY 14213
872	West Avenue	Residential Multiple Residences	Ian Finn 5 Woodcrest Drive Aurora, NY 14127
868	West Avenue	Residential Two Family Year-Round	Ian Finn 5 Woodcrest Drive Aurora, NY 14127

**APPENDIX B**  
**BCP Application – Part B**  
**Section V – Section X**  
**1155 Niagara Street Site**

Document Repository

The Buffalo and Erie County Library, Isaías González-Soto Branch (Niagara Branch), located at 280 Porter Avenue, Buffalo NY, has agreed to act as the document repository. A letter of acknowledgement from the repository is attached.

**SECTION X – LAND USE FACTORS**

1 – Current Zoning

As shown on Figure 11, the current zoning for the Site is N-1S (Secondary Employment Center) which is defined as mixed-use employment centers defined by mid-rise and large footprint structures.

The planned future use of the site is consistent with the Buffalo Green Code's Land Use Plan.

2 – Current Use

The Site is currently vacant land covered by vegetation and gravel. The Site was formerly developed with an industrial building that was demolished.

3, 4, 5 and 6 – Planned Future Use

The Volunteer plans to redevelop the entire Site with the construction of a commercial media production complex. Redevelopment is consistent with the current zoning per the Buffalo Green Code's Land Use Plan.





INFINITE POSSIBILITIES. ONE FAMILY.

William E. Grieshaber, Jr.  
SVP, General Counsel  
Direct Dial: (716) 1 716 878 8909  
Facsimile No.: (716) 878-8767  
wgrieshaber@rich.com

October 29, 2020

**Email & mail**

Ms. Kelly Lewandowski, P.E.  
Chief, Site Control Section  
NYSDEC - Division of Environmental Remediation  
625 Broadway,  
Albany, NY 12233-7020

Re: *Property Access Authorization*  
NYSDEC Brownfield Cleanup Program  
1155 Niagara Street Site  
Buffalo, New York

Dear Ms. Lewandowski:

Please be advised that Rich Holdings Inc. is the current owner of the above-referenced property (the "Site"). As owner of the Site, we are aware of and acknowledge that Great Point Opportunity Fund (A) QOZB, LLC will be filing an application to enter the NYS BCP and, subsequent to acceptance into the BCP, will be executing a Brownfield Cleanup Program Agreement ("BCA") with the NYS Department of Environmental Conservation for its environmental investigation and/or remediation of the Site.

To the extent Rich Holdings, Inc. is the current owner of the Site, it will, to the extent necessary, authorize Great Point Opportunity Fund (A) QOZB, LLC (and any of its designated contractors and consultants) access to the Site to perform any 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 applicable law, NYSDEC requirements and the provisions of the BCP and the BCA.

Sincerely,  
Rich Holdings Inc.

William E. Grieshaber, Jr.  
General Counsel/Senior Vice-President

Rich Products Corporation  
One Robert Rich Way, Buffalo, NY 14213

**From:** [April Tompkins](#)  
**To:** [Chelsea N. Kanaley](#)  
**Subject:** FW: Document Repository Request - 1155 Niagara Street Site  
**Date:** Monday, October 26, 2020 9:35:28 AM  
**Attachments:** [Document Repository Request - 1155 Niagara Street Site.pdf](#)

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Good morning Chelsea,

Per your request, this is to inform you that the Buffalo and Erie County Public Library will be the repository for all document(s) submitted by your company for the Brownfield Cleanup Program at the **1155 Niagara Street Site**. These documents will be made available for public viewing at the **Isaias Gonzales-Soto Branch Library** and/or any other library of your choice. Please refer to our procedure below.

We prefer that you do not take and/or send documents to individual libraries. Please bring or send your document(s), and cover letter, to the Central Library and we will process according to our procedure and distribute to the location of your choice. **If you would like a confirmation that your document was received, you will need to include the request in your cover letter and provide an email address.**

Please keep the following in mind:

- Documents (including updates) for public viewing should be either brought in person (to my attention) to the Central Library's administrative reception desk located on the second floor or sent via mail carrier. Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: April Tompkins**  
**Re: Repository Documents**  
**Buffalo and Erie County Public Library**  
**1 Lafayette Square**  
**Buffalo, NY 14203**

- Documents are made available within three business days after receipt, excluding weekends and holidays. Documents for the Central/Downtown library are located on the first floor in the Information Services Department.
- If you would like the document(s) distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels regarding their destination(s). We will distribution accordingly. We do not make copies for distribution.
- Documents that cannot be stapled, should be kept together spiral bound or in a ring binder. Please do not send 'loose' papers, especially if including a cd or flash drive.
- You have the choice regarding the format (hard copy print and / or disk) you wish to submit. If submitting in both formats, please be sure that they are titled/labeled accordingly. **If cd's**

**or flash drives are included, please secure to the corresponding printed document(s) to prevent it from getting lost or separated.** Although CD-ROMs cannot be used on public library computers, patrons may bring in their personal laptop to view the disc in-house. If optional, an alternative is the availability to go online using a provided link for patrons to read/print. Patrons are not allowed to take original repository documents out of the Library.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,  
April

*April Tompkins, Sr. Library Clerk*  
Office of Chief Operating Officer & Technical Support  
Buffalo and Erie County Public Library  
1 Lafayette Square | Buffalo, NY 14203  
Voice: 716-858-7129 | Fax: 716-858-6211  
E-mail: [tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)

---

**From:** Chelsea N. Kanaley <[ckanaley@bm-tk.com](mailto:ckanaley@bm-tk.com)>  
**Sent:** Friday, October 23, 2020 9:45 AM  
**To:** April Tompkins <[tompkinsa@buffalolib.org](mailto:tompkinsa@buffalolib.org)>  
**Subject:** Document Repository Request - 1155 Niagara Street Site

Dear Ms. Tompkins,

Please see the attached document repository request for the Brownfield Cleanup Program.

Thank you,  
Chelsea Kanaley

**DISCLAIMERS:**

***Confidentiality Notice:** The information contained in this message is intended only for the use of the addressee, and may be confidential and/or privileged. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately.*

***Virus Warning:** While reasonable precautions have been taken to protect against viruses in this message, we accept no responsibility for any damages arising from the potential presence of such viruses.*

***Contracts:** Nothing in this message shall be construed as legally binding upon Benchmark or TurnKey.*

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



October 23, 2020

Ms. April Tompkins  
Repository Documents  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

Re: Document Repository for Brownfield Cleanup Program  
1155 Niagara Street Site  
Buffalo, New York

Dear Ms. Tompkins:

On behalf of our client, TurnKey Environmental Restoration, LLC would like to request the Buffalo & Erie County Public Library Isaías González-Soto Branch to act as the document repository for the above-referenced Site. In the future, we will be sending various documents relating to the Site that should be made available for public review upon request.

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

Sincerely,  
TurnKey Environmental Restoration, LLC

A handwritten signature in blue ink that reads "Chelsea Kanaley".

Chelsea Kanaley  
Geologist

File: T0550-020-001

Strong Advocates, Effective Solutions, Integrated Implementation

[www.benchmarkturnkey.com](http://www.benchmarkturnkey.com)

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