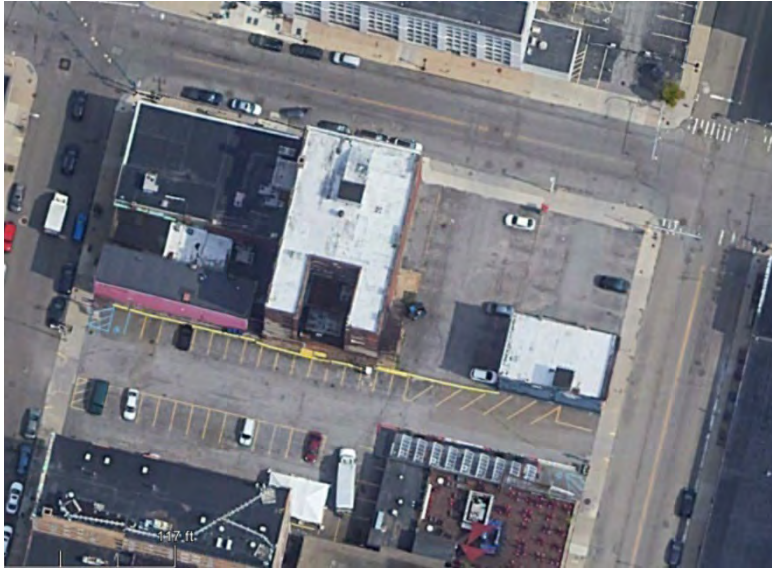


**NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**BROWNFIELD CLEANUP PROGRAM (BCP)  
APPLICATION FORM, Revision 13**

**SIMON PROPERTIES SOUTHWEST  
23 EAST HURON STREET BUFFALO, ERIE COUNTY,  
NEW YORK**



**Douglas Development Corporation  
655 New York Avenue, Suite 830  
Washington, DC 20001**

Prepared By:



**BRYDGES ENGINEERING**  
IN ENVIRONMENT AND ENERGY, DPC  
960 Busti Avenue  
Buffalo, New York  
14213

Revised March 2023

A handwritten signature in black ink, appearing to read 'Jim M. Brydges'.

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# BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

*Jacob Cox*

<b>Is this an application to amend an existing BCA with a major modification?</b> Please refer to the application instructions for further guidance related to BCA amendments. If yes, provide existing site number: _____	<b>Yes</b>	<b>No</b>
<b>Is this a revised submission of an incomplete application?</b> If yes, provide existing site number: _____	<b>Yes</b>	<b>No</b>

**BCP App Rev 13**

**SECTION I: Property Information**

PROPOSED SITE NAME	
ADDRESS/LOCATION	
CITY/TOWN	ZIP CODE
MUNICIPALITY (LIST ALL IF MORE THAN ONE)	
COUNTY	SITE SIZE (ACRES)
LATITUDE	LONGITUDE
° ' "	° ' "

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

**ATTACH REQUIRED TAX MAPS PER THE APPLICATION INSTRUCTIONS.**

Parcel Address	Section	Block	Lot	Acreage

1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site including a metes and bounds description. <span style="border: 1px solid red; padding: 2px;">Please see attached tax map &amp; survey; Figures 1&amp;3 in Attachment A</span>	<b>Y</b>	<b>N</b>
2. Is the required property map provided in electronic format with the application? (Application will not be processed without a map) <span style="border: 1px solid red; padding: 2px;">Refer to Attachment A, Figures 1,2,3&amp;4</span>		
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) <span style="border: 1px solid red; padding: 2px;">See Attachment A, Figure 5</span> If yes, identify census tract: _____ Percentage of property in En-zone (check one): 0%    1-49%    50-99%    100%		
4. Is the project located within a disadvantaged community? See application instructions for additional information. <span style="border: 1px solid red; padding: 2px;">See Attachment A, Figure 6</span>		
5. Is the project located within a NYS Department of State (NYS DOS) Brownfield Opportunity Area (BOA)? See application instructions for additional information.		

6. Is this application one of multiple applications for a large development project, where the development spans more than 25 acres (see additional criteria in application instructions)? If yes, identify names of properties and site numbers, if available, in related BCP applications: _____	<b>Y</b>	<b>N</b>			
7. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?					
8. Has the property previously been remediated pursuant to Titles 9, 13 or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.					
9. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.					
10. Has the property been the subject of or included in a previous BCP application? If yes, please provide the DEC site number: _____					
11. Is the site currently listed on the Registry of Inactive Hazardous Waste Disposal Sites (Class 2, 3, or 4) or identified as a Potential Site (Class P)? If yes, please provide the DEC site number: _____ Class: _____					
12. Are there any easements or existing rights-of-way that would preclude remediation in these areas? If yes, identify each here and attach appropriate information.  <table border="0" style="width: 100%;"><tr><td style="width: 50%;"><u>Easement/Right-of-Way Holder</u></td><td style="width: 50%;"><u>Description</u></td></tr></table>	<u>Easement/Right-of-Way Holder</u>	<u>Description</u>			
<u>Easement/Right-of-Way Holder</u>	<u>Description</u>				
13. List of permits issued by the DEC or USEPA relating to the proposed site (describe below or attach appropriate information):  <table border="0" style="width: 100%;"><tr><td style="width: 33%;"><u>Type</u></td><td style="width: 33%;"><u>Issuing Agency</u></td><td style="width: 33%;"><u>Description</u></td></tr></table>	<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>		
<u>Type</u>	<u>Issuing Agency</u>	<u>Description</u>			
14. Property Description and Environmental Assessment – please refer to the application instructions for the proper format of each narrative requested. Are the Property Description and Environmental Assessment narratives included in the prescribed format? <span style="border: 1px solid red; padding: 2px;">Refer to Attachment A and Figures 7 and 8</span>					
<b>Note: Questions 15 through 17 below pertain ONLY to proposed sites located within the five counties comprising New York City.</b> <span style="border: 1px solid red; padding: 2px;">N/A - site not in NYC</span>					
15. Is the Requestor seeking a determination that the site is eligible for tangible property tax credits? If yes, Requestor must answer the Supplemental Questions for Sites Seeking Tangible Property Credits Located in New York City ONLY on pages 11-13 of this form.	<b>Y</b>	<b>N</b>			
16. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down?					
17. If you have answered YES to Question 16 above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application?					
<b>NOTE:</b> If a tangible property tax credit determination is not being requested at the time of application, the applicant may seek this determination at any time before issuance of a Certificate of Completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.					
<b>If any changes to Section I are required prior to application approval, a new page, initialed by each Requestor, must be submitted with the application revisions.</b>					
<b>Initials of each Requestor:</b> _____					

SECTION II: Project Description			
1. The project will be starting at:	Investigation	Remediation	
NOTE: If the project is proposed to start at the remediation stage, at a minimum, a Remedial Investigation Report (RIR) must be included, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Action Work Plan (RAWP) are also included (see <a href="#">DER-10, Technical Guidance for Site Investigation and Remediation</a> for further guidance), then a 45-day public comment period is required.			
2. If a final RIR is included, does it meet the requirements in ECL Article 27-1415(2)?	Yes	No	N/A
3. Have any draft work plans been submitted with the application (select all that apply)?	RIWP	RAWP	IRM No
4. Please provide a short description of the overall project development, including the date that the remedial program is to begin, and the date by which a Certificate of Completion is expected to be issued. Is this information attached?	Yes	No	Please Refer to Attachment B text & conceptual design drawings

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

**SECTION IV: Property's Environmental History**

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

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

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

\*Please describe other known contaminants and the media affected:

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

Please refer to Attachment D - Figure 7 - Table 1 and electronic reports provided separately

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

Are the required drawings included with this application? YES  NO

4. Indicate Past Land Uses (check all that apply):

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

Other:

SECTION V: Requestor Information				
NAME				
ADDRESS				
CITY/TOWN		ZIP CODE		
PHONE		EMAIL		
1. Is the requestor authorized to conduct business in New York State (NYS)?			Y	N
2. If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS DOS to conduct business in NYS, the requestor's name must appear, exactly as given above, in the <a href="#">NYS Department of State's Corporation &amp; Business Entity Database</a> . A print-out of entity information from the database must be submitted with this application to document that that requestor is authorized to conduct business in NYS. Is this attached? <span style="border: 1px solid red; padding: 2px;">Please refer to Attachment E - DOS printout</span>				
3. If the requestor is an LLC, the names of the members/owners need to be provided on a separate attachment. Is this attached? <span style="border: 1px solid red; padding: 2px;">Please refer to Attachment E</span>				
4. Individuals that will be certifying BCP documents, as well as their employers, must meet the requirements of Section 1.5 of <a href="#">DER-10: Technical Guidance for Site Investigation and Remediation</a> and Article 145 of New York State Education Law. Do all individuals that will be certifying documents meet these requirements? <span style="border: 1px solid red; padding: 2px;">Please refer to Attachment E</span> <b>Documents that are not properly certified will not be approved under the BCP.</b>				

SECTION VI: Requestor Eligibility		
If answering "yes" to any of the following questions, please provide appropriate explanation and/or documentation as an attachment.		
	Y	N
1. Are any enforcement actions pending against the requestor regarding this site?		
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site?		
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator.		
4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of (i) any provision of the ECL Article 27; (ii) any order or determination; (iii) any regulation implementing Title 14; or (iv) any similar statute or regulation of the State or Federal government?		
5. Has the requestor previously been denied entry to the BCP? If so, please provide the site name, address, assigned DEC site number, the reason for denial, and any other relevant information regarding the denied application.		
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants?		

**SECTION VI: Requestor Eligibility (CONTINUED)**

	<b>Y</b>	<b>N</b>
7. Has the requestor been convicted of a criminal offence (i) involving the handling, storing, treating, disposing or transporting or contaminants; or (ii) that involved a violent felony, fraud, bribery, perjury, theft or offense against public administration (as that term is used in Article 195 of the Penal Law) under Federal law or the laws of any state?		
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of a false statement in connection with any document or application submitted to DEC?		
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?		
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order?		
11. Are there any unregistered bulk storage tanks on-site which require registration?		
12. THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405(1) BY CHECKING ONE OF THE BOXES BELOW:		
<p><b>PARTICIPANT</b> 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.</p>	<p><b>VOLUNTEER</b> 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.</p> <p>NOTE: By selecting this option, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: (i) stop any continuing discharge; (ii) prevent any threatened future release; and, (iii) prevent or limit human, environmental or natural resource exposure to any previously released hazardous waste.</p> <p><b>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.</b></p>	
13. If the requestor is a volunteer, is a statement describing why the requestor should be considered a volunteer attached?		
Yes	No	N/A
<b>Please refer to Attachment F</b>		



**SECTION VI: Requestor Eligibility (CONTINUED)**

14. Requestor relationship to the property (check one; if multiple applicants, check all that apply):

Previous Owner      Current Owner      Potential/Future Purchaser      Other: \_\_\_\_\_

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

Is this proof attached?      Yes      No      **N/A - Requester is the owner**

**Note:** A purchase contract or lease agreement does not suffice as proof of site access.

**SECTION VII: Requestor Contact Information**

REQUESTOR'S REPRESENTATIVE

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

REQUESTOR'S CONSULTANT (CONTACT NAME)

COMPANY

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

REQUESTOR'S ATTORNEY (CONTACT NAME)

COMPANY

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

**SECTION VIII: Program Fee**

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

	Y	N
1. Is the requestor applying for a fee waiver based on demonstration of financial hardship?		
2. If yes, appropriate documentation to demonstrate financial hardship must be provided with the application. See application instructions for additional information.  Is the appropriate documentation included with this application? <span style="border: 1px solid red; padding: 2px;">N/A</span>		

**SECTION IX: Current Property Owner and Operator Information**

Please refer to Attachment I

CURRENT OWNER

CONTACT NAME

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

OWNERSHIP START DATE

CURRENT OPERATOR

CONTACT NAME

ADDRESS

CITY

ZIP CODE

PHONE

EMAIL

OPERATION START DATE

**SECTION X: Property Eligibility Information**

Please refer to Attachment J

	Y	N
1. Is/was the property, or any portion of the property, listed on the National Priorities List? If yes, please provide additional information.		
2. Is/was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Site pursuant to ECL 27-1305? If yes, please provide the DEC site number: _____ Class: _____		

**SECTION X: Property Eligibility Information (continued)**

	<b>Y</b>	<b>N</b>
<p>3. Is/was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?                      If yes, please provide:                      Permit Type: _____ EPA ID Number: _____                       Date Permit Issued: _____ Permit Expiration Date: _____</p>		
<p>4. If the answer to question 2 or 3 above is YES, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? If yes, attach any available information related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filings and corporate dissolution documents.                       N/A</p>		
<p>5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?                      If yes, please provide the order number: _____</p>		
<p>6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?                      If yes, please provide additional information.</p>		

**SECTION XI: Site Contact List**

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

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

**SECTION XII: Statement of Certification and Signatures**

(By requestor who is an individual)

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

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

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

(By a requestor other than an individual)

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

Date: 6/13/22 Signature: 

Print Name: GREG BAKER

**SUBMITTAL INFORMATION**

- Two (2) copies, one unbound paper copy of the application form with original signatures and table of contents, and one complete electronic copy in final, non-fillable Portable Document Format (PDF), must be sent to:

Chief, Site Control Section  
New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway, 11<sup>th</sup> Floor  
Albany, NY 12233-7020

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

**FOR DEC USE ONLY**

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

**FOR SITES SEEKING TANGIBLE PROPERTY CREDITS IN NEW YORK CITY ONLY**

Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27-1407(1-a) must be submitted if requestor is seeking this determination.

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

**From ECL 27-1405(31):**  
 "Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.

**From 6 NYCRR 375-3.2(I) as of August 12, 2016** (Please note: Eligibility determination for the underutilized category can only be made at the time of application):  
 375-3.2:  
 (I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and  
 (1) the proposed use is at least 75 percent for industrial uses; or  
 (2) at which:  
     (i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;  
     (ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and  
     (iii) one or more of the following conditions exists, as certified by the applicant:  
         (a) property tax payments have been in arrears for at least five years immediately prior to the application;  
         (b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or  
         (c) there are no structures.

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

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

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

**Check appropriate box below:**

Project is an Affordable Housing Project – regulatory agreement attached

Project is planned as Affordable Housing, but agreement is not yet available\*

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

This is not an Affordable Housing Project

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

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

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

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

Yes – planned renewable energy facility site

No – not a planned renewable energy facility site

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

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

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

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

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

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

Yes

No

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

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

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BCP APPLICATION SUMMARY (FOR DEC USE ONLY)		
SITE NAME	SITE ADDRESS	
CITY	COUNTY	ZIP
REQUESTOR NAME	REQUESTOR ADDRESS	
CITY	ZIP	EMAIL

PROPERTY ADDRESS	SECTION	BLOCK	LOT

REQUESTOR'S REPRESENTATIVE		
NAME	ADDRESS	
CITY	ZIP	EMAIL
REQUESTOR'S ATTORNEY		
NAME	ADDRESS	
CITY	ZIP	EMAIL
REQUESTOR'S CONSULTANT		
NAME	ADDRESS	
CITY	ZIP	EMAIL

REQUESTOR'S REQUESTED STATUS	PARTICIPANT	VOLUNTEER
DEC DETERMINATION	AGREE	DISAGREE

APPLIED FOR FEE WAIVER	YES	NO
ELIGIBLE FOR FEE WAIVER	YES	NO

PERCENTAGE WITHIN AN EN-ZONE	0%	<50%	50-99%	100%
DEC DETERMINATION	AGREE	DISAGREE		

**BCP APPLICATION SUMMARY (FOR DEC USE ONLY) (CONTINUED)****FOR SITES IN NEW YORK CITY ONLY**

<b>IS THE REQUESTOR SEEKING TANGIBLE PROPERTY CREDITS?</b>	YES	NO
--	-----	----

<b>UPSIDE DOWN</b>	YES	NO
<b>DEC DETERMINATION</b>	AGREE	DISAGREE

<b>UNDERUTILIZED</b>	YES	NO
<b>DEC DETERMINATION</b>	AGREE	DISAGREE

<b>AFFORDABLE HOUSING STATUS</b>	PLANNED	YES	NO
<b>DEC DETERMINATION</b>		AGREE	DISAGREE

<b>DISADVANTAGED COMMUNITY AND CONFORMING BOA</b>	YES	NO
<b>DEC DETERMINATION</b>	AGREE	DISAGREE

<b>RENEWABLE ENERGY FACILITY SITE</b>	YES	NO
<b>DEC DETERMINATION</b>	AGREE	DISAGREE

**NOTES:**

## ATTACHMENT A

### SECTION I: PROPERTY INFORMATION

- Figure 1 – Tax Map
- Figure 2 – Site Location Map
- Figure 3 – Site Plan
- Figure 4 – Adjacent Property Owners
- Figure 5 – En-zone Map
- Figure 6 – Disadvantaged Communities Map
- Figure 7 – Investigation Locations
- Figure 8 – Soil Map
- Table 1 – Soil Sample Map

## **SECTION I – PROPERTY INFORMATION**

### **Location**

The Simon Properties Southwest properties consists of one tax parcel totaling 0.38-acres at address 23 East Huron Street. The property is located in a highly developed commercial and residential use area in the downtown district of the City of Buffalo, Erie County, New York (refer to attached Figures 1, 2, 3, and 4). The property is located just southwest of the intersection of Ellicott and East Huron Street and just west of Big Ditch Brewing Company across Ellicott Street. According to New York State Environmental Zone (En-Zones) mapping, the Site is located within an En-Zone Type AB designated for Census Tract 165 (see Figure 5) and is located in a Disadvantaged Community (see Figure 6).

### **Site Features**

The property is rectangle-shaped and currently is developed with a three-story vacant building formerly known as Buffalo Advertising Artist and a smaller separate building known as the Burns Building, a class C office building on its western and southeastern ends. The remaining part of the property to the west is used as an asphalt parking lot operated by Pay2Park Parking. The property is immediately to the west of the Big Ditch Brewing Company located at 55 East Huron Street and directly north of Tappo Restaurant located at 338 Ellicott Street. There is currently access driveways on Ellicott Street and East Huron Street. Local area topography is generally level with a gradual slope to the west, southwest.

### **Current Zoning and Land Use**

The site is currently zoned N-1D Downtown Hub containing an asphalt parking lot, a three-story vacant building, and the Burns Building. Zone N-1D is located in downtown Buffalo and allows a variety of uses including civic building, commercial block, stack units, and a tower. The site is currently surrounded by the Electric Tower (Zone N-1D) to the north, Big Ditch Brewing Company (Zone N-1C) to the east, Tappo Restaurant (Zone N-1D) to the south, and the House of Charm Dive Bar (Zone N-1D) to the west.

### **Past Use of the Site**

The three former parcels that make up the subject property include 23 (historical addresses ranged from 23-25 East Huron) and 31 (historical addresses ranged from 27-31 Huron Street) East Huron Street; and 348 Ellicott Street. The past users/operators of these parcels are listed in detail in Section IX. The past uses for each parcel that may have contributes to environmental impacts include the following: **23 East Huron Street** - during the late 1800s a brass factory and foundry pattern shop was located on the property. Later, from at least 1925 the Lande (later known as Burns/Morrison) building was located on this parcel. The Burns/Morrison Building which is a 6-story building was occupied by various tenants over its history. Tenants that may have contributed to environmental impacts included dye manufacturer and hat company (1930), various

printing operations (1935-2000s) Osmose wood preservers and metal/welding (1930s), engravers and jewelers (1940s-1990s). Note, the reference to a soft drink manufacturer at this property in the Phase I appears to be an incorrect reference to this parcel. **31 East Huron Street** – the recent history of this property is as a vehicle parking lot. Historical uses that may have contributed to the environmental impacts include undertaker, printing and warehouse manufacturing during the late 1800s, General Electric company, billiard supplies during the 1930s, furniture during the 1940s and restaurant, drafting and photocopy supplies during the 1960s. **348 Ellicott Street**- laundry in the late 1800s, Gas pressure regulator and coat manufacturing during the 1920s, metal plating during the 1930s, printers and jewelry during the 1940s and 50s. No historic remedial actions or investigations have been reported on the property. The recent Phase II Environmental Site Assessment (ESA) as part of the BCP application process, indicated impacted fill materials in the near surface materials across the property.

### **Site Geology and Hydrogeology**

The Site is located within the Lake Erie-Niagara River major drainage basin, which is typified by little topographic relief that gently slope westward towards the Niagara River, except in the immediate vicinity of major drainage ways. The surficial geology of the Lake Erie Plain consists of a thin glacial till, glacio-lacustrine deposits, recent alluvium, and the soils derived from these deposits. According to the United States Department of Agriculture (USDA) Web soil survey, Site soils are characterized as Urban Land (Ud). Soils within the City of Buffalo are characterized as urban land (Ud) with surface covered by asphalt, concrete, buildings, or other impervious structures, typical of an urban environment (see Figure 8). Based on recent investigations, on-site overburden soil-fill consists of concrete, brick, cinders, ash, wood, and gravelly silt to depths averaging approximately 1-4 feet below ground surface (fbgs). Regional groundwater would be assumed to flow southwest towards Lake Erie located approximately 0.75 Miles southwest of the Site. Local groundwater flow, however, may be influenced by subsurface features, such as excavations, utilities, and localized fill-conditions.

### **Environmental Assessment**

The recent site assessment results (further described in the attached Phase II ESA Report) indicated that near surface fill materials have been impacted with metals, SVOCs, and VOCs above NYSDEC Unrestricted, Residential, and Restricted Residential SCOs. Contaminants of concern for soil are metals (arsenic, cadmium, copper, lead, mercury, and zinc), SVOCs (acenaphthene, anthracene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(g,h,i)perylene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, dibenzofuran, fluoranthene, fluorene, indeno(1,2,3-cd)pyrene, naphthalene, phenanthrene, and pyrene), and VOCs (xylenes). The contaminants in the soil were mostly in shallow subsurface depths. VOCs were not detected in the temporary groundwater monitoring wells (see Figure 7 and attached table).

STATE OF NEW YORK  
 COUNTY - Erie  
 CITY - Buffalo  
 SWIS - 140200

2 0 2 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E SECTION OF THE ROLL - 1 SUB-SECT - C VALUATION DATE-JUL 01, 2022  
 PROPERTY LOCATION SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 070.00

TAXABLE STATUS DATE-DEC 01, 2022

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	CITY	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS	ACCOUNT NO.		
***** 111.49-3-18.1 *****						
111.49-3-18.1	28 Hollister	HOMESTEAD PARCEL				01804650
Figlerowicz Mitchell	311 Res vac land		COUNTY TAXABLE VALUE	2,700		
215 West Hazeltine Ave	Buffalo School 140200	2,700	CITY TAXABLE VALUE	2,700		
Kenmore, NY 14217	110. W Mortimer	2,700	SCHOOL TAXABLE VALUE	2,700		
	FRNT 50.00 DPTH 122.00		SEWER Sewer	2,700 TO		
	EAST-1075245 NRTH-1052633					
	DEED BOOK 11339 PG-9600					
	FULL MARKET VALUE	3,857				
***** 111.46-9-5 *****						
111.46-9-5	5 Huron East	NON-HOMESTEAD PARCEL				01500200
Downtown CBD Investors, LLC	484 1 use sm bld		BUS.INVEST 47610	11,800	11,800	11,800
Iskalo Development Corp.	Buffalo School 140200	50,000	COUNTY TAXABLE VALUE	430,700		
5166 Main St	West Cor Washington	442,500	CITY TAXABLE VALUE	430,700		
Williamsville, NY 14221	FRNT 45.50 DPTH 101.00		SCHOOL TAXABLE VALUE	430,700		
	EAST-1070749 NRTH-1052489		SEWER Sewer	442,500 TO		
	DEED BOOK 11109 PG-2430					
	FULL MARKET VALUE	632,143				
***** 111.46-7-1.1 *****						
111.46-7-1.1	20 Huron East	NON-HOMESTEAD PARCEL				02082500
Iskalo Electric Tower LLC	464 Office bldg.		COUNTY TAXABLE VALUE	9500,000		
5166 Main St	Buffalo School 140200	476,400	CITY TAXABLE VALUE	9500,000		
Williamsville, NY 14221	East Cor Washington	9500,000	SCHOOL TAXABLE VALUE	9500,000		
	Building/Land/Garage/ Parking Lot		SEWER Sewer	9500,000 TO		
	FRNT 264.00 DPTH 283.00					
	EAST-1071047 NRTH-1052658					
	DEED BOOK 11078 PG-6788					
	FULL MARKET VALUE	13571,429				
***** 111.46-8-1.1 *****						
111.46-8-1.1	23 Huron East	NON-HOMESTEAD PARCEL				01441050
Jemal's Simon LLC	464 Office bldg.		COUNTY TAXABLE VALUE	1008,000		
655 New York Ave Ste 830	Buffalo School 140200	184,000	CITY TAXABLE VALUE	1008,000		
Washington, DC 20001	87. E Washington	1008,000	SCHOOL TAXABLE VALUE	1008,000		
	FRNT 177.30 DPTH 94.38		SEWER Sewer	1008,000 TO		
	BANKOT-0185					
	EAST-1071000 NRTH-1052431					
	DEED BOOK 11388 PG-8969					
	FULL MARKET VALUE	1440,000				
***** 111.46-5-13.1 *****						
111.46-5-13.1	68 Huron East	NON-HOMESTEAD PARCEL				01500050
Iskalo 68 East Huron LLC	482 Det row bldg		COUNTY TAXABLE VALUE	585,000		
5166 Main St	Buffalo School 140200	119,800	CITY TAXABLE VALUE	585,000		
Williamsville, NY 14221	West Cor Oak	585,000	SCHOOL TAXABLE VALUE	585,000		
	95. EL		SEWER Sewer	585,000 TO		
	FRNT 100.00 DPTH 120.00					
	ACRES 0.25					
	EAST-1071445 NRTH-1052504					
	DEED BOOK 11348 PG-3588					
	FULL MARKET VALUE	835,714				
*****						

STATE OF NEW YORK  
 COUNTY - Erie  
 CITY - Buffalo  
 SWIS - 140200

2 0 2 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E SECTION OF THE ROLL - 1 SUB-SECT - C VALUATION DATE-JUL 01, 2022  
 PROPERTY LOCATION SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 070.00

TAXABLE STATUS DATE-DEC 01, 2022

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE-----	COUNTY-----	CITY-----	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		ACCOUNT NO.
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS			
***** 111.46-6-6 *****						
111.46-6-6	321 Ellicott		NON-HOMESTEAD PARCEL			01432300
Ferguson Electric Construction Co Inc	449 Other Storag		COUNTY TAXABLE VALUE	380,000		
321 Ellicott	Buffalo School 140200	62,300	CITY TAXABLE VALUE	380,000		
Buffalo, NY 14203-1618	60. N Hersee Al.	380,000	SCHOOL TAXABLE VALUE	380,000		
	To Blossom Alley		SEWER Sewer	380,000 TO		
	FRNT 40.00 DPTH 140.00					
	ACRES 0.13					
	EAST-1071161 NRTH-1052096					
	DEED BOOK 8967 PG-498					
	FULL MARKET VALUE	542,857				
***** 111.46-6-7 *****						
111.46-6-7	329 Ellicott		NON-HOMESTEAD PARCEL			01432400
Ferguson Elec Const Co Inc	449 Other Storag		COUNTY TAXABLE VALUE	540,000		
333 Ellicott St	Buffalo School 140200	148,500	CITY TAXABLE VALUE	540,000		
Buffalo, NY 14203-1618	100. N Hersee Alle	540,000	SCHOOL TAXABLE VALUE	540,000		
	To Blossom Alley		SEWER Sewer	540,000 TO		
	FRNT 95.00 DPTH 140.00					
	ACRES 0.31					
	EAST-1071176 NRTH-1052161					
	DEED BOOK 03458 PG-00064					
	FULL MARKET VALUE	771,429				
***** 111.46-8-7 *****						
111.46-8-7	338 Ellicott		NON-HOMESTEAD PARCEL			01440600
338 Ellicott St., LLC	421 Restaurant		COUNTY TAXABLE VALUE	590,000		
391 Washington St Ste 800	Buffalo School 140200	51,700	CITY TAXABLE VALUE	590,000		
Buffalo, NY 14203	142.725 S Huron	590,000	SCHOOL TAXABLE VALUE	590,000		
	FRNT 47.19 DPTH 100.00		SEWER Sewer	590,000 TO		
	EAST-1071019 NRTH-1052304					
	DEED BOOK 11207 PG-420					
	FULL MARKET VALUE	842,857				
***** 111.46-5-19 *****						
111.46-5-19	357 Ellicott		NON-HOMESTEAD PARCEL			01432700
Jemal's Simon LLC	482 Det row bldg		COUNTY TAXABLE VALUE	143,000		
655 New York Ave Ste 830	Buffalo School 140200	39,600	CITY TAXABLE VALUE	143,000		
Washington, DC 20001	North Cor Huron	143,000	SCHOOL TAXABLE VALUE	143,000		
	FRNT 40.00 DPTH 90.00		SEWER Sewer	143,000 TO		
	BANKOT-0185					
	EAST-1071235 NRTH-1052513					
	DEED BOOK 11388 PG-8969					
	FULL MARKET VALUE	204,286				
***** 111.46-5-20 *****						
111.46-5-20	367 Ellicott		NON-HOMESTEAD PARCEL			01432800
Jemal's Simon LLC	482 Det row bldg		COUNTY TAXABLE VALUE	109,000		
655 New York Ave Ste 830	Buffalo School 140200	29,700	CITY TAXABLE VALUE	109,000		
Washington, DC 20001	40. N Huron	109,000	SCHOOL TAXABLE VALUE	109,000		
	FRNT 30.00 DPTH 90.00		SEWER Sewer	109,000 TO		
	BANKOT-0185					
	EAST-1071243 NRTH-1052547					
	DEED BOOK 11388 PG-8969					
	FULL MARKET VALUE	155,714				
*****						

STATE OF NEW YORK  
 COUNTY - Erie  
 CITY - Buffalo  
 SWIS - 140200

2 0 2 3 F I N A L A S S E S S M E N T R O L L  
 T A X A B L E SECTION OF THE ROLL - 1 SUB-SECT - C VALUATION DATE-JUL 01, 2022  
 PROPERTY LOCATION SEQUENCE  
 UNIFORM PERCENT OF VALUE IS 070.00

TAXABLE STATUS DATE-DEC 01, 2022

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	CITY	SCHOOL
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE		ACCOUNT NO.
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS			
***** 111.46-5-15.1 *****						
111.46-5-15.1	375 Ellicott	NON-HOMESTEAD PARCEL				01433050
Jemal's Simon LLC	438 Parking lot		COUNTY TAXABLE VALUE	378,000		
655 New York Ave Ste 830	Buffalo School 140200	250,800	CITY TAXABLE VALUE	378,000		
Washington, DC 20001	70. N Huron	378,000	SCHOOL TAXABLE VALUE	378,000		
	W/pcs 70 X 110 On SL & 6 X 50 On NL; 150. Rear FRNT 74.00 DPTH 200.00 BANKOT-0185		SEWER Sewer	378,000 TO		
	EAST-1071320 NRTH-1052558 DEED BOOK 11388 PG-8965 FULL MARKET VALUE	540,000				
***** 111.46-5-23 *****						
111.46-5-23	379 Ellicott	NON-HOMESTEAD PARCEL				01433100
Jemal's Simon LLC	449 Other Storag		COUNTY TAXABLE VALUE	247,000		
655 New York Ave Ste 830	Buffalo School 140200	82,500	CITY TAXABLE VALUE	247,000		
Washington, DC 20001	144. N Huron	247,000	SCHOOL TAXABLE VALUE	247,000		
	FRNT 50.00 DPTH 150.00 BANKOT-0185		SEWER Sewer	247,000 TO		
	EAST-1071299 NRTH-1052651 DEED BOOK 11388 PG-8965 FULL MARKET VALUE	352,857				
***** 111.46-5-24 *****						
111.46-5-24	383 Ellicott	NON-HOMESTEAD PARCEL				01433200
Jemal's Simon LLC	438 Parking lot		COUNTY TAXABLE VALUE	186,000		
655 New York Ave Ste 830	Buffalo School 140200	123,800	CITY TAXABLE VALUE	186,000		
Washington, DC 20001	74.99 S Genesee	186,000	SCHOOL TAXABLE VALUE	186,000		
	FRNT 75.00 DPTH 150.00 BANKOT-0185		SEWER Sewer	186,000 TO		
	EAST-1071314 NRTH-1052712 DEED BOOK 11388 PG-8969 FULL MARKET VALUE	265,714				
***** 111.46-5-25 *****						
111.46-5-25	391 Ellicott	NON-HOMESTEAD PARCEL				01433300
Jemal's Simon LLC	425 Bar		COUNTY TAXABLE VALUE	390,000		
655 New York Ave Ste 830	Buffalo School 140200	82,200	CITY TAXABLE VALUE	390,000		
Washington, DC 20001	25.79 S Genesee	390,000	SCHOOL TAXABLE VALUE	390,000		
	FRNT 49.20 DPTH 150.00 BANKOT-0185		SEWER Sewer	390,000 TO		
	EAST-1071330 NRTH-1052773 DEED BOOK 11388 PG-8969 FULL MARKET VALUE	557,143				
*****						



# Real Property Information

<b>Parcel Status</b>	ACTIVE	<b>City\Town</b>	Buffalo	<b>Village</b>	
<b>S-B-L</b>	111.46-8-1	<b>Owner</b>	JEMAL'S SIMON LLC		
<b>Property Location</b>	23 HURON EAST	<b>Mailing Address</b>			
<b>Property Class</b>	464 OFFICE BLDG.	<b>Line 2</b>	STE 830		
<b>Assessment</b>	\$780,000.00	<b>Line 3</b>			
<b>Taxable</b>	\$780,000.00	<b>Street</b>	655 NEW YORK AVE		
<b>Desc</b>	87. E WASHINGTON	<b>City/State</b>	WASHINGTON DC		
<b>Desc</b>		<b>Zip</b>	20001	<b>SWIS</b>	140200
<b>Deed Book</b>	11388	<b>Deed Page</b>	8969		
<b>Frontage</b>	60.00	<b>Depth</b>	95.00	<b>Acres</b>	0.00
<b>Year Built</b>		<b>Square Ft</b>			
<b>Beds</b>		<b>Baths</b>			
<b>FirePlace</b>		<b>School</b>	BUFFALO SCHOOL DIST		

[Owner History](#)

[Tax Payment History](#)

[Google Maps](#)

# Real Property Information

<b>Parcel Status</b>	ACTIVE	<b>City\Town</b>	Buffalo	<b>Village</b>	
<b>S-B-L</b>	111.46-8-2.1	<b>Owner</b>	JEMAL'S SIMON LLC		
<b>Property Location</b>	31 HURON EAST	<b>Mailing Address</b>			
<b>Property Class</b>	438 PARKING LOT	<b>Line 2</b>	STE 830		
<b>Assessment</b>	\$152,000.00	<b>Line 3</b>			
<b>Taxable</b>	\$152,000.00	<b>Street</b>	655 NEW YORK AVE		
<b>Desc</b>	WEST COR ELLICOTT	<b>City/State</b>	WASHINGTON DC		
<b>Desc</b>	W/PC 63 X 34.38 IN REAR	<b>Zip</b>	20001	<b>SWIS</b>	140200
<b>Deed Book</b>	11388	<b>Deed Page</b>	8975		
<b>Frontage</b>	117.00	<b>Depth</b>	60.00	<b>Acres</b>	0.00
<b>Year Built</b>		<b>Square Ft</b>			
<b>Beds</b>		<b>Baths</b>			
<b>FirePlace</b>		<b>School</b>	BUFFALO SCHOOL DIST		

[Owner History](#)

[Tax Payment History](#)

[Google Maps](#)

# Real Property Information

<b>Parcel Status</b>	ACTIVE	<b>City\Town</b>	Buffalo	<b>Village</b>	
<b>S-B-L</b>	111.46-8-5	<b>Owner</b>	JEMAL'S SIMON LLC		
<b>Property Location</b>	348 ELLICOTT	<b>Mailing Address</b>			
<b>Property Class</b>	482 DET ROW BLDG	<b>Line 2</b>	STE 830		
<b>Assessment</b>	\$76,000.00	<b>Line 3</b>			
<b>Taxable</b>	\$76,000.00	<b>Street</b>	655 NEW YORK AVE		
<b>Desc</b>	60. S HURON	<b>City/State</b>	WASHINGTON DC		
<b>Desc</b>		<b>Zip</b>	20001	<b>SWIS</b>	140200
<b>Deed Book</b>	11388	<b>Deed Page</b>	8969		
<b>Frontage</b>	34.60	<b>Depth</b>	54.00	<b>Acres</b>	0.00
<b>Year Built</b>		<b>Square Ft</b>			
<b>Beds</b>		<b>Baths</b>			
<b>FirePlace</b>		<b>School</b>	BUFFALO SCHOOL DIST		

[Owner History](#)

[Tax Payment History](#)

[Google Maps](#)

## Lindsey E. Haubenreich

**From:** Sullivan,Brian <AM14@ch.ci.buffalo.ny.us>  
**Sent:** Monday, March 13, 2023 4:28 PM  
**To:** Lindsey E. Haubenreich  
**Subject:** RE: JEMAL'S SIMON LLC - Lot Consolidation - City of Buffalo

**ATTENTION EXTERNAL EMAIL: Use Caution with attachments and links!**

Hello Lindsey,

We coordinate with the County on all splits and combinations. I don't really have any maps or anything at this point. I have copied a site page from RPS our CAMA system, which has the new sbl#.

RPS Version 4 - [Commercial Site Update, Group - Administrator, Name - brian]

File Edit View Toolbar Window Help

111.46-8-1.1 140200 Buffalo Active R/S:1 School: Buffalo School  
Jemal's Simon LLC Roll Year: 2023 Curr Yr Office bldg. Land AV: 184,000  
23 Huron East Land Size: 177.30 x 94.38 Non-Homestead Total AV: 1,008,000

Parcel 111.46-8-1.1  
History  
Assessment  
Spec Dist(s)  
Description  
Owner(s)  
Images  
Gis  
Site (1) Com  
Land(s)  
Imprvmt(s)  
Bldg 1 Sec 1  
Bldg 2 Sec 1  
Com Use  
Valuation

Site No: 1 Com  
Property Class: 464 Office bldg.  
Used - As Cd: E04 Row office  
Route No: 000001561  
Nbhd Code: 4400  
Valuation Dist: 4  
Sewer Type: 3 Comm/public  
Water Supply: 3 Comm/public  
Utilities: 4 Gas & elec  
Overall Desire: 3 Normal  
Overall Cond: 2 Fair  
Overall Grade: C Average  
DC Entry Type:  
Zoning Code: N-1D UrbCore-D  
Run RPS440 Edits:

Overall Eff Yr Blt: 1925  
Laser Disk No:  
Data Mailer:  
Date of Reappraisal: 06/10/2019  
Economic Obs:

**Site Values**

Replacement Cost (RCN):	5,424,511
RCN Less Depreciation:	2,441,030
Cost Land Estimate:	62,700
Cost Total Estimate:	2,500,900
Total Estimate:	0
Excess Value:	0
Final Site Land:	62,700
Final Site Total:	780,000

Hope this helps

Brian

---

**From:** Lindsey E. Haubenreich <[LHaubenreich@phillipslytle.com](mailto:LHaubenreich@phillipslytle.com)>  
**Sent:** Monday, March 13, 2023 3:48 PM  
**To:** Sullivan,Brian <[AM14@ch.ci.buffalo.ny.us](mailto:AM14@ch.ci.buffalo.ny.us)>  
**Subject:** RE: JEMAL'S SIMON LLC - Lot Consolidation - City of Buffalo

**ATTENTION:** This email came from an external source. Do not open attachments. NEVER click on links YOU DON'T KNOW where its taking you. Copy, Paste, Inspect, Decide.

Hi Brian,

I saw on the 2023 final roll that the 3 parcels (23 Huron East, 31 Huron East and 348 Ellicott) were officially combined. Thank you greatly for your assistance here! Also, we are working on getting these properties into the Brownfield Cleanup Program and need to show the NYSDEC proof that the 3 have been combined. I believe it will take some time for the tax maps to be updated. In the meantime, is there something you can provide me that shows the 3 lots were combined?

Also, do I need to file anything with the County to show all lots were combined? Or is this handled through your office?

Thanks!  
Lindsey

---

**From:** Sullivan,Brian <[AM14@ch.ci.buffalo.ny.us](mailto:AM14@ch.ci.buffalo.ny.us)>  
**Sent:** Thursday, January 5, 2023 3:52 PM  
**To:** Lindsey E. Haubenreich <[LHaubenreich@phillipslytle.com](mailto:LHaubenreich@phillipslytle.com)>  
**Subject:** RE: JEMAL'S SIMON LLC - Lot Consolidation - City of Buffalo

**ATTENTION EXTERNAL EMAIL:** Use Caution with attachments and links!

Thank you

---

**From:** Lindsey E. Haubenreich <[LHaubenreich@phillipslytle.com](mailto:LHaubenreich@phillipslytle.com)>  
**Sent:** Thursday, January 5, 2023 3:51 PM  
**To:** Sullivan,Brian <[AM14@ch.ci.buffalo.ny.us](mailto:AM14@ch.ci.buffalo.ny.us)>  
**Subject:** RE: JEMAL'S SIMON LLC - Lot Consolidation - City of Buffalo

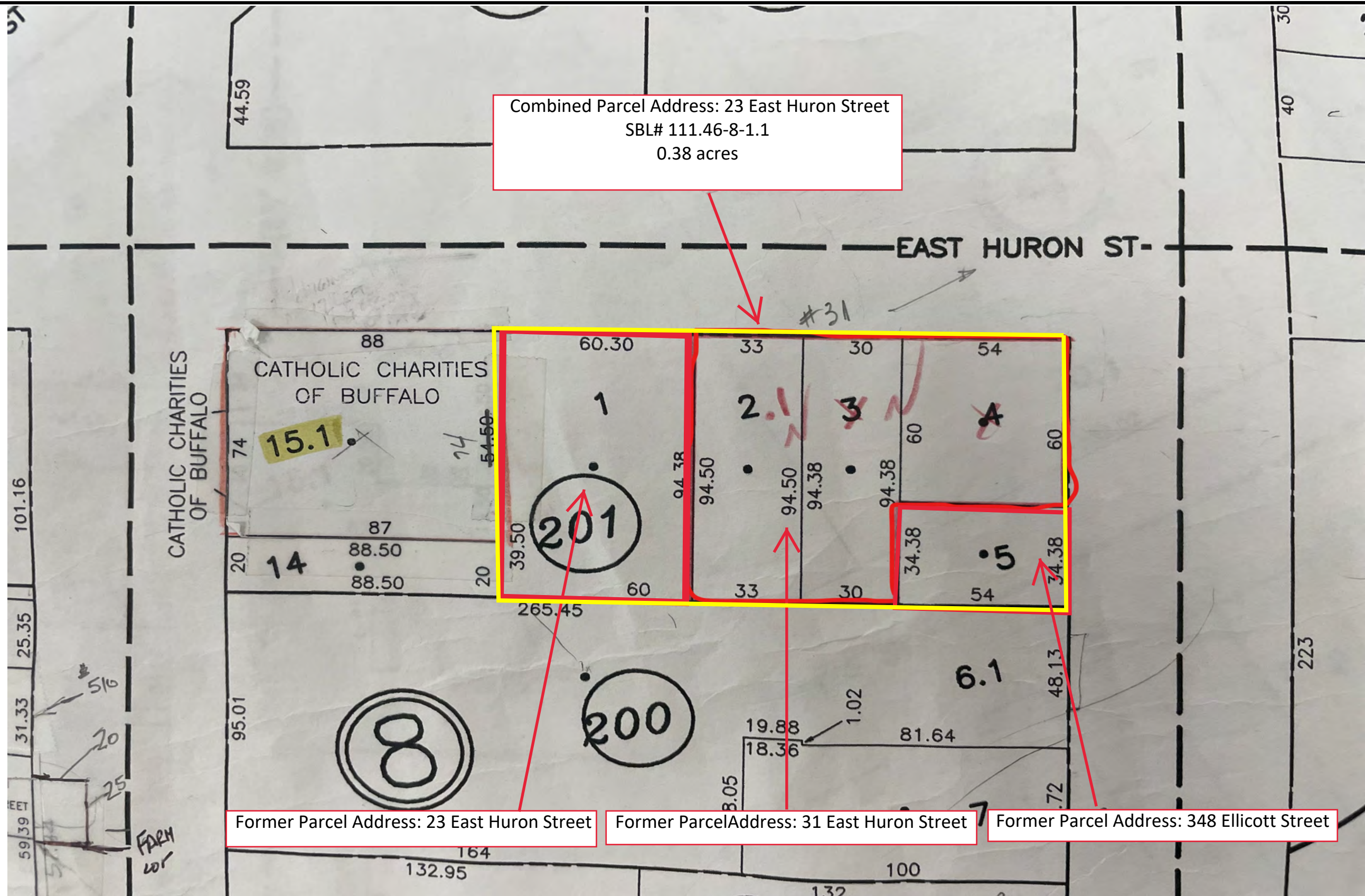
**ATTENTION:** This email came from an external source. Do not open attachments. NEVER click on links YOU DON'T KNOW where its taking you. Copy, Paste, Inspect, Decide.

Great, thanks Brian! I have passed along the note re County taxes and will let you know as soon as those are paid.

Thanks!  
Lindsey

---

**From:** Sullivan,Brian <[AM14@ch.ci.buffalo.ny.us](mailto:AM14@ch.ci.buffalo.ny.us)>  
**Sent:** Thursday, January 5, 2023 3:17 PM  
**To:** Lindsey E. Haubenreich <[LHaubenreich@phillipslytle.com](mailto:LHaubenreich@phillipslytle.com)>  
**Subject:** RE: JEMAL'S SIMON LLC - Lot Consolidation - City of Buffalo



Combined Parcel Address: 23 East Huron Street  
 SBL# 111.46-8-1.1  
 0.38 acres

Former Parcel Address: 23 East Huron Street

Former Parcel Address: 31 East Huron Street

Former Parcel Address: 348 Ellicott Street

**LEGEND**

 APPROXIMATE BCP PROPERTY BOUNDARY.



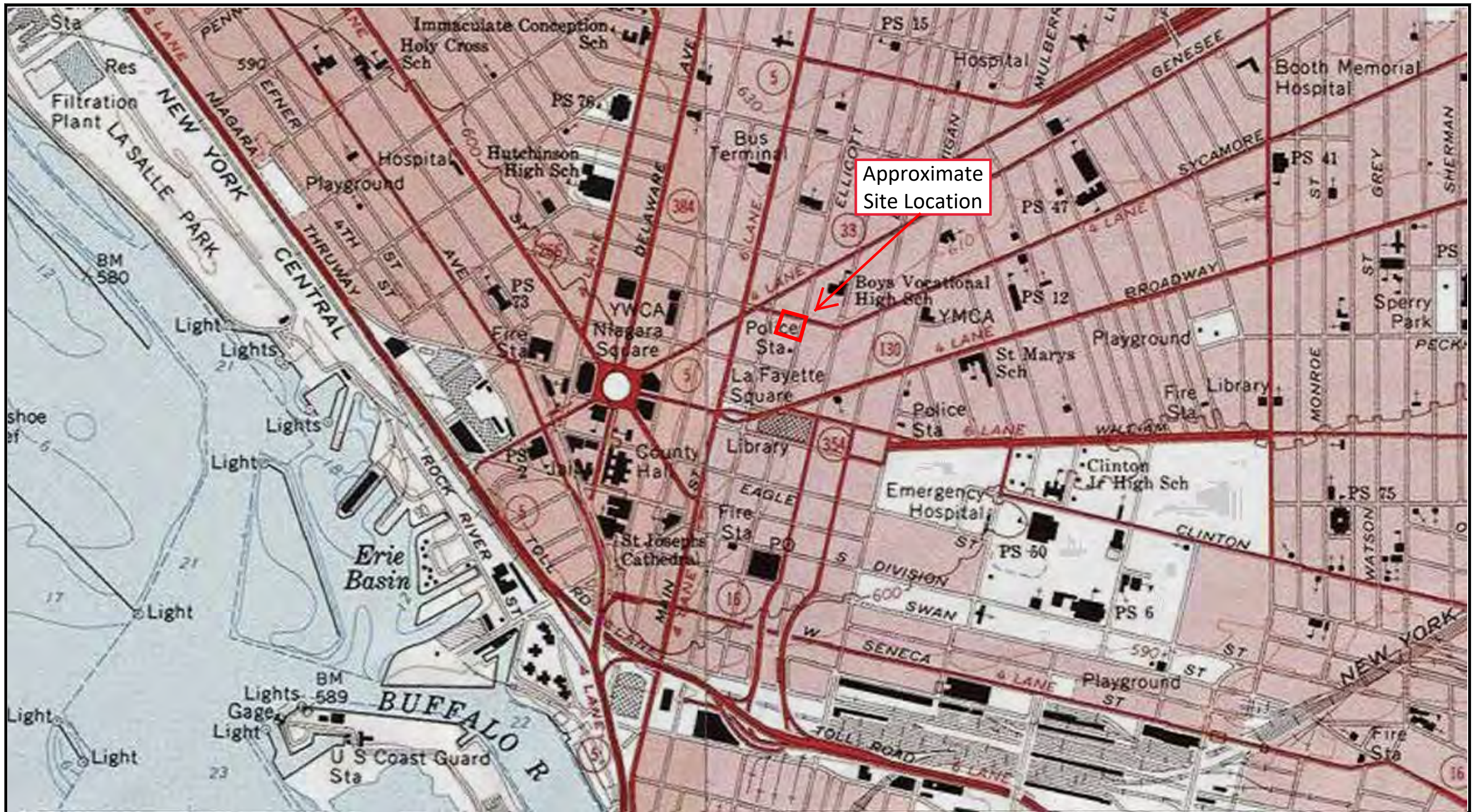
June 2022

Figure 1  
 Tax Map  
 BCP Application  
 Simon Southwest Properties  
 Buffalo, New York

SCALE: 1" = 32'  
 (Approximate)

SHEET 1 OF 1

Revisions

MAP ADAPTED FROM GOOGLE EARTH PRO®



Figure 2  
Site Location Map

BCP Application 31 Simon  
Properties Southwest  
Buffalo, New York

June 2022

SCALE: NA

SHEET 1 OF 1

Revisions




Approximate BCP  
Site Boundary  
(23 East Huron Street)

MAP ADAPTED FROM GOOGLE EARTH PRO®



**Figure 3**  
**Site Plan (Aerial)**

BCP Application Simon  
Southwest Properties  
Buffalo, New York

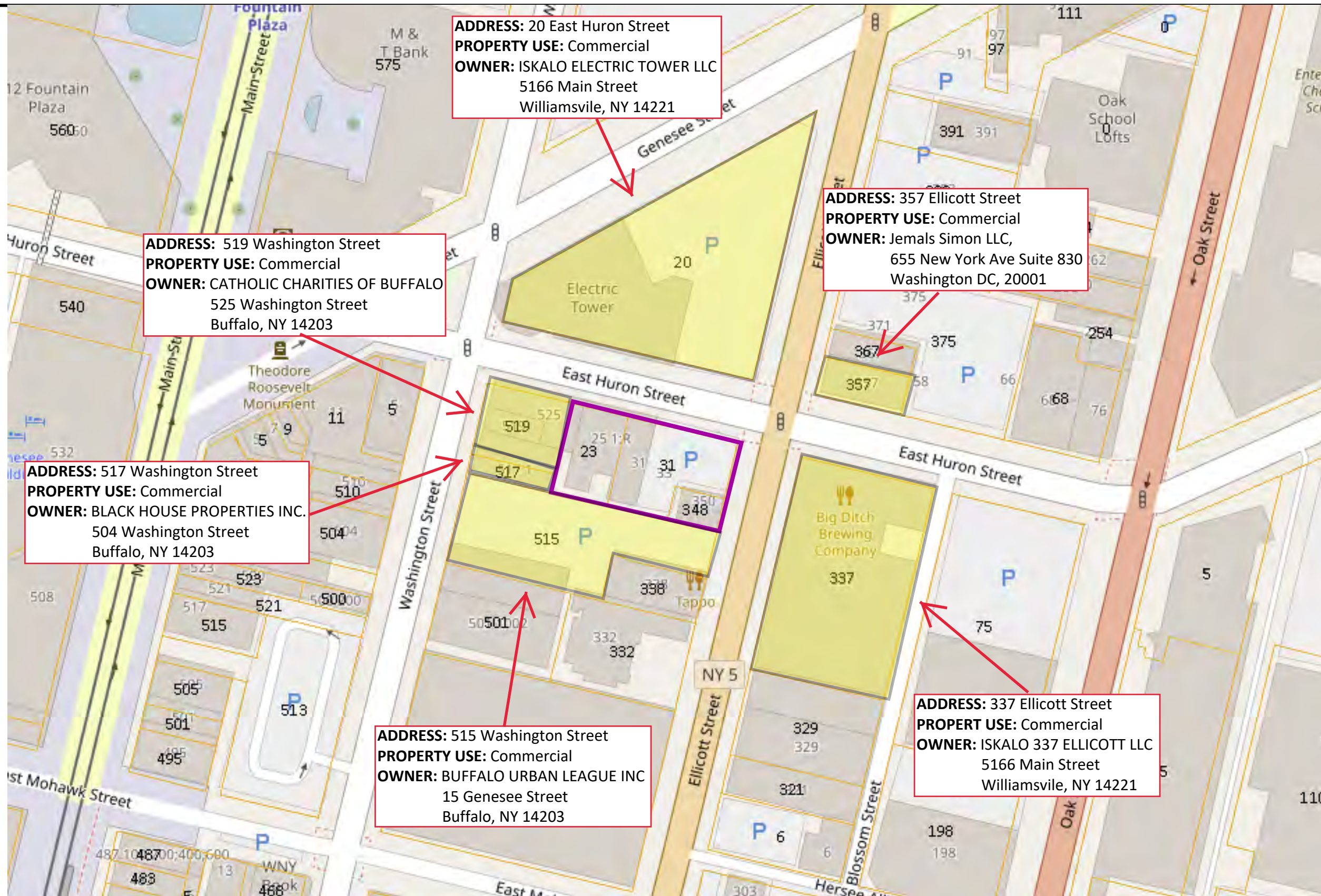
Revisions


June 2022

SCALE: 1" = 64'  
(Approximate)

SHEET 1 OF 1





**ADDRESS:** 20 East Huron Street  
**PROPERTY USE:** Commercial  
**OWNER:** ISKALO ELECTRIC TOWER LLC  
 5166 Main Street  
 Williamsville, NY 14221

**ADDRESS:** 519 Washington Street  
**PROPERTY USE:** Commercial  
**OWNER:** CATHOLIC CHARITIES OF BUFFALO  
 525 Washington Street  
 Buffalo, NY 14203

**ADDRESS:** 517 Washington Street  
**PROPERTY USE:** Commercial  
**OWNER:** BLACK HOUSE PROPERTIES INC.  
 504 Washington Street  
 Buffalo, NY 14203

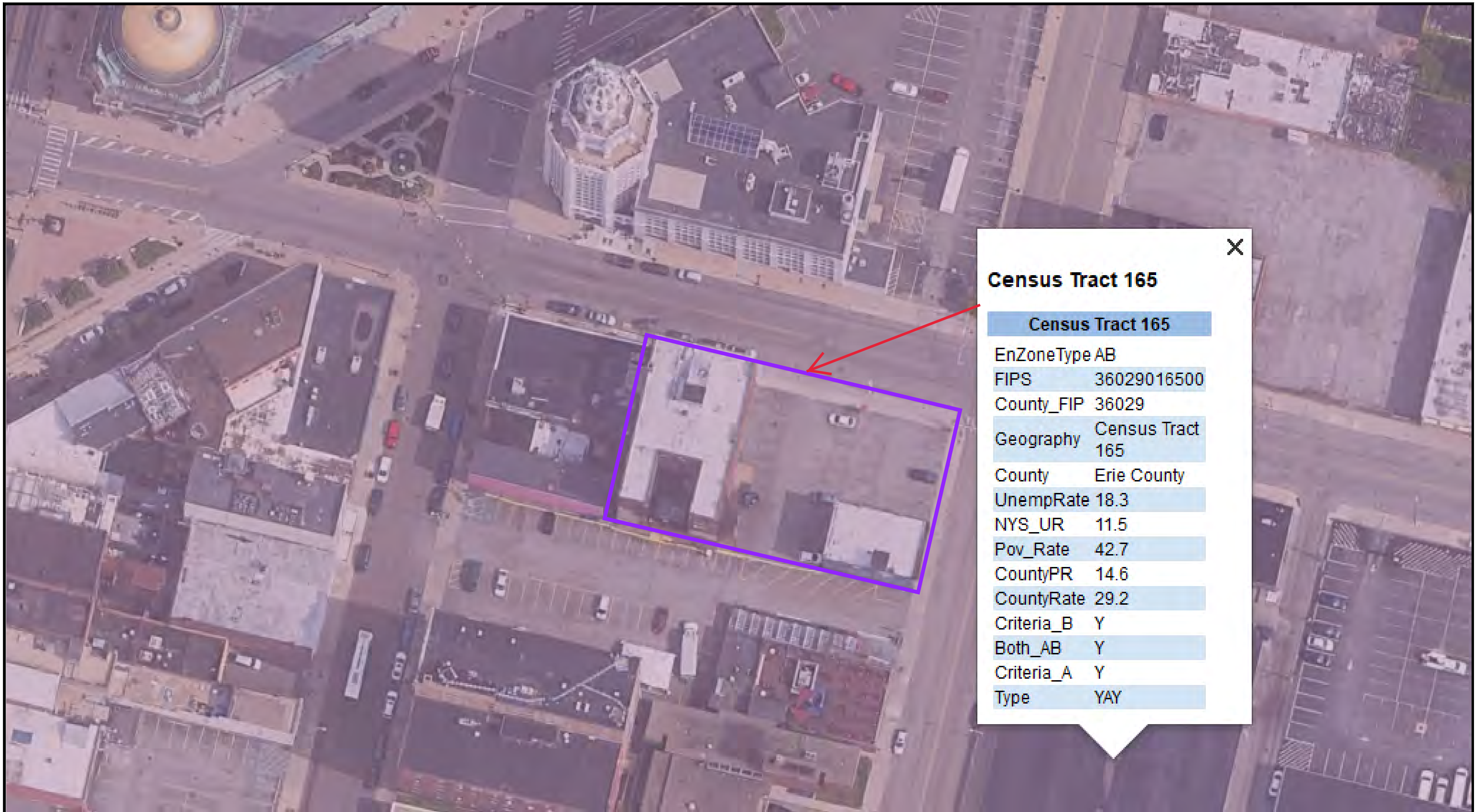
**ADDRESS:** 515 Washington Street  
**PROPERTY USE:** Commercial  
**OWNER:** BUFFALO URBAN LEAGUE INC  
 15 Genesee Street  
 Buffalo, NY 14203

**ADDRESS:** 357 Ellicott Street  
**PROPERTY USE:** Commercial  
**OWNER:** Jemals Simon LLC,  
 655 New York Ave Suite 830  
 Washington DC, 20001

**ADDRESS:** 337 Ellicott Street  
**PROPERTY USE:** Commercial  
**OWNER:** ISKALO 337 ELLICOTT LLC  
 5166 Main Street  
 Williamsville, NY 14221



<b>Figure 4</b>		Revisions
<b>Adjacent Property Owners</b>		
BCP Application Simon Southwest Properties Buffalo, New York		
June 2022	SCALE: NA	SHEET 1 OF 1



**Census Tract 165** ✕

<b>Census Tract 165</b>	
EnZoneType	AB
FIPS	36029016500
County_FIP	36029
Geography	Census Tract 165
County	Erie County
UnempRate	18.3
NYS_UR	11.5
Pov_Rate	42.7
CountyPR	14.6
CountyRate	29.2
Criteria_B	Y
Both_AB	Y
Criteria_A	Y
Type	YAY

MAP ADAPTED FROM GOOGLE EARTH PRO®

**LEGEND**

— APPROXIMATE PROPERTY BOUNDARY.



**Figure 5 En-Zone Map**

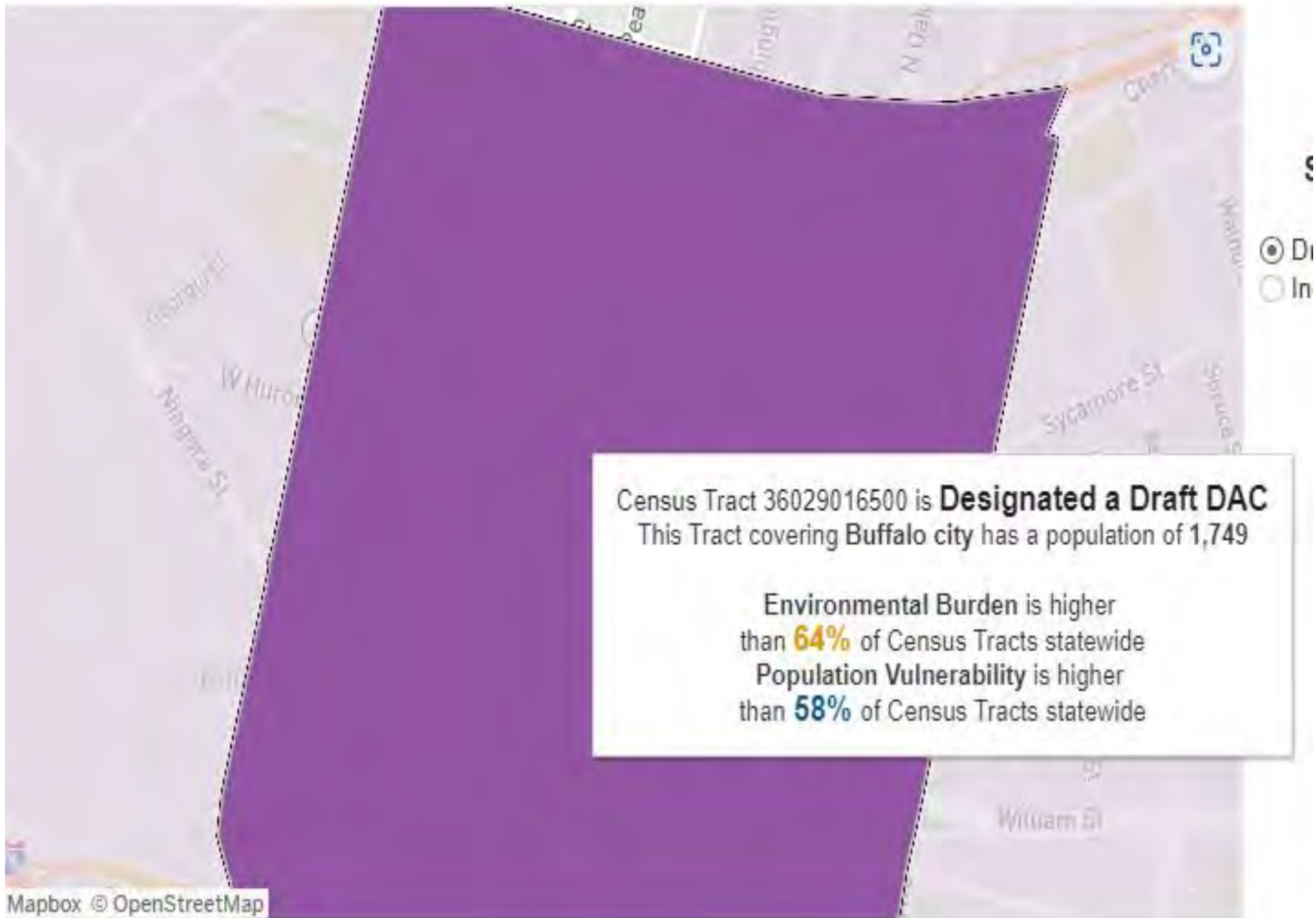
BCP Application  
Simon Southwest Properties  
Buffalo, New York

Revisions


June 2022

SCALE: 1" = 64'  
(Approximate)

SHEET 1 OF 1



**FIGURE 6: Disadvantaged Communities Map**



MAP ADAPTED FROM GOOGLE EARTH PRO®

- Green-Above unrestricted SCOs
- Yellow-Above residential SCOs
- Red-Above restricted residential SCOs
- Boring Locations



June 2022

Figure 7  
Investigation Locations

BCP Application  
Simon Southwest Properties  
Buffalo, New York

SCALE: 1" = 64'  
(Approximate)

SHEET 1 OF 1

Revisions




NY029 [1:16,000] (1979) Export: 2021-08-29

[Ud: Urban land \(290908\)](#)

**Urban land (80%)**

**Udorthents (5%)**

**Getzville (5%)**

**Mardin (5%)**

**Odessa (5%)**

Hydric: Unranked

Hydric: No

Hydric: Yes

Hydric: No

Hydric: No



Block Diagrams: [c/o NCSS Job Aids](#)  
*note that these diagrams may be from multiple survey areas*

**LEGEND**

APPROXIMATE PROPERTY BOUNDARY.

**Ud** URBAN LAND



	<b>Figure 8 USDA Soil Map</b>		Revisions
	BCP Application Simon Southwest Properties Buffalo, New York		
June 2022	SCALE: NA	SHEET 1 OF 1	

TABLE 1  
SUMMARY OF SOIL ANALYTICAL RESULTS

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date										NYSDEC Soil Cleanup Objectives (SCOs)		
	B11S1	B12S1	B13S1	B14S1	B15S1	BH1A	BH2A	BH3A	BH4A	BH5A	Unrestricted	Residential	Restricted Residential
	0-2	0-2	0-2	0-2	0-2	2-4	2-4	2-4	2-4	2-4			
	12/21/2021					5/10/2022							
<b>METALS/INORGANICS</b>													
Aluminum	13,700	7,750	8,890	4,500	3,120	ND	ND	ND	ND	ND	-	-	-
Antimony	2.8 J	1.7 J	0.94 J	0.64 J	0.47 J	ND	ND	ND	ND	ND	-	-	-
Arsenic	11.6	6.2	5.1	1.5 J	1.5 J	5.8	7.6	10.4	26.5	8.6	13	16	16
Barium	235	50.2	49.1	15.8	8.8	31.3	50.8	85.9	217	131	350	350	400
Beryllium	1.7	0.42	0.36	0.21	0.15 J	0.20 J B	0.35 B	0.21 J B	1.5 B	1.0 B	7.2	14	72
Cadmium	1.2	0.26	0.16 J	0.17 J	0.10 J	0.29	0.33	1.6	6.8	0.17 J	2.5	2.5	4.3
Calcium	48,500 B	94,700 B	94,300 B	41,000 B	112,000 B	ND	ND	ND	ND	ND	-	-	-
Chromium	18.0	10.5	11.7	6.3	5.7	6.2	10.3	12.9	10.4	12.5	30	36	180
Cobalt	5.6	4.9	4.9	2.2	1.4	ND	ND	ND	ND	ND	-	-	-
Copper	36.4	58.6	9.3	5.6	4.7	52.7	15.7	45.9	50.2	28.1	50	270	270
Iron	28,500 B	10,500 B	11,400 B	6,490 B	4,130 B	ND	ND	ND	ND	ND	-	-	-
Lead	183	601	13.4	13.2	8.3	75.6	39.1	489	329	367	63	400	400
Magnesium	7,500	20,600	15,800	23,200	7,810	176 B	431 B	191 B	796 B	178 B	-	-	-
Manganese	1,480 B	302 B	317 B	253 B	88.1 B	ND	ND	ND	ND	ND	1,600	2,000	2,000
Mercury	0.48	0.14	0.017 J	0.027	0.036	0.13	0.18	1.1	0.29	0.39	0.18	0.81	0.81
Nickel	18.6	15.2	13.3	5.9	5.6	7.0	13.3	35.7	14.6	15.2	30	140	310
Potassium	1,940	1,940	2,510	1,260	1,030	ND	ND	ND	ND	ND	-	-	-
Selenium	3.1 J	0.82 J	0.69 J	0.51 J	ND	ND	0.84 J	0.96 J	3.6 J	1.2 J	3.9	180	1,500
Silver	0.34 J	ND	ND	ND	ND	0.38 J	0.32 J	0.94	1.0	0.55 J	2	180	1,500
Sodium	610 B	344 B	288 B	254 B	183 B	ND	ND	ND	ND	ND	-	-	-
Vanadium	23.2	19.7	20.3	11.2	8.6	ND	ND	ND	ND	ND	-	-	-
Zinc	266	83.7	43.9	36.5	35.3	114	73.9	210	1,840	115	109	2,200	10,000
<b>SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)</b>													
2-Methylnaphthalene	0.21 J	ND	ND	0.79 J	ND	ND	ND	ND	ND	ND	-	-	-
2-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	2.7 J	ND	-	-	-
3-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	6.2 J	ND	-	-	-
4-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	6.2 J	ND	-	-	-
Acenaphthene	0.38 J	ND	ND	2.8 J	ND	ND	ND	ND	190	0.21	20	100	100
Acenaphthylene	ND	ND	ND	1.1 J	ND	ND	ND	ND	16 J	ND	100	100	100
Anthracene	0.8 J	ND	ND	6.9	ND	ND	ND	ND	370	0.4	100	100	100
Benzo(a)anthracene	1.7	ND	ND	14	ND	0.64 J	ND	5.1 J	560	0.6	1	1	1
Benzo(a)pyrene	1.6	ND	ND	12	ND	0.61 J	ND	5.1 J	380	0.45	1	1	1
Benzo(b)fluoranthene	1.9	ND	ND	16	ND	0.78 J	ND	6.7 J	510	0.55	1	1	1
Benzo(g,h,i)perylene	1.4	ND	ND	8.5	ND	ND	ND	3.2 J	210	0.25	100	100	100
Benzo(k)fluoranthene	0.84 J	ND	ND	5.4	ND	ND	ND	ND	190	0.22	0.8	1	3.9
Carbazole	0.48 J	ND	ND	3.2 J	ND	ND	ND	ND	ND	ND	-	-	-
Chrysene	1.6	ND	ND	13	ND	ND	ND	5.8 J	540	0.55	1	1	3.9
Dibenz(a,h)anthracene	0.42 J	ND	ND	2 J	ND	ND	ND	ND	84	0.08 J	0.33	0.33	0.33
Dibenzofuran	0.3 J	ND	ND	2.1 J	ND	ND	ND	ND	140	0.14 J	7	14	59
Fluoranthene	3.9	ND	ND	36	ND	1.6 J	ND	11 J	1200 E	1.2	100	100	100
Fluorene	0.39 J	ND	ND	2.3 J	ND	ND	ND	ND	200	0.21	30	100	100
Indeno(1,2,3-cd)pyrene	1.3	ND	ND	7.6	ND	ND	ND	3.1 J	210	0.24	0.5	0.5	0.5
Naphthalene	0.24 J	ND	ND	1 J	ND	ND	ND	ND	100	0.12 J	12	100	100
Phenanthrene	3.5	ND	ND	32	ND	ND	ND	4.8 J	1300 E	1.3	100	100	100
Pyrene	2.7	ND	ND	29	ND	1.0 J	ND	8.2 J	880 E	0.97	100	100	100
Other SVOCs	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	Various	Various	Various
<b>VOLATILE ORGANIC COMPOUNDS (VOCs)</b>													
1,2,4-Trimethylbenzene	-	-	-	-	-	-	-	-	1.8	-	3.6	47	52
1,3,5-Trimethylbenzene	-	-	-	-	-	-	-	-	0.9 J	-	8.4	47	52
Toluene	-	-	-	-	-	-	-	-	0.32 J	-	0.7	100	100
Xylenes, Total	-	-	-	-	-	-	-	-	1.8 J	-	0.26	100	100
Other VOCs	-	-	-	-	-	-	-	-	ND	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

13,700 Analyte detected

183 Reported concentration greater than or equal to the NYSDEC Unrestricted SCO

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

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

ATTACHMENT B

**SECTION II: PROJECT DESCRIPTION**

Conceptual Design Drawings

## **SECTION II – PROJECT DESCRIPTION**

The proposed project for the property will include 150 residential units ranging from studio to 3-bedroom apartment options. The current 23 East Huron Street parcel is the location of the historic Burns Building, which will be renovated to accommodate a portion of the residential and commercial space. The ground floor of the Simon West property will offer commercial space for additional retail and food services as well as off street parking off East Mohawk and Ellicott Street.

This property is located approximately 0.5 miles from the NY-33 entrance and is adjacent to the Ellicott and East Huron bus stop, offering residents accessible public transportation around the area. **Please refer to the attached conceptual design drawings.**

The start date of the BCP is anticipated to be June of 2023 and an approved remedial action work plan anticipated in November of 2023. The COC is anticipated in calendar year 2024.





# CONCEPTUAL PERSPECTIVES

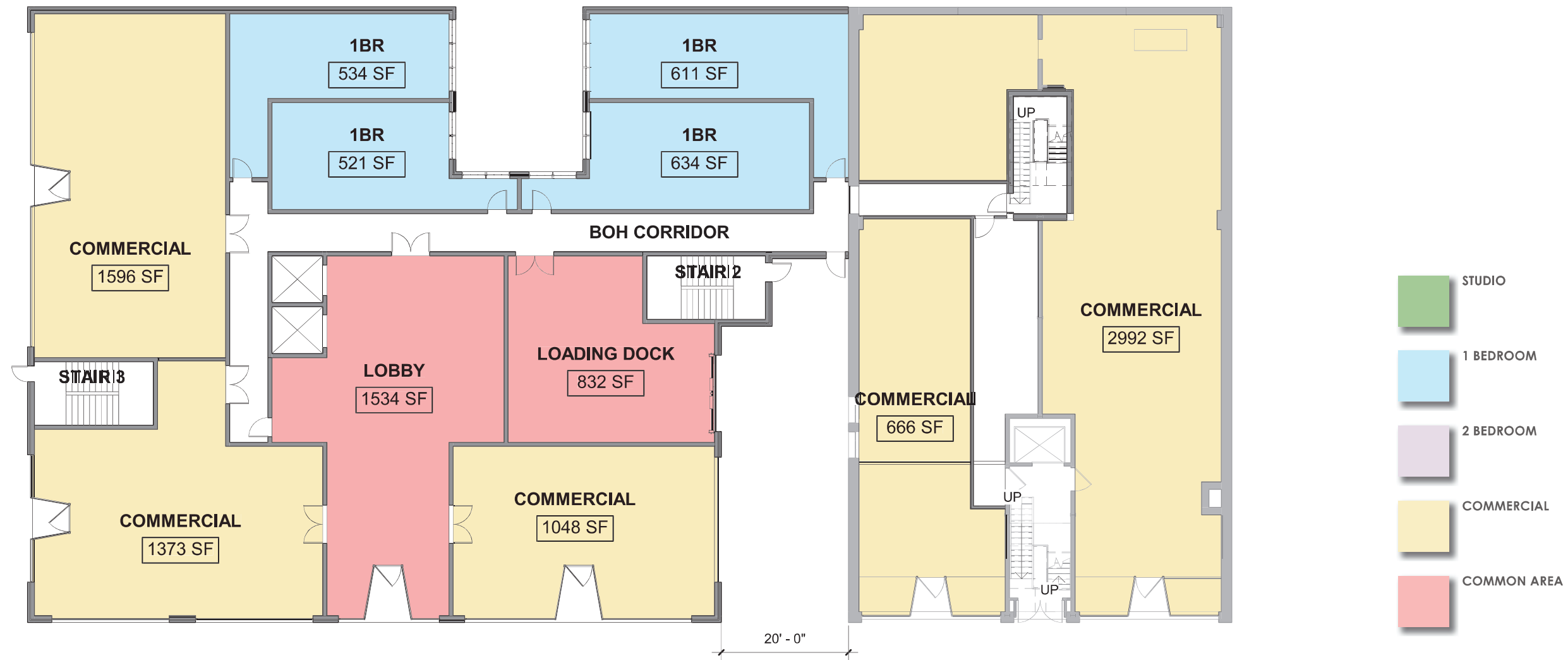


# CONCEPTUAL PERSPECTIVES

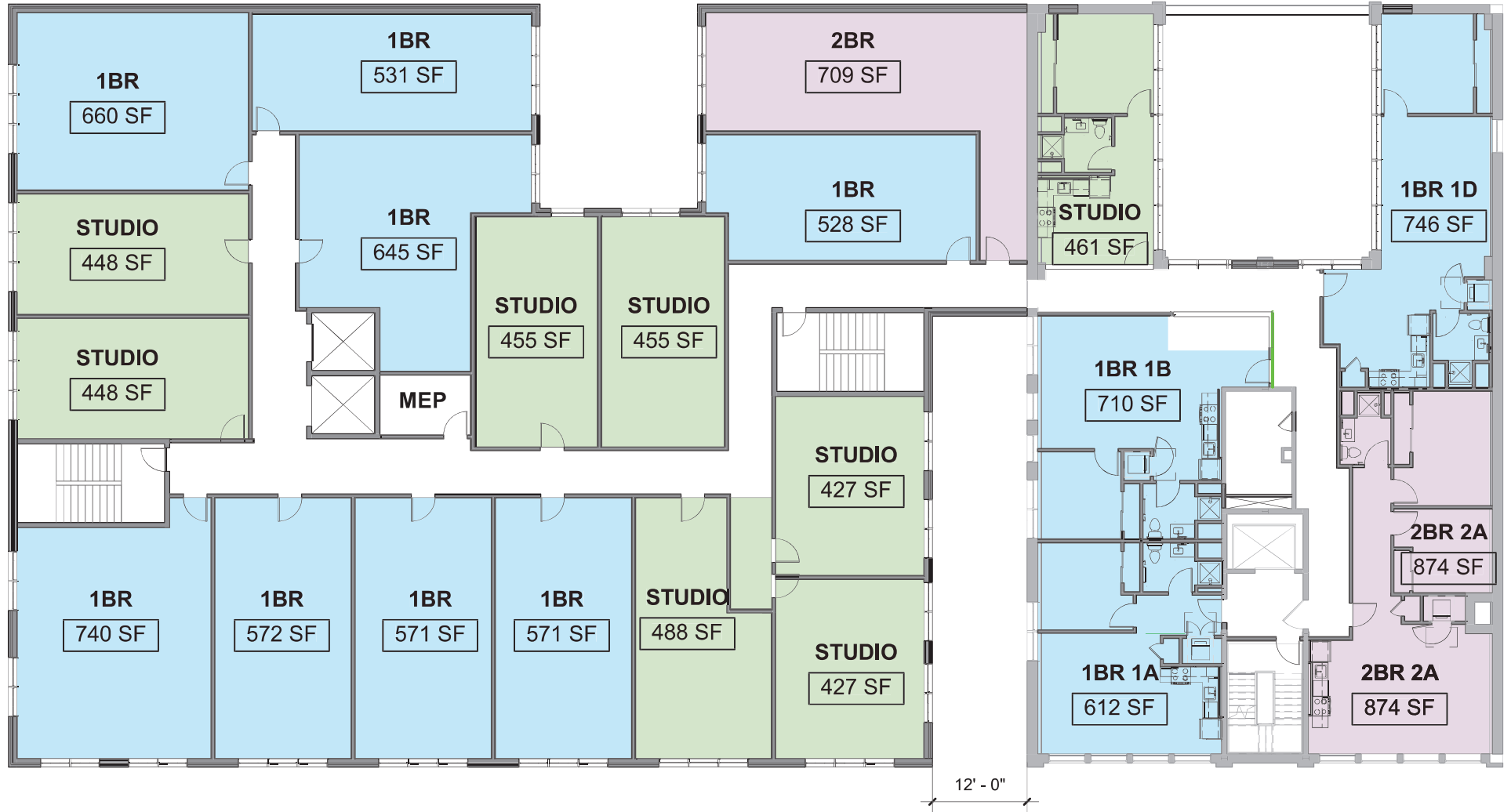


- STUDIO
- 1 BEDROOM
- 2 BEDROOM
- COMMERCIAL
- COMMON AREA

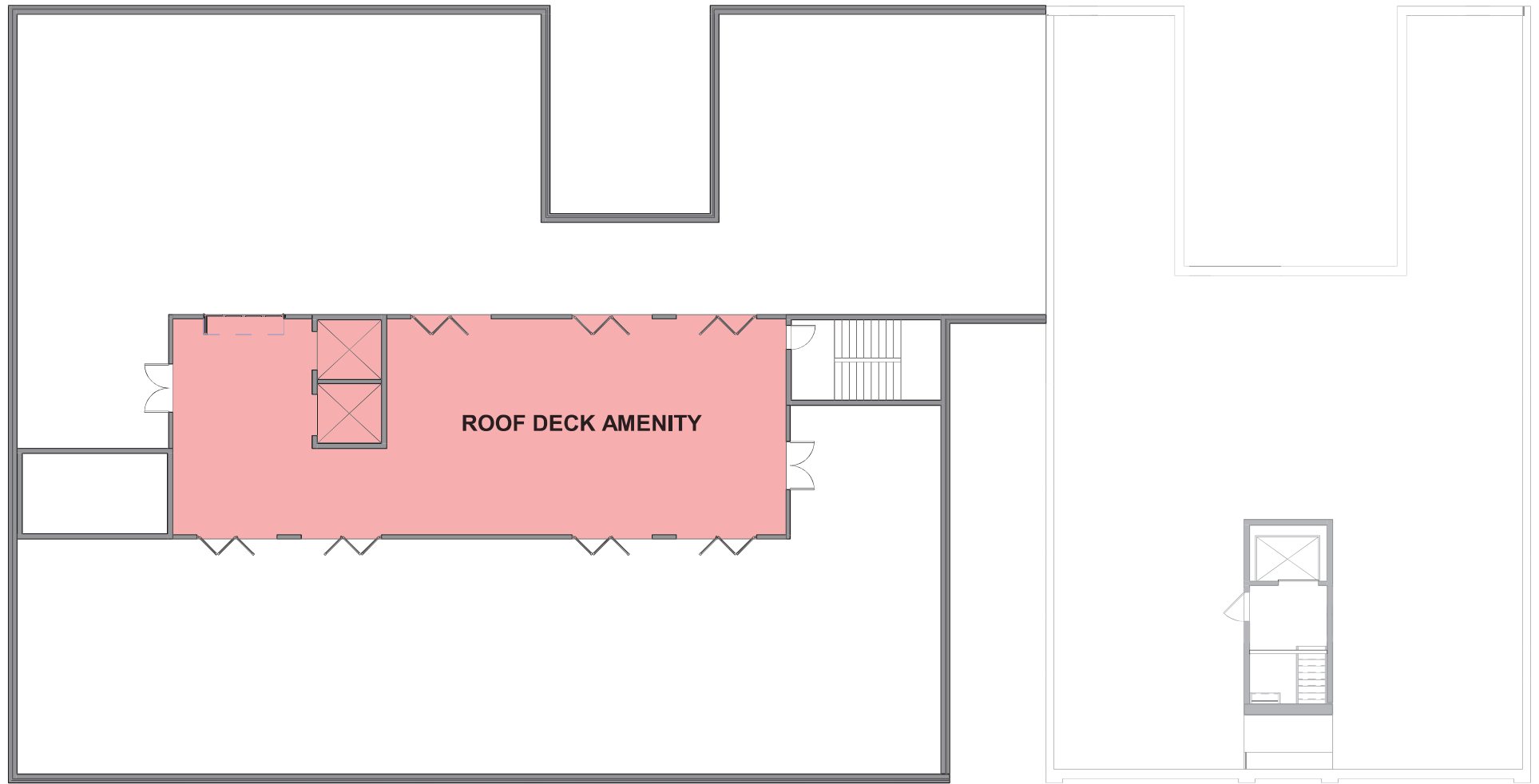
# BASEMENT FLOOR PLAN



# GROUND FLOOR PLAN

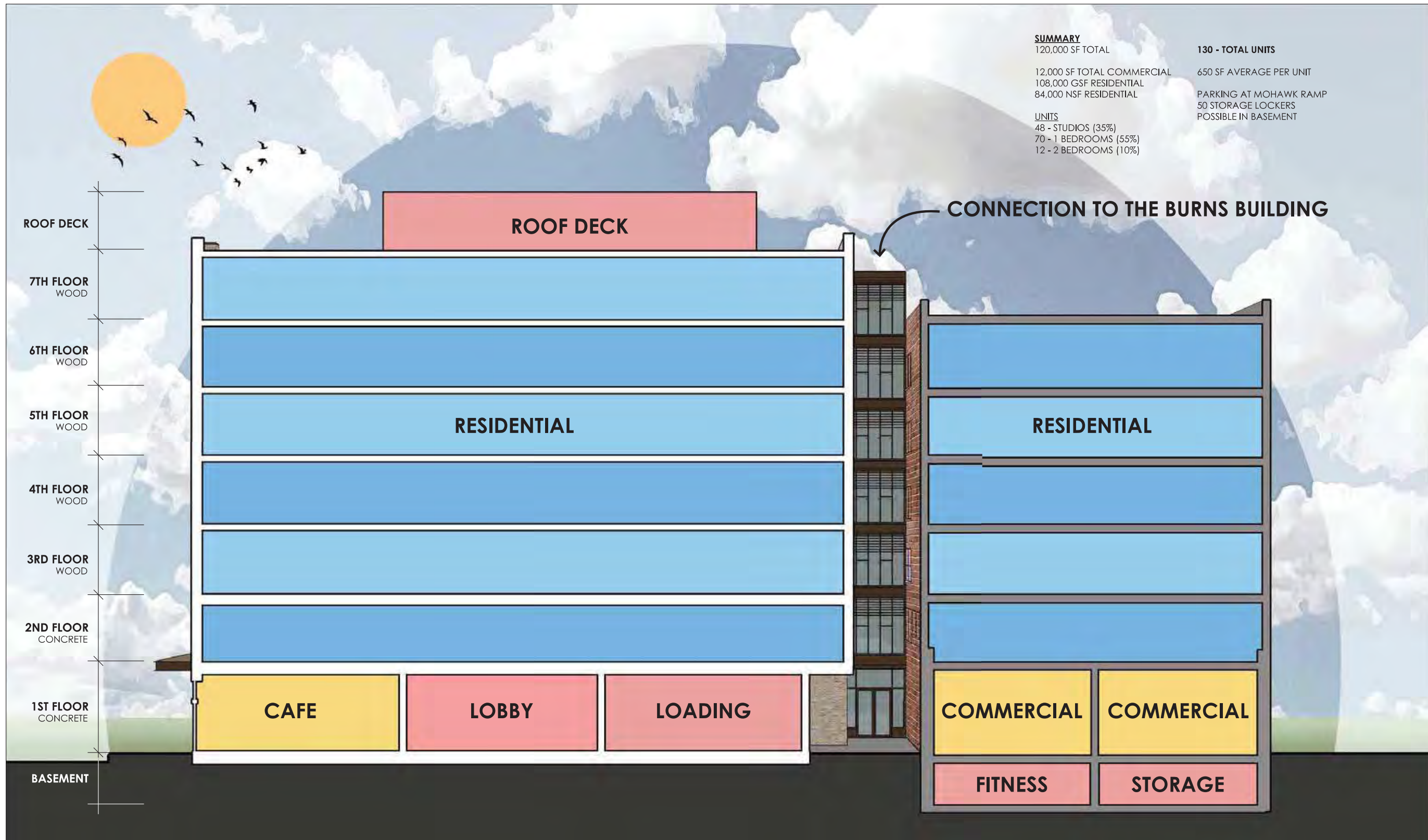


# TYPICAL FLOOR PLAN



- STUDIO
- 1 BEDROOM
- 2 BEDROOM
- COMMERCIAL
- COMMON AREA

# ROOF PLAN



# ARCHITECTURAL SECTION

ATTACHMENT C

**SECTION III: LAND USE FACTORS**

Figure 9 – Zoning Map



## **SECTION III – Land Use Factors**

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

The current zoning for the Site is N-1D (Downtown Hub) consistent with the Buffalo Green Code (see Figure 9).

Current use of the property is an asphalt parking lot (Pay2Park) at the former 31 East Huron Street, a three-story vacant building at the former 348 Ellicott Street, and the Burns Building at former 23 East Huron Street. The Burns Building is currently unoccupied.

Possible sources of contamination at the site are a combination of historical backfill and releases from the historical manufacturing facilities. Past use/possible sources areas include:

- The Burns Building is a Class C office building that was completed in 1925. It was home to a fabrics company in 1930 (La France Industries Upholsters) and a photocopy company from 1955-1970 (Wilder Photocopy Co Inc.). it is now recently vacant prior to current sale and re-development.
- The 31 East Huron Street property is currently a parking lot that formerly contained a two-story commercial building. The city directory shows a soft drink manufacturer (BRANDT Wm H soft drinks) located at this property starting in 1925.
- The 348 Ellicott Street property is currently a three-story vacant building with a basement. The property was identified as Buffalo Advertising Artists from at least 1951 on historic Sanborn maps.

The start date of the BCP is anticipated to be June of 2023 and an approved remedial action work plan anticipated in November of 2023. The COC is anticipated in calendar year 2024.

### **Application Section III #6 – Proposed Post-Remediation Use**

The proposed project for the property will include 150 residential units ranging from studio to 3-bedroom apartment options. The former 23 East Huron Street parcel is the location of the historic Burns Building, which will be renovated to accommodate a portion of the residential and commercial space. The ground floor of the Simon West property will offer commercial space for additional retail and food services as well as off street parking off East Mohawk and Ellicott Street. Please refer to attached conceptual design drawings

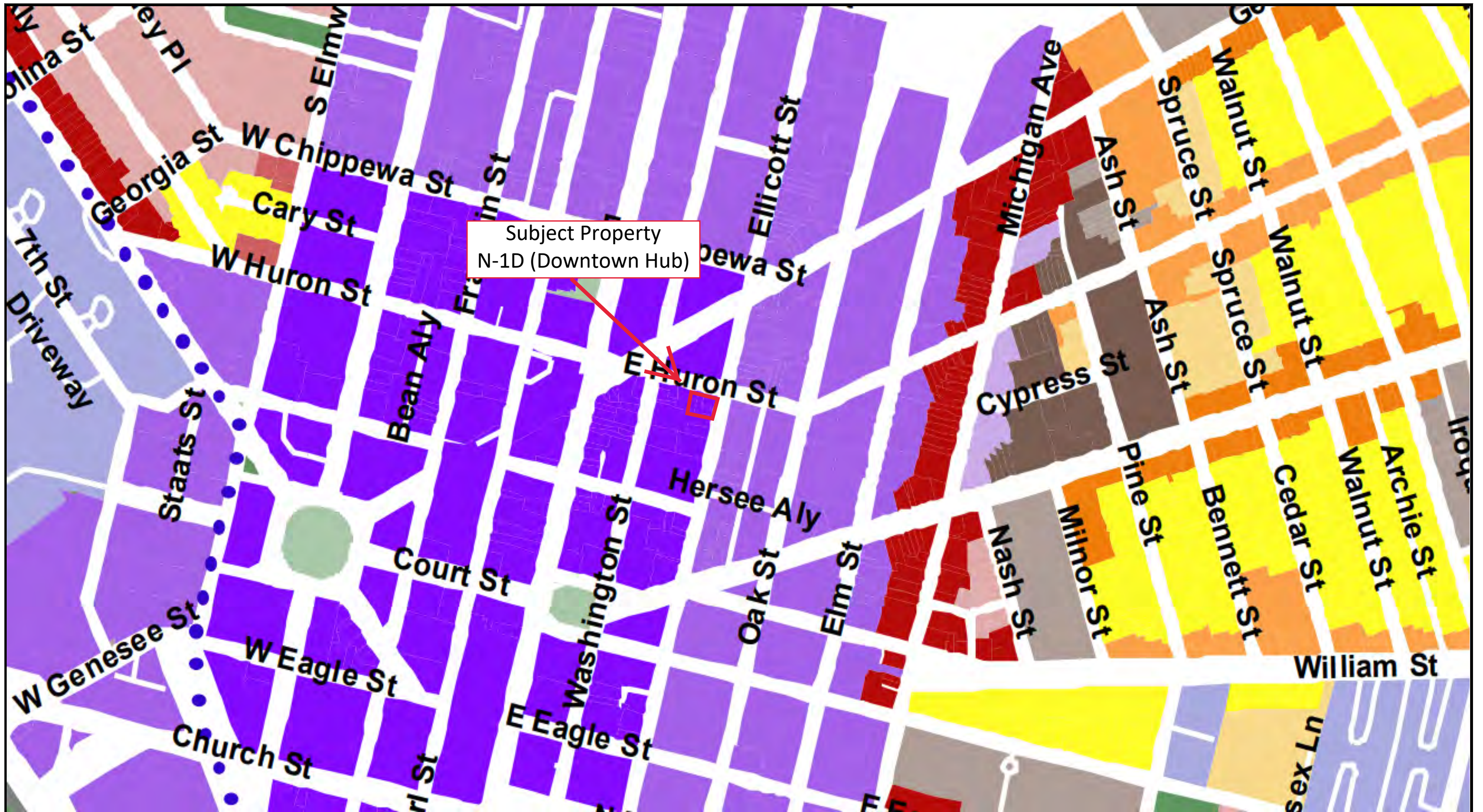
### **Application Section III #9 Is the proposed use consistent with applicable zoning laws/maps?**

The proposed reuse is consistent with the current zoning and recent development projects – refer to Figure 9.

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

The site is currently zoned N-1D Downtown Hub. Zone N-1D is located in downtown Buffalo and allows a variety of uses including civic building, commercial block, stack units, and a tower. The site is currently surrounded by the Electric Tower (Zone N-1D) to the north, Big Ditch Brewing Company (Zone N-1C) to the east, Tappo Restaurant (Zone N-1D) to the south, and the House of Charm Dive Bar (Zone N-1D) to the west.

The proposed use is consistent with the Buffalo green code for this area of the City.



Subject Property  
N-1D (Downtown Hub)

**Zones**

<b>Urban Core (N-1)</b>	<b>Urban Center (N-2)</b>	<b>Urban Neighborhood (N-3)</b>	<b>Urban Edge (N-4)</b>
N-1D (Downtown Hub)	N-2C (Mixed-Use Center)	N-3C (Mixed-Use Center)	N-4-30 (Single Family)
N-1C (Mixed-Use Core)	N-2E (Mixed-Use Edge)	N-3E (Mixed-Use Edge)	N-4-50 (Single Family)
N-1S (Secondary Employment Center)	N-2R (Residential)	N-3R (Residential)	



 BRYDGES ENGINEERING AN ENVIRONMENT AND ENERGY, DPC	Figure 9 Zoning Map		Revisions <table border="1"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>				
June 2022	BCP Application Simon Southwest Properties Buffalo, New York	SCALE: NA	SHEET 1 OF 1				

## ATTACHMENT D

### SECTION IV: PROPERTY'S ENVIRONMENTAL HISTORY

Figure 7 – Same as above

Table 1 – Same as above

Phase I and Phase II Reports – See Electronic Copies

## **SECTION IV – PROPERTY’S ENVIRONMENTAL HISTORY**

An electronic copy of a recent Phase I ESA and Phase II Investigation Report (per ECL 27-1407(1)) **in Portable Document Format (PDF)** is included with this application. The report establishes that contamination of environmental media exists on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the site property and that the site requires remediation as described in Attachment C.

The property is a brownfield site with metals and SVOC (PAHS) contaminants in near surface soils exceeding the soil cleanup objectives/other criteria for the anticipated mixed residential, public recreational, and commercial use of the properties. Attached to this appendix are site drawings and data summary tables as requested in Section III, #3 of the BCP application form.

- Investigation locations and associated analytical results are provided on Figure 7.
- copy of the referenced investigatory reports are provided individually in a separate electronic folder on the enclosed CD.

### **A summary of the history and previous environmental investigation findings completed for the Simon Southwest Properties is provided below:**

The subject parcel's historical uses included Buffalo Advertising Artists; Tripp Plating Works; Clow Gasteam Heating System; retail clothing shop; laundry facility; steel engraving company; retail fabrics company; photocopy company; vehicle parking lot; restaurant; and undertaker shop.

The requestor is not responsible for any of the environmental impacts associated with the property, all of which existed prior to his ownership.

### **November 2021 Phase I ESA and 2022 Phase II ESA**

Brydges Engineering in Environment and Energy, DPC (BE3) completed a Phase I Environmental Site Assessment (ESA) in November of 2021 followed by a Phase II ESA in January 2022 and May 2022. Field observations and laboratory results from the BE3 2022 investigation indicate that there are urban fill conditions in the near-surface soil resulting in compounds above unrestricted to restricted residential SCOs. Metal and SVOC exceedances were observed in eight (8) of the ten (10) near surface soil samples. The fill depth varied from one foot to four feet across the property.



MAP ADAPTED FROM GOOGLE EARTH PRO®

- Green-Above unrestricted SCOs
- Yellow-Above residential SCOs
- Red-Above restricted residential SCOs
- Boring Locations



June 2022

Figure 7  
Investigation Locations

BCP Application  
Simon Southwest Properties  
Buffalo, New York

SCALE: 1" = 64'  
(Approximate)

SHEET 1 OF 1

Revisions


**TABLE 1  
SUMMARY OF SOIL ANALYTICAL RESULTS**

Parameter Tested	Sample Identification, Sample Depth in feet below ground surface (bgs), and Sample Date										NYSDEC Soil Cleanup Objectives (SCOs)		
	B11S1	B12S1	B13S1	B14S1	B15S1	BH1A	BH2A	BH3A	BH4A	BH5A	Unrestricted	Residential	Restricted Residential
	0-2	0-2	0-2	0-2	0-2	2-4	2-4	2-4	2-4	2-4			
	12/21/2021					5/10/2022							
<b>METALS/INORGANICS</b>													
Aluminum	13,700	7,750	8,890	4,500	3,120	ND	ND	ND	ND	ND	-	-	-
Antimony	2.8 J	1.7 J	0.94 J	0.64 J	0.47 J	ND	ND	ND	ND	ND	-	-	-
Arsenic	11.6	6.2	5.1	1.5 J	1.5 J	5.8	7.6	10.4	26.5	8.6	13	16	16
Barium	235	50.2	49.1	15.8	8.8	31.3	50.8	85.9	217	131	350	350	400
Beryllium	1.7	0.42	0.36	0.21	0.15 J	0.20 J B	0.35 B	0.21 J B	1.5 B	1.0 B	7.2	14	72
Cadmium	1.2	0.26	0.16 J	0.17 J	0.10 J	0.29	0.33	1.6	6.8	0.17 J	2.5	2.5	4.3
Calcium	48,500 B	94,700 B	94,300 B	41,000 B	112,000 B	ND	ND	ND	ND	ND	-	-	-
Chromium	18.0	10.5	11.7	6.3	5.7	6.2	10.3	12.9	10.4	12.5	30	36	180
Cobalt	5.6	4.9	4.9	2.2	1.4	ND	ND	ND	ND	ND	-	-	-
Copper	36.4	58.6	9.3	5.6	4.7	52.7	15.7	45.9	50.2	28.1	50	270	270
Iron	28,500 B	10,500 B	11,400 B	6,490 B	4,130 B	ND	ND	ND	ND	ND	-	-	-
Lead	183	601	13.4	13.2	8.3	75.6	39.1	489	329	367	63	400	400
Magnesium	7,500	20,600	15,800	23,200	7,810	176 B	431 B	191 B	796 B	178 B	-	-	-
Manganese	1,480 B	302 B	317 B	253 B	88.1 B	ND	ND	ND	ND	ND	1,600	2,000	2,000
Mercury	0.48	0.14	0.017 J	0.027	0.036	0.13	0.18	1.1	0.29	0.39	0.18	0.81	0.81
Nickel	18.6	15.2	13.3	5.9	5.6	7.0	13.3	35.7	14.6	15.2	30	140	310
Potassium	1,940	1,940	2,510	1,260	1,030	ND	ND	ND	ND	ND	-	-	-
Selenium	3.1 J	0.82 J	0.69 J	0.51 J	ND	ND	0.84 J	0.96 J	3.6 J	1.2 J	3.9	180	1,500
Silver	0.34 J	ND	ND	ND	ND	0.38 J	0.32 J	0.94	1.0	0.55 J	2	180	1,500
Sodium	610 B	344 B	288 B	254 B	183 B	ND	ND	ND	ND	ND	-	-	-
Vanadium	23.2	19.7	20.3	11.2	8.6	ND	ND	ND	ND	ND	-	-	-
Zinc	266	83.7	43.9	36.5	35.3	114	73.9	210	1,840	115	109	2,200	10,000
<b>SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)</b>													
2-Methylnaphthalene	0.21 J	ND	ND	0.79 J	ND	ND	ND	ND	ND	ND	-	-	-
2-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	2.7 J	ND	-	-	-
3-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	6.2 J	ND	-	-	-
4-Methylphenol	ND	ND	ND	ND	ND	ND	ND	ND	6.2 J	ND	-	-	-
Acenaphthene	0.38 J	ND	ND	2.8 J	ND	ND	ND	ND	190	0.21	20	100	100
Acenaphthylene	ND	ND	ND	1.1 J	ND	ND	ND	ND	16 J	ND	100	100	100
Anthracene	0.8 J	ND	ND	6.9	ND	ND	ND	ND	370	0.4	100	100	100
Benzo(a)anthracene	1.7	ND	ND	14	ND	0.64 J	ND	5.1 J	560	0.6	1	1	1
Benzo(a)pyrene	1.6	ND	ND	12	ND	0.61 J	ND	5.1 J	380	0.45	1	1	1
Benzo(b)fluoranthene	1.9	ND	ND	16	ND	0.78 J	ND	6.7 J	510	0.55	1	1	1
Benzo(g,h,i)perylene	1.4	ND	ND	8.5	ND	ND	ND	3.2 J	210	0.25	100	100	100
Benzo(k)fluoranthene	0.84 J	ND	ND	5.4	ND	ND	ND	ND	190	0.22	0.8	1	3.9
Carbazole	0.48 J	ND	ND	3.2 J	ND	ND	ND	ND	ND	ND	-	-	-
Chrysene	1.6	ND	ND	13	ND	ND	ND	5.8 J	540	0.55	1	1	3.9
Dibenz(a,h)anthracene	0.42 J	ND	ND	2 J	ND	ND	ND	ND	84	0.08 J	0.33	0.33	0.33
Dibenzofuran	0.3 J	ND	ND	2.1 J	ND	ND	ND	ND	140	0.14 J	7	14	59
Fluoranthene	3.9	ND	ND	36	ND	1.6 J	ND	11 J	1200 E	1.2	100	100	100
Fluorene	0.39 J	ND	ND	2.3 J	ND	ND	ND	ND	200	0.21	30	100	100
Indeno(1,2,3-cd)pyrene	1.3	ND	ND	7.6	ND	ND	ND	3.1 J	210	0.24	0.5	0.5	0.5
Naphthalene	0.24 J	ND	ND	1 J	ND	ND	ND	ND	100	0.12 J	12	100	100
Phenanthrene	3.5	ND	ND	32	ND	ND	ND	4.8 J	1300 E	1.3	100	100	100
Pyrene	2.7	ND	ND	29	ND	1.0 J	ND	8.2 J	880 E	0.97	100	100	100
Other SVOCs	ND	ND	ND	ND	ND	ND	ND	ND	ND	ND	Various	Various	Various
<b>VOLATILE ORGANIC COMPOUNDS (VOCs)</b>													
1,2,4-Trimethylbenzene	-	-	-	-	-	-	-	-	1.8	-	3.6	47	52
1,3,5-Trimethylbenzene	-	-	-	-	-	-	-	-	0.9 J	-	8.4	47	52
Toluene	-	-	-	-	-	-	-	-	0.32 J	-	0.7	100	100
Xylenes, Total	-	-	-	-	-	-	-	-	1.8 J	-	0.26	100	100
Other VOCs	-	-	-	-	-	-	-	-	ND	-	Various	Various	Various

Notes: All units in parts per million (ppm)

ND Analyte not detected

- Not Applicable or sample not tested for this analyte

J Estimated Concentration

B Analyte detected in method blank

13,700 Analyte detected

183 Reported concentration greater than or equal to the NYSDEC Unrestricted SCO

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

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

**TABLE 2  
SUMMARY OF GROUNDWATER RESULTS**



Parameter Tested	Sample Identification, Approximate Groundwater Depth Feet Below Ground Surface, and Sample Date	NYSDEC TOGS 1.1.1 GA
	TMW4	
	9.3	
12/21/2021		
<b>VOLATILE ORGANIC COMPOUNDS (VOCs)</b>		
2-Butanone (MEK)	1.6 J	50
Acetone	7.7 J	50
Benzene	0.41 J	1
Cyclohexane	0.21 J	-
Methylcyclohexane	ND	-
Toluene	ND	5
Xylenes, Total	ND	5
Other VOCs	ND	Various
<b>SEMI-VOLATILE ORGANIC COMPOUNDS (SVOCs)</b>		
Fluoranthene	-	50
Naphthalene	-	10
Pyrene	-	50
Other SVOCs	-	Various

Notes: All units in micrograms per liter (µg/L)  
 NYSDEC New York State Department of Environmental Conservation  
 TOGS Technical and Operational Guidance Series  
 ND Analyte not detected  
 - Not Applicable or sample not tested for this analyte  
 1.6 Analyte Detected



ATTACHMENT E

**SECTION V: REQUESTOR INFORMATION**

NYSDOS Entity Information Print Out

## **SECTION V – REQUESTER INFORMATION**

The Requestor, JEMAL'S SIMON LLC is a LLC authorized from NYS Department of State to conduct business in NYS – refer to the attached entity printout. The names of the members/owners of the LLC are provided below:

Douglas Jemal

Norman Jemal

Matthew Jemal

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

# Department of State Division of Corporations

## Entity Information

[Return to Results](#)

[Return to Search](#)

### Entity Details ^

**ENTITY NAME:** JEMAL'S SIMON LLC

**DOS ID:** 6234240

**FOREIGN LEGAL NAME:**

**FICTITIOUS NAME:**

**ENTITY TYPE:** DOMESTIC LIMITED LIABILITY COMPANY

**DURATION DATE/LATEST DATE OF DISSOLUTION:**

**SECTION OF LAW:** LIMITED LIABILITY COMPANY LAW - 203  
LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY  
COMPANY LAW

**ENTITY STATUS:** ACTIVE

**DATE OF INITIAL DOS FILING:** 08/03/2021

**REASON FOR STATUS:**

**EFFECTIVE DATE INITIAL FILING:**

**INACTIVE DATE:**

**FOREIGN FORMATION DATE:**

**STATEMENT STATUS:** CURRENT

**COUNTY:** ERIE

**NEXT STATEMENT DUE DATE:** 08/31/2023

**JURISDICTION:** NEW YORK, UNITED STATES

**NFP CATEGORY:**

[ENTITY DISPLAY](#)

[NAME HISTORY](#)

[FILING HISTORY](#)

[MERGER HISTORY](#)

[ASSUMED NAME HISTORY](#)

#### Service of Process Name and Address

**Name:** C/O DOUGLAS DEVELOPMENT CORP.

**Address:** 655 NEW YORK AVENUE, SUITE 830, WASHINGTON, DC, UNITED STATES, 20001

#### Chief Executive Officer's Name and Address

**Name:**

**Address:**

#### Principal Executive Office Address

**Address:**

#### Registered Agent Name and Address

**Name:**

**Address:**

#### Entity Primary Location Name and Address

**Name:**

**Address:**

#### Farmcorpflag

ATTACHMENT F

SECTION VI: REQUESTOR ELIGIBILITY

## **SECTION VI – REQUESTER ELIGIBILITY**

The Applicant/Requester, JEMAL'S SIMON LLC qualifies as a "Volunteer" in accordance with NY ECL27-1405(1)(b) and 6NYCRR 375-3.2(b)(2). JEMAL'S SIMON LLC took ownership to the Site in August 2021. The Volunteer Applicant had no relationship to the former series of owners and operators and has never utilized the premises other than developing re-development concepts for the property. JEMAL'S SIMON LLCs liability for the property arises solely as a result of taking ownership of the Site.

JEMAL'S SIMON LLC has acted with due care since taking ownership of the property. The requestor will exercise appropriate care and perform reasonable steps to mitigate any (1) continuing discharge of, (2) threatened future release of, and (3) human or environmental exposure to hazardous materials from the Site.

The requestor should be considered as a volunteer, as it is anticipated hazardous material mitigation will be achieved at the site by utilizing the following approach:

- Knowing the potential historical site environmental impacts via previous assessments, identify extent of recognized environmental conditions performing a thorough investigation of the site including soil, water, and air.
- Utilizing results of investigation, perform remedial measures that could include soil removal, construction and demolition debris removal, soil vapor mitigation, groundwater treatment, abatement of building materials, installation of barriers, etc.
- Establish administrative controls at the site, as necessary, to protect human health and the environment during future activities and occupation at the site.

Furthermore, it should be noted that the requestor has not initiated any operations or property use that would contribute to environmental impacts; was not the owner of the site at the time of release of any contamination; and has no legal relationship with current owner beyond the real estate contract to purchase the property.

ATTACHMENT G

SECTION VII: REQUESTOR CONTACT INFORMATION

## **SECTION VII – REQUESTOR CONTACT INFORMATION**

The Requester, **JEMAL'S SIMON L.L.C.**, representative is Mr. Greg Baker who is the Director of Development for Douglas Development/**JEMAL'S SIMON L.L.C.**

### **Requestor Address & Phone Number**

Mr. Greg Baker  
Douglas Development/JEMAL'S SIMON LLC  
1 Seneca Drive  
Buffalo, NY 14203  
716-517-1104  
[gbaker@douglasdev.com](mailto:gbaker@douglasdev.com)

### **Requestor's Consultant Address & Phone Number**

Mr. Jason Brydges  
Brydges Engineering in Environment & Energy DPC  
960 Busti Ave  
Buffalo, New York 14213  
716-249-6880  
[jbrydges@be3corp.com](mailto:jbrydges@be3corp.com)

### **Requestor's Attorney**

Lindsey Haubenreich  
Phillips Lytle, LLP  
One Canalside  
125 Main Street  
Buffalo, NY 14203-2887  
716-847-8400  
[lhaubenreich@phillipslytle.com](mailto:lhaubenreich@phillipslytle.com)

ATTACHMENT H

**SECTION VIII: PROGRAM FEE**



## **SECTION VIII – PROGRAM FEE**

The Requester, **JEMAL'S SIMON LLC**, is not applying for a fee waiver.

ATTACHMENT I

**SECTION IX: CURRENT PROPERTY OWNER and OPERATOR INFORMATION**

## SECTION IX – Current Property Owner and Operator Information

The Current Owners of the parcel address 23 East Huron Street (former parcel addresses 23 and 31 Huron Street and 348 Ellicott Street) is:

JEMAL'S SIMON LLC  
655 New York Avenue NW Suite 830, Washington DC 20001  
(202)-638-6300  
[gbaker@douglasdev.com](mailto:gbaker@douglasdev.com)

Douglas Jemal, Norman Jemal, and Matthew Jemal are the members/owners of the LLC

The current use of the three former parcel addresses located in the subject property is as follows:

- **23 East Huron Street - Burns Building – vacant**
- **31 East Huron Street – This is currently being used for parking by Pay-to-Park**
- **348 Ellicott Street -currently a three-story vacant building**

### Previous Property Owners/Operators

#### 23-25 East Huron Street – Burns/Morrison Building – 6 Story Building – Multiple Tenants

YEAR	PRE OWNERS-OPERATORS	LAST KNOWN ADDRESS/PHONE	USE	RELATIONSHIP TO REQUESTOR/MEMBERS
1975-2021	Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner	None
2004	CFC CORP Printing	70 Bethune Street, NY, NY 10014/ 212-741-3600	Printing Ink Manufact	None
1930-1994	Superior Engraving	25 E Huron St # 1, Buffalo, 14203, NY/ (716) 852-7224	Printing	None
1975-1992	Western Off Track Betting Co	8315 Park Dr. - Batavia, New York/ 585-343-3750	Gambling	None
1992	Devin Design	77 Nassau Ave, Buffalo NY/ 716-876-3792	engraving	None
1985	Buffalo Scene Mag	25 E. Huron Street, Buffalo NY	Magazine	None
1975	Frontier Engraving Service	25 E. Huron Street, Buffalo, NY	engraving	None

1946-1964	Wilder Photocopy Co Inc -	25 E. Huron Street, Buffalo NY	Copy Products Inc store rm	None
1955-1960	Mohawk Litho Inc	25 E. Huron Street, Buffalo NY	printers	None
1955	Holling Press Inc	241 Main, Suite100, Buffalo, NY, 14203	printers	None
1946-1950	Crown Ring Mfg Corp/King Ring Mfg Co	25 E. Huron Street, Buffalo		None
1950	Lubers manufactures Walter N. Schutrum	25 E. Huron Street, Buffalo	jewelers	None
1940-1950	Walter M Spence Jr	25 E. Huron Street, Buffalo	Jeweler	None
1950	Ackermann J H Ltd	25 E. Huron Street, Buffalo	Toy Manufacturer	None
1946-1950	Frank P Laufer	25 E. Huron Street, Buffalo	engraver	None
1946	Sam Grossman	25 E. Huron Street, Buffalo	windows	None
1940-1946	Harry Hoffman & Son	25 E. Huron Street, Buffalo	printers	None
1940	Hampshire Press	25 E. Huron Street, Buffalo	printers	None
1935-1940	Thorner Sidney Press Inc	808 Seneca Street, Buffalo, NY 14210.	printers	None
1930-1935	Trench & Camp Mfg Co -	Tri-Main Bldg., 2495 Main St., Buffalo, NY – Closed 1995	Pennants /novelties	None
1935	C C M Inc	3400 Rue Raymond-Lasnier, Saint-Laurent QC H4R3L3 800-644-1677	Ice skates	None
1935	Standardized Ptg Co Inc	25 E. Huron Street, Buffalo		None
1930-1935	Morrison Railway Supply Corp	814 Rand Building Buffalo NY 3685 Stutz Drive - Suite 102 Canfield Ohio 44406-9155 (330)702-5188	Rail Supplies	None
1935	Morrison Metalweld Process Inc	3685 Stutz Drive - Suite 102 Canfield Ohio 44406-9155 (330)702-5188	Metal/welding	None
1935	Osmose Corp of America	980 Ellicott Street Buffalo, New York	wood Preservations	None
1935	Universal Printing Co Inc	1205 O'Neill Highway Dunmore, Pennsylvania 18512/57-342-1243	printers	None
1935	Brunswick Co	26125 N. Riverwoods Blvd. Suite 500 Mettawa, IL 60045 847-735-4700	Billiard	None
1930	Bison Hat Co Inc	25 E. Huron Street, Buffalo		None

1930	1930 - Permadyne Inc	Possibly now Standard Dyes, Inc - High Point, NC 27261 - (336) 841-5468	Dye Manufact	None
1930	La France Industries -	290 Old Anderson Rd., Pendleton, SC 29670 (864) 646-3213	upholsters	None

**27-31 East Huron Street - This is currently being used for parking by Pay-to-Park**

<b>YEAR</b>	<b>PRE OWNERS-OPERATORS</b>	<b>LAST KNOWN ADDRESS/PHONE</b>	<b>USE</b>	<b>RELATIONSHIP TO REQUESTOR/MEMBERS</b>
1975-2021	Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner	None
2016-Current	Pay2Park	P.O. Box 123, Buffalo NY/716.853.3400	Parking	Lessee
1960-64	Copy Products Inc	27-31 East Huron Street	drafting equip	None
1935-1955	Ideal Lunch	27-31 East Huron Street	Restaurant	None
1950	Grossman Saml	27-31 East Huron Street	window displays	None
1946	Jos J Hopkins	27-31 East Huron Street	furniture	None
1935	Brunswick Balke Collender Co billiard supplies	26125 N. Riverwoods Blvd. Suite 500 Mettawa, IL 60045 847-735-4700	billiard supplies	None
1930	Buffalo Geni Electric Co	27-31 East Huron Street		None

**348 Ellicott Street**

<b>YEAR</b>	<b>PRE OWNERS-OPERATORS</b>	<b>LAST KNOWN ADDRESS/PHONE</b>	<b>USE</b>	<b>RELATIONSHIP TO REQUESTOR/MEMBERS</b>
1975-2021	Simon Family/Reality Group	367 Ellicott Street/ 716-852-3824	Owner	None
2016-Current	Pay2Park	P.O. Box 123, Buffalo NY/716.853.3400	Parking	Lessee
1960	Doril Inc	348 Ellicott Street, Buffalo	jwlyr	None

1955	Superior Typesetting Co	348 Ellicott Street, Buffalo		None
1950	Buffalo Adv Artists	348 Ellicott Street, Buffalo		None
1940	Manhardt Alexander Inc printers	Po Box 8 Getzville, NY 14268	printers	None
1930- 1935	Tripp Plating Works	1491 William Street, Buffalo, NY 14206/ 716.894.2424	Plating	None
1925	Feigenbaum & Berkowitz	348 Ellicott Street, Buffalo	witz coat mfrs	NONE
1925	Gasteam Heating Systems	348 Ellicott Street, Buffalo	Gas Pressure Regulators	None

ATTACHMENT J

**SECTION X: PROPERTY ELIGIBILITY INFORMATION**

## **SECTION X – PROPERTY ELIGIBILITY INFORMATION**

**CERCLA/NPL Listing** - the Site is and has never been listed as an NPL site

**Registry Listing** - the site has never been listed as a NYS Inactive Hazardous Waste Disposal site

**RCRA Listing** - the Site was not identified as a RCRA TSD

**Existing Order – Subject to Navigation Law or ECL** - the Site was never identified subject to the Navigation Law or ECL

**Pending Enforcement Action** – The property is not and has not been subject to an enforcement action under Article 27, Titles 7 or 9 of the ECL



ATTACHMENT K

SECTION XI: SITE CONTACT LIST

## **SECTION XI – SITE CONTACT LIST**

### 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

Daniel Castle, AICP County Environment and Planning Commissioner  
Edward A. Rath County Office Building  
95 Franklin Street, 16th Floor  
Buffalo, NY 14202  
Phone: (716) 858-8500

Erie County Legislator April N.M. Baskin District 2  
790 East Delavan Avenue  
Buffalo, NY 14215

Mr. Paul Kranz  
Erie Co. Environment & Plan.  
95 Franklin Street  
Buffalo, NY 14202

Ms. Karen M. McCarthy  
Erie County Legislature Clerk  
25 Delaware Avenue  
Buffalo, NY 14202

Mr. Steve Weathers 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 Brown, Mayor City of Buffalo  
65 Niagara Sq  
Buffalo, NY 14219

Brendan R. Mehaffy - Director of Planning:  
Executive Director  
65 Niagara Square, Room 901  
Buffalo, NY 14202

Darius G. Pridgen  
Ellicott District Councilmember  
City Hall  
65 Niagara Sq., Rm 1315  
Buffalo, NY 14202

James K. Morrell, Chairman City of Buffalo  
Planning Board 901 City Hall  
Buffalo, NY 14219

***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

***Local News Media:***

Buffalo News  
1 News Plaza  
Buffalo, NY 14240

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

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

WKBW News Channel 7  
7 Broadcast Plaza  
Buffalo, NY 14202  
WJYE  
ATTN: Environmental News Desk  
1700 Rand Building  
Buffalo, NY 14203

Business First  
465 Main Street  
Buffalo, NY 14203-1793

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

WNED, Environmental News Desk  
P.O. Box 1263, Horizons Plaza  
Buffalo, NY 14240

***Nearby Schools and Day Cares:***

Buffalo Academy of Science Charter School  
Executive Director – Joseph B. Polat  
190 Franklin St, Buffalo, NY 14202  
(716) 854-2490

Health Sciences Charter School  
Charter school  
Principal - Mr. Rob Baxter  
1140 Ellicott St, Buffalo  
(716) 888-4080

The Gingerbread House Daycare Center  
200 E. Eagle St. , Buffalo, NY  
(716) 348-1149

Kiddie Corner at Larkin  
685 Seneca St, Buffalo, NY 14210  
(716) 845-5437

**Adjacent Property Owners**

(20 East Huron Street)  
Iskalo Electric Tower LLC

5166 Main Street  
Williamsville, NY 14221

(357 Ellicott Street)  
Simon Realty Group  
367 Ellicott Street  
Buffalo, NY 14203

(337 Ellicott Street)  
Iskalo 337 Ellicott LLC  
5166 Main Street  
Williamsville, NY 14221

(515 Washington Street)  
Buffalo Urban League Inc.  
15 Genesee Street  
Buffalo, NY 14203

(517 Washington Street)  
Black House Properties Inc.  
504 Washington Street  
Buffalo, NY 14203

(519 Washington Street)  
Catholic Charities of Buffalo  
525 Washington Street  
**Document Repository – see attached letter**  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203

**From:** [April Tompkins](#)  
**To:** [Sydney Deck](#)  
**Subject:** RE: Repository - BCP Document - Simon Properties Southwest, Buffalo, New York  
**Date:** Friday, August 12, 2022 1:22:29 PM  
**Attachments:** [Library Repository Letter SW.pdf](#)

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**CAUTION:** This email originated from outside of the organization.

Good afternoon Sydney,

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 for the Simon Properties Southwest at the following locations/sites:

- **348 Ellicott Street, Buffalo, New York**
- **23 East Huron Street, Buffalo, New York**
- **31 East Huron Street, Buffalo, New York**

These documents will be made available for public viewing at the **Central 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 documents and cover letter to the Central Library. We will process according to our procedure and distribute to the location(s) of your choice. **If you would like a confirmation that your documents were 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 usually 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 documents distributed at **libraries other than Central**, you will need to send or give us the appropriate quantity of copies with labels or a list regarding their

destination(s). We will distribution accordingly. We do not make copies for distribution.

- Documents that cannot be stapled, should be kept together in some type of 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 or flash drive) you wish to submit. If submitting in more than one format (ex: print and disk), please be sure that they are titled/labeled accordingly. **If cd's or flash drives are included, please secure to any 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 disk in-house. Public computers do have USB ports. 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.

This email serves as sufficient documentation in replacement of the attached document requiring a signature, and has been accepted by your company, for past/recent requests. 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

---

**From:** Sydney Deck <sdeck@be3corp.com>  
**Sent:** Friday, August 12, 2022 12:49 PM  
**To:** April Tompkins <tompkinsa@buffalolib.org>  
**Subject:** RE: Repository - BCP Document

**CAUTION:** This email originated from outside of the Library. Attachment and links **may not be safe!**

Thank you for getting back to me so quickly! I've attached the request. I look forward to hearing back from you!

**Sydney Deck**  
**Environmental Scientist**



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

Office: 716.249.6880  
Direct: 716.846.1095

Cell: 716.308.0011

 [be3corp.com](http://be3corp.com)



---

**From:** [April Tompkins](#)

**Sent:** Friday, August 12, 2022 12:47 PM

**To:** [Sydney Deck](#)

**Subject:** Repository - BCP Document

**CAUTION:** This email originated from outside of the organization.

Good afternoon Ms Deck,

Per your voice message today (8/12/22), you may send the letter as an attachment to me via email and I will send you our procedure for making BCP documents available at our library(s).

I look forward to your reply.

Regards,

April

April Tompkins, Senior Library Clerk  
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