LAW OFFICE OF

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August 30, 2022

Honorable Rossana Rosado
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, New York 12231-0001
Attention: BOA Program

Re: Enterprise Lumber & Silo, LLC
Application for Determination of Conformance

Dear Secretary Rosado:

Enclosed with this letter is the completed Application by Enterprise Lumber & Silo, LLC ("Enterprise Lumber") for a Determination of Conformance with respect to the Enterprise Lumber redevelopment project located at 211 Main Street in the City of North Tonawanda, New York (the "Project"). The Project was enrolled in the NYS Department of Environmental Conservation's Brownfield Cleanup Program on May 15, 2018, and it is located within the City of North Tonawanda Brownfield Opportunity Area.

Accompanying this Application are copies of the following documents relating to the Project:

1. Decision Document issued by the NYS Department of Environmental Conservation on February 10, 2021 with regard to the 211 Main Street Brownfield Cleanup Program in North Tonawanda, Niagara County, Site No. C932171;

2. Certificate of Completion issued by the NYS Department of Environmental Conservation on December 17, 2021 with regard to the 211 Main Street Brownfield Cleanup Plan Site;

3. A GIS Tax Map of the premises at 211 Mains Street, North Tonawanda, New York;

4. A Boundary Survey of the premises at 211 Mains Street, North Tonawanda, New York;

5. Architectural Drawings of the Site Plan for redevelopment of the 211 Main Street site;

6. Architectural Renderings of the new professional office building to be constructed at the 211 Main Street site; and

7. The post-construction Occupancy Plan for the professional office building at the 211 Main Street site.

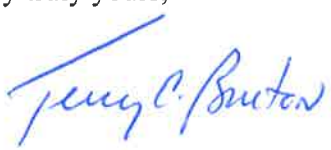
Copies of the Application and the additional documents listed above are being mailed on the date of this letter to representatives of the City of North Tonawanda and the County of Niagara, which are the municipalities in which the Project is located. An Affidavit of Mailing of these materials is enclosed with this letter. The contact information for these local government representatives appears below:

Mr. Jospeh A. Jastrzemski
Niagara County Clerk
Niagara County Courthouse
P.O. Box 461
175 Hawley Street, First Floor
Lockport, New York 14095-0461
Telephone: (716) 439-7022
Email: niagaracounty.clerk@niagaracounty.com

Ms. Donna Braun
North Tonawanda City Clerk
216 Payne Avenue
North Tonawanda, New York 14120
Telephone: (716) 695-8557
Email: dbraun@northtonawanda.org

Please let me know if any thing else is required for issuance of the Determination of Conformation for our Project. Thank you very much.

Very truly yours,



Terry C. Burton, Esq.

New York State
Department of State
Office of Planning and Development
One Commerce Plaza
99 Washington Avenue
Albany, NY 12201-2001
(518) 474-6000
www.dos.ny.gov

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an "eligible taxpayer", must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? ☒ YES or ☐ NO

Name of Requestor: Enterprise Lumber & Silo, LLC

Address: 62 Webster Street, Second Floor, North Tonawanda, New York 14120

Phone: (716) 216-4165

Email: kcburton@kcb-architecture.com

Name and Contact Information of Authorized Representative (if different):

Terry C. Burton, Esq., 62 Webster Street, Second Floor, North Tonawanda, New York 14120

Telephone No. (716) 525-7474

Name and Contact Information of Property Owner (if different):

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: C932171

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: May 15, 2018

The Brownfield Opportunity Area Program Determination of Conformance Application Form

C. Provide date of the Final Decision Document: February 10, 2021
(Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
☒ YES (If yes, date of COC: December 17, 2021) or ☐ NO

Section 3: Property Information

A. Proposed Project Name: 211 Main Street Redevelopment Project

B. Address/Location: 211 Main Street

City/Town/Village and Zip: North Tonawanda, New York 14120

Municipality(ies): City of North Tonawanda

County(ies): Niagara

C. Size of Site to be Developed (acres): 0.670 acres

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.
185.05-1-80.21

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: City of North Tonawanda Brownfield Opportunity Area

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.
City of North Tonawanda, Niagara County

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?
☒ YES or ☐ NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

	Strategic Site Information	BOA Nomination Page(s)
1	Site 18 - Mixed-Use Development	133
2		
3		
4		

Section 5: Project Information

A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

The 211 Main Street Redevelopment Project is focused on restoration and repurposing of a vacant masonry and heavy timber-framed building located at 211 Main Street in the City of North Tonawanda, New York. The project includes remediation of the contaminated soils under a brownfield cleanup plan approved by the New York State Department of Environmental Conservation, selective demolition of the 1930s era building to preserve the below grade foundations and heavy timber structural members, and the construction of an approximately 6,200 sq. ft. office building. The building will serve as an incubator for small architecture, landscape architecture, engineering and construction-related businesses seeking a collaborative work environment. When completed, the new building and the site upon which it is located will serve as a catalyst for further redevelopment of downtown North Tonawanda, and as a model for carbon neutral construction methods, efficient and sustainable energy utilization, and environmentally sensitive "green infrastructure" initiatives.

Redevelopment of 211 Main Street is a critical component of North Tonawanda's MomeNTum Downtown Revitalization Strategy, which is focused on promoting redevelopment projects that will foster new commercial investment in the City. For that reason, the 211 Main Street project has received a wide-ranging support from numerous State, County and Municipal government and quasi-government officials and agencies. Enterprise Lumber was founded by two local woman entrepreneurs who wanted to grow their businesses in Southern Niagara County but were unable to find suitable Class A office space. The project will address the need in North Tonawanda for professional office space that utilizes current best sustainable design practices and 21st century building technology. The new office building will be constructed on a 0.670 acre parcel, and approximately 20% of the site will be devoted to rain gardens and other green spaces.

Please refer to the survey, site plan and architectural renderings which accompany this Application for information about the location of the site in relation to adjacent streets, the placement and density of the building on the site, and the architectural design features of the planned office building.

B. List of maps and documents attached to the application: (Refer to instructions DOS-2045-INST.)

- [x] Property base map
- [x] Site plan
- [x] Renderings
- [x] Other (Describe: Survey of the Site and the Former Building)

Section 6. Project Conformance to Criteria

A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

The 211 Main Street Redevelopment Project is a critical component of the City of North Tonawanda BOA Redevelopment Plan and is in alignment with the goals of the BOA Plan in the following respects. The 211 Main Street Project will:

- Remediate a contaminated brownfield site to the highest level of cleanliness, suitable for mixed-use development;

- Create an attractive gateway to downtown North Tonawanda by replacing a derelict warehouse with an attractive office building;

- Foster small business development by creating an incubator for entrepreneurial architecture, landscape architecture, engineering and construction-related businesses seeking a collaborative work environment, and thereby provide a platform for new local employment opportunities;

- Establish of a catalyst for further private investment and redevelopment in a former industrial area of North Tonawanda; and

- Construct a building having a design evocative of North Tonawanda's lumber processing history which also serves as a regional model for best practices in carbon neutral building design and facility operation methods, efficient and sustainable energy utilization, and environmentally sensitive "green infrastructure" initiatives.

B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

The 211 Main Street Redevelopment Project is consistent with the types and characteristics of new projects desired for the rebirth of downtown North Tonawanda. North Tonawanda is sorely lacking in first class professional office space, and the 211 Main Street Redevelopment Project adds diversity to the blend of commercial, residential, mixed use and recreational improvements that the North Tonawanda MomeNTum project is seeking to achieve.

The space on the development site to be occupied by the new professional office building is less than that occupied by the former warehouse building to be replaced, so the 211 Main Street Redevelopment Project does not create an objectionable increase in building density. Further, this project exemplifies "smart growth" principles by identifying new uses for North Tonawanda's existing underutilized investments in infrastructure.

The 211 Main Street Redevelopment Project has received strong State, county and municipal support and a great amount of community enthusiasm because it is recognized as a likely catalyst for further investment and redevelopment in a blighted area of North Tonawanda. The shared expectation is that the 211 Main Street Redevelopment Project will advance the BOA plan's objective of encouraging attractive and beneficial projects that will build momentum for additional positive change in North Tonawanda.

C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

The 211 Main Street redevelopment site is zoned M-1 (Light Manufacturing) in the City of North Tonawanda Zoning Code. The professional office space planned for construction at this location is a less-intensive use than that allowed under the City's Zoning Code. The plans for development of the site were reviewed by the City of North Tonawanda Planning Board, and the Applicant obtained a variance from the North Tonawanda Zoning Board of Appeals which authorizes a parking density at the premises substantially higher than what is expected to be required. All local land use regulations, standards and other requirements for the 211 Main Street redevelopment project to proceed have been addressed.

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent.
(Attach proof of delivery as per instructions DOS-2045-INST.)

Municipality	Mailing Address	Date Application Sent
City of North Tonawanda	216 Payne Avenue, North Tonawanda, NY 14120	August 29, 2022
County of Niagara	175 Hawley Street, Lockport, NY 14094	August 29, 2022

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

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 under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

(By a requestor other than an individual)

I hereby affirm that I am the President (title)

of Enterprise Lumber & Silo. LLC (entity);

that this application was prepared by me or under my supervision and direction. 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 under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: _____

Print Name: Kelley D. Culp-Burton

Date: August 29, 2022

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Rossana Rosado
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

Attachments to the Determination of Conformation Application
of Enterprise Lumber & Silo, LLC

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1. Decision Document issued by the NYS Department of Environmental Conservation on February 10, 2021 with regard to the 211 Main Street Brownfield Cleanup Program in North Tonawanda, Niagara County, Site No. C932171;

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7. The post-construction Occupancy Plan for the professional office building at the 211 Main Street site.

DECISION DOCUMENT

211 Main Street
Brownfield Cleanup Program
North Tonawanda, Niagara County
Site No. C932171
February 2021

Prepared by
Division of Environmental Remediation
New York State Department of Environmental Conservation

DECLARATION STATEMENT - DECISION DOCUMENT

211 Main Street
Brownfield Cleanup Program
North Tonawanda, Niagara County
Site No. C932171
February 2021

Statement of Purpose and Basis

This document presents the remedy for the 211 Main Street site, a brownfield cleanup site. The remedial program was chosen in accordance with the New York State Environmental Conservation Law and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR) Part 375.

This decision is based on the Administrative Record of the New York State Department of Environmental Conservation (the Department) for the 211 Main Street site and the public's input to the proposed remedy presented by the Department.

Description of Selected Remedy

The elements of the selected remedy are as follows:

1. Remedial Design: A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy

efficiency as an element of construction.

2. Excavation - Excavation and off-site disposal of all on-site soil and fill (approximately 1,800 cubic yards) that exceed unrestricted use soil cleanup objectives (SCOs) as defined by 6 NYCRR Part 375-6.8. This includes fill material under the building slab, which will be removed as part of site redevelopment. The area of elevated gamma activity soil along the south side of the building will also be removed for proper disposal at an approved off-site waste facility. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

The intent of the remedy is to achieve a Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated. If groundwater standards and screening levels are not achieved prior to completion of the Final Engineering Report, then a Site Management Plan (SMP) and Environmental Easement (EE) will be required to address groundwater monitoring; a Track 1 cleanup can only be achieved if groundwater monitoring is no longer needed within 5 years of the date of the Certificate of Completion.

If a Track 1 unrestricted use remediation is not achieved, including achievement of groundwater remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 residential cleanup. The contingent remedy will include the following:

3. Institutional Controls: Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:

(a) Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
(b) Allows the use and development of the controlled property for residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
(c) Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
(d) Requires compliance with the Department approved Site Management Plan.

4. Site Management Plan: A Site Management plan is required, which includes the following:

(a) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:

- Institutional Controls: The Environmental Easement discussed in Paragraph 3 above.

This plan includes, but may not be limited to:
- An Excavation Plan that details the provisions for the management of future excavations in areas of remaining contamination;
- Descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;

- Provisions for the management and inspection of the identified engineering controls;
- Maintaining site access controls and Department notification; and
- The steps necessary for periodic reviews and certification of the institutional and engineering controls.

(b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- Monitoring of groundwater to assess the performance and effectiveness of the remedy; and
- A schedule of monitoring and frequency of submittals to the Department.

Declaration

The remedy conforms with promulgated standards and criteria that are directly applicable, or that are relevant and appropriate and takes into consideration Department guidance, as appropriate. The remedy is protective of public health and the environment.

02/10/21	Michael Cruden
Date	Michael Cruden, Director Remedial Bureau E

DECISION DOCUMENT

211 Main Street
North Tonawanda, Niagara County
Site No. C932171
February 2021

SECTION 1: SUMMARY AND PURPOSE

The New York State Department of Environmental Conservation (the Department), in consultation with the New York State Department of Health (NYSDOH), has selected a remedy for the above referenced site. The disposal of contaminants at the site has resulted in threats to public health and the environment that would be addressed by the remedy. The disposal or release of contaminants at this site, as more fully described in this document, has contaminated various environmental media. Contaminants include hazardous waste and/or petroleum.

The New York State Brownfield Cleanup Program (BCP) is a voluntary program. The goal of the BCP is to enhance private-sector cleanups of brownfields and to reduce development pressure on "greenfields." A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant.

The Department has issued this document in accordance with the requirements of New York State Environmental Conservation Law and 6 NYCRR Part 375. This document is a summary of the information that can be found in the site-related reports and documents.

SECTION 2: CITIZEN PARTICIPATION

The Department seeks input from the community on all remedies. A public comment period was held, during which the public was encouraged to submit comment on the proposed remedy. All comments on the remedy received during the comment period were considered by the Department in selecting a remedy for the site. Site-related reports and documents were made available for review by the public at the following document repository:

DECInfo Locator - Web Application
https://gisservices.dec.ny.gov/gis/dil/index.html?rs=C932171

North Tonawanda Public Library
505 Meadow Drive
North Tonawanda, NY 14120
Phone: (716) 693-4132

Receive Site Citizen Participation Information By Email

Please note that the Department's Division of Environmental Remediation (DER) is "going paperless" relative to citizen participation information. The ultimate goal is to distribute citizen participation information about contaminated sites electronically by way of county email listservs. Information will be distributed for all sites that are being investigated and cleaned up in a particular county under the State Superfund Program, Environmental Restoration Program, Brownfield Cleanup Program and Resource Conservation and Recovery Act Program. We encourage the public to sign up for one or more county listservs at http://www.dec.ny.gov/chemical/61092.html

SECTION 3: SITE DESCRIPTION AND HISTORY

Location:
The site is located at 211 Main Street in the City of North Tonawanda, Niagara County, just south of the intersection of Main and Thompson Streets. The site is 0.67 acres in size, and is bordered on the west by Main Street, commercial properties, River Road, and the Little Niagara River; on the south by commercial properties; on the east by a rail line, vacant and commercial properties; and to the north by commercial property and Thompson Street.

Site Features:
The site contains an approximately 11,000-square foot building that was deemed unfit for occupancy by the City of North Tonawanda in 2015. The building is surrounded by asphalt and gravel parking lots with a fence at the property lines. The site is generally flat, but gently slopes to the west. Surface drainage is primarily towards storm drains located along Main Street to the west.

Current Zoning and Land Use:
The property is zoned for industrial use and is currently vacant. Surrounding properties are zoned for industrial, commercial, and residential uses. The nearest residential properties are located approximately 1000 feet east of the site

Past Use of the Site:
The site was first developed as a lumber mill in the 1880s, and maintained that use until the 1960s. Since that time, the site has been used as an automobile service station and a warehouse. Historical operations at the property included lumber planing, pallet production, industrial cutting, machinery sales, and automobile repair, storage and painting.

In September 2017, a Phase II Environmental Site Assessment (ESA) was completed at the property. This investigation documented the presence of several semi-volatile organic compounds (SVOCs) and arsenic at concentrations that exceeded the Department's Part 375 commercial use soil cleanup objectives (SCOs).

Site Geology and Hydrogeology:
Asphalt and gravel sub-base were observed throughout the site from the surface to eight inches below grade. Fill material, consisting of crushed rock, lumber, sand, ash/cinders, bricks, ceramics, and gravel, was encountered throughout the site to depths up to six feet below grade. Native reddish-brown clay was observed directly beneath the fill. Bedrock was not encountered

at the site.

Four overburden groundwater monitoring wells were installed at the 211 Main Street Site. Groundwater at the site ranges in depth from 2.0 to 6.4 feet below grade, and flows northwest towards the Little Niagara River. The site and surrounding area are serviced by a public water system and are not affected by site contamination.

A site location map is attached as Figure 1.

SECTION 4: LAND USE AND PHYSICAL SETTING

The Department may consider the current, intended, and reasonably anticipated future land use of the site and its surroundings when evaluating a remedy for soil remediation. For this site, an alternative which allows for unrestricted use of the site was evaluated.

A comparison of the results of the Remedial Investigation (RI) against unrestricted use standards, criteria and guidance values (SCGs) for the site contaminants is available in the RI Report.

SECTION 5: ENFORCEMENT STATUS

The Applicant(s) under the Brownfield Cleanup Agreement is a/are Volunteer(s). The Applicant(s) does/do not have an obligation to address off-site contamination. However, the Department has determined that this site does not pose a significant threat to public health or the environment; accordingly, no enforcement actions are necessary.

SECTION 6: SITE CONTAMINATION

6.1: Summary of the Remedial Investigation

A remedial investigation (RI) serves as the mechanism for collecting data to:

- characterize site conditions;
- determine the nature of the contamination; and
- assess risk to human health and the environment.

The RI is intended to identify the nature (or type) of contamination which may be present at a site and the extent of that contamination in the environment on the site, or leaving the site. The RI reports on data gathered to determine if the soil, groundwater, soil vapor, indoor air, surface water or sediments may have been contaminated. Monitoring wells are installed to assess groundwater and soil borings or test pits are installed to sample soil and/or waste(s) identified. If other natural resources are present, such as surface water bodies or wetlands, the water and sediment may be sampled as well. Based on the presence of contaminants in soil and groundwater, soil vapor will also be sampled for the presence of contamination. Data collected in the RI influence the development of remedial alternatives. The RI report is available for review in the site document repository and the results are summarized in section 6.3.

The analytical data collected on this site includes data for:

- groundwater
- soil

6.1.1: Standards, Criteria, and Guidance (SCGs)

The remedy must conform to promulgated standards and criteria that are directly applicable or that are relevant and appropriate. The selection of a remedy must also take into consideration guidance, as appropriate. Standards, Criteria and Guidance are hereafter called SCGs.

To determine whether the contaminants identified in various media are present at levels of concern, the data from the RI were compared to media-specific SCGs. The Department has developed SCGs for groundwater, surface water, sediments, and soil. The NYSDOH has developed SCGs for drinking water and soil vapor intrusion. For a full listing of all SCGs see: http://www.dec.ny.gov/regulations/61794.html

6.1.2: RI Results

The data have identified contaminants of concern. A "contaminant of concern" is a contaminant that is sufficiently present in frequency and concentration in the environment to require evaluation for remedial action. Not all contaminants identified on the property are contaminants of concern. The nature and extent of contamination and environmental media requiring action are summarized below. Additionally, the RI Report contains a full discussion of the data. The contaminant(s) of concern identified at this site is/are:

benzo(a)anthracene	lead
benzo(a)pyrene	mercury
benzo(b)fluoranthene	zinc
chrysene	perfluorooctane sulfonic acid
indeno(1,2,3-CD)pyrene	perfluorooctanoic acid
arsenic	radium
copper	

The contaminant(s) of concern exceed the applicable SCGs for:

- groundwater
- soil

6.2: Interim Remedial Measures

An interim remedial measure (IRM) is conducted at a site when a source of contamination or exposure pathway can be effectively addressed before issuance of the Decision Document.

There were no IRMs performed at this site during the RI.

6.3: Summary of Environmental Assessment

This section summarizes the assessment of existing and potential future environmental impacts presented by the site. Environmental impacts may include existing and potential future exposure pathways to fish and wildlife receptors, wetlands, groundwater resources, and surface water. The RI report presents a detailed discussion of any existing and potential impacts from the site to fish and wildlife receptors.

During the Environmental Site Assessments completed at this site and the Remedial Investigation (RI) completed in 2019, samples for analysis were collected from near-surface soil/fill, subsurface fill, native soil and groundwater. Surface water and sediment are not found at the site. A soil vapor intrusion investigation was not completed at the site because VOCs were not detected in site soils, fill or groundwater.

Near-surface soil/fill, subsurface fill and native soil samples were analyzed for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and metals. Groundwater was also analyzed for VOCs, SVOCs, pesticides, PCBs, metals and emerging contaminants. These investigations determined that metals and several polycyclic aromatic hydrocarbons (PAHs) were the primary contaminants of concern at the site.

Remedial Investigation Results:

Near-Surface Soil/Fill:
Thirty-three near-surface soil/fill samples (0 to 4-inches depth) were collected from on-site and analyzed for VOCs, SVOCs, pesticides, PCBs, and metals. No VOCs, pesticides, or PCBs were detected above the Department's Part 375 unrestricted use soil cleanup objectives (SCOs). Several SVOCs, specifically PAHs, were detected in on-site near-surface soils above the Department's Part 375 unrestricted use SCOs. The PAHs that exceeded the Part 375 unrestricted use SCOs in over 25% of the samples collected (with the number of exceedances and highest concentrations) include:

- benzo(a)anthracene (9 samples exceeded the 1.0 ppm SCO; maximum detection 34.3 parts per million (ppm);
- benzo(a)pyrene (8 samples exceeded the 1.0 ppm SCO; maximum detection 30.9 ppm);
- benzo(b)fluoranthene (10 samples exceeded the 1.0 ppm SCO; maximum detection 50.5 ppm);
- chrysene (8 samples exceeded the 1.0 ppm SCO; maximum detection 27.6 ppm); and
- indeno(1,2,3-cd)pyrene (10 samples exceeded the 0.5 ppm SCO; maximum detection 36.0 ppm).

Several metals were detected in on-site near-surface soil/fill above the Department's Part 375 unrestricted use SCOs. These metals (with the number of exceedances and highest concentrations) include:

- arsenic (12 samples exceeded the 13 ppm SCO; maximum detection 61.0 ppm);

- copper (17 samples exceeded the 50 ppm SCO; maximum detection 280 ppm);
- lead (25 samples exceeded the 63 ppm SCO; maximum detection 328 ppm);
- mercury (19 samples exceeded the 0.18 ppm SCO; maximum detection 0.99 ppm); and
- zinc (24 samples exceeded the 109 ppm SCO; maximum detection 950 ppm).

Figure 3 also shows that potential off-site surface soil/fill contamination may be present near the southeast corner of the site.

Subsurface Fill:
Thirteen subsurface fill samples (0.5 to 6-feet depth) were collected from on-site and analyzed for VOCs, SVOCs, pesticides, PCBs, and metals. No VOCs, pesticides, or PCBs were detected above the Department's Part 375 unrestricted use SCOs. No PAHs exceeded the Part 375 unrestricted use SCOs in over 25% of the samples collected.

Several metals were detected in on-site subsurface fill above the Department's Part 375 unrestricted use SCOs. These metals (with the number of exceedances and highest concentrations) include:

- arsenic (4 samples exceeded the 13 ppm SCO; maximum detection 19.3 ppm);
- lead (12 samples exceeded the 63 ppm SCO; maximum detection 792 ppm);
- mercury (5 samples exceeded the 0.18 ppm SCO; maximum detection 1.07 ppm); and
- zinc (11 samples exceeded the 109 ppm SCO; maximum detection 562 ppm).

On-site radiological findings were within typical background levels, except for an approximate 600 square foot area along the southern side of the building. At this location, the gamma surface scan (0 to 4-feet depth) showed readings 2.5 times above background levels (4,261 counts per minute), while the downhole gamma reading (0 to 18-inches depth) was four-times above background levels. These readings are above the recommended value of two-times background. The approximate extent of this area is shown on Figure 4a. One sample was collected from this area and sent to Pace Laboratories for gamma spectroscopy analysis. The results from this survey indicate the sample contained a concentration of 0.267 picocurie/gram (pCi/g) of Radium-226 and a concentration of 0.136 pCi/g of Radium-228.

Native Soil:
Sixteen native soil samples were collected from on-site and analyzed for VOCs, SVOCs, pesticides, PCBs, and metals. None of these contaminants were detected above the Department's Part 375 unrestricted use SCOs.

Groundwater:
Eleven overburden groundwater samples were collected from the four on-site wells and analyzed for VOCs, SVOCs, pesticides, PCBs, metals, and emerging contaminants. Contaminants that exceeded the Department's groundwater standards or screening levels (with the number of exceedances and highest concentrations) include:

- benzo(a)anthracene (2 samples exceeded the 0.002 ppb Groundwater Standard; maximum detection 0.03 ppb);

- benzo(b)fluoranthene (1 sample exceeded the 0.002 ppb Groundwater Standard; maximum detection 0.01 ppb);
- chrysene (1 sample exceeded the 0.002 ppb Groundwater Standard; maximum detection 0.01 ppb);
- iron (9 samples exceeded the 300 ppb Groundwater Standard; maximum detection 3,730 ppb);
- manganese (6 samples exceeded the 300 ppb Groundwater Standard; maximum detection 2,843 ppb);
- sodium (1 sample exceeded the 20,000 ppb Groundwater Standard; maximum detection 49,600 ppb);
- perfluorooctanoic acid (PFOA; 4 samples exceeded the 10 parts per trillion (ppt) Screening Level; maximum detection 29.4 ppt); and
- perfluorooctanesulfonic acid (PFOS; 2 samples exceeded the 10 ppt Groundwater Screening Level; maximum detection 22.8 ppt).

The area surrounding the site is serviced by a public water supply.

6.4: Summary of Human Exposure Pathways

This human exposure assessment identifies ways in which people may be exposed to site-related contaminants. Chemicals can enter the body through three major pathways (breathing, touching or swallowing). This is referred to as *exposure*.

The site is fenced and mostly covered by asphalt and the site building. Persons who enter the site could contact contaminants in exposed soil areas by walking on the site digging or otherwise disturbing the soil. People are not drinking the contaminated groundwater because the area is served by a public water supply that is not affected by this contamination.

6.5: Summary of the Remediation Objectives

The objectives for the remedial program have been established through the remedy selection process stated in 6 NYCRR Part 375. The goal for the remedial program is to restore the site to pre-disposal conditions to the extent feasible. At a minimum, the remedy shall eliminate or mitigate all significant threats to public health and the environment presented by the contamination identified at the site through the proper application of scientific and engineering principles.

The remedial action objectives for this site are:

Groundwater

RAOs for Public Health Protection

- Prevent ingestion of groundwater with contaminant levels exceeding drinking water standards.

RAOs for Environmental Protection

- Restore ground water aquifer to pre-disposal/pre-release conditions, to the extent practicable.

- Remove the source of ground or surface water contamination.

Soil

RAOs for Public Health Protection

- Prevent ingestion/direct contact with contaminated soil.

RAOs for Environmental Protection

- Prevent migration of contaminants that would result in groundwater or surface water contamination.

SECTION 7: ELEMENTS OF THE SELECTED REMEDY

The alternatives developed for the site and the evaluation of the remedial criteria are presented in the Alternative Analysis. The remedy is selected pursuant to the remedy selection criteria set forth in DER-10, Technical Guidance for Site Investigation and Remediation and 6 NYCRR Part 375.

The selected remedy is a Track 1: Unrestricted use remedy.

The selected remedy is referred to as the Conditional Track 1 Excavation remedy.

The elements of the selected remedy, as shown in Figure 2, are as follows:

1. Remedial Design: A remedial design program will be implemented to provide the details necessary for the construction, operation, optimization, maintenance, and monitoring of the remedial program. Green remediation principles and techniques will be implemented to the extent feasible in the design, implementation, and site management of the remedy as per DER-31. The major green remediation components are as follows:

- Considering the environmental impacts of treatment technologies and remedy stewardship over the long term;
- Reducing direct and indirect greenhouse gases and other emissions;
- Increasing energy efficiency and minimizing use of non-renewable energy;
- Conserving and efficiently managing resources and materials;
- Reducing waste, increasing recycling and increasing reuse of materials which would otherwise be considered a waste;
- Maximizing habitat value and creating habitat when possible;
- Fostering green and healthy communities and working landscapes which balance ecological, economic and social goals;
- Integrating the remedy with the end use where possible and encouraging green and sustainable re-development; and
- Additionally, to incorporate green remediation principles and techniques to the extent feasible in the future development at this site, any future on-site buildings will include, at a minimum, a 20-mil vapor barrier/waterproofing membrane on the foundation to improve energy efficiency as an element of construction.

2. Excavation - Excavation and off-site disposal of all on-site soil and fill (approximately 1,800 cubic yards) that exceed unrestricted use soil cleanup objectives (SCOs) as defined by 6 NYCRR Part 375-6.8. This includes fill material under the building slab, which will be removed as part of site redevelopment. The area of elevated gamma activity soil along the south side of the building will also be removed for proper disposal at an approved off-site waste facility. Clean fill meeting the requirements of 6 NYCRR Part 375-6.7(d) will be brought in to complete the backfilling of the excavation and establish the designed grades at the site.

The intent of the remedy is to achieve a Track 1 unrestricted use; therefore, no environmental easement or site management plan is anticipated. If groundwater standards and screening levels are not achieved prior to completion of the Final Engineering Report, then a Site Management Plan (SMP) and Environmental Easement (EE) will be required to address groundwater monitoring; a Track 1 cleanup can only be achieved if groundwater monitoring is no longer needed within 5 years of the date of the Certificate of Completion.

If a Track 1 unrestricted use remediation is not achieved, including achievement of groundwater remedial objectives, the following contingent remedial elements will be required, and the remedy will achieve a Track 2 residential cleanup. The contingent remedy will include the following:

3. Institutional Controls: Imposition of an institutional control in the form of an Environmental Easement for the controlled property that:

(a) Requires the remedial party or site owner to complete and submit to the Department a periodic certification of institutional and engineering controls in accordance with Part 375-1.8 (h)(3);
(b) Allows the use and development of the controlled property for residential, commercial or industrial use as defined by Part 375-1.8(g), although land use is subject to local zoning laws;
(c) Restricts the use of groundwater as a source of potable or process water, without necessary water quality treatment as determined by the NYSDOH or County DOH; and
(d) Requires compliance with the Department approved Site Management Plan.

4. Site Management Plan: A Site Management plan is required, which includes the following:

(a) An Institutional and Engineering Control Plan that identifies all use restrictions and engineering controls for the site and details the steps and media-specific requirements necessary to ensure the following institutional and engineering controls remain in place and effective:

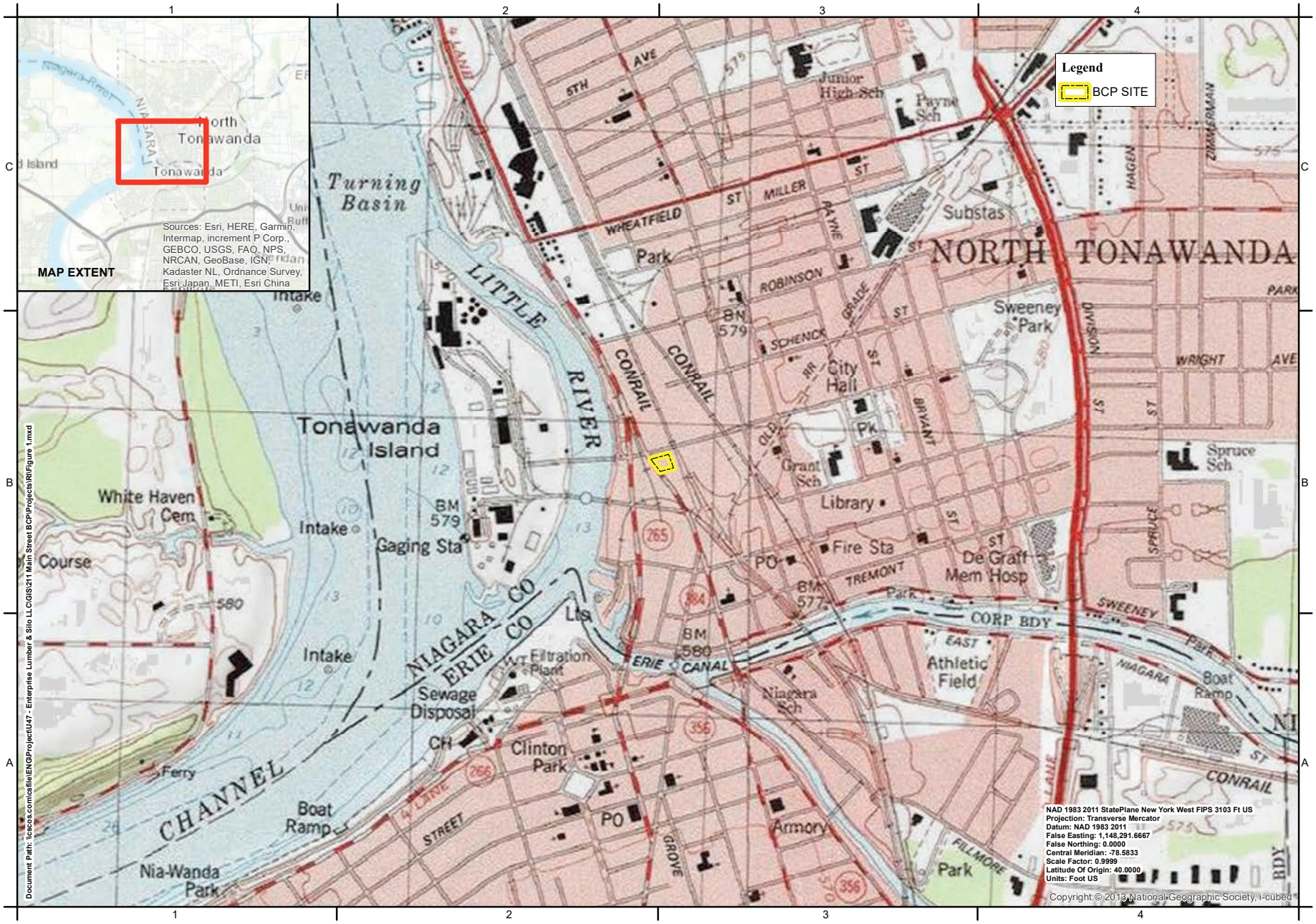
- Institutional Controls: The Environmental Easement discussed in Paragraph 3 above.

This plan includes, but may not be limited to:
- An Excavation Plan that details the provisions for the management of future excavations in areas of remaining contamination;
- Descriptions of the provisions of the Environmental Easement including any land use and groundwater use restrictions;
- Provisions for the management and inspection of the identified engineering controls;
- Maintaining site access controls and Department notification; and

- The steps necessary for periodic reviews and certification of the institutional and engineering controls.

(b) A Monitoring Plan to assess the performance and effectiveness of the remedy. The plan includes, but may not be limited to:

- Monitoring of groundwater to assess the performance and effectiveness of the remedy; and
- A schedule of monitoring and frequency of submittals to the Department.



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Buffalo, New York 14203
Phone: 716-847-1630
Fax: 716-847-1454
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N

0 1,000 Feet
1 inch = 1,000 feet

211 Main Street
Brownfield Cleanup Program
Remedial Investigation

City of North Tonawanda, NY

PROJECT NO:	U47.001.001
DATE:	January 2020
SCALE:	AS SHOWN
DRAWN BY:	JTB
DESIGNED BY:	JTB
CHECKED BY:	MLW

Modified: 1/3/2020 @ 1:13:00 PM

SITE LOCATION

Figure 1

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Remedial Investigation

City of North Tonawanda, NY

PROJECT NO:	U47.001.001
DATE:	January 2020
SCALE:	AS SHOWN
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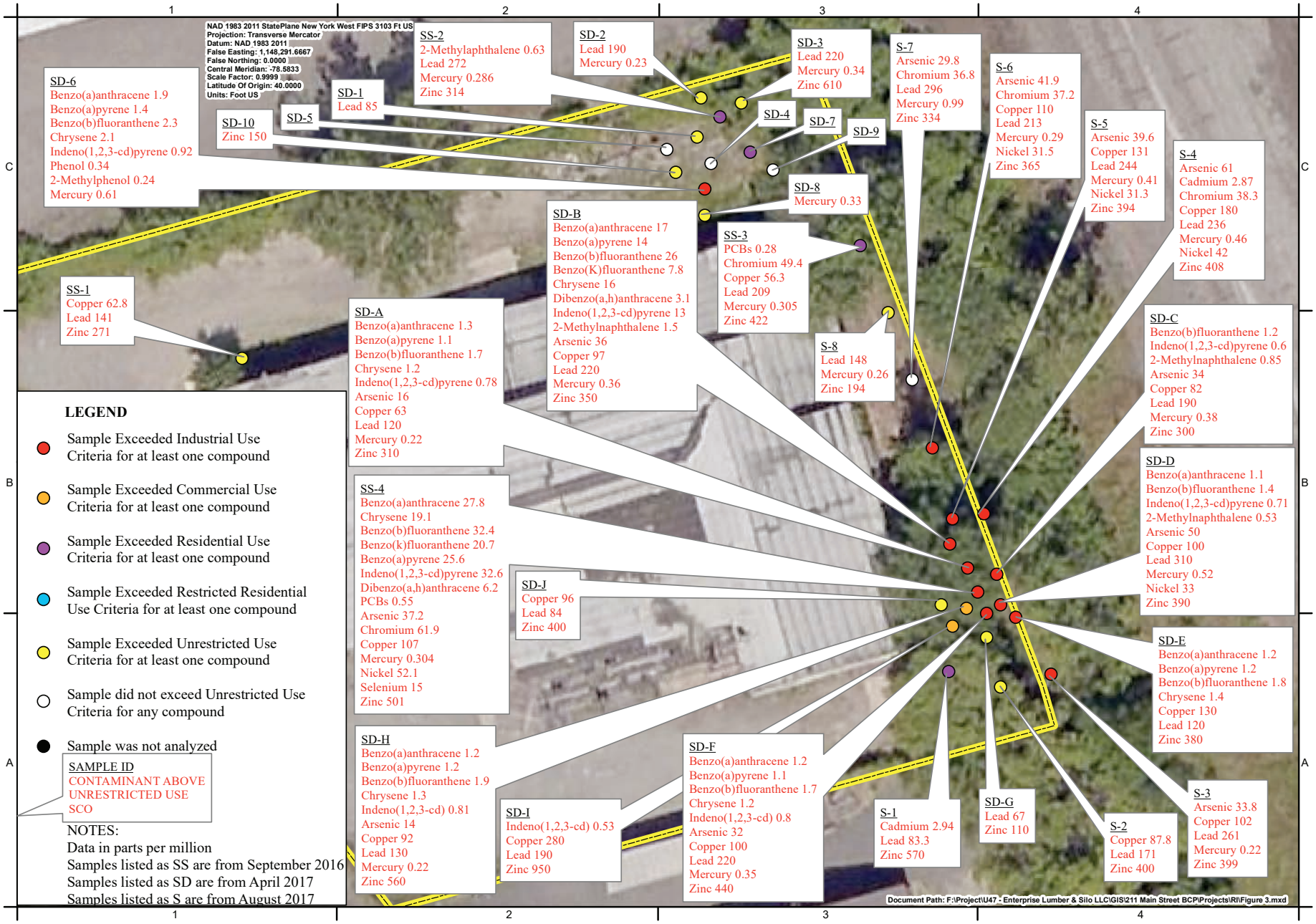
SITE MAP

Figure 2



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City of North Tonawanda, NY

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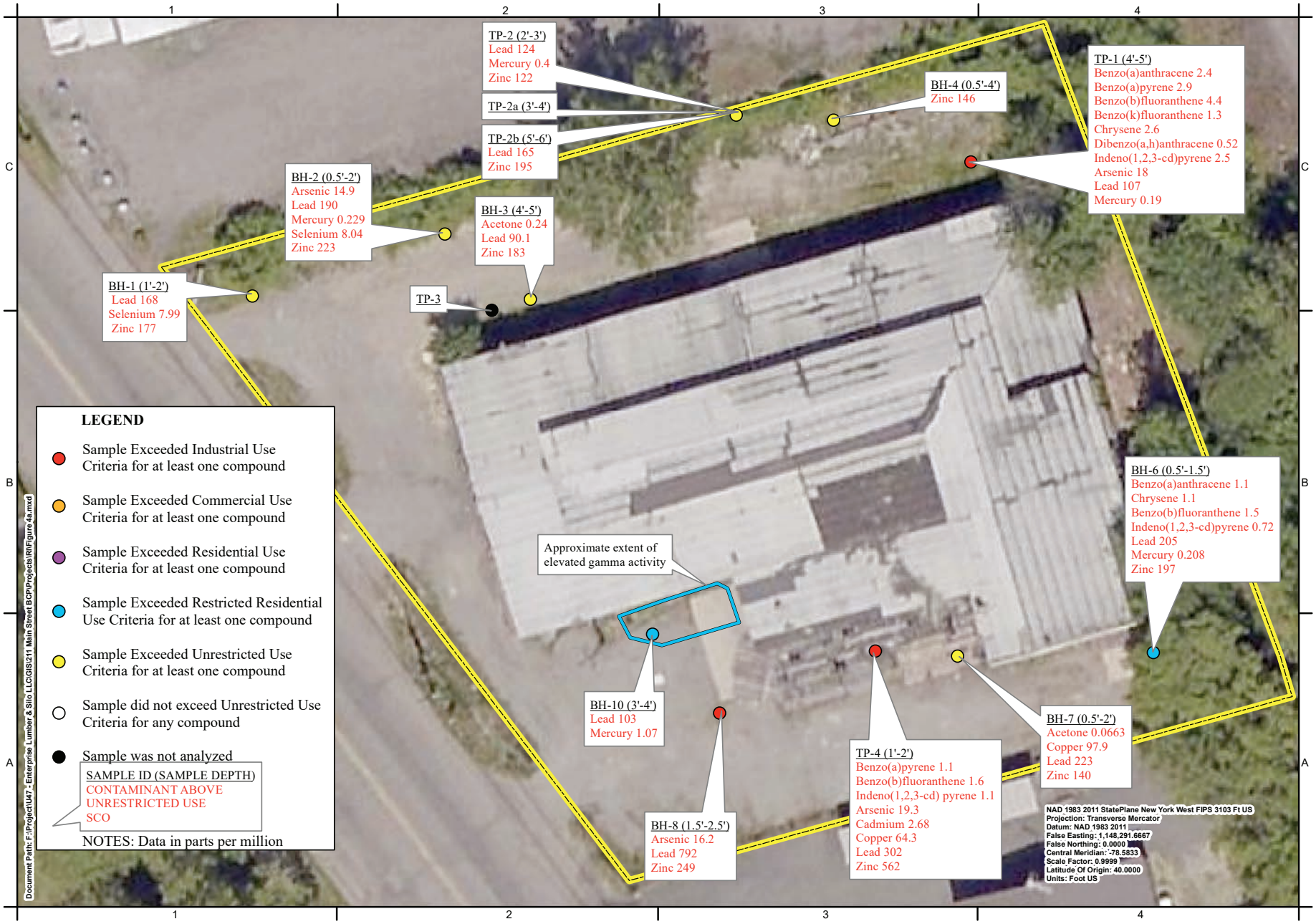
SURFACE FILL SAMPLING

Figure 3



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City of North Tonawanda, NY

PROJECT NO:	U47.001.001
DATE:	July 2020
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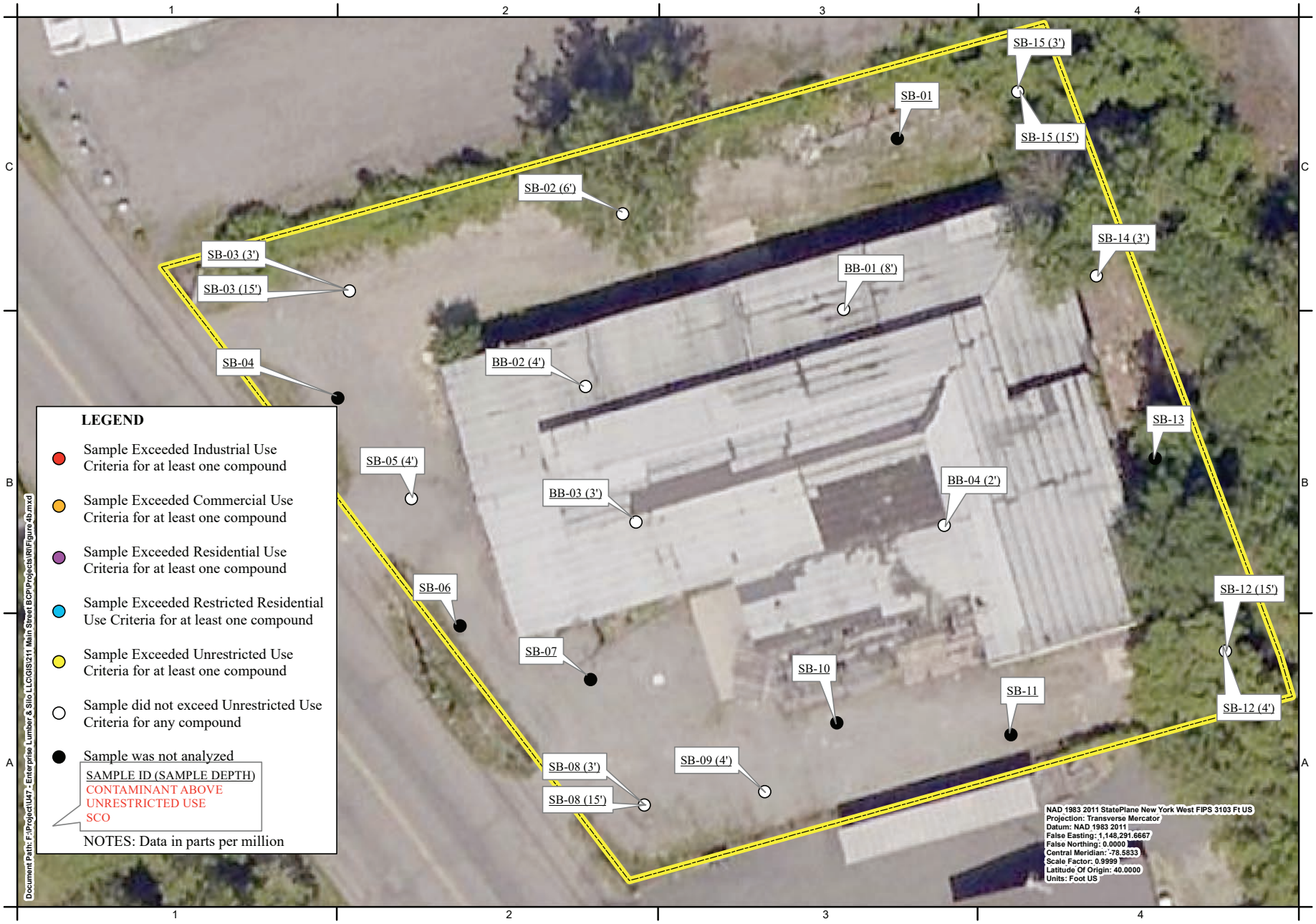
SUBSURFACE FILL SAMPLING

Figure 4a



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211 Main Street Brownfield Cleanup Program Remedial Investigation

City of North Tonawanda, NY

PROJECT NO:	U47.001.001
DATE:	July 2020
SCALE:	AS SHOWN
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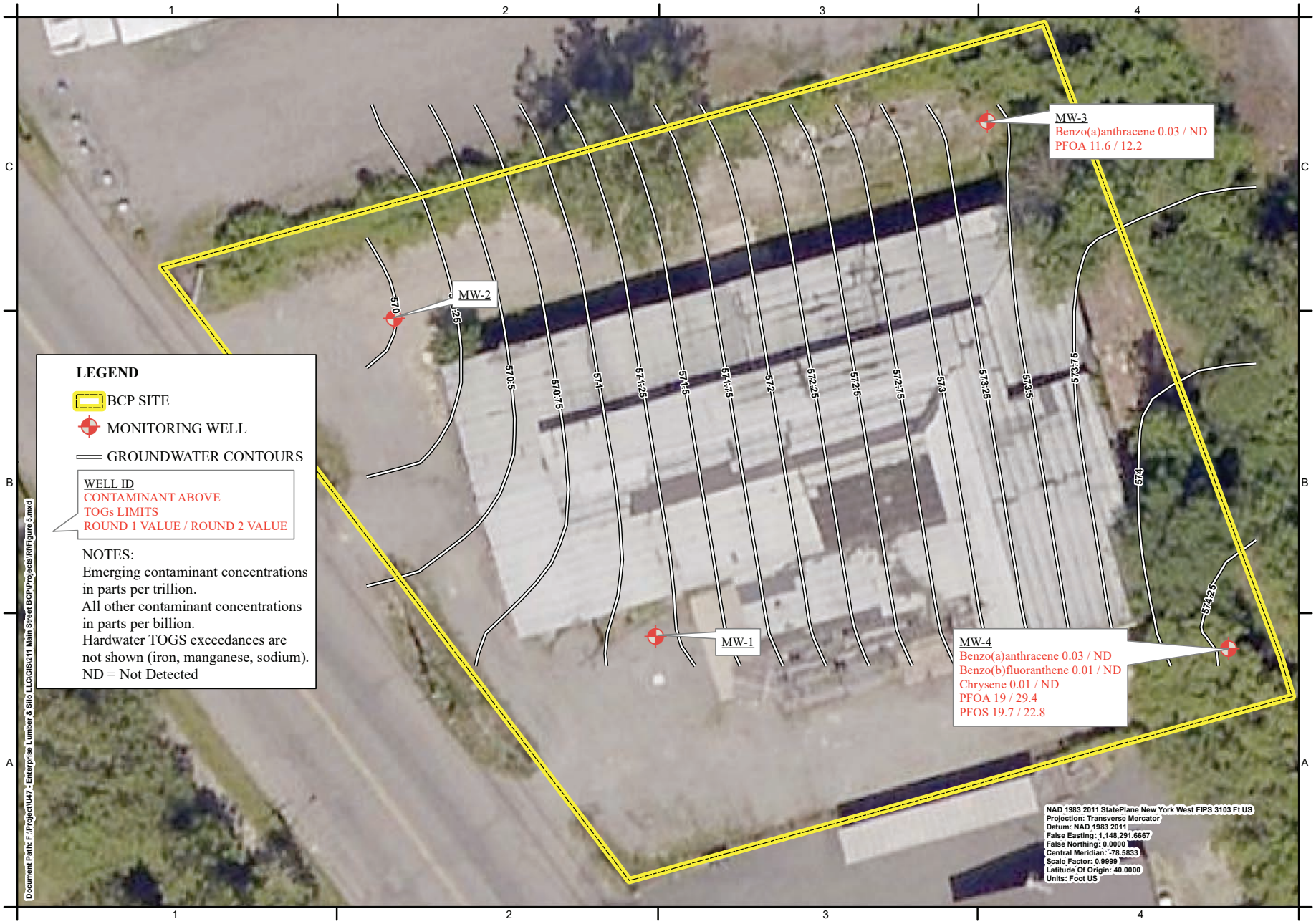
SUBSURFACE NATIVE SOIL SAMPLING

Figure 4b



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Remedial Investigation

City of North Tonawanda, NY

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GROUNDWATER SAMPLING RESULTS

Figure 5

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FILL DEPTH

Figure 6

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director
625 Broadway, 12th Floor, Albany, New York 12233-7011
P: (518) 402-9706 | F: (518) 402-9020
www.dec.ny.gov

December 17, 2021

Enterprise Lumber & Silo, LLC
Kelley D. Culp-Burton
2528 Nicole Drive
Wheatfield, NY 14304

Re: Certificate of Completion
211 Main Street
Site No. C932171
North Tonawanda, Niagara County

Dear Ms. Culp-Burton:

Congratulations on having satisfactorily completed the remedial program at the 211 Main Street BCP Site. Enclosed please find an original, signed Certificate of Completion (COC). The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the COC to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A copy of the recorded notice should be provided to the Department's project manager. If you are a non-owner, you must work with the owner to assure the notice of COC is recorded within the time frame specified. A standard notice form is attached to this letter.
- Provide electronic copies of the recorded Notice and proof of recording to the Department's project manager. Please return the hard copy of the proof of recording to:

  Glenn M. May, Project Manager
  New York State Department of Environmental Conservation
  Division of Environmental Remediation
  270 Michigan Avenue
  Buffalo, NY 14203

- Provide the Notice of Certificate of Completion to the Document Repositories within 10 days of issuance of the COC. The Department will develop a fact sheet announcing the issuance of the COC and describing the institutional and engineering controls (IC/ECs), if any, that are required at the site and distribute it to the County Listserv within 10 days.

If you have any questions regarding any of these items, please contact Mr. Glenn M. May at 716-851-7220.

Sincerely,

Susan Edwards

Susan Edwards, P.E.
Acting Division Director
Division of Environmental Remediation

ec w/ enclosure:

K. D. Culp-Burton – Applicant, kcburton@kcb-architecture.com
M. Romanowski – Rupp Baase Pfalzgraf Cunningham LLC, Romanowski@ruppbaase.com
C. Vooris – NYSDOH, Christine.Vooris@health.ny.gov
C. Bethoney – NYSDOH, charlotte.bethoney@health.ny.gov
G. Rys – NYSDOH, gregory.rys@health.ny.gov
M. Gokey, matthew.gokey@tax.ny.gov
P. Takac, paul.takac@tax.ny.gov

ec w/o enc.:

G. May - NYSDEC, R9
S. Radon - NYSDEC, RHWG, R9
M. Cruden - NYSDEC, Bureau Director, Remedial Section E
C. Bower - OGC, Albany

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)

CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name	**Address**
Enterprise Lumber & Silo, LLC	2528 Nicole Drive, Wheatfield, NY 14304

BROWNFIELD CLEANUP AGREEMENT:

Application Approval: 4/2/18 **Agreement Execution:** 5/15/18
Agreement Index No.:C932171-03-18
Application Approval Amendment: none **Agreement Execution Amendment:** none

SITE INFORMATION:

Site No.: C932171 **Site Name:** 211 Main Street
Site Owner: Enterprise Lumber & Silo, LLC
Street Address: 211 Main Street
Municipality: North Tonawanda **County:** Niagara **DEC Region:** 9
Site Size: 0.670 Acres
Tax Map Identification Number(s): 185.05-1-80.21
Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate is attached as Exhibit A and a site survey is attached as Exhibit B.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the Final Engineering Report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Unrestricted, Residential, Restricted-Residential, Commercial, and Industrial
Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions:

Site Preperation and On-Site Groundwater Remediation Credit Component Rate is 50 %.

Tangible Property Credit is 15%. Comprised of 10% Base, 5% Track 1.

Dependent upon the project being developed in a manner consistent with the approved Brownfield Cleanup Program application, additional rate increases may be available if the site is developed as affordable housing (5%), if the Certificate Holder receives a separate Determination of Conformance with the BOA from the Secretary of State (5%), or if the site is used primarily for manufacturing activities (5%) not to exceed a maximum 24 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the site and to a person who develops or otherwise occupies the site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

(1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;

(2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;

(3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;

(4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing is not received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Basil Seggos
Commissioner
New York State Department of Environmental Conservation

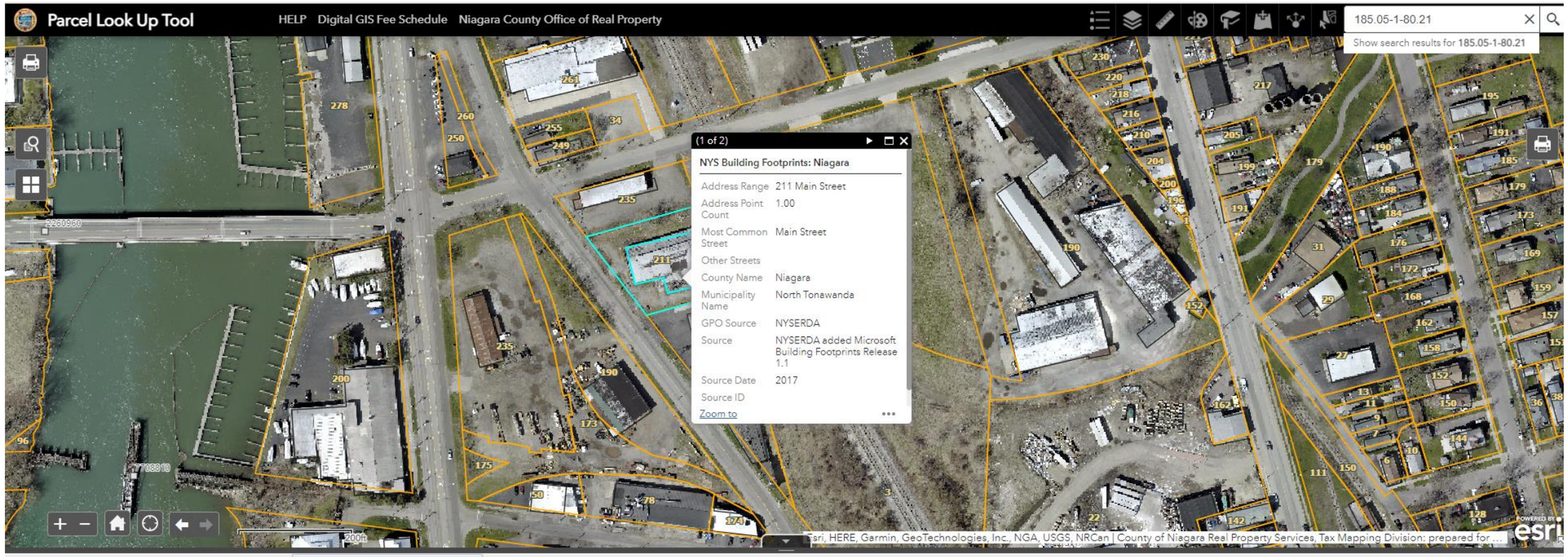
By: Susan Edwards Date: 12/17/2021

Susan Edwards, P.E., Acting Director
Division of Environmental Remediation

Bridges (NYS DOT 2017) | Municipal Boundary (NYS IT, 2017) | Parcels (Niagara County Final Roll, 2022)

Options | Filter by map extent | Zoom to | Clear selection | Refresh

ACRES	PrintKey	SwisCode	OwnrName	PrclStreet	PrclNumb	PrclMuni	Bldgstyl	SFLA	Grade	Condition	YrBuilt	NbhdCode	PropClsite	SchCode	LandAssess	TotAssess	SiteNbr	ZoneCode
0.67	185.05-1-80.21	291200	Enterprise Lumber & Silo LLC	Main St	211	North Tonawanda		0			0	5	449	291200	36,700.00	90,000.00	1	M1
0.03	185.22-1-22	291200	ELX MAINTENANCE LLC	Oliver St	196	North Tonawanda		0			0	3	481	291200	1,100.00	45,000.00	1	C2
0.08	185.22-1-20	291200	Tom's Auto Service LLC	Oliver St	191	North Tonawanda		0			0	3	433	291200	3,900.00	82,000.00	1	C-2



Bridges (NYS DOT 2017) | Municipal Boundary (NYS IT, 2017) | Parcels (Niagara County Final Roll, 2022)

Options | Filter by map extent | Zoom to | Clear selection | Refresh

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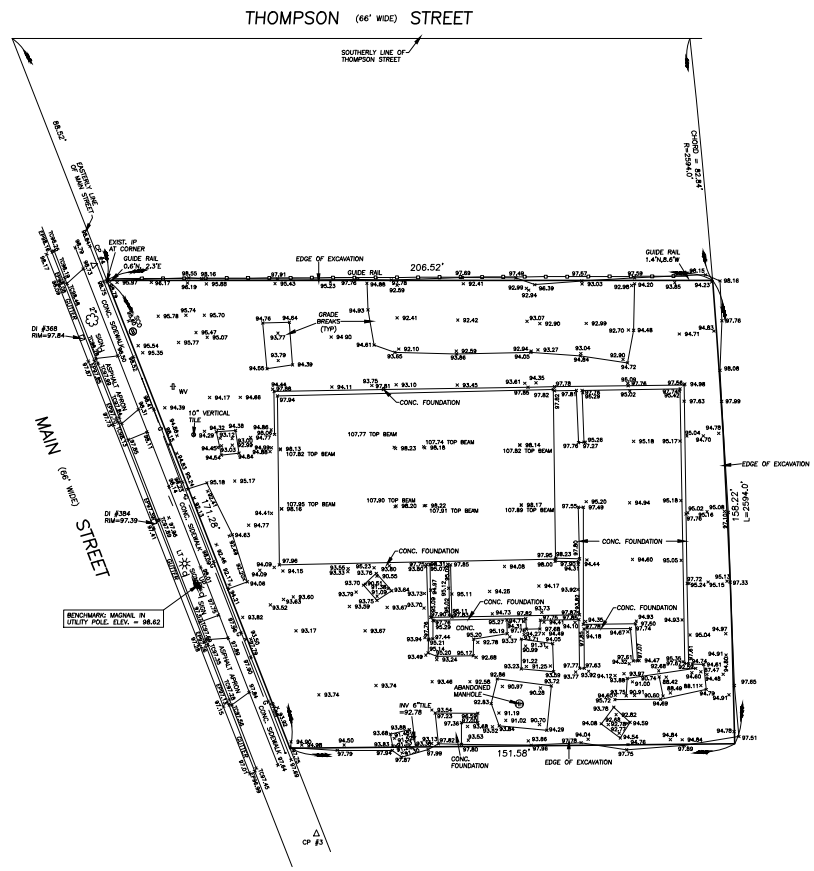
0.08	185.22-1-20	291200	Tom's Auto Service LLC	Oliver St	191	North Tonawanda		0			0	3	433	291200	3,900.00	82,000.00	1	C-2



LEGEND

CLF	—x—	CHAIN LINK FENCE
	—o—	GUIDE RAIL
WFL	—x—	WIRE FENCE
HR	—x—	HANDRAIL
		SIGN
—G—		GAS LINE
DI	□	DRAINAGE INLET
LIGHT		LIGHT STANDARD
UP		UTILITY POLE
WV		WATER VALVE
SCO		SEWER CLEANOUT
MW		MONITORING WELL
CP	△	PRIMARY CONTROL POINT
BM		BENCHMARK

NOTE: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

NOTE: WHEN ANY DESIGN OR RECONSTRUCTION INVOLVES A NEW CONNECTION TO EXISTING STORM OR SANITARY STRUCTURE AS SHOWN ON THIS DRAWING IT IS STRONGLY ADVISED THAT THE ENGINEER OR ARCHITECT CONTACT THE APPROPRIATE OPERATING AUTHORITY TO VERIFY THAT THE STRUCTURE BEING CONNECTED TO IS APPROPRIATE FOR ANY SUCH STORM OR SANITARY CONNECTION PRIOR TO PROCEEDING WITH DESIGN.

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

WARNING: ALTERING THIS DOCUMENT IS IN VIOLATION OF THE LAW EXCEPTING AS PROVIDED IN SECTION 7209, PART 2 OF THE NEW YORK STATE EDUCATION LAW.

SURVEY CONTROL
VERTICAL DATUM = ASSUMED
HORIZONTAL DATUM = ASSUMED

Point	Northing	Easting	Elevation	Description
3	960.0889	1013.7912	97.56	MAGNAIL
4	1127.0317	889.3599	98.78	MAGNAIL

ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE. BEFORE YOU DIG, DRILL, OR BLAST, CALL DIG SAFELY NEW YORK AT 1-800-962-7962

CADD: 4219 EXCAVATION DRAWING.DWG

DATE OF SURVEY	DATE OF REVISION	COMMENT	INT.

This map void unless Embossed with New York State Licensed Land Surveyors Seal No. 50510

Rosanne Frandina, PE, LS

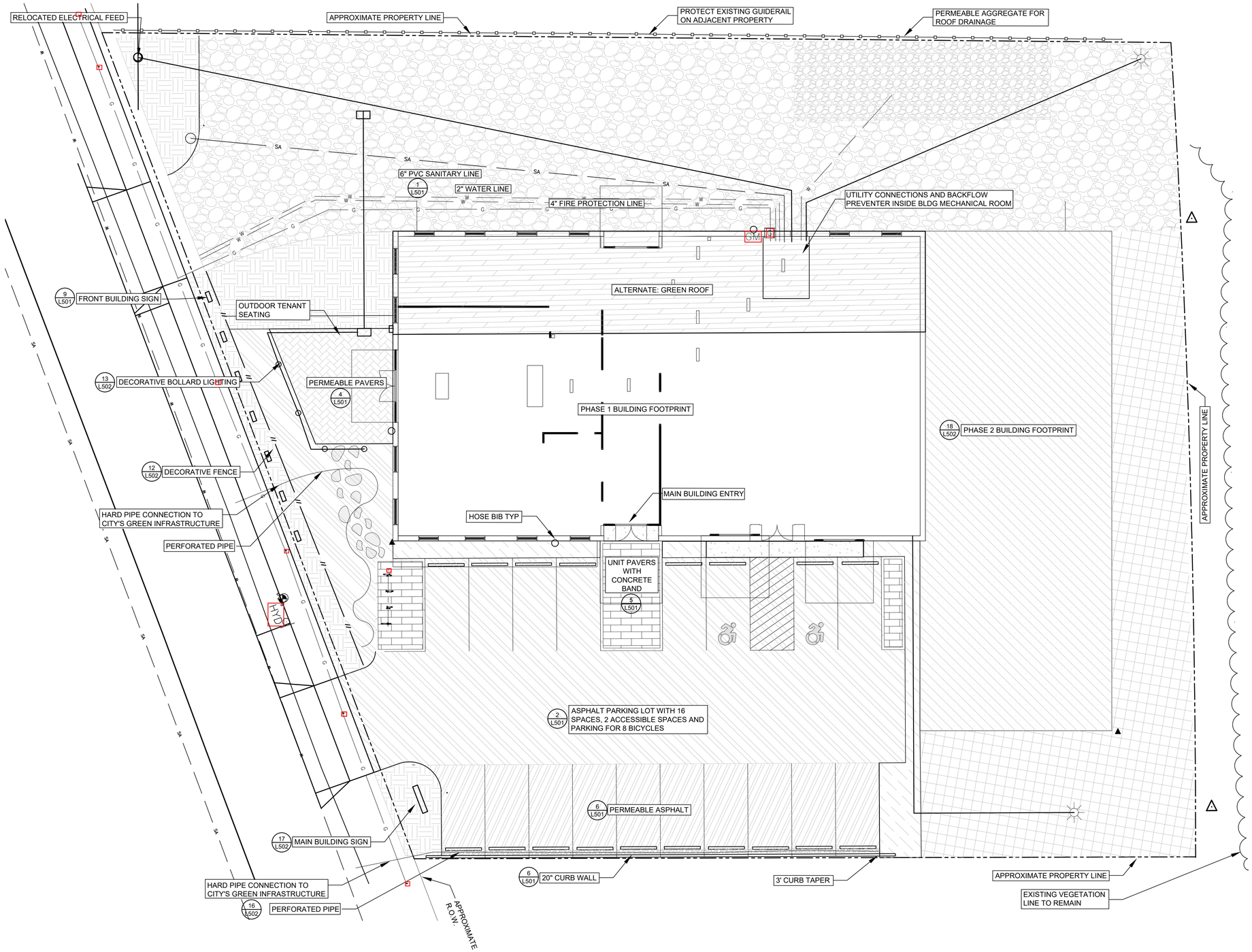
211 MAIN STREET
SBL 185.05-1-80.21
EXCAVATION DRAWING

BOUNDARY SURVEY

PART OF LOT 81 OF THE MILE RESERVE
CITY OF NORTH TONAWANDA
COUNTY OF NIAGARA
STATE OF NEW YORK

FRANDINA ENGINEERING and LAND SURVEYING, PC
CIVIL ENGINEERS and LAND SURVEYORS
1701 Hertel Avenue, Buffalo, New York 14216
Phone: (716) 883-1299
www.FRANDINA.com

DATE : 9/1/2021	SHEET : 1 OF 1	DWN BY : MJC
JOB NO.: 4219	SCALE : 1" = 20'	CHK'D BY : RF



1 PHASE 1 – SITE LAYOUT PLAN
SCALE: 1" = 10'-0"

SITE LAYOUT LEGEND:

- PROPERTY LINE
- 1 L501 — SA — NEW SANITARY SEWER LINE
- W — NEW WATER LINE
- G — NEW GAS LINE
- NEW ELECTRIC LINE
- BOLLARD SITE LIGHTING-COORDINATE WITH ELECTRICAL
- WALL MOUNTED SITE LIGHTING-COORDINATE WITH ELECTRICAL
- 11 L502 — NEW BIKE RACKS - AS SPECIFIED
- 15 L502 — ACCESSIBLE PARKING
- RUBBER CURB STOPS-AS DETAILED
- 12 L502 — 3'-6" DECORATIVE FENCE
- HOSE BIBB-COORDINATE WITH PLUMBING
- 17 L502 — MAIN BUILDING SIGN
- 10 L501 — NEW PARKING LOT LIGHT
- 5 L501 — PAVER A
- ALTERNATE: GREEN ROOF
- 4 L501 — PERMEABLE PAVERS
- 2 L501 — ASPHALT PAVING
- 6 L501 — PERMEABLE ASPHALT
- GRAVEL
- TOPSOIL AND SEED
- PLANTING SOIL AND ORNAMENTAL GRASSES
- 7 L501 — DEMONSTRATION RAIN GARDEN
- WILDFLOWER SEED
- 18 L502 — FUTURE PHASE 2

0 5 10 20

ENTERPRISE LUMBER & SILO

211 MAIN STREET
North Tonawanda, NY

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kcb Architecture
62 WEBSTER STREET
N TONAWANDA, NY 14120
716.216.4165

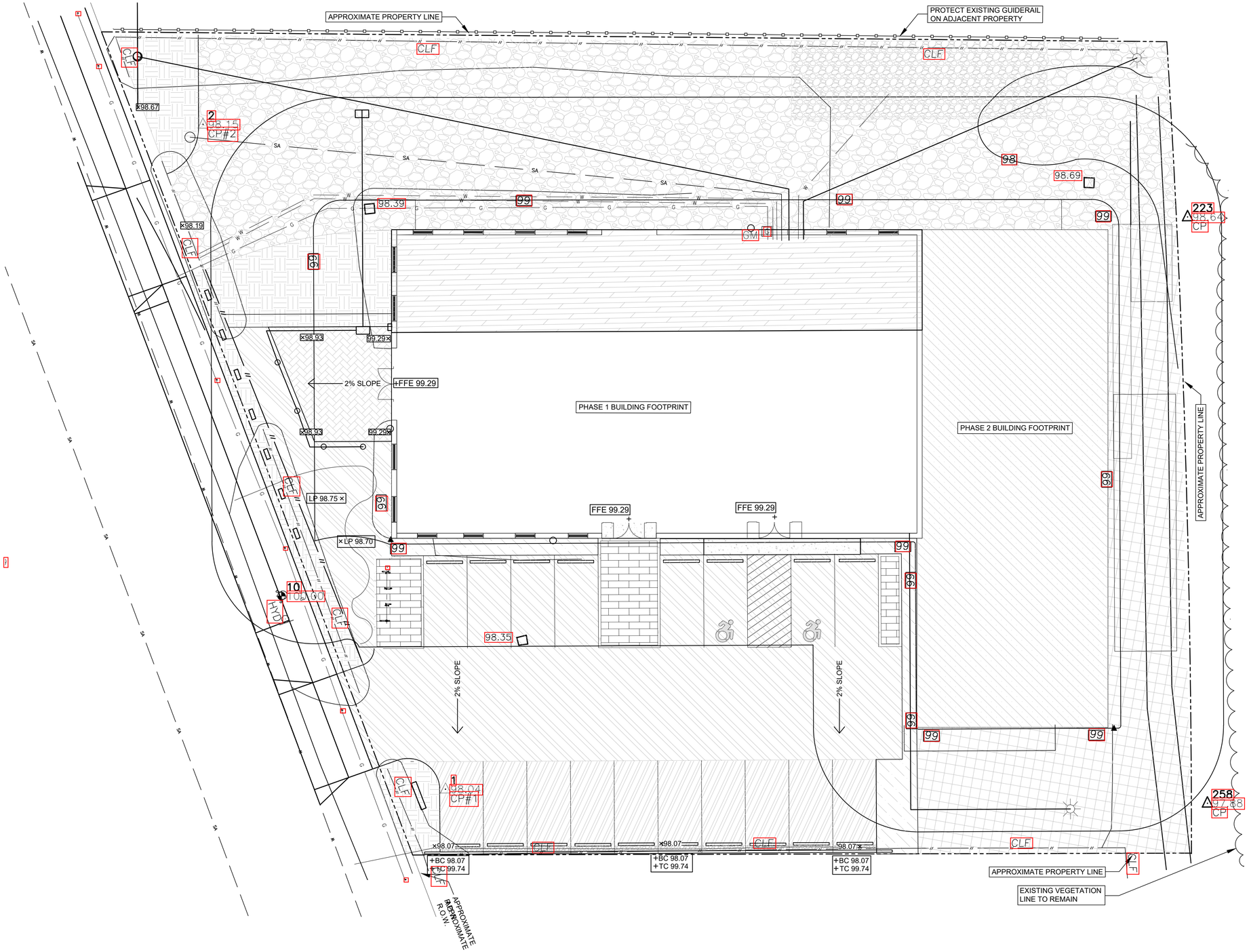
NO.	REVISIONS	DATE
#	XX	DD/MM/YY

DWG. TITLE

SITE LAYOUT PLAN

DATE: JANUARY 2021
SCALE: AS SHOWN
DWN. KAK CHK. JMK
PROJ. No. ELS 211 MAIN ST
DWG. No.

L-201



GRADING LEGEND:

- PROPERTY LINE
- EXISTING 1' CONTOUR
- NEW 1' CONTOUR
- BOLLARD SITE LIGHTING-COORDINATE WITH ELECTRICAL
- WALL MOUNTED SITE LIGHTING
- NEW BIKE RACKS - AS SPECIFIED
- ACCESSIBLE PARKING
- RUBBER CURB STOPS-AS DETAILED
- 3'-6" DECORATIVE FENCE
- NEW SPOT ELEVATION
- NEW TOP OF CURB AND BOTTOM OF CURB SPOT ELEVATION
- PAVER A
- ALTERNATE: GREEN ROOF
- PERMEABLE PAVERS
- ASPHALT PAVING
- PERMEABLE ASPHALT
- GRAVEL
- TOPSOIL AND SEED
- PLANTING SOIL AND ORNAMENTAL GRASSES
- DEMONSTRATION RAIN GARDEN
- WILDFLOWER SEED
- FUTURE PHASE 2

1 PHASE 1 – SITE GRADING PLAN
SCALE: 1" = 10'-0"

0 5 10 20

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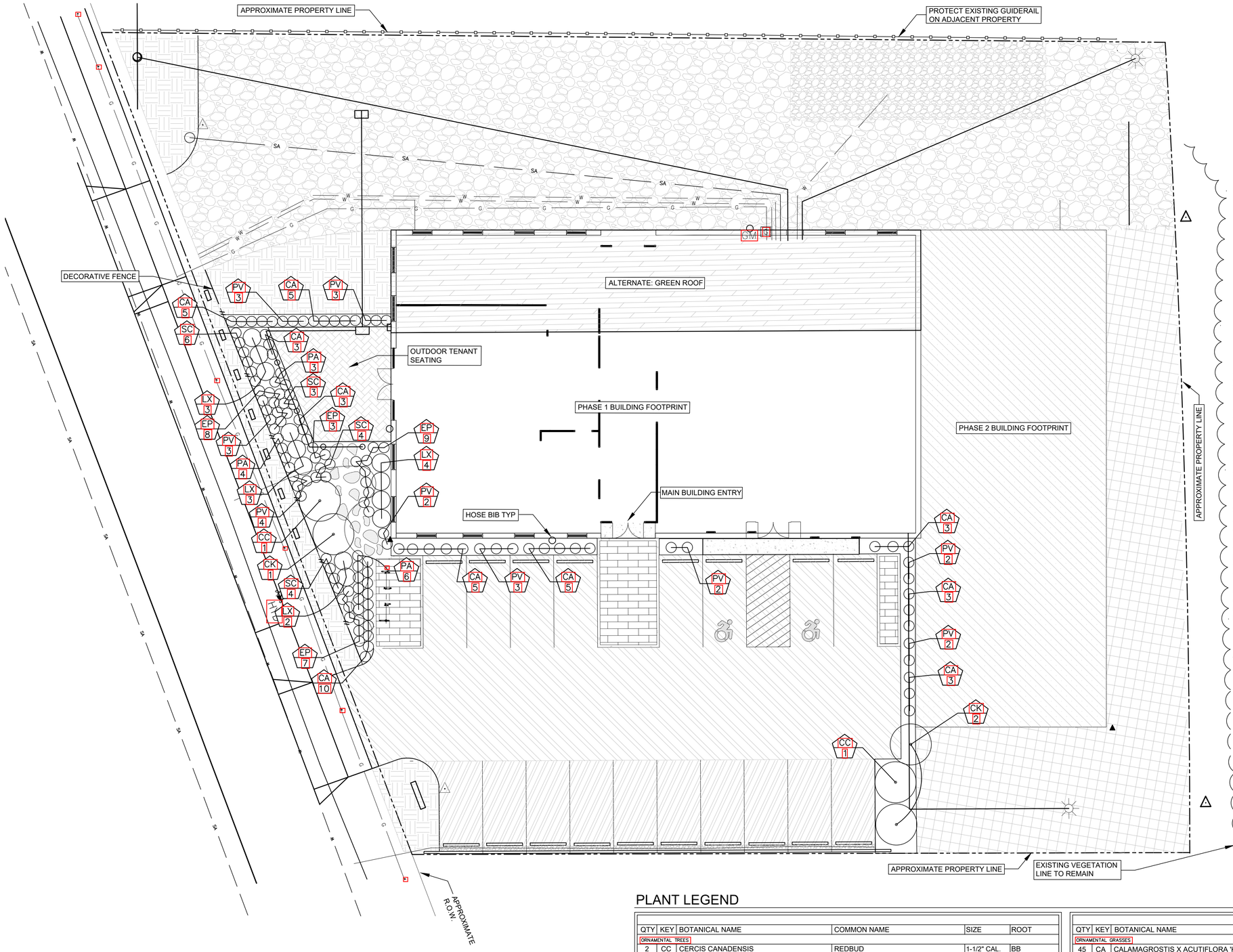
NO.	REVISIONS	DATE
#	XX	DD/MM/YY

DWG. TITLE

SITE GRADING PLAN

DATE: JANUARY 2021
SCALE: AS SHOWN
DWN. KAK CHK. JMK
PROJ. No. ELS 211 MAIN ST
DWG. No.

L-301



PLANTING LEGEND:

- PROPERTY LINE
- NEW SANITARY SEWER LINE
- NEW WATER LINE
- NEW GAS LINE
- NEW ELECTRIC LINE
- BOLLARD SITE LIGHTING-COORDINATE WITH ELECTRICAL
- ALTERNATE: GREEN ROOF
- PERMEABLE PAVERS
- WILDFLOWER SEED
- STEPPING STONES
- ORNAMENTAL TREE
- SHRUBS, PERENNIALS, ORNAMENTAL GRASSES

WILDFLOWER SEED MIX: ERNST SEED, ITEM # ERNMX-153-1
SHOWY NORTHEAST NATIVE WILDFLOWER MIX:

20.1% ECHINACEA PURPUREA (PURPLE CONEFLOWER)
13.6% COREOPSIS LANCEOLATA (LANCELEAF COREOPSIS)
12.0% RUDBECKIA HIRTA (BLACKEYED SUSAN)
10.0% CHAMAECRISTA FASCICULATA, PA ECOTYPE (PARTRIDGE PEA, PA ECOTYPE)
7.0% HELIOPSIS HELIANTHOIDES, PA ECOTYPE (OXEYE SUNFLOWER, PA ECOTYPE)
6.4% TRADESCANTIA OHIENSIS, PA ECOTYPE (OHIO SPIDERWORT, PA ECOTYPE)
5.0% LIATRIS SPICATA (MARSH BLAZING STAR)
3.5% ASTER OBLONGIFOLIUS, PA ECOTYPE (AROMATIC ASTER, PA ECOTYPE)
3.5% ASTER PRENANTHOIDES, PA ECOTYPE (ZIGZAG ASTER, PA ECOTYPE)
3.0% ZIZIA AUREA, PA ECOTYPE (GOLDEN ALEXANDERS, PA ECOTYPE)
2.0% ASTER LAEVIS, NY ECOTYPE (SMOOTH BLUE ASTER, NY ECOTYPE)
2.0% ASTER NOVAE-ANGLIAE, PA ECOTYPE (NEW ENGLAND ASTER, PA ECOTYPE)
2.0% BAPTISIA AUSTRALIS, SOUTHERN WV ECOTYPE (BLUE FALSE INDIGO, SOUTHERN WV ECOTYPE)
1.5% ASCLEPIAS TUBEROSA (BUTTERFLY MILKWEED)
1.5% PYCNANTHEMUM TENUIFOLIUM (NARROWLEAF MOUNTAINMINT)
1.5% SENNA HEBECARPA, VA & WV ECOTYPE (WILD SENNA, VA & WV ECOTYPE)
1.2% MONARDA FISTULOSA, FORT INDIANTOWN GAP-PA ECOTYPE (WILD BERGAMOT, FORT INDIANTOWN GAP-PA ECOTYPE)
1.1% PENSTEMON DIGITALIS (TALL WHITE BEARDTONGUE)
1.1% SOLIDAGO NEMORALIS, PA ECOTYPE (GRAY GOLDENROD, PA ECOTYPE)
1.0% GEUM CANADENSE, PA ECOTYPE (WHITE AVENS, PA ECOTYPE)
0.6% SENNA MARILANDICA (MARYLAND SENNA)
0.2% OENOTHERA FRUTICOSA VAR. FRUTICOSA (SUNDROPS)
0.2% SOLIDAGO ODORA, PA ECOTYPE (LICORICE SCENTED GOLDENROD, PA ECOTYPE)

TURF SEED:

A. GRASS SEED: FRESH, CLEAN, DRY, NEW-CROP SEED COMPLYING WITH AOSA'S "JOURNAL OF SEED TECHNOLOGY; RULES FOR TESTING SEEDS" FOR PURITY AND GERMINATION TOLERANCES.

B. SEED SPECIES: STATE-CERTIFIED SEED OF GRASS SPECIES AS FOLLOWS:

C. SEED MIX SHALL BE COMPOSED OF THE FOLLOWING VARIETIES, MIXED TO THE SPECIFIED PROPORTIONS BY WEIGHT AND TESTED TO MINIMUM PERCENTAGES OF PURITY AND GERMINATION. POAANNUA, BENT GRASS AND NOXIOUS WEED SEED FREE.

1. SEED MIXTURES

TYPE 1 - FOR GENERAL LAWN USE				
	LBS/PROPORTION BY WEIGHT	MIN. PURITY	MIN. GERMINATION	LBS/1000 SQ. FT.
A. BENSUM (A34) KY BLUEGRASS	25%	90%	85%	1.5
B. PENN LAWN RED FESCUE	67%	95%	80%	4.5
C. MANHATTEN PERENNIALS RYE	8%	95%	90%	0.5
				6.0

PLANT LEGEND

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
ORNAMENTAL TREES					
2	CC	CERCIS CANADENSIS	REDBUD	1-1/2" CAL.	BB
3	CK	CORNUS KOUSA 'SCARLET FIRE'	SCARLET FIRE CHINESE DOGWOOD	6' HT.	BB
SHRUBS					
9	LX	LONICERA XYLOSTEUM 'EMERALD MOUND'	EMERALD MOUND HONEYSUCKLE	18"	NO. 5 CONT.

QTY	KEY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT
ORNAMENTAL GRASSES					
45	CA	CALAMAGROSTIS X ACUTIFLORA 'KARL FOERSTER'	KARL FOERSTER REED GRASS	CLUMP	NO. 2 CONT.
20	PV	PANICUM VIRGATUM 'SHENANDOAH'	SHENANDOAH RED SWITCH GRASS	CLUMP	NO. 2 CONT.
PERENNIALS					
27	EP	ECHINACEA PURPUREA	PURPLE CONEFLOWER	CLUMP	NO. 2 CONT.
13	PA	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	CLUMP	NO. 2 CONT.
17	SC	SYMPHYOTRICHUM CORDIFOLIUM	BLUE WOOD ASTER	CLUMP	NO. 2 CONT.

1 PHASE 1 – PLANTING PLAN
SCALE: 1" = 10'-0"

0 5 10 20

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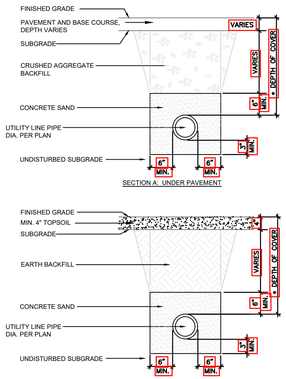
NO.	REVISIONS	DATE
#	XX	DD/MM/YY

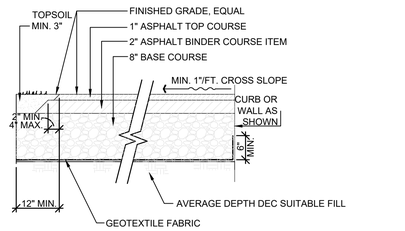
DWG. TITLE
PLANTING PLAN

DATE: JANUARY 2021
SCALE: AS SHOWN
DWN. KAK CHK. JMK
PROJ. No. ELS 211 MAIN ST
DWG. No.
L-401



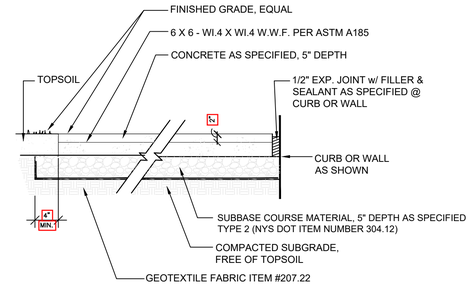
* DEPTH OF COVER	
WATER	4'-6" MIN. COVER
ELEC.	2'-6" MIN. COVER
GAS	2'-6" MIN. COVER
TELE.	2'-6" MIN. COVER

1 UTILITY TRENCH
SCALE: NTS

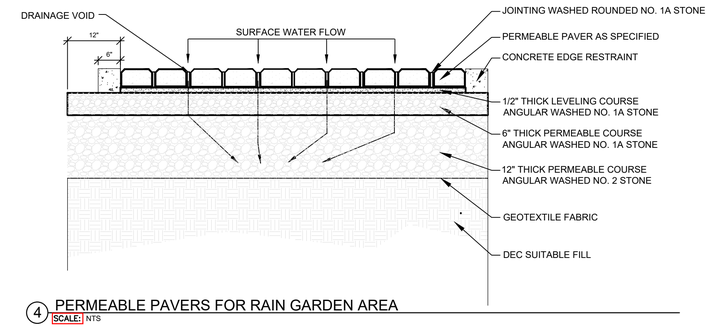


NOTE:
* DIMENSIONS GIVEN ON PLAN ARE TAKEN FROM EDGE OF ASPHALT TOP COURSE.

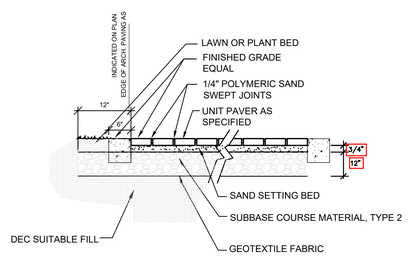
2 STANDARD DUTY ASPHALT PAVEMENT
SCALE: NTS



3 STANDARD DUTY CONCRETE PAVEMENT
SCALE: NTS

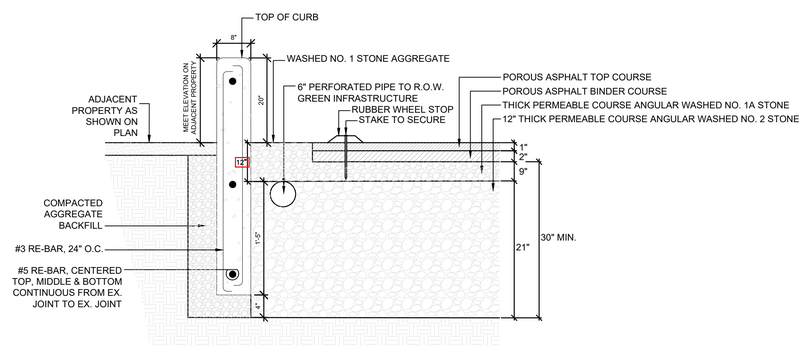


4 PERMEABLE PAVERS FOR RAIN GARDEN AREA
SCALE: NTS

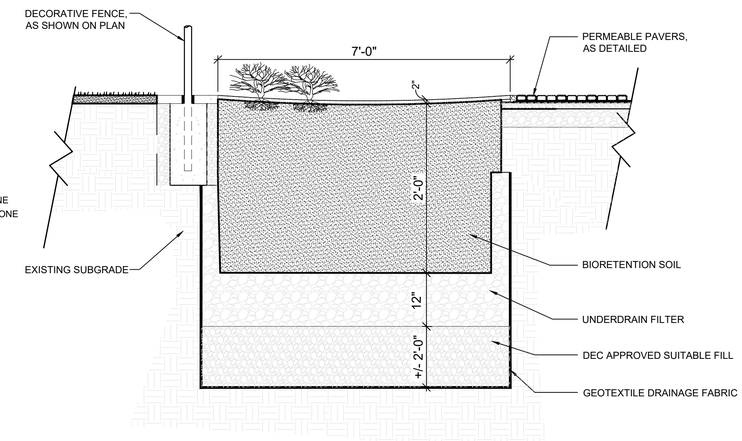


NOTES
- WHERE UNIT PAVING ABUTS WALK, TOP OF WALK AND UNIT PAVING TO BE FLUSH
- INSTALL STAKES FOR EDGE RESTRAINT AFTER PLACEMENT AND COMPACTION OF FOUNDATION COURSE

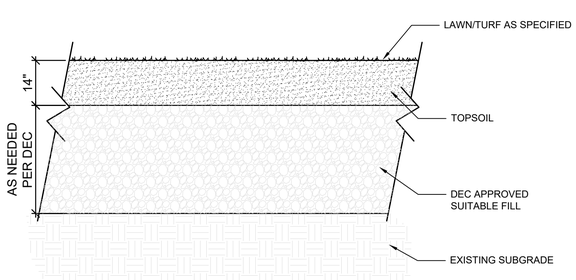
5 UNIT PAVER OVER STONE BASE
SCALE: NTS



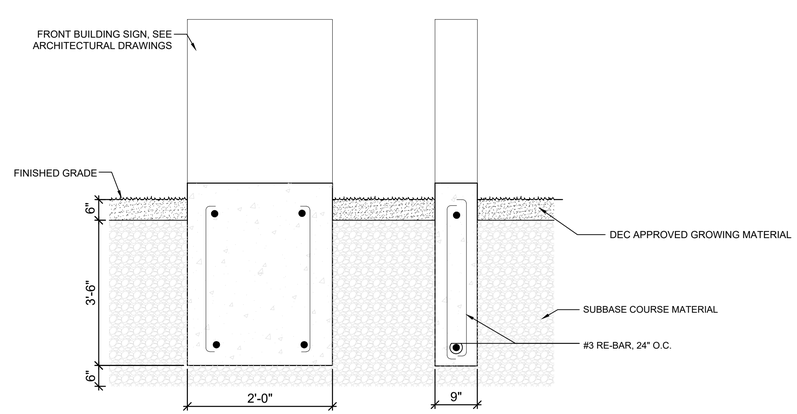
6 PERMEABLE ASPHALT AND STONE BUFFER
SCALE: NTS



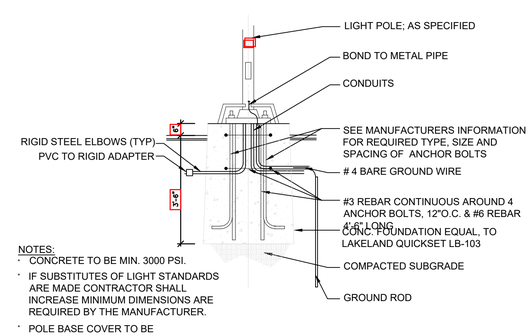
7 RAIN GARDEN SECTION
SCALE: NTS



8 TOPSOIL/FILL SECTION
SCALE: NTS



9 SIGN FOUNDATION
SCALE: NTS



NOTES:
- CONCRETE TO BE MIN. 3000 PSI.
- IF SUBSTITUTES OF LIGHT STANDARDS ARE MADE CONTRACTOR SHALL INCREASE MINIMUM DIMENSIONS ARE REQUIRED BY THE MANUFACTURER.
- POLE BASE COVER TO BE FLUSH ON CONCRETE BASE

10 LIGHT POLE BASE
SCALE: NTS

ENTERPRISE LUMBER & SILO

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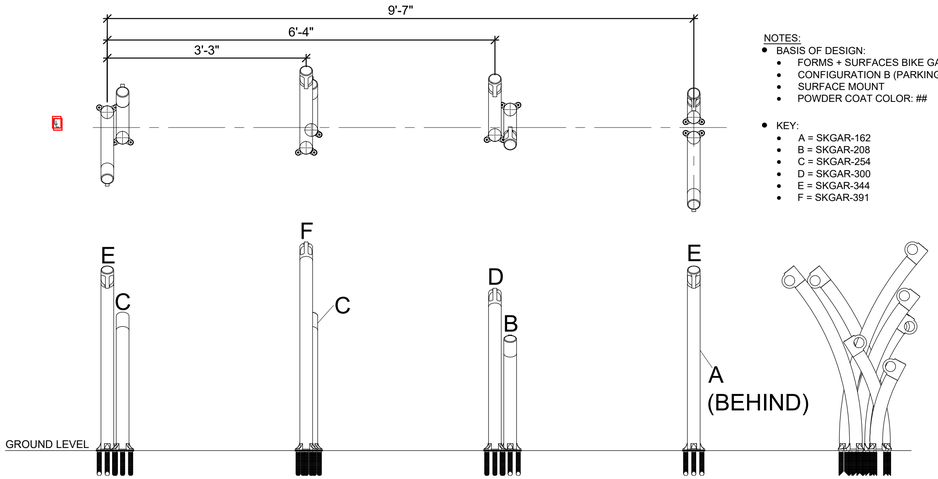
62 WEBSTER STREET
N TONAWANDA, NY 14120
716.216.4165

NO.	REVISIONS	DATE
#	XX	DD/MM/YY

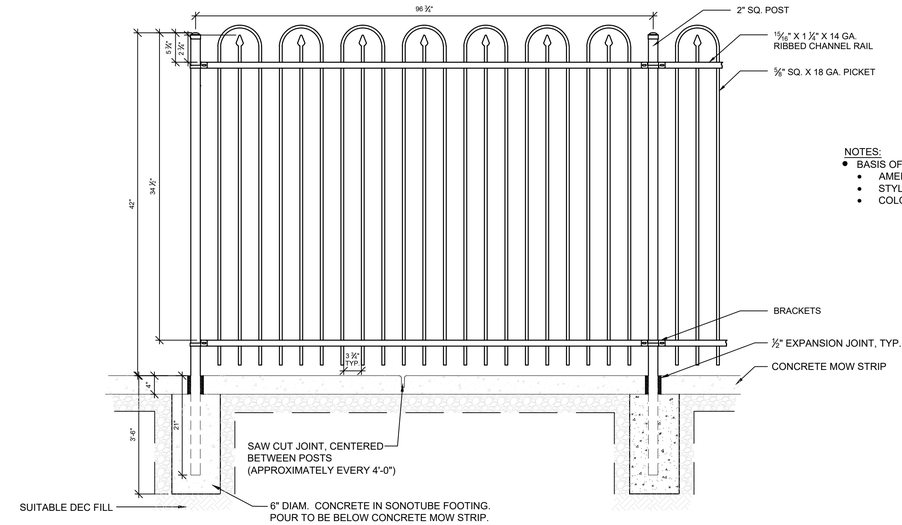
DWG. TITLE
SITE DETAILS

DATE: JANUARY 2021
SCALE: AS SHOWN
DWN. KAK CHK. JMK
PROJ. No. ELS 211 MAIN ST
DWG. No.
L-501



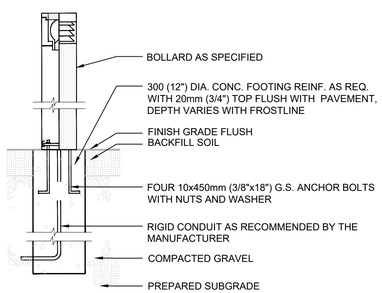
NOTES:
- BASIS OF DESIGN:
  - FORMS + SURFACES BIKE GARDEN BIKE RACK
  - CONFIGURATION B (PARKING FOR 8 BIKES)
  - SURFACE MOUNT
  - POWDER COAT COLOR: ##
- KEY:
  - A = SKGAR-162
  - B = SKGAR-208
  - C = SKGAR-254
  - D = SKGAR-300
  - E = SKGAR-344
  - F = SKGAR-391

11 BIKE RACK
SCALE: NTS



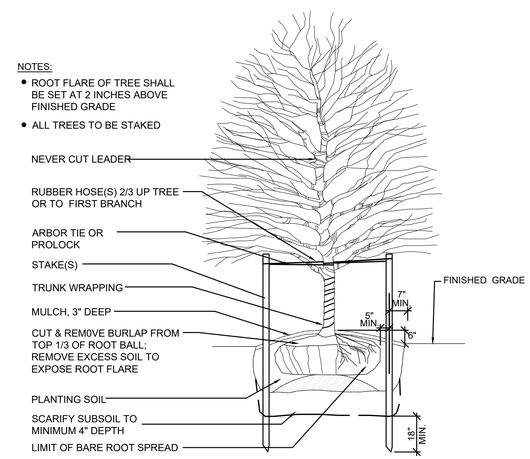
NOTES:
- BASIS OF DESIGN:
  - AMERISTAR MONTAGE FENCE
  - STYLE: CRESCENT
  - COLOR: BLACK

12 DECORATIVE FENCE AND POST
SCALE: NTS

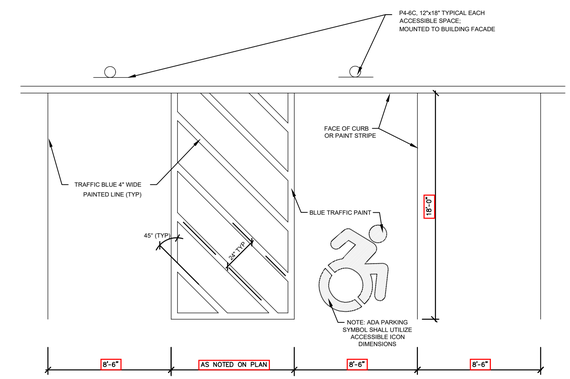


13 METAL BOLLARD LIGHT
SCALE: NTS

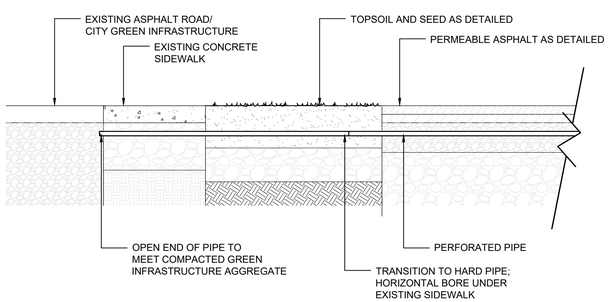
NOTES:
- ROOT FLARE OF TREE SHALL BE SET AT 2 INCHES ABOVE FINISHED GRADE
- ALL TREES TO BE STAKED



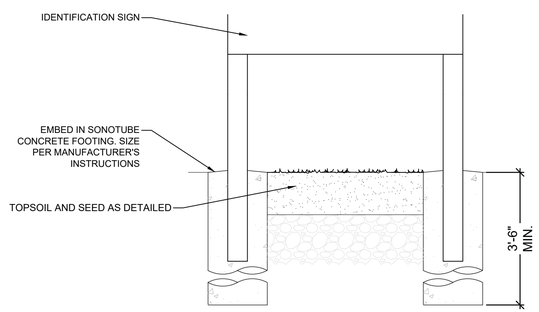
14 DECIDUOUS TREE PLANTING WITH 2 STAKES
SCALE: NTS



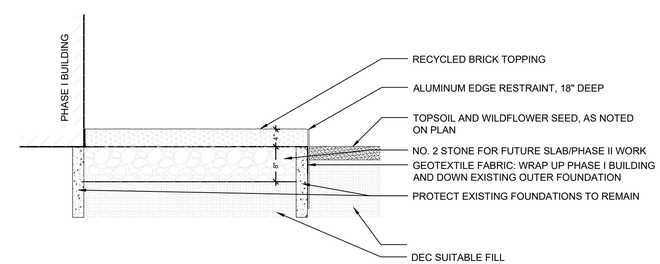
15 90° PARKING STRIPING AND HANDICAP SYMBOL
SCALE: NTS



16 OVERFLOW CONNECTION TO CITY GREEN INFRASTRUCTURE
SCALE: NTS



17 BUILDING ENTRY SIGN
SCALE: NTS



18 FUTURE PHASE II WORK
SCALE: NTS

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NO.	REVISIONS	DATE
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DWG. TITLE
SITE DETAILS

DATE: **JANUARY 2021**
SCALE: **AS SHOWN**
DWN. **KAK** CHK. **JMK**
PROJ. No. **ELS 211 MAIN ST**
DWG. No.
L-502

RENDERINGS OF THE 211 MAIN STREET REDEVELOPMENT PROJECT

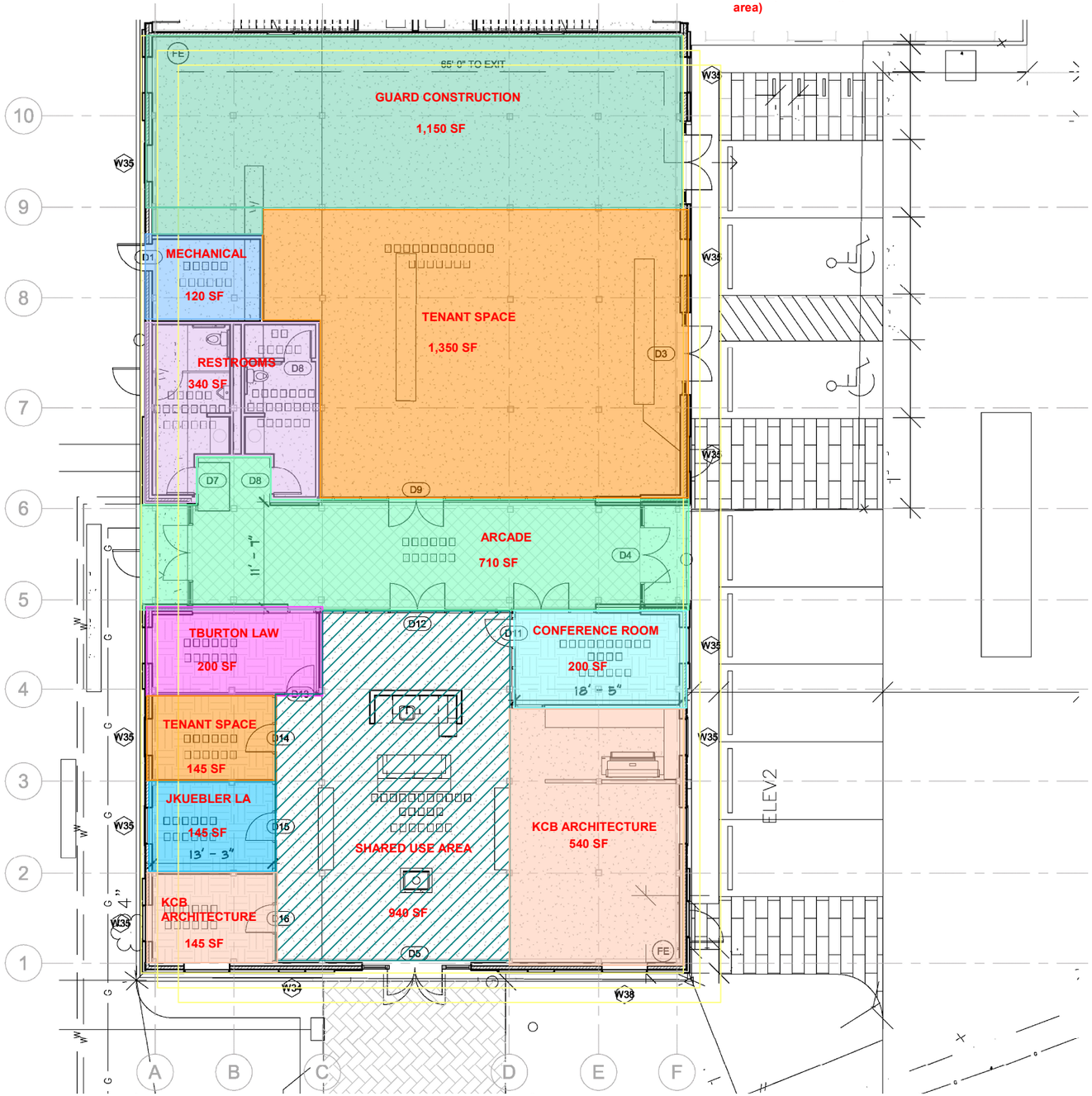
kcb
Architecture

IN

There is a total of 5,965 interior SF in the building, of which 4,595 SF is "rentable".

4,595 SF at $20 = $91,900 per year, or $7,658 per month

3,225 SF at $20 = $64,500 per year, or $5,375 per month (plus rental for real area)



BUILDING DATA AND CODE REVIEW
CLASSIFICATION TYPE: BUSINESS GROUP B

CONSTRUCTION CLASSIFICATION: IV

NOT SPRINKLERED

EGRESS			
DESIGN OCCUPANT LOAD SUMMARY	SQUARE FEET	DESIGN LOAD:	A
PHASE I			
PHASE II			
MEANS OF EGRESS ELEMENT	REQUIRED	PROVIDED	S
NUMBER OF EXITS			
EXIT ACCESS TRAVEL DISTANCE			

*EGRESS INFORMATION: EXISTING CONDITIONS UNCHANGED-COMPLIANT
ROOM SQUARE FOOTAGES: EXISTING CONDITIONS UNCHANGED-COMPLIANT
ROOM OCCUPANCY: EXISTING CONDITIONS UNCHANGED-COMPLIANT
ROOM EXIT & CORRIDOR EXIT WIDTH CALCULATIONS: EXISTING CONDITIONS UNCHANGED-COMPLIANT
EXIT TRAVEL DISTANCES INCL. COMMON PATH: EXISTING CONDITIONS UNCHANGED-COMPLIANT
STAIR & EXIT DOOR EXIT WIDTH CALCULATIONS: EXISTING CONDITIONS UNCHANGED-COMPLIANT
ACCESSIBILITY FOR EXISTING BUILDING AREAS: EXISTING CONDITIONS UNCHANGED-COMPLIANT
COORIDOR/EXIT ENCLOSURES - HOURLY RATES: EXISTING CONDITIONS UNCHANGED-COMPLIANT

APPLICABLE CODES & DESIGN GUIDELINES

ALL BUILDING PROJECTS MUST MEET OR EXCEED THE FOLLOWING CODES AND APPLICABLE REFERENCE STANDARDS IDENTIFIED:

- 2020 BUILDING CODE OF NEW YORK STATE
- 2020 FIRE CODE OF NEW YORK STATE
- 2020 MECHANICAL CODE OF NEW YORK STATE
- 2020 PLUMBING CODE OF NEW YORK STATE
- 2020 FUEL AND GAS CODE OF NEW YORK STATE
- 2020 ENERGY CONSERVATION CONSTRUCTION CODE OF NEW YORK STATE
- 2016 ASHRAE 90.1, AS AMMENDED BY 19 NYCRR PART 1240
- 2017 ICC ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES/ANSI A117.1 AS REFERENCE IN THE CODES ABOVE
- 2017 NATIONAL ELECTRIC CODE NFPA 70, AS REFERENCE IN THE CODES ABOVE.

LEGEND

ROOM NAME
RM NO
XX — AREA, SQUARE FEET
X XX — OCCUPANT LOAD
OCCUPANCY GROUP OR ACCESSORY TO

EGRESS COMPONENT CAPACITY:
DOOR/PASSAGE/STAIR
X" XX — MAXIMUM EGRESS CAPACITY
XX — ACTUAL EGRESS LOAD
COMPONENT WIDTH

X-X" — TRAVEL PATH ID

AFFIDAVIT OF SERVICE OF MAILING

STATE OF NEW YORK)
) ss.:
COUNTY OF NIAGARA)

Terry C. Burton, Esq., being duly sworn, deposes and says:

On the 30th day of August, 2022, I served a true copy of the annexed Brownfield Opportunity Area Program Determination of Conformance Application and the supplementary Attachments to the Application, by mailing the same in a sealed envelope, with postage prepaid thereon, at the U.S. Postal Service Branch Office located at 141 Goundry Street, North Tonawanda, New York 14120, to the persons indicated below:

Mr. Jospeh A. Jastrzemski
Niagara County Clerk
Niagara County Courthouse
P.O. Box 461
175 Hawley Street, First Floor
Lockport, New York 14095-0461

Ms. Donna Braun
North Tonawanda City Clerk
216 Payne Avenue
North Tonawanda, New York 14120
Telephone: (716) 695-8557

Terry C. Burton

Terry C. Burton, Esq.

Sworn to before me this 30
day of August, 2022

Notary Public

CHRISTOPHER J. PARKER
Notary Public, State of New York
Qualified in Niagara County
Reg. No. 01PA6383973
My Commission Expires 12/3/2022

New York State
Department of State
Office of Planning and Development
One Commerce Plaza
99 Washington Avenue
Albany, NY 12201-2001
(518) 474-6000
www.dos.ny.gov

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Applicability/Purpose: This application should be used to request a Determination of Conformance from the Secretary of State for a project located on a real property site that is (1) enrolled in and subject to the remediation requirements of the Brownfield Cleanup Program (BCP) as determined by the Department of Environmental Conservation (DEC), and located within a designated Brownfield Opportunity Area (BOA) that has been designated by the Secretary. Eligible taxpayers of a real property site, or the agent(s) of an "eligible taxpayer", must complete this application before applying to the New York State Department of Taxation and Finance to claim up to 5% increase of the tangible property tax credit for expenditures related to a qualified site pursuant to §21 of the New York State Tax Law.

This application may be submitted at any time after DEC has issued a BCP Final Decision Document approving a Remedial Work Plan as described in section 375-3.8(g) of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York (6 NYCRR §375-3.8(g)) for the real property site proposed for development.

Please do not complete this application if you wish to claim tax credits for expenditures related to these other components of the brownfield redevelopment tax credit: (1) site preparation and cleanup tax credit component, and (2) on-site groundwater remediation tax credit component. New York State Department of Taxation and Finance can provide more information on how to apply for these two tax credit components of the brownfield redevelopment tax credit.

Section 1: Applicant/Requestor Information

Is the Requestor the Property Owner? ■ YES or ☐ NO

Name of Requestor: Enterprise Lumber & Silo, LLC

Address: 62 Webster Street, Second Floor, North Tonawanda, New York 14120

Phone: (716) 216-4165

Email: kcburton@kcb-architecture.com

Name and Contact Information of Authorized Representative (if different):

Terry C. Burton, Esq., 62 Webster Street, Second Floor, North Tonawanda, New York 14120

Telephone No. (716) 525-7474

Name and Contact Information of Property Owner (if different):

Section 2: Brownfield Cleanup Program (BCP) Application Information

A. BCP Project Site Number: C932171.

B. Date that the DEC executed the Brownfield Cleanup Agreement (BCA) for the project: May 15, 2018.

C. Provide date of the Final Decision Document: February 10, 2021
(Attach Final Decision Document for the DEC BCP site per application instructions DOS-2015-INST.)

D. Has DEC issued a Certificate of Completion (COC) for the BCP site?
☒ YES (If yes, date of COC: December 17, 2021) or ☐ NO

Section 3: Property Information

A. Proposed Project Name: 211 Main Street Redevelopment Project

B. Address/Location: 211 Main Street

City/Town/Village and Zip: North Tonawanda, New York 14120

Municipality(ies): City of North Tonawanda

County(ies): Niagara

C. Size of Site to be Developed (acres): 0.670 acres

D. Tax map information for all tax parcels included within the project boundaries. Attach required maps per the application instructions.
185.05-1-80.21

Section 4: Brownfield Opportunity Area (BOA) Information

A. Name of Designated BOA: City of North Tonawanda Brownfield Opportunity Area

B. Municipality or municipalities, including any county, in which the BOA is located. If more than one, list all.
City of North Tonawanda, Niagara County

C. Is the proposed development located on a Strategic Site as described in the BOA Nomination document?
☒ YES or ☐ NO If yes, list the page(s) in the BOA Nomination where this information is referenced:

	Strategic Site Information	BOA Nomination Page(s)
1	Site 18 - Mixed-Use Development	133
2		
3		
4		

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Section 5: Project Information

A. Project Narrative. Describe the proposed development, including location, uses and density, site layout and relationship of development to surrounding uses. (Attach additional sheets if necessary.)

The 211 Main Street Redevelopment Project is focused on restoration and repurposing of a vacant masonry and heavy timber-framed building located at 211 Main Street in the City of North Tonawanda, New York. The project includes remediation of the contaminated soils under a brownfield cleanup plan approved by the New York State Department of Environmental Conservation, selective demolition of the 1930s era building to preserve the below grade foundations and heavy timber structural members, and the construction of an approximately 6,200 sq. ft. office building. The building will serve as an incubator for small architecture, landscape architecture, engineering and construction-related businesses seeking a collaborative work environment. When completed, the new building and the site upon which it is located will serve as a catalyst for further redevelopment of downtown North Tonawanda, and as a model for carbon neutral construction methods, efficient and sustainable energy utilization, and environmentally sensitive "green infrastructure" initiatives.

Redevelopment of 211 Main Street is a critical component of North Tonawanda's MomeNTum Downtown Revitalization Strategy, which is focused on promoting redevelopment projects that will foster new commercial investment in the City. For that reason, the 211 Main Street project has received a wide-ranging support from numerous State, County and Municipal government and quasi-government officials and agencies. Enterprise Lumber was founded by two local woman entrepreneurs who wanted to grow their businesses in Southern Niagara County but were unable to find suitable Class A office space. The project will address the need in North Tonawanda for professional office space that utilizes current best sustainable design practices and 21st century building technology. The new office building will be constructed on a 0.670 acre parcel, and approximately 20% of the site will be devoted to rain gardens and other green spaces.

Please refer to the survey, site plan and architectural renderings which accompany this Application for information about the location of the site in relation to adjacent streets, the placement and density of the building on the site, and the architectural design features of the planned office building.

B. List of maps and documents attached to the application: (Refer to instructions DOS-2045-INST.)

- [x] Property base map
- [x] Site plan
- [x] Renderings
- [x] Other (Describe: Survey of the Site and the Former Building)

Section 6. Project Conformance to Criteria

A. How are the uses proposed for the site consistent with the vision statement, goals and objectives for revitalization as described in the BOA plan? (Attached additional sheets if necessary.)

The 211 Main Street Redevelopment Project is a critical component of the City of North Tonawanda BOA Redevelopment Plan and is in alignment with the goals of the BOA Plan in the following respects. The 211 Main Street Project will:

- Remediate a contaminated brownfield site to the highest level of cleanliness, suitable for mixed-use development;

- Create an attractive gateway to downtown North Tonawanda by replacing a derelict warehouse with an attractive office building;

- Foster small business development by creating an incubator for entrepreneurial architecture, landscape architecture, engineering and construction-related businesses seeking a collaborative work environment, and thereby provide a platform for new local employment opportunities;

- Establish of a catalyst for further private investment and redevelopment in a former industrial area of North Tonawanda; and

- Construct a building having a design evocative of North Tonawanda's lumber processing history which also serves as a regional model for best practices in carbon neutral building design and facility operation methods, efficient and sustainable energy utilization, and environmentally sensitive "green infrastructure" initiatives.

B. How are the density and configuration of the proposed development and associated buildings and structures consistent with the objectives, desired redevelopment, and priorities for investment as stated in the BOA plan? (Attach additional sheets if necessary.)

The 211 Main Street Redevelopment Project is consistent with the types and characteristics of new projects desired for the rebirth of downtown North Tonawanda. North Tonawanda is sorely lacking in first class professional office space, and the 211 Main Street Redevelopment Project adds diversity to the blend of commercial, residential, mixed use and recreational improvements that the North Tonawanda MomeNTum project is seeking to achieve.

The space on the development site to be occupied by the new professional office building is less than that occupied by the former warehouse building to be replaced, so the 211 Main Street Redevelopment Project does not create an objectionable increase in building density. Further, this project exemplifies "smart growth" principles by identifying new uses for North Tonawanda's existing underutilized investments in infrastructure.

The 211 Main Street Redevelopment Project has received strong State, county and municipal support and a great amount of community enthusiasm because it is recognized as a likely catalyst for further investment and redevelopment in a blighted area of North Tonawanda. The shared expectation is that the 211 Main Street Redevelopment Project will advance the BOA plan's objective of encouraging attractive and beneficial projects that will build momentum for additional positive change in North Tonawanda.

C. Please explain whether zoning and other land use regulations are applicable to your proposed development and if such applicable zoning or other land use regulations are set forth or proposed in the related BOA Nomination(s). How does the proposed development comply with the zoning and other land use regulations that were provided for or proposed in the BOA Nomination (if applicable)? (Attach additional sheets if necessary.)

The 211 Main Street redevelopment site is zoned M-1 (Light Manufacturing) in the City of North Tonawanda Zoning Code. The professional office space planned for construction at this location is a less-intensive use than that allowed under the City's Zoning Code. The plans for development of the site were reviewed by the City of North Tonawanda Planning Board, and the Applicant obtained a variance from the North Tonawanda Zoning Board of Appeals which authorizes a parking density at the premises substantially higher than what is expected to be required. All local land use regulations, standards and other requirements for the 211 Main Street redevelopment project to proceed have been addressed.

Section 7: Municipal Notification

For each municipality receiving notification, provide contact information and date the application was sent.
(Attach proof of delivery as per instructions DOS-2045-INST.)

Municipality	Mailing Address	Date Application Sent
City of North Tonawanda	216 Payne Avenue, North Tonawanda, NY 14120	August 29, 2022
County of Niagara	175 Hawley Street, Lockport, NY 14094	August 29, 2022

The Brownfield Opportunity Area Program Determination of Conformance Application Form

Statement of Certification and Signatures

(By requestor who is an individual)

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 under law, which may include punishment as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Signature: _____

Print Name: _____

Date: _____

(By a requestor other than an individual)

I hereby affirm that I am the President (title)

of Enterprise Lumber & Silo. LLC (entity);

that this application was prepared by me or under my supervision and direction. 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 under law, which may include punishment as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Signature: _____

Print Name: Kelley B. Culp-Burton

Date: August 29, 2022

SUBMISSION INSTRUCTIONS

Submit one (1) hard copy of this completed application form with original signatures and all required attachments. In addition, transmit one (1) complete electronic copy of the completed application with all required attachments in Portable Document Format (PDF). The hard copy documents, together with a thumb drive, compact disk (CD), or DVD containing the electronic PDF copy of the completed application, should be sent to:

Honorable Rossana Rosado
Secretary of State
New York State Department of State
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
Attn: BOA Program

Attachments to the Determination of Conformation Application
of Enterprise Lumber & Silo, LLC

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1. Decision Document issued by the NYS Department of Environmental Conservation on February 10, 2021 with regard to the 211 Main Street Brownfield Cleanup Program in North Tonawanda, Niagara County, Site No. C932171;

2. Certificate of Completion issued by the NYS Department of Environmental Conservation on December 17, 2021 with regard to the 211 Main Street Brownfield Cleanup Plan Site;

3. A GIS Tax Map of the premises at 211 Mains Street, North Tonawanda, New York;

4. A Boundary Survey of the premises at 211 Mains Street, North Tonawanda, New York;

5. Architectural Drawings of the Site Plan for redevelopment of the 211 Main Street site;

6. Architectural Renderings of the new professional office building to be constructed at the 211 Main Street site; and

7. The post-construction Occupancy Plan for the professional office building at the 211 Main Street site.